

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 171 Disposition of Human Remains
SPONSOR(S): Health Quality Subcommittee; Rooney, Jr. and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 370

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	13 Y, 0 N, As CS	Holt	O'Callaghan
2) Health & Human Services Committee	16 Y, 0 N	Holt	Calamas

SUMMARY ANALYSIS

The disposition of human remains in Florida is regulated pursuant to part II, of ch. 406, F.S. This part of law provides authority to the Anatomical Board of the State of Florida (Board), to collect and distribute human remains for medical education and research. The bill provides:

- Revised procedures for registration of certificates of death and medical certification of causes of death;
- Modified procedures for reporting and disposition of unclaimed human remains;
- For a funeral director licensed under ch. 497, F.S., to become a legally authorized person to authorize arterial embalming and transfer unclaimed remains to the Board, without liability;
- Clarification regarding the transfer of eligible veterans, or spouses or dependents of veterans of the U.S. Armed Forces, U.S. Reserve Forces or National Guard, to national cemeteries;
- Authority for boards of county commissioners to develop policies for the final disposition of unclaimed and indigent remains;
- An exemption from approval from the Board to transmit human remains, for a non-transplant anatomical donation organization that has been accredited by the American Association of Tissue Banks (AATB);
- That non-transplant anatomical donation organizations be AATB accredited by October 1, 2014;
- For the University of Florida to audit the Board once every three years, or sooner as required, and to report the audit to the Department of Financial Services;
- For the removal of the sunset provision related to submission of affidavits to the Board by entities accredited by the American Association of Museums;
- For a written consent from an authorized person representing the decedent before the remains may be dissected, disarticulated, or segmented;
- That the Board and a non-transplant anatomical donation organization can be a donee of anatomical gifts under ch. 765, F.S.;
- Modified procedures for handling of cremated remains of a veteran;
- Repeal of s. 406.54, F.S., related to bodies claimed after delivery to the Board; and
- Numerous new definitions and conforming changes to chapters 406 and 497, F.S.

The bill has an insignificant, negative fiscal impact to the state and no fiscal impact to local governments.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION

Office of Vital Statistics

The Florida Vital Statistics Act authorizes the Department of Health (DOH) to establish an Office of Vital Statistics (Office), which is responsible for the uniform and efficient registration, compilation, storage, and preservation of all vital records¹ in Florida.² The Office is required to:

- Procure the complete registration of all vital records in each registration district and in the Office.
- Uniformly enforce the law throughout the state.
- Establish registration districts throughout the state, which districts may be consolidated or subdivided to facilitate registration.
- Appoint a local registrar of vital statistics for each registration district in the state.
- Investigate cases of irregularity or violation of law, and all local registrars of vital statistics must assist DOH in such investigations. When necessary, DOH must report cases of violations to the state attorney in the registration district in which the violation occurs.
- Approve all forms used in registering, recording, certifying, and preserving vital records, and no other forms may be used other than those approved by DOH. DOH is responsible for the careful examination of the certificates received monthly from the local registrars and marriage certificates and dissolution of marriage reports received from the circuit and county courts.
- Prepare and publish an annual report of vital statistics.
- Appoint one or more suitable persons to act as subregistrars, who are authorized to receive death certificates and fetal death certificates and to issue burial permits.
- Accept, use, and produce all records, reports, and documents necessary in paper or electronic form, and adopt and enforce all rules necessary for the acceptance, use, production, issuance, recording, maintenance, and processing of such records, reports, and documents.
- By rule require that forms, documents, and information submitted to DOH in the creation or amendment of a vital record be under oath.

Death Certificates

Section 382.008, F.S., sets forth the requirements for certificates of death. A certificate of death is required to be filed within 5 days of the death and prior to final disposition with the local registrar of the district in which the death occurred so the death may be recorded. Final disposition means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body.³

Furthermore, the funeral director⁴ who first assumes custody of a dead body is required to file the certificate of death. In the absence of the funeral director, the physician or other person in attendance at or after the death is required to file the certificate of death or fetal death. The physician must, within 72 hours after receipt of a death, certify the cause of death and make the certification available to the funeral director. The medical certification is completed by the physician in charge of the decedent's care for the illness or condition which resulted in death, the physician in attendance at the time of death

¹ "Vital records" or "records" are certificates or reports of birth, death, fetal death, marriage, dissolution of marriage, or name change. See s. 382.002(16), F.S.

² S. 382.003, F.S.

³ S. 382.002(8), F.S. A "dead body" is defined as a human body or such parts of a human body from the condition of which it reasonably may be concluded that death recently occurred. See s. 382.002(4), F.S.

⁴ "Funeral director" is a licensed funeral director or direct disposer licensed pursuant to ch. 497, F.S., or other person who first assumes custody of or effects the final disposition of a dead body. See s. 382.002(9), F.S.

or immediately before or after such death, or the medical examiner if cause of death determination is required.⁵

Medical Examiners and Death Investigations

Section 406.11, F.S., governs when the medical examiner must investigate the circumstances involving the death of a human being. The medical examiner of the district in which the death occurred or the body was found is required to determine the cause of death and is required to perform such examinations, investigations, and autopsies as he or she shall deem necessary or as requested by the state attorney; when any person dies in the state:

- Of criminal violence;
- By accident;
- By suicide;
- Suddenly, when in apparent good health;
- Unattended by a practicing physician or other recognized practitioner;
- In any prison or penal institution;
- In police custody;
- In any suspicious or unusual circumstance;
- By criminal abortion;
- By poison;
- By disease constituting a threat to public health; or,
- By disease, injury, or toxic agent resulting from employment.

Burial-Transit Permit and Conveyance of Anatomical Remains

Section 382.006, F.S., requires the funeral director who first assumes custody of a dead body to obtain a burial-transit permit prior to final disposition and within 5 days after death. The application for a burial-transit permit must be signed by the funeral director and include the funeral director's license number. The funeral director is required to attest on the application that he or she has contacted the physician's or medical examiner's office and has received assurance that the physician or medical examiner will provide medical certification of the cause of death within 72 hours after receipt of the death certificate from the funeral director. A burial-transit permit is issued by the local registrar or subregistrar of the registration district in which the death occurred or the body was found. The burial-transit permit is required to accompany the body to the place of final disposition. If the body is transported outside the state, the permit is required to accompany the dead body to its destination.⁶

Part II, of ch. 406, F.S., provides for the transfer of unclaimed bodies to the state Anatomical Board (Board),⁷ and from the Board to Florida medical and dental schools, teaching hospitals, medical institutions and health-related teaching programs that require the use of anatomical material for study.⁸ The Board is authorized to collect fees to defray expenses, can receive additional public or private moneys for expenses, and can reimburse any person who delivers anatomical remains to the Board.⁹ Additionally, the Board is permitted to contract, and is annually audited by the Department of Financial Services (DFS).¹⁰

The Board is located at the University of Florida College of Medicine Health Science Center,¹¹ and comprised of representatives from the medical schools in the state.¹² The Board's purpose is to provide

⁵ S. 382.011, F.S.

⁶ S. 382.006(4), F.S.

⁷ S. 406.50, F.S.

⁸ The Board is also given the discretionary authority to provide cadavers to recognized associations of licensed embalmers or funeral directors, or the examining boards of medical and dental schools. S. 406.57, F.S.

⁹ S. 406.58, F.S.

¹⁰ *Id.*

¹¹ S. 406.50, F.S. The anatomical board was created by the Legislature at the University of Florida in 1996, by ch. 96-251, L.O.F. Prior to 1996, the Division of Universities of the Department of Education was responsible for these functions.

¹² Anatomical Board of the State of Florida, www.med.ufl.edu/anatbd/, last visited February 5, 2013.

cadavers, and parts thereof, to teaching and research programs in Florida. The Board must hold a body for at least 48 hours before it can be used for medical science.¹³

Section 406.56, F.S., provides the Board with the authority to accept a body that has been donated through a will, to be given to a Florida medical or dental school. Such an anatomical gift is provided for in part V, of ch. 765, F.S. These provisions of law outline the specific process for donation, and require that persons who wish to donate their body for transplant or anatomical study memorialize their intent by signing an organ donor card, registering with the online donor database, or completing an advance directive or other document.¹⁴

The selling and trading of human remains is prohibited in the state of Florida, punishable by a misdemeanor of the first degree.¹⁵ Additionally, the transmission or conveyance of such anatomical remains outside the state is a first degree misdemeanor.¹⁶ However, a statutory exception exists for recognized Florida medical or dental schools, which allows these institutions to transfer or convey human remains outside the state for research or other specific purposes. Human remains may be conveyed into and out of the state, for medical education or research purposes, by a person, institution, or organization that has received prior approval from the Board.¹⁷

The American Association of Tissue Banks and Accreditation

The American Association of Tissue Banks (AATB) is an organization that promulgates industry standards and accredits tissue banks in both the United States and Canada.¹⁸ Membership is voluntary, and the initial accreditation fee is \$3,000, with an annual fee that is determined by volume and ranges from \$3,250— \$75,000.¹⁹ The AATB requires onsite inspections every three years.²⁰ In January 2012, the AATB developed an accreditation standard for Non-transplant Anatomical Donation Organizations (NADO).²¹ A NADO stores human remains for the purposes of research, rather than transplant.

According to the AATB, an accredited NADO facilitates a Non-Transplant Anatomical Donation (NTAD) by overseeing referrals, obtaining informed consent or authorization, acquisition, traceability, transport, assessing donor acceptability, preparation, packaging, labeling, storage, release, evaluating intended use, distribution, and final disposition of an NTAD. As of February 2013, the AATB has accredited five NADOs in the U.S. and of these, only one is located in Florida.²² In medical research and education, the donation of human remains is critical to the advancement of new techniques, and NADOs are a key component of this market.²³

EFFECT OF PROPOSED CHANGES

¹³ S. 406.52, F.S.

¹⁴ S. 765.514, F.S.

¹⁵ S. 406.61(1), F.S.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Founded in 1976, the AATB has produced best practice standards for the operation of tissue banks since 1984. The association also provides an educational network for member organizations to encourage the dissemination of new practices. AATB, *About Us*, www.aatb.org/About-AATB, last visited February 5, 2013.

¹⁹ AATB currently accredits 127 tissue banks in the U.S. There are currently 14 organizations in Florida that are accredited by the AATB. AATB, *Accredited Bank Search*, <http://www.aatb.org/index.asp?bid=15>, last visited February 5, 2013.

²⁰ AATB, *Accreditation Policies for Transplant Tissue Banks*, www.aatb.org/Accreditation-Policies, last visited February 5, 2013.

²¹ *Id.*

²² *Supra* at note 20.

²³ See e.g., National Institutes of Health, "NIH launches Genotype-Tissue Expression project," www.nih.gov/news/health/oct2010/nhgri-07.htm, last visited February 5, 2013, regarding a federal grant awarded to understand how genetic variation interacts with disease. See also, International Institute for the Advancement of Medicine, *Researcher Articles*, www.iiam.org/researcherArticles.php, last visited February 5, 2013, references the use of donated tissue for research.

Section One – Definition of Final Disposition

The bill amends s. 382.002, F.S., to revise the definition of final disposition. The bill adds that an anatomical donation of a dead body is considered final disposition. This clarifies that an anatomical donation is the equivalent of burying, cremating or interring a body.

Section Two – Burial Permit

The bill amends s. 382.006, F.S., to add the term department, meaning the DOH. This change clarifies the organizations that are authorized to issue a burial-transit permit to include the DOH, not just the local registrar or subregistrar.

Section Three – Death Registration

The bill amends s. 382.008, F.S., expanding the individuals who are authorized to file the certificate of death to include the district medical examiner of the county in which the death occurred or the body was found. The bill also allows the medical certification of the cause of death to be furnished to the funeral director via electronic transfer. According to DOH, this change conforms to the 2012 implementation of the Electronic Death Registration System.²⁴

The bill adds the term department, meaning the DOH. This change clarifies the organizations that are authorized to issue a certificate of cause of death to include the DOH, not just the local registrar or subregistrar.

Additionally, the bill clarifies who is required to complete the certificate of cause of death by specifying how to determine a decedent's primary care physician. The bill rewords the definition of physician to include a specific definition for a "primary" or "attending physician" to mean a physician who treated the decedent through examination, medical advice, or medication during the 12 months preceding the date of death.

The bill deletes current law which states that "a physician in charge of the decedent's care for the illness or condition which resulted in death, or the physician in attendance at the time of death or immediately before or after death is required to complete the certificate of cause of death."

Section Four – Cause of Death Determination

The bill amends s. 382.011, F.S., making conforming changes by adding the terms "primary" and "attending physician." Additionally, the bill increases the timeframe by which the medical examiner must determine cause of death under suspect circumstances governed under s. 406.11, F.S., from 30 days to 12 months after the decedent was last treated. The bill also adds identical language that is currently found s. 406.11, F.S., which specifies that the medical examiner of the county in which the "death occurred or the body was found" is responsible for determining the cause of death.

The bill adds the term "nontransplant anatomical donation organization," to mean a tissue bank of other organization that facilitates nontransplant anatomical donation. The definition mirrors the AATB language.

Section Five – Definitions

The bill creates s. 406.49, F.S., a definition section for part II, of ch. 406, F.S., providing a definition of "unclaimed remains." Additionally, the bill cross-references the definitions of "anatomical board" and "indigent person" from existing sections of ch. 406, F.S., and provides that "cremated remains," "final disposition," "human remains," "remains" and "legally authorized person" have the same meaning as s. 497.005, F.S., the definition section for ch. 497, F.S., called the "Florida Funeral, Cemetery, and

²⁴ Department of Health Bill Analysis of HB 171, dated February 1, 2013, on file with the Health Quality Subcommittee staff.

Consumer Services Act.” Conforming changes are made throughout ch. 406, F.S., to change “disposition” to “final disposition.”

Section Six – Unclaimed Remains Disposition

This section of the bill amends s. 406.50, F.S., directing any person or entity that has possession, charge, or control of unclaimed human remains that will be buried or cremated at public expense to notify the Board, unless:

- The remains are decomposed or mutilated by wounds;
- An autopsy is performed on the remains;
- The remains contain a contagious disease;
- A legally authorized person objects to use of the remains for medical education or research; or
- The deceased person was a veteran, or the spouse or dependent child of a veteran of the U.S. Armed Forces, U.S. Reserve Forces or National Guard, and eligible for burial in a national cemetery.

The bill removes the notification exception for death by a crushing injury. This is because crushed remains likely have limited utility in an educational setting.

The bill clarifies existing law requiring determination of a veteran’s eligibility for burial in a national cemetery, pursuant to 38 C.F.R. s. 38.620.

The bill provides for a funeral director licensed under ch. 497, F.S., to assume the responsibility of a legally authorized person for unclaimed remains, when no family exists or is available. After 24 hours from the time of death, the funeral director may authorize arterial embalming for the purposes of storage and transfer of the unclaimed remains to the Board. The bill releases a funeral director from liability for damages, when acting in accordance with the law.

The bill clarifies that before the final disposition of unclaimed remains occurs, the person or entity in charge or control of the remains must make a reasonable effort to determine the identity of the deceased person, including contacting the National Cemetery Scheduling Office.

The bill provides that if the identity of the unclaimed remains cannot be ascertained, the remains may not be:

- Cremated;
- Donated as an anatomical gift;
- Buried at sea; or
- Removed from the state.

If the Board does not accept unclaimed remains, the county in which the remains are discovered or where the death occurred is authorized to bury or cremate the entire remains. The bill provides that a board of county commissioners may develop policies and procedures for the final disposition of unclaimed remains by resolution or ordinance.

The bill repeals existing law related to competing claims for the same unclaimed remains by legally authorized persons. Precedence for competing claims to direct disposition of remains is provided for in s. 497.005, F.S., the definition of “legally authorized person.”

Section Seven – Disposition of Unclaimed Deceased Veterans

This section of the bill amends s. 406.51, F.S., to provide conforming changes to include the term “final disposition,” and update a reference to the federal regulation for burial eligibility in a national cemetery.

Section Eight - Retention of Human Remains before Use; Claim after Delivery to Anatomical Board; Procedures for Unclaimed Remains or Remains of Indigent Persons

The bill substantially rewords s. 406.52, F.S., which relates to the retention of human remains, and a process for reclaiming the remains from the Board. The following changes to current law are made:

- Human remains may be embalmed by the Board when received;
- At any point prior to use for medical education or research, a legally authorized person may reclaim the remains from the Board, after payment of the Board's expenses incurred for transporting, embalming and storing the remains;
- The Board is authorized to reject unclaimed or indigent remains for any reason;
- County boards of commissioners are authorized to, by resolution or ordinance, prescribe policies and procedures for the burial or cremation of the unclaimed remains of an indigent person whose remains are found or whose death occurred in the county; and
- Funeral directors licensed under ch. 497, F.S., are relieved from liability for burying or cremating these remains, at the written direction of a county board of commissioners.

Section Nine - Unclaimed Remains of Indigent Person; Exemption from Notice to the Anatomical Board

Section 406.53, F.S., also is substantially reworded by the bill. Notification of the Board at the death of an indigent by counties is changed by removing the exceptions for instances where:

- The death was caused by crushing injuries;
- The deceased had a contagious disease; or
- A friend or representative of a fraternal organization of which the deceased was a member, or a representative of a charitable or a religious organization, or governmental agency which was providing residential care to the indigent person claims the body for burial and assumes the expense.

The bill adds new exceptions to the requirement for notification of the Board for bodies mutilated by wounds, and for notifications already made and certified by funeral directors, and clarifies that provisions relating to veterans includes the spouse or dependent child of a veteran eligible for burial in a national cemetery.

The bill also deletes current law which directs the DOH to collect burial fees for remains identified as their clients.²⁵ The bill also deletes a duplicative definition of "indigent," which is defined in s. 406.49, F.S.

Section Ten - Contracts for Delivery of Human Remains after Death Prohibited

The bill amends s. 406.55, F.S., changing the word "body" to "human remains" and rewording the existing statute.

²⁵ The Department of Health retains the capacity to assess fees for services, subject to s. 402.33, F.S.
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Section Eleven - Acceptance of Human Remains under Will

Section 406.56, F.S., is amended to change “the advancement of medical science” to “medical education and research” and reword the existing statute.

Section Twelve - Distribution of Human Remains

The bill amends s. 406.57, F.S., allowing accredited colleges of mortuary science, rather than recognized associations of licensed embalmers or funeral directors, to be loaned remains for educational or research purposes.

Section Thirteen - Fees; Authority to Accept Additional Funds; Annual Audit

The bill amends s. 406.58, F.S., to reflect the changes to s. 406.57, F.S., and eliminates associations as a source of fees to be collected by the Board. The bill also limits the Board’s ability to provide reimbursement for the transportation of remains to funeral establishments licensed under ch. 497, F.S.

The bill provides for the University of Florida to audit the Board every three years, or sooner as required, and to send the results of the audit to DFS.

Section Fourteen - Institutions Receiving Human Remains

This section contains rewording of s. 406.59, F.S., and removes associations from the list of entities allowed to receive human remains.

Section Fifteen - Disposition of Human Remains after Use

This section amends s. 406.60, F.S., and allows the disposal of human remains, or any part thereof, by either the Board, or a cinerator facility licensed under ch. 497, F.S., by cremation when such remains are deemed no longer of value to medical or dental education or research.

Section Sixteen - Selling, Buying, or Conveying Human Remains Outside or Within State Prohibited; Exceptions; Penalty

The bill amends s. 406.61, F.S., providing an exemption from approval from the Board, for a NADO that has been accredited by the AATB. The bill specifies that a NADO must be accredited by October 1, 2014.

The bill provides that for human remains received in this state, either by the anatomical board or a NADO, must be accompanied by burial-transit permit. The remains may not be dissected, disarticulated or segmented until approval has been given by the county medical examiner and received specific written consent from an authorized person representing the decedent. Furthermore, the consent must expressly state that the remains may undergo long-term preservation or extensive preparation, including, but not limited to, removal of the head, arms, legs, hands, feet, spine, organs, tissues, or fluids.

The bill clarifies language related to the prohibition of offering an inducement for anatomical donation. The bill defines valuable consideration, and provides that the definition does not include costs related to cremation, transportation or removal services.

The bill also removes a sunset provision regarding submission of affidavits to the Board by entities accredited by the American Association of Museums.

Section Seventeen – Final Disposition

The bill provides under s. 497.005, F.S., that anatomical donation is to be final disposition of a body. This would mean that the act of donating is the final step in process for disposing a body.

Section Eighteen – Handling of Embalmed Bodies

The bill amends s. 497.382, F.S., clarifying that funeral establishments, direct disposal establishment, cinerator facility, and centralized embalming facility must complete a prescribed monthly form that is signed by the embalmer that contains the name of the deceased and other information required by rule. The forms must be maintained on premises for inspection by the Division of Funeral, Cemetery, and Consumer Services within the DFS.

Section Nineteen – Cremation Procedure

The bill amends s. 497.607, F.S., specifying that a reasonable effort must be made prior to disposal of cremated remains to determine whether the remains are those of a veteran, spouse, or dependent child of a veteran who may be eligible for burial in a national cemetery due to military service in the U.S. Armed Forces, U.S. Reserve Forces or National Guard. If the remains are those of an eligible person, then the funeral or direct disposal establishment is required to arrange for interment of the cremated remains in a national cemetery. The bill specifies that reasonable effort includes contacting the National Cemetery Scheduling Office, the county veterans' service office, the regional office of the U.S. Department of Veterans Affairs, or a veterans' service organization. The bill defines a "veterans' service organization," as an association, corporation, or other entity that qualifies as a federally tax exempt organization that is organized for the benefit of the veterans' burial and interment and recognized by the Memorial Affairs Division of the U.S. Department of Veterans Affairs; or a member or employee of a non-profit entity that facilitates in the identification, recovery, and interment of unclaimed cremated remains of veterans.

The funeral or direct disposal establishment may use the assistance of a veterans' service organization and is not liable for any damages resulting from the release of required information to determine eligibility as long as they are acting in good faith. The bill specifies that funeral or direct disposal establishments are not required to:

- Determine whether the cremated remains are those of a veteran if a legally authorized person states that decedent was not a veteran.
- Relinquish possession of the cremated remains to a veterans' service organization if the entity is informed by a legally authorized person that the decedent did not desire any funeral, ceremony, or interment-related services recognizing the decedent's service as a veteran.

Section Twenty - Donees; Purposes for which Anatomical Gifts May be Made

The Board and a nontransplant anatomical donation organization is added to s. 765.513, F.S., as entities that can become a donee of anatomical gifts of whole bodies for medical or dental education or research.

Section Twenty-One - Bodies May be Claimed after Delivery to the Anatomical Board

The bill repeals s. 406.54, F.S., which allowed human remains to be claimed from the Board by friends, members of fraternal, charitable or religious entities, as other provisions of the law²⁶ provide a process for claiming remains by legally authorized persons.

²⁶ Ss. 406.50, 406.51, and 406.60, F.S.
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B. SECTION DIRECTORY:

- Section 1.** Amends s. 382.002, F.S., relating to definitions.
- Section 2.** Amends s. 382.006, F.S., relating to burial-transit permit.
- Section 3.** Amends s. 382.008, F.S., relating to death and fetal death registration.
- Section 4.** Amends s. 382.011, F.S., relating to medical examiner determination of cause of death.
- Section 5.** Creates s. 406.49, F.S., relating to definitions.
- Section 6.** Amends s. 406.50, F.S., relating to unclaimed remains; disposition, procedure.
- Section 7.** Amends s. 406.51, F.S., relating to final disposition of unclaimed deceased veterans; contract requirements.
- Section 8.** Amends s. 406.52, F.S., relating to retention of human remains before use; claim after delivery to anatomical board; procedures for unclaimed remains of an indigent person.
- Section 9.** Amends s. 406.53, F.S., relating to unclaimed remains of indigent persons; exemption from notice to the anatomical board.
- Section 10.** Amends s. 406.55, F.S., relating to contracts for delivery of human remains after death prohibited.
- Section 11.** Amends s. 406.56, F.S., relating to acceptance of human remains under will.
- Section 12.** Amends s. 406.57, F.S., relating to distribution of human remains.
- Section 13.** Amends s. 406.58, F.S., relating to fees; authority to accept additional funds; annual audit.
- Section 14.** Amends s. 406.59, F.S., relating to institutions receiving human remains.
- Section 15.** Amends s. 406.60, F.S., relating to disposition of human remains after use.
- Section 16.** Amends s. 406.61, F.S., relating to selling, buying, or conveying human remains outside or within state prohibited; exceptions; penalty.
- Section 17.** Amends s. 497.005, F.S., relating to definitions.
- Section 18.** Amends s. 497.382, F.S., relating to reports of cases embalmed and bodies handled.
- Section 19.** Amends s. 497.607, F.S., relating to cremation; procedure required.
- Section 20.** Amends s. 765.513, F.S., relating to donees; purposes for which anatomical gifts may be made.
- Section 21.** Repeals s. 406.54, F.S., relating to bodies may be claimed after delivery to anatomical board.
- Section 22.** Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:
None.
- 2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None identified.

D. FISCAL COMMENTS:

The Office of Vital Statistics within the DOH, states that the proposed language will necessitate the training of county health department staff, physicians, funeral directors, and medical examiners on the death registration process, but will not require additional staffing. Thus, DOH can absorb the increased workload within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to spend funds or take action requiring expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rule-making authority is necessary to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 7, 2013, the Health Quality Subcommittee adopted 5 amendments and reported the bill favorably as a committee substitute.

Amendment 1 – Adds “department” to clarify DOH’s authority to issue extensions; the change was necessitated by the implementation of the Electronic Death Registration System, which is operated at the Central Office.

Amendment 2 – Defines “non-transplant anatomical donation organization (NADO).”

Amendment 3 – Specifies what must be included in the consent form; reflects the accrediting (AATB) organization standards.

Amendment 4 – Adds “institution” or “organization” to the list of entities that may not offer monetary inducement or other valuable considerations in exchange for a donation.

Amendment 5 – Provides that a NADO may receive a donation of the whole body to conform to other changes made in the bill.

This analysis is drafted to the committee substitute as passed by the Health Quality Subcommittee.