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CS/HB 171

2013 Legislature

1  
2 An act relating to disposition of human remains;  
3 amending s. 382.002, F.S.; revising definitions for  
4 purposes of the Florida Vital Statistics Act; amending  
5 s. 382.006, F.S.; authorizing the Department of Health  
6 to issue burial-transit permits; amending s. 382.008,  
7 F.S.; revising procedures for the registration of  
8 certificates of death or fetal death and the medical  
9 certification of causes of death; providing a  
10 definition; amending s. 382.011, F.S.; extending the  
11 time by which certain deaths must be referred to the  
12 medical examiner for investigation; creating s.  
13 406.49, F.S.; providing definitions; amending s.  
14 406.50, F.S.; revising procedures for the reporting  
15 and disposition of unclaimed remains; prohibiting  
16 certain uses or dispositions of the remains of  
17 deceased persons whose identities are not known;  
18 limiting the liability of licensed funeral directors  
19 who authorize the embalming of unclaimed remains under  
20 certain circumstances; amending s. 406.51, F.S.;  
21 requiring that local governmental contracts for the  
22 final disposition of unclaimed remains comply with  
23 certain federal regulations; amending s. 406.52, F.S.;  
24 revising procedures for the anatomical board's  
25 retention of human remains before their use; providing  
26 for claims by, and the release of human remains to,  
27 legally authorized persons after payment of certain  
28 expenses; authorizing county ordinances or resolutions

ENROLLED  
CS/HB 171

2013 Legislature

29 | for the final disposition of the unclaimed remains of  
30 | indigent persons; limiting the liability of certain  
31 | licensed persons for cremating or burying human  
32 | remains under certain circumstances; amending s.  
33 | 406.53, F.S.; revising exceptions from requirements  
34 | for notice to the anatomical board of the death of  
35 | indigent persons; deleting a requirement that the  
36 | Department of Health assess fees for the burial of  
37 | certain bodies; amending ss. 406.55, 406.56, and  
38 | 406.57, F.S.; conforming provisions; amending s.  
39 | 406.58, F.S.; requiring audits of the financial  
40 | records of the anatomical board; conforming  
41 | provisions; amending s. 406.59, F.S.; conforming  
42 | provisions; amending s. 406.60, F.S.; authorizing  
43 | certain facilities to dispose of human remains by  
44 | cremation; amending s. 406.61, F.S.; revising  
45 | provisions prohibiting the selling or buying of human  
46 | remains or the transmitting or conveying of such  
47 | remains outside the state; providing penalties;  
48 | excepting accredited nontransplant anatomical donation  
49 | organizations from requirements for the notification  
50 | of and approval from the anatomical board for the  
51 | conveyance of human remains for specified purposes;  
52 | requiring that nontransplant anatomical donation  
53 | organizations be accredited by a certain date;  
54 | requiring that human remains received by the  
55 | anatomical board be accompanied by a burial-transit  
56 | permit; requiring approval by the medical examiner and

ENROLLED  
CS/HB 171

2013 Legislature

57 consent of certain persons before the dissection,  
58 segmentation, or disarticulation of such remains;  
59 prohibiting the offer of any monetary inducement or  
60 other valuable consideration in exchange for human  
61 remains; providing a definition; deleting an expired  
62 provision; conforming provisions; amending s. 497.005,  
63 F.S.; revising a definition for purposes of the  
64 Florida Funeral, Cemetery, and Consumer Services Act;  
65 amending s. 497.382, F.S.; revising certain reporting  
66 requirements for funeral establishments, direct  
67 disposal establishments, cinerator facilities, and  
68 centralized embalming facilities; amending s. 497.607,  
69 F.S.; providing requirements for the disposal of  
70 unclaimed cremated remains by funeral or direct  
71 disposal establishments; limiting the liability of  
72 funeral or direct disposal establishments and  
73 veterans' service organizations related to the release  
74 of information required to determine the eligibility  
75 for interment in a national cemetery of the unclaimed  
76 cremated remains of a veteran; providing definitions;  
77 amending s. 765.513, F.S.; revising the list of donees  
78 who may accept anatomical gifts and the purposes for  
79 which such a gift may be used; repealing s. 406.54,  
80 F.S., relating to claims of bodies after delivery to  
81 the anatomical board; providing an effective date.

82  
83 Be It Enacted by the Legislature of the State of Florida:  
84

ENROLLED  
CS/HB 171

2013 Legislature

85 Section 1. Subsections (8) and (9) of section 382.002,  
86 Florida Statutes, are amended to read:

87 382.002 Definitions.—As used in this chapter, the term:

88 (8) "Final disposition" means the burial, interment,  
89 cremation, removal from the state, anatomical donation, or other  
90 authorized disposition of a dead body or a fetus as described in  
91 subsection (7). In the case of cremation, dispersion of ashes or  
92 cremation residue is considered to occur after final  
93 disposition; the cremation itself is considered final  
94 disposition. In the case of anatomical donation of a dead body,  
95 the donation itself is considered final disposition.

96 (9) "Funeral director" means a licensed funeral director  
97 or direct disposer licensed pursuant to chapter 497 ~~or other~~  
98 ~~person~~ who first assumes custody of or effects the final  
99 disposition of a dead body or a fetus as described in subsection  
100 (7).

101 Section 2. Subsection (2) of section 382.006, Florida  
102 Statutes, is amended to read:

103 382.006 Burial-transit permit.—

104 (2) A burial-transit permit shall be issued by the  
105 department or the local registrar or subregistrar of the  
106 registration district in which the death occurred or the body  
107 was found. A burial-transit permit may ~~shall~~ not be issued:

108 (a) Until a complete and satisfactory certificate of death  
109 or fetal death is ~~has been~~ filed in accordance with the  
110 requirements of this chapter and adopted rules, unless the  
111 funeral director provides adequate assurance that a complete and  
112 satisfactory certificate will be so registered.

ENROLLED  
CS/HB 171

2013 Legislature

113 (b) Except under conditions prescribed by the department,  
114 if the death occurred from some disease that ~~which~~ is deemed  
115 ~~held~~ by the department to be infectious, contagious, or  
116 communicable and dangerous to the public health.

117 Section 3. Paragraph (a) of subsection (2) and subsections  
118 (3), (4), and (5) of section 382.008, Florida Statutes, are  
119 amended to read:

120 382.008 Death and fetal death registration.—

121 (2) (a) The funeral director who first assumes custody of a  
122 dead body or fetus shall file the certificate of death or fetal  
123 death. In the absence of the funeral director, the physician or  
124 other person in attendance at or after the death or the district  
125 medical examiner of the county in which the death occurred or  
126 the body was found shall file the certificate of death or fetal  
127 death. The person who files the certificate shall obtain  
128 personal data from the next of kin or the best qualified person  
129 or source available. The medical certification of cause of death  
130 shall be furnished to the funeral director, either in person or  
131 via certified mail or electronic transfer, by the physician or  
132 medical examiner responsible for furnishing such information.  
133 For fetal deaths, the physician, midwife, or hospital  
134 administrator shall provide any medical or health information to  
135 the funeral director within 72 hours after expulsion or  
136 extraction.

137 (3) Within 72 hours after receipt of a death or fetal  
138 death certificate from the funeral director, the medical  
139 certification of cause of death shall be completed and made  
140 available to the funeral director by the decedent's primary or

ENROLLED  
CS/HB 171

2013 Legislature

141 ~~attending physician in charge of the decedent's care for the~~  
 142 ~~illness or condition which resulted in death, the physician in~~  
 143 ~~attendance at the time of death or fetal death or immediately~~  
 144 ~~before or after such death or fetal death, or, if s. 382.011~~  
 145 applies, the district medical examiner of the county in which  
 146 the death occurred or the body was found if the provisions of s.  
 147 ~~382.011 apply.~~ The primary or attending physician or medical  
 148 examiner shall certify over his or her signature the cause of  
 149 death to the best of his or her knowledge and belief. As used in  
 150 this section, the term "primary or attending physician" means a  
 151 physician who treated the decedent through examination, medical  
 152 advice, or medication during the 12 months preceding the date of  
 153 death.

154 (a) The local registrar may grant the funeral director an  
 155 extension of time upon a good and sufficient showing of any of  
 156 the following conditions:

- 157 1. An autopsy is pending.
- 158 2. Toxicology, laboratory, or other diagnostic reports  
 159 have not been completed.
- 160 3. The identity of the decedent is unknown and further  
 161 investigation or identification is required.

162 (b) If the decedent's primary or attending physician or  
 163 district medical examiner of the county in which the death  
 164 occurred or the body was found indicates ~~has indicated~~ that he  
 165 or she will sign and complete the medical certification of cause  
 166 of death, but will not be available until after the 5-day  
 167 registration deadline, the local registrar may grant an  
 168 extension of 5 days. If a further extension is required, the

ENROLLED  
CS/HB 171

2013 Legislature

169 funeral director must provide written justification to the  
170 registrar.

171 (4) If the department or local registrar grants ~~has~~  
172 ~~granted~~ an extension of time to provide the medical  
173 certification of cause of death, the funeral director shall file  
174 a temporary certificate of death or fetal death which shall  
175 contain all available information, including the fact that the  
176 cause of death is pending. The decedent's primary or attending  
177 physician or the district medical examiner of the county in  
178 which the death occurred or the body was found shall provide an  
179 estimated date for completion of the permanent certificate.

180 (5) A permanent certificate of death or fetal death,  
181 containing the cause of death and any other information that  
182 ~~which~~ was previously unavailable, shall be registered as a  
183 replacement for the temporary certificate. The permanent  
184 certificate may also include corrected information if the items  
185 being corrected are noted on the back of the certificate and  
186 dated and signed by the funeral director, physician, or district  
187 medical examiner of the county in which the death occurred or  
188 the body was found, as appropriate.

189 Section 4. Subsection (1) of section 382.011, Florida  
190 Statutes, is amended to read:

191 382.011 Medical examiner determination of cause of death.—

192 (1) In the case of any death or fetal death due to causes  
193 or conditions listed in s. 406.11, any ~~or where the death that~~  
194 occurred more than 12 months ~~30 days~~ after the decedent was last  
195 treated by a primary or attending physician as defined in s.  
196 382.008 (3) ~~unless the death was medically expected as certified~~

ENROLLED  
CS/HB 171

2013 Legislature

197 | ~~by an attending physician, or any death for which where~~ there is  
198 | reason to believe that the death may have been due to an  
199 | unlawful act or neglect, the funeral director or other person to  
200 | whose attention the death may come shall refer the case to the  
201 | district medical examiner of the county ~~district~~ in which the  
202 | death occurred or the body was found for investigation and  
203 | determination of the cause of death.

204 | Section 5. Section 406.49, Florida Statutes, is created in  
205 | part II of chapter 406, Florida Statutes, to read:

206 | 406.49 Definitions.—As used in this part, the term:

207 | (1) "Anatomical board" means the anatomical board of the  
208 | state headquartered at the University of Florida Health Science  
209 | Center.

210 | (2) "Cremated remains" has the same meaning as provided in  
211 | s. 497.005.

212 | (3) "Final disposition" has the same meaning as provided  
213 | in s. 497.005.

214 | (4) "Human remains" or "remains" has the same meaning as  
215 | provided in s. 497.005.

216 | (5) "Indigent person" means a person whose family income  
217 | does not exceed 100 percent of the current federal poverty  
218 | guidelines prescribed for the family's household size by the  
219 | United States Department of Health and Human Services.

220 | (6) "Legally authorized person" has the same meaning as  
221 | provided in s. 497.005.

222 | (7) "Nontransplant anatomical donation organization" means  
223 | a tissue bank or other organization that facilitates  
224 | nontransplant anatomical donation, including referral, obtaining



ENROLLED  
CS/HB 171

2013 Legislature

225 informed consent or authorization, acquisition, traceability,  
226 transport, assessing donor acceptability, preparation,  
227 packaging, labeling, storage, release, evaluating intended use,  
228 distribution, and final disposition of nontransplant anatomical  
229 donations.

230 (8) "Unclaimed remains" means human remains that are not  
231 claimed by a legally authorized person, other than a medical  
232 examiner or the board of county commissioners, for final  
233 disposition at the person's expense.

234 Section 6. Section 406.50, Florida Statutes, is amended to  
235 read:

236 406.50 ~~Unclaimed dead bodies or human remains;~~  
237 ~~disposition, procedure.-~~

238 (1) A person or entity that comes ~~All public officers,~~  
239 ~~agents, or employees of every county, city, village, town, or~~  
240 ~~municipality and every person in charge of any prison, morgue,~~  
241 ~~hospital, funeral parlor, or mortuary and all other persons~~  
242 ~~coming into possession, charge, or control of unclaimed any dead~~  
243 ~~human body or remains that ~~which are unclaimed or which are~~~~  
244 ~~required to be buried or cremated at public expense shall ~~are~~~~  
245 ~~hereby required to notify, immediately notify, the anatomical~~  
246 ~~board, unless:~~

247 (a) The unclaimed remains are decomposed or mutilated by  
248 wounds;

249 (b) An autopsy is performed on the remains;

250 (c) The remains contain ~~whenever any such body, bodies, or~~  
251 ~~remains come into its possession, charge, or control.~~

252 ~~Notification of the anatomical board is not required if the~~

ENROLLED  
CS/HB 171

2013 Legislature

253 | ~~death was caused by crushing injury, the deceased had a~~  
254 | ~~contagious disease;~~

255 |     ~~(d) A legally authorized person, an autopsy was required~~  
256 | ~~to determine cause of death, the body was in a state of severe~~  
257 | ~~decomposition, or a family member objects to use of the remains~~  
258 | ~~body for medical education or ~~and~~ research; or~~

259 |     ~~(e) The deceased person was a veteran of the United States~~  
260 | ~~Armed Forces, United States Reserve Forces, or National Guard~~  
261 | ~~and is eligible for burial in a national cemetery or was the~~  
262 | ~~spouse or dependent child of a veteran eligible for burial in a~~  
263 | ~~national cemetery.~~

264 |     ~~(2)(1)~~ Before the final disposition of unclaimed remains,  
265 | ~~the person or entity in charge or control of the ~~dead body or~~~~  
266 | ~~human remains shall make a reasonable effort to determine:~~

267 |         (a) Determine the identity of the deceased person and  
268 | ~~shall further make a reasonable effort to~~ contact any relatives  
269 | of the ~~such~~ deceased person.

270 |         (b) Determine whether ~~or not~~ the deceased person is  
271 | eligible under 38 C.F.R. s. 38.620 for ~~entitled to~~ burial in a  
272 | national cemetery as a veteran of the armed forces and, if  
273 | eligible so, to cause the deceased person's remains or cremated  
274 | remains to be delivered to a national cemetery shall make  
275 | ~~arrangements for such burial services in accordance with the~~  
276 | ~~provisions of 38 C.F.R.~~

277 |  
278 | For purposes of this subsection, "a reasonable effort" includes  
279 | contacting the National Cemetery Scheduling Office, the county  
280 | veterans service office, or the regional office of the United

281 States Department of Veterans Affairs.

282 (3)(2) Unclaimed remains ~~Such dead human bodies as~~  
 283 ~~described in this chapter~~ shall be delivered to the anatomical  
 284 board as soon as possible after death. When no family exists or  
 285 is available, a funeral director licensed under chapter 497 may  
 286 assume the responsibility of a legally authorized person and  
 287 may, after 24 hours have elapsed since the time of death,  
 288 authorize arterial embalming for the purposes of storage and  
 289 delivery of unclaimed remains to the anatomical board. A funeral  
 290 director licensed under chapter 497 is not liable for damages  
 291 under this subsection.

292 (4) The remains of a deceased person whose identity is not  
 293 known may not be cremated, donated as an anatomical gift, buried  
 294 at sea, or removed from the state.

295 (5) If the anatomical board does not accept the unclaimed  
 296 remains, the board of county commissioners or its designated  
 297 county department of the county in which the death occurred or  
 298 the remains were found may authorize and arrange for the burial  
 299 or cremation of the entire remains. A board of county  
 300 commissioners may by resolution or ordinance, in accordance with  
 301 applicable laws and rules, prescribe policies and procedures for  
 302 final disposition of unclaimed remains.

303 (6)(3) This part does not ~~Nothing herein shall~~ affect the  
 304 right of a medical examiner to hold human ~~such dead body or~~  
 305 remains for the purpose of investigating the cause of death or  
 306 ~~nor shall this chapter affect~~ the right of any court of  
 307 competent jurisdiction to enter an order affecting the  
 308 disposition of such ~~body or~~ remains.

ENROLLED  
CS/HB 171

2013 Legislature

309 ~~(4) In the event more than one legally authorized person~~  
310 ~~claims a body for interment, the requests shall be prioritized~~  
311 ~~in accordance with s. 732.103.~~

312  
313 ~~For purposes of this chapter, the term "anatomical board" means~~  
314 ~~the anatomical board of this state located at the University of~~  
315 ~~Florida Health Science Center, and the term "unclaimed" means a~~  
316 ~~dead body or human remains that is not claimed by a legally~~  
317 ~~authorized person, as defined in s. 497.005, for interment at~~  
318 ~~that person's expense.~~

319 Section 7. Section 406.51, Florida Statutes, is amended to  
320 read:

321 406.51 Final disposition of unclaimed deceased veterans;  
322 contract requirements.—Any contract by a local governmental  
323 entity for the final disposition disposal of unclaimed human  
324 remains must provide for compliance with s. 406.50(2) ~~406.50(1)~~  
325 and require that the procedures in 38 C.F.R. s. 38.620, relating  
326 to disposition of unclaimed deceased veterans, are ~~be~~ followed.

327 Section 8. Section 406.52, Florida Statutes, is amended to  
328 read:

329 (Substantial rewording of section. See  
330 s. 406.52, F.S., for present text.)

331 406.52 Retention of human remains before use; claim after  
332 delivery to anatomical board; procedures for unclaimed remains  
333 of indigent persons.—

334 (1) The anatomical board shall keep in storage all human  
335 remains that it receives for at least 48 hours before allowing  
336 their use for medical education or research. Human remains may

ENROLLED  
CS/HB 171

2013 Legislature

337 be embalmed when received. The anatomical board may, for any  
338 reason, refuse to accept unclaimed remains or the remains of an  
339 indigent person.

340 (2) At any time before their use for medical education or  
341 research, human remains delivered to the anatomical board may be  
342 claimed by a legally authorized person. The anatomical board  
343 shall release the remains to the legally authorized person after  
344 payment of the anatomical board's expenses incurred for  
345 transporting, embalming, and storing the remains.

346 (3) (a) A board of county commissioners may by resolution  
347 or ordinance, in accordance with applicable laws and rules,  
348 prescribe policies and procedures for the burial or cremation of  
349 the entire unclaimed remains of an indigent person whose death  
350 occurred, or whose remains were found, in the county.

351 (b) A person licensed under chapter 497 is not liable for  
352 any damages resulting from cremating or burying such human  
353 remains at the written direction of the board of county  
354 commissioners or its designee.

355 Section 9. Section 406.53, Florida Statutes, is amended to  
356 read:

357 (Substantial rewording of section. See  
358 s. 406.53, F.S., for present text.)

359 406.53 Unclaimed remains of indigent person; exemption  
360 from notice to the anatomical board.—A board of county  
361 commissioners or its designated county department that receives  
362 a report of the unclaimed remains of an indigent person,  
363 notwithstanding s. 406.50(1), is not required to notify the  
364 anatomical board of the remains if:

ENROLLED  
CS/HB 171

2013 Legislature

365       (1) The indigent person's remains are decomposed or  
366 mutilated by wounds or if an autopsy is performed on the  
367 remains;

368       (2) A legally authorized person or a relative by blood or  
369 marriage claims the remains for final disposition at his or her  
370 expense or, if such relative or legally authorized person is  
371 also an indigent person, in a manner consistent with the  
372 policies and procedures of the board of county commissioners of  
373 the county in which the death occurred or the remains were  
374 found;

375       (3) The deceased person was a veteran of the United States  
376 Armed Forces, United States Reserve Forces, or National Guard  
377 and is eligible for burial in a national cemetery or was the  
378 spouse or dependent child of a veteran eligible for burial in a  
379 national cemetery; or

380       (4) A funeral director licensed under chapter 497  
381 certifies that the anatomical board has been notified and either  
382 accepted or declined the remains.

383       Section 10. Section 406.55, Florida Statutes, is amended  
384 to read:

385       406.55 Contracts for delivery of human remains ~~body~~ after  
386 death prohibited.—The anatomical board may not enter ~~is~~  
387 ~~specifically prohibited from entering~~ into any contract, oral or  
388 written, that provides for ~~whereby~~ any sum of money to ~~shall~~ be  
389 paid to any living person in exchange for ~~which~~ the delivery of  
390 that person's remains ~~body of said person shall be delivered to~~  
391 the anatomical board when the ~~such living~~ person dies.

392       Section 11. Section 406.56, Florida Statutes, is amended

ENROLLED  
CS/HB 171

2013 Legislature

393 to read:

394 406.56 Acceptance of human remains ~~bodies~~ under will.—If  
395 any person ~~being~~ of sound mind executes ~~shall execute~~ a will  
396 leaving his or her remains ~~body~~ to the anatomical board for ~~the~~  
397 ~~advancement of~~ medical education or research ~~science~~ and the  
398 ~~such~~ person dies within the geographical limits of the state,  
399 the anatomical board may ~~is hereby empowered to~~ accept and  
400 receive the person's remains ~~such body~~.

401 Section 12. Section 406.57, Florida Statutes, is amended  
402 to read:

403 406.57 Distribution of human remains ~~dead bodies~~.—The  
404 anatomical board or its duly authorized agent shall take and  
405 receive human remains ~~the bodies~~ delivered to it as provided in  
406 ~~under the provisions of~~ this chapter and shall:

407 (1) Distribute the remains ~~them~~ equitably ~~to and~~ among the  
408 medical and dental schools, teaching hospitals, medical  
409 institutions, and health-related teaching programs that require  
410 cadaveric material for study; or

411 (2) Loan the remains ~~same may be loaned for examination or~~  
412 ~~study purposes~~ to accredited colleges of mortuary science  
413 ~~recognized associations of licensed embalmers or funeral~~  
414 ~~directors,~~ or medical or dental examining boards for educational  
415 or research purposes ~~at the discretion of the anatomical board~~.

416 Section 13. Section 406.58, Florida Statutes, is amended  
417 to read:

418 406.58 Fees; authority to accept additional funds; annual  
419 audit.—

420 (1) The anatomical board may:

ENROLLED  
CS/HB 171

2013 Legislature

421 (a) ~~Adopt is empowered to prescribe~~ a schedule of fees to  
422 be collected from the institutions ~~institution or association~~ to  
423 which the human remains ~~bodies, as described in this chapter,~~  
424 are distributed or loaned to defray the costs of obtaining and  
425 preparing the remains ~~such bodies~~.

426 (b) (2) ~~The anatomical board is hereby empowered to~~ Receive  
427 money from public or private sources, in addition to the fees  
428 collected from the institutions ~~institution or association~~ to  
429 which human remains ~~the bodies~~ are distributed, to be used to  
430 defray the costs of embalming, handling, shipping, storing,  
431 cremating, and otherwise storage, ~~cremation, and other costs~~  
432 ~~relating to the~~ obtaining and using the remains. ~~use of such~~  
433 ~~bodies as described in this chapter; the anatomical board is~~  
434 ~~empowered to~~

435 (c) Pay or reimburse the reasonable expenses, as  
436 determined by the anatomical board, incurred by a funeral  
437 establishment or removal service licensed under chapter 497 for  
438 the removal, storage, and transportation ~~any person delivering~~  
439 ~~the bodies as described in this chapter~~ to the anatomical board  
440 of unclaimed human remains. ~~and is further empowered to~~

441 (d) Enter into contracts and perform such other acts ~~as~~  
442 ~~are necessary~~ for ~~to~~ the proper performance of its duties.~~†~~

443 (2) The anatomical board shall keep a complete record of  
444 all fees and other financial transactions. The University of  
445 Florida shall conduct an audit of the financial records of the  
446 anatomical board at least once every 3 years or more frequently  
447 as the university deems necessary. Within 90 days after  
448 completing an audit, the university shall provide a copy of the



ENROLLED  
CS/HB 171

2013 Legislature

449 audit to the Department of Financial Services. The university  
 450 may contract with a licensed public accounting firm to provide  
 451 for the audit, which firm may be paid from the fees collected by  
 452 ~~the of said anatomical board shall be kept and audited annually~~  
 453 ~~by the Department of Financial Services, and a report of such~~  
 454 ~~audit shall be made annually to the University of Florida.~~

455 Section 14. Section 406.59, Florida Statutes, is amended  
 456 to read:

457 406.59 Institutions receiving human remains ~~bodies~~. ~~A No~~  
 458 ~~university, school, college, teaching hospital, or~~ institution  
 459 ~~may not, or association shall be allowed or permitted to receive~~  
 460 ~~any human remains from the anatomical board such body or bodies~~  
 461 ~~as described in this chapter~~ until its facilities are ~~have been~~  
 462 inspected and approved by the anatomical board. Human remains  
 463 ~~All such bodies~~ received by such university, school, college,  
 464 teaching hospital, or institution ~~may not, or association shall~~  
 465 be used for any no other purpose other than ~~the promotion of~~  
 466 medical education or research ~~science~~.

467 Section 15. Section 406.60, Florida Statutes, is amended  
 468 to read:

469 406.60 Disposition of human remains ~~bodies~~ after use. ~~At~~  
 470 ~~any time~~ When human remains ~~any body or bodies or part or parts~~  
 471 ~~of any body or bodies, as described in this chapter, shall have~~  
 472 been used for, and are not ~~deemed~~ of any no further value to,  
 473 medical or dental education or research ~~science, then~~ the  
 474 anatomical board or a cinerator facility licensed under chapter  
 475 497 ~~person or persons having charge of said body or parts of~~  
 476 ~~said body~~ may dispose of the remains or any part thereof by

ENROLLED  
CS/HB 171

2013 Legislature

477 cremation.

478 Section 16. Section 406.61, Florida Statutes, is amended  
479 to read:

480 406.61 Selling, buying, or conveying human remains ~~bodies~~  
481 outside state prohibited; exceptions; ~~;~~ penalty.-

482 (1) (a) The anatomical board may transport human remains  
483 outside the state for educational or scientific purposes. ~~Any~~  
484 ~~person who sells or buys any body or parts of bodies as~~  
485 ~~described in this chapter or any person except a recognized~~  
486 ~~Florida medical or dental school who transmits or conveys or~~  
487 ~~causes to be transmitted or conveyed such body or parts of~~  
488 ~~bodies to any place outside this state commits a misdemeanor of~~  
489 ~~the first degree, punishable as provided in ss. 775.082 and~~  
490 ~~775.083. However, This chapter does not prohibit the transport~~  
491 ~~of anatomical board from transporting human remains, any part of~~  
492 ~~such remains specimens outside the state for educational or~~  
493 ~~scientific purposes or prohibit the transport of bodies, parts~~  
494 ~~of bodies, or tissue specimens in furtherance of lawful~~  
495 ~~examination, investigation, or autopsy conducted pursuant to s.~~  
496 ~~406.11.~~

497 (b) A ~~Any~~ person, institution, or organization that  
498 conveys human remains ~~bodies~~ or any part thereof ~~parts of bodies~~  
499 into or outside ~~out of~~ the state for medical or dental education  
500 or research purposes must ~~shall~~ notify the anatomical board of  
501 such intent and receive approval from the board.

502 (c) Notwithstanding paragraph (b), a nontransplant  
503 anatomical donation organization accredited by the American  
504 Association of Tissue Banks may convey human remains or any part

ENROLLED  
CS/HB 171

2013 Legislature

505 thereof into or outside the state for medical or dental  
506 education or research purposes without notifying or receiving  
507 approval from the anatomical board. Effective October 1, 2014, a  
508 nontransplant anatomical donation organization must be  
509 accredited by the American Association of Tissue Banks.

510 (d) A person who sells or buys human remains or any part  
511 thereof, or a person who transmits or conveys or causes to be  
512 transmitted or conveyed such remains or part thereof to any  
513 place outside this state, in violation of this section commits a  
514 misdemeanor of the first degree, punishable as provided in s.  
515 775.082 or s. 775.083. This paragraph does not apply to a  
516 recognized Florida medical or dental school.

517 (2) (a) Human remains received in this state by the  
518 anatomical board or a nontransplant anatomical donation  
519 organization must be accompanied by the original burial-transit  
520 permit issued pursuant to s. 382.007. The remains may not be  
521 dissected, segmented, or disarticulated until the district  
522 medical examiner of the county in which the death occurred or  
523 the remains were found grants approval pursuant to s. 406.11.

524 (b) A nontransplant anatomical donation organization must  
525 obtain specific written consent for the dissection,  
526 segmentation, or disarticulation of any part of the remains from  
527 a person who is authorized under s. 765.512 to give such  
528 consent. Such consent must expressly state that the remains may  
529 undergo long-term preservation or extensive preparation,  
530 including, but not limited to, removal of the head, arms, legs,  
531 hands, feet, spine, organs, tissues, or fluids.

532 (3) A person, institution, or organization may not offer

ENROLLED  
CS/HB 171

2013 Legislature

533 | in exchange for human remains any monetary inducement or other  
 534 | valuable consideration, including goods or services, to a donor,  
 535 | a legally authorized person, the donor's estate, or any other  
 536 | third party. As used in this subsection, the term "valuable  
 537 | consideration" does not include, and this subsection does not  
 538 | prohibit, payment or reimbursement of the reasonable costs  
 539 | associated with the removal, storage, and transportation of  
 540 | human remains, including payment or reimbursement of a funeral  
 541 | establishment or removal service licensed under chapter 497 or  
 542 | the reasonable costs after use, including payment or  
 543 | reimbursement for the disposition of human remains pursuant to  
 544 | s. 406.60.

545 |        ~~(4)-(2)~~ An ~~Any~~ entity accredited by the American  
 546 | Association of Museums may convey plastinated human remains  
 547 | ~~bodies~~ or any part thereof within, parts of bodies into, or  
 548 | outside ~~out of~~ the state for exhibition and public educational  
 549 | purposes without the consent of the anatomical board if the  
 550 | accredited entity:

551 |           (a) Notifies the anatomical board of the conveyance and  
 552 | the duration and location of the exhibition at least 30 days  
 553 | before the intended conveyance.

554 |           (b) Submits to the anatomical board a description of the  
 555 | remains ~~bodies~~ or any part thereof ~~parts of bodies~~ and the name  
 556 | and address of the company providing the remains ~~bodies~~ or any  
 557 | part thereof ~~parts of bodies~~.

558 |           (c) Submits to the anatomical board documentation that the  
 559 | remains or each part thereof ~~body~~ was donated by the decedent or  
 560 | his or her next of kin for purposes of plastination and public

ENROLLED  
CS/HB 171

2013 Legislature

561 | exhibition, or, in lieu of such documentation, an affidavit  
562 | stating that the remains or each part thereof ~~body~~ was donated  
563 | directly by the decedent or his or her next of kin for such  
564 | purposes to the company providing the remains ~~body~~ and that such  
565 | company has a donation form on file for the remains ~~body~~.

566 | ~~(3) Notwithstanding paragraph (2)(c) and in lieu of the~~  
567 | ~~documentation or affidavit required under paragraph (2)(c), for~~  
568 | ~~a plastinated body that, before July 1, 2009, was exhibited in~~  
569 | ~~this state by any entity accredited by the American Association~~  
570 | ~~of Museums, such an accredited entity may submit an affidavit to~~  
571 | ~~the board stating that the body was legally acquired and that~~  
572 | ~~the company providing the body has acquisition documentation on~~  
573 | ~~file for the body. This subsection expires January 1, 2012.~~

574 | Section 17. Subsection (32) of section 497.005, Florida  
575 | Statutes, is amended to read:

576 | 497.005 Definitions.—As used in this chapter, the term:

577 | (32) "Final disposition" means the final disposal of a  
578 | dead human body by earth interment, aboveground interment,  
579 | cremation, burial at sea, anatomical donation, or delivery to a  
580 | medical institution for lawful dissection if the medical  
581 | institution or entity receiving the anatomical donation assumes  
582 | responsibility for disposition after use pursuant to s. 406.60  
583 | ~~disposal~~. The term "Final disposition" does not include the  
584 | disposal or distribution of cremated remains and residue of  
585 | cremated remains.

586 | Section 18. Section 497.382, Florida Statutes, is amended  
587 | to read:

588 | 497.382 Reports of cases embalmed and bodies handled.—

ENROLLED  
CS/HB 171

2013 Legislature

589 (1) Each funeral establishment, direct disposal  
590 establishment, cinerator facility, and centralized embalming  
591 facility shall record monthly ~~report~~ on a form prescribed and  
592 furnished by the licensing authority the name of the deceased  
593 and such other information as may be required by rule with  
594 respect to each dead human body embalmed or otherwise handled by  
595 the establishment or facility. Such forms shall be signed  
596 monthly by the embalmer who performs the embalming, if the body  
597 is embalmed, and the funeral director in charge of the  
598 establishment or facility or by the direct disposer who disposes  
599 of the body and shall be maintained at the business premises of  
600 the establishment or facility for inspection by division staff.  
601 The licensing authority shall prescribe by rule the procedures  
602 for preparing and retaining ~~in submitting~~ such forms  
603 ~~documentation. Reports required by this subsection shall be~~  
604 ~~filed by the 20th day of each month for final dispositions~~  
605 ~~handled the preceding month.~~

606 (2) Funeral directors performing disinterments shall  
607 record monthly on the form specified in subsection (1) and  
608 pursuant to ~~report, using a form and procedures prescribed~~  
609 ~~specified~~ by rule, the name of the deceased and such other  
610 information as may be required by rule with respect to each dead  
611 human body disinterred.

612 Section 19. Subsection (2) of section 497.607, Florida  
613 Statutes, is amended to read:

614 497.607 Cremation; procedure required.—

615 (2) (a) With respect to any person who intends to provide  
616 for the cremation of the deceased, if, after a period of 120

ENROLLED  
CS/HB 171

2013 Legislature

617 | days from the time of cremation the cremated remains have not  
618 | been claimed, the funeral or direct disposal establishment may  
619 | dispose of the cremated remains. Such disposal shall include  
620 | scattering them at sea or placing them in a licensed cemetery  
621 | scattering garden or pond or in a church columbarium or  
622 | otherwise disposing of the remains as provided by rule.

623 |       (b) A reasonable effort shall be made before such disposal  
624 | to determine whether the cremated remains are those of a veteran  
625 | of the United States Armed Forces, United States Reserve Forces,  
626 | or National Guard eligible for burial in a national cemetery or  
627 | a spouse or dependent child of a veteran eligible for burial in  
628 | a national cemetery.

629 |       (c) If the unclaimed cremated remains are those of an  
630 | eligible veteran or the spouse or dependent child of an eligible  
631 | veteran, the funeral or direct disposal establishment shall  
632 | arrange for the interment of the cremated remains in a national  
633 | cemetery. A funeral or direct disposal establishment may use the  
634 | assistance of a veterans' service organization for this purpose.  
635 | A funeral or direct disposal establishment or veterans' service  
636 | organization acting in good faith is not liable for any damages  
637 | resulting from the release of required information to determine  
638 | eligibility for interment.

639 |       (d) This subsection does not require a funeral or direct  
640 | disposal establishment to:

641 |           1. Determine whether the cremated remains are those of a  
642 | veteran if the funeral or direct disposal establishment is  
643 | informed by a legally authorized person that the decedent was  
644 | not a veteran.

ENROLLED  
CS/HB 171

2013 Legislature

645           2. Relinquish possession of the cremated remains to a  
 646 veterans' service organization if the funeral or direct disposal  
 647 establishment is informed by a legally authorized person that  
 648 the decedent did not desire any funeral, ceremony, or interment-  
 649 related services recognizing the decedent's service as a  
 650 veteran.

651           (e) For purposes of this subsection, the term:

652           1. "Reasonable effort" includes contacting the National  
 653 Cemetery Scheduling Office, the county veterans service office,  
 654 the regional office of the United States Department of Veterans  
 655 Affairs, or a veterans' service organization.

656           2. "Veterans' service organization" means an association,  
 657 corporation, or other entity that qualifies under s. 501(c)(3)  
 658 or s. 501(c)(19) of the Internal Revenue Code as a tax-exempt  
 659 organization, that is organized for the benefit of veterans'  
 660 burial and interment, and that is recognized by the Memorial  
 661 Affairs Division of the United States Department of Veterans  
 662 Affairs. The term includes a member or employee of an eligible  
 663 nonprofit veterans' corporation, association, or entity that  
 664 specifically assists in facilitating the identification,  
 665 recovery, and interment of the unclaimed cremated remains of  
 666 veterans.

667           Section 20. Subsection (1) of section 765.513, Florida  
 668 Statutes, is amended to read:

669           765.513 Donees; purposes for which anatomical gifts may be  
 670 made.—

671           (1) The following persons or entities may become donees of  
 672 anatomical gifts of bodies or parts of them for the purposes



ENROLLED  
CS/HB 171

2013 Legislature

673 | stated:

674 |       (a) Any procurement organization or accredited medical or  
675 | dental school, college, or university for education, research,  
676 | therapy, or transplantation.

677 |       (b) Any individual specified by name for therapy or  
678 | transplantation needed by him or her.

679 |       (c) The anatomical board or a nontransplant anatomical  
680 | donation organization, as defined in s. 406.49, for donation of  
681 | the whole body for medical or dental education or research.

682 |       Section 21. Section 406.54, Florida Statutes, is repealed.

683 |       Section 22. This act shall take effect July 1, 2013.