

By Senator Sachs

34-00650-13

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1 A bill to be entitled
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
29 for the final disposition of the unclaimed remains of

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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
57 consent of certain persons before the dissection,
58 segmentation, or disarticulation of such remains;

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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
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:

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

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

102 382.006 Burial-transit permit.—

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

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

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

116 Section 3. Paragraph (a) of subsection (2) and subsections

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117 (3), (4), and (5) of section 382.008, Florida Statutes, are
118 amended to read:

119 382.008 Death and fetal death registration.—

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

136 (3) Within 72 hours after receipt of a death or fetal death
137 certificate from the funeral director, the medical certification
138 of cause of death shall be completed and made available to the
139 funeral director by the decedent's primary or attending
140 ~~physician in charge of the decedent's care for the illness or~~
141 ~~condition which resulted in death, the physician in attendance~~
142 ~~at the time of death or fetal death or immediately before or~~
143 ~~after such death or fetal death,~~ or, if s. 382.011 applies, the
144 district medical examiner of the county in which the death
145 occurred or the body was found ~~if the provisions of s. 382.011~~

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146 ~~apply.~~ The primary or attending physician or medical examiner
147 shall certify over his or her signature the cause of death to
148 the best of his or her knowledge and belief. As used in this
149 section, the term "primary or attending physician" means a
150 physician who treated the decedent through examination, medical
151 advice, or medication during the 12 months preceding the date of
152 death.

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

156 1. An autopsy is pending.

157 2. Toxicology, laboratory, or other diagnostic reports have
158 not been completed.

159 3. The identity of the decedent is unknown and further
160 investigation or identification is required.

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

170 (4) If the local registrar grants ~~has granted~~ an extension
171 of time to provide the medical certification of cause of death,
172 the funeral director shall file a temporary certificate of death
173 or fetal death which shall contain all available information,
174 including the fact that the cause of death is pending. The

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175 decedent's primary or attending physician or the district
176 medical examiner of the county in which the death occurred or
177 the body was found shall provide an estimated date for
178 completion of the permanent certificate.

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

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

190 382.011 Medical examiner determination of cause of death.—

191 (1) In the case of any death or fetal death due to causes
192 or conditions listed in s. 406.11, any ~~or where the death that~~
193 occurred more than 12 months ~~30 days~~ after the decedent was last
194 treated by a primary or attending physician as defined in s.
195 382.008(3) ~~unless the death was medically expected as certified~~
196 ~~by an attending physician, or any death for which where~~ there is
197 reason to believe that the death may have been due to an
198 unlawful act or neglect, the funeral director or other person to
199 whose attention the death may come shall refer the case to the
200 district medical examiner of the county ~~district~~ in which the
201 death occurred or the body was found for investigation and
202 determination of the cause of death.

203 Section 5. Section 406.49, Florida Statutes, is created to

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204 read:

205 406.49 Definitions.—As used in this part, the term:206 (1) "Anatomical board" means the anatomical board of the
207 state headquartered at the University of Florida Health Science
208 Center.209 (2) "Cremated remains" has the same meaning as provided in
210 s. 497.005.211 (3) "Final disposition" has the same meaning as provided in
212 s. 497.005.213 (4) "Human remains" or "remains" has the same meaning as
214 provided in s. 497.005.215 (5) "Indigent person" means a person whose family income
216 does not exceed 100 percent of the current federal poverty
217 guidelines prescribed for the family's household size by the
218 United States Department of Health and Human Services.219 (6) "Legally authorized person" has the same meaning as
220 provided in s. 497.005.221 (7) "Unclaimed remains" means human remains that are not
222 claimed by a legally authorized person, other than a medical
223 examiner or the board of county commissioners, for final
224 disposition at the person's expense.225 Section 6. Section 406.50, Florida Statutes, is amended to
226 read:227 406.50 Unclaimed ~~dead bodies or human~~ remains; disposition,
228 procedure.—229 (1) A person or entity that comes ~~All public officers,~~
230 ~~agents, or employees of every county, city, village, town, or~~
231 ~~municipality and every person in charge of any prison, morgue,~~
232 ~~hospital, funeral parlor, or mortuary and all other persons~~

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233 ~~coming~~ into possession, charge, or control of unclaimed ~~any dead~~
234 ~~human body or remains~~ that ~~which are unclaimed or which~~ are
235 required to be buried or cremated at public expense shall are
236 ~~hereby required to notify,~~ immediately notify, the anatomical
237 board, unless:

238 (a) The unclaimed remains are decomposed or mutilated by
239 wounds;

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

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

243 ~~Notification of the anatomical board is not required if the~~
244 ~~death was caused by crushing injury, the deceased had a~~
245 ~~contagious disease;~~

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

250 (e) The deceased person was a veteran of the United States
251 Armed Forces, United States Reserve Forces, or National Guard
252 and is eligible for burial in a national cemetery or was the
253 spouse or dependent child of a veteran eligible for burial in a
254 national cemetery.

255 (2) (1) Before the final disposition of unclaimed remains,
256 the person or entity in charge or control of the ~~dead body or~~
257 ~~human remains shall make a reasonable effort to determine:~~

258 (a) Determine the identity of the deceased person and ~~shall~~
259 ~~further make a reasonable effort to contact any relatives of the~~ the
260 ~~such~~ deceased person.

261 (b) Determine whether ~~or not~~ the deceased person is

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262 eligible under 38 C.F.R. s. 38.620 for ~~entitled to~~ burial in a
263 national cemetery as a veteran of the armed forces and, if
264 eligible so, to cause the deceased person's remains or cremated
265 remains to be delivered to a national cemetery shall make
266 arrangements for such burial services in accordance with the
267 provisions of 38 C.F.R.

268
269 For purposes of this subsection, "a reasonable effort" includes
270 contacting the National Cemetery Scheduling Office, the county
271 veterans service office, or the regional office of the United
272 States Department of Veterans Affairs.

273 (3)(2) Unclaimed remains ~~Such dead human bodies as~~
274 ~~described in this chapter~~ shall be delivered to the anatomical
275 board as soon as possible after death. When no family exists or
276 is available, a funeral director licensed under chapter 497 may
277 assume the responsibility of a legally authorized person and
278 may, after 24 hours have elapsed since the time of death,
279 authorize arterial embalming for the purposes of storage and
280 delivery of unclaimed remains to the anatomical board. A funeral
281 director licensed under chapter 497 is not liable for damages
282 under this subsection.

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

286 (5) If the anatomical board does not accept the unclaimed
287 remains, the board of county commissioners or its designated
288 county department of the county in which the death occurred or
289 the remains were found may authorize and arrange for the burial
290 or cremation of the entire remains. A board of county

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291 commissioners may by resolution or ordinance, in accordance with
 292 applicable laws and rules, prescribe policies and procedures for
 293 final disposition of unclaimed remains.

294 ~~(6)-(3) This part does not~~ Nothing herein shall affect the
 295 right of a medical examiner to hold human ~~such dead body or~~
 296 remains for the purpose of investigating the cause of death or
 297 ~~nor shall this chapter affect~~ the right of any court of
 298 competent jurisdiction to enter an order affecting the
 299 disposition of such ~~body or~~ remains.

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

303
 304 ~~For purposes of this chapter, the term "anatomical board" means~~
 305 ~~the anatomical board of this state located at the University of~~
 306 ~~Florida Health Science Center, and the term "unclaimed" means a~~
 307 ~~dead body or human remains that is not claimed by a legally~~
 308 ~~authorized person, as defined in s. 497.005, for interment at~~
 309 ~~that person's expense.~~

310 Section 7. Section 406.51, Florida Statutes, is amended to
 311 read:

312 406.51 Final disposition of unclaimed deceased veterans;
 313 contract requirements.—Any contract by a local governmental
 314 entity for the final disposition ~~disposal~~ of unclaimed human
 315 remains must provide for compliance with s. 406.50(2) ~~406.50(1)~~
 316 and require that the procedures in 38 C.F.R. s. 38.620, relating
 317 to disposition of unclaimed deceased veterans, are ~~be~~ followed.

318 Section 8. Section 406.52, Florida Statutes, is amended to
 319 read:

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320 (Substantial rewording of section. See
321 s. 406.52, F.S., for present text.)
322 406.52 Retention of human remains before use; claim after
323 delivery to anatomical board; procedures for unclaimed remains
324 of indigent persons.-

325 (1) The anatomical board shall keep in storage all human
326 remains that it receives for at least 48 hours before allowing
327 their use for medical education or research. Human remains may
328 be embalmed when received. The anatomical board may, for any
329 reason, refuse to accept unclaimed remains or the remains of an
330 indigent person.

331 (2) At any time before their use for medical education or
332 research, human remains delivered to the anatomical board may be
333 claimed by a legally authorized person. The anatomical board
334 shall release the remains to the legally authorized person after
335 payment of the anatomical board's expenses incurred for
336 transporting, embalming, and storing the remains.

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

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

346 Section 9. Section 406.53, Florida Statutes, is amended to
347 read:

348 (Substantial rewording of section. See

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349 s. 406.53, F.S., for present text.)

350 406.53 Unclaimed remains of indigent person; exemption from
351 notice to the anatomical board.—A board of county commissioners
352 or its designated county department that receives a report of
353 the unclaimed remains of an indigent person, notwithstanding s.
354 406.50(1), is not required to notify the anatomical board of the
355 remains if:

356 (1) The indigent person's remains are decomposed or
357 mutilated by wounds or if an autopsy is performed on the
358 remains;

359 (2) A legally authorized person or a relative by blood or
360 marriage claims the remains for final disposition at his or her
361 expense or, if such relative or legally authorized person is
362 also an indigent person, in a manner consistent with the
363 policies and procedures of the board of county commissioners of
364 the county in which the death occurred or the remains were
365 found;

366 (3) The deceased person was a veteran of the United States
367 Armed Forces, United States Reserve Forces, or National Guard
368 and is eligible for burial in a national cemetery or was the
369 spouse or dependent child of a veteran eligible for burial in a
370 national cemetery; or

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

374 Section 10. Section 406.55, Florida Statutes, is amended to
375 read:

376 406.55 Contracts for delivery of human remains ~~body~~ after
377 death prohibited.—The anatomical board may not enter ~~is~~

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378 ~~specifically prohibited from entering~~ into any contract, oral or
379 written, that provides for ~~whereby~~ any sum of money to ~~shall~~ be
380 paid to any living person in exchange for ~~which~~ the delivery of
381 that person's remains ~~body of said person shall be delivered~~ to
382 the anatomical board when the ~~such living~~ person dies.

383 Section 11. Section 406.56, Florida Statutes, is amended to
384 read:

385 406.56 Acceptance of human remains ~~bodies~~ under will.—If
386 any person ~~being~~ of sound mind executes ~~shall execute~~ a will
387 leaving his or her remains ~~body~~ to the anatomical board for ~~the~~
388 ~~advancement of~~ medical education or research ~~science~~ and the
389 ~~such~~ person dies within the geographical limits of the state,
390 the anatomical board may ~~is hereby empowered to~~ accept and
391 receive the person's remains ~~such body~~.

392 Section 12. Section 406.57, Florida Statutes, is amended to
393 read:

394 406.57 Distribution of human remains ~~dead bodies~~.—The
395 anatomical board or its duly authorized agent shall take and
396 receive human remains ~~the bodies~~ delivered to it as provided in
397 ~~under the provisions of~~ this chapter and shall:

398 (1) Distribute the remains ~~them~~ equitably ~~to and~~ among the
399 medical and dental schools, teaching hospitals, medical
400 institutions, and health-related teaching programs that require
401 cadaveric material for study; or

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

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407 Section 13. Section 406.58, Florida Statutes, is amended to
408 read:

409 406.58 Fees; authority to accept additional funds; annual
410 audit.—

411 (1) The anatomical board may:

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

417 ~~(b) (2) The anatomical board is hereby empowered to~~ Receive
418 money from public or private sources, in addition to the fees
419 collected from the institutions ~~institution or association~~ to
420 which human remains ~~the bodies~~ are distributed, to be used to
421 defray the costs of embalming, handling, shipping, storing,
422 cremating, and otherwise ~~storage, cremation, and other costs~~
423 ~~relating to the obtaining and~~ using the remains. ~~use of such~~
424 ~~bodies as described in this chapter; the anatomical board is~~
425 ~~empowered to~~

426 (c) Pay or reimburse the reasonable expenses, as determined
427 by the anatomical board, incurred by a funeral establishment or
428 removal service licensed under chapter 497 for the removal,
429 storage, and transportation ~~any person delivering the bodies as~~
430 ~~described in this chapter~~ to the anatomical board of unclaimed
431 human remains. ~~and is further empowered to~~

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

434 (2) The anatomical board shall keep a complete record of
435 all fees and other financial transactions. The University of

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436 Florida shall conduct an audit of the financial records of the
437 anatomical board at least once every 3 years or more frequently
438 as the university deems necessary. Within 90 days after
439 completing an audit, the university shall provide a copy of the
440 audit to the Department of Financial Services. The university
441 may contract with a licensed public accounting firm to provide
442 for the audit, which firm may be paid from the fees collected by
443 ~~the of said anatomical board shall be kept and audited annually~~
444 ~~by the Department of Financial Services, and a report of such~~
445 ~~audit shall be made annually to the University of Florida.~~

446 Section 14. Section 406.59, Florida Statutes, is amended to
447 read:

448 406.59 Institutions receiving human remains bodies.—~~A No~~
449 ~~university, school, college, teaching hospital, or institution~~
450 ~~may not, or association shall be allowed or permitted to receive~~
451 ~~any human remains from the anatomical board such body or bodies~~
452 ~~as described in this chapter until its facilities are have been~~
453 ~~inspected and approved by the anatomical board. Human remains~~
454 ~~All such bodies received by such university, school, college,~~
455 ~~teaching hospital, or institution may not, or association shall~~
456 ~~be used for any no other purpose other than the promotion of~~
457 ~~medical education or research science.~~

458 Section 15. Section 406.60, Florida Statutes, is amended to
459 read:

460 406.60 Disposition of human remains bodies after use.—~~At~~
461 ~~any time When human remains any body or bodies or part or parts~~
462 ~~of any body or bodies, as described in this chapter, shall have~~
463 ~~been used for, and are not deemed of any no further value to,~~
464 ~~medical or dental education or research science, then the~~

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465 anatomical board or a cinerator facility licensed under chapter
466 497 ~~person or persons having charge of said body or parts of~~
467 ~~said body~~ may dispose of the remains or any part thereof by
468 cremation.

469 Section 16. Section 406.61, Florida Statutes, is amended to
470 read:

471 406.61 Selling, buying, or conveying human remains ~~bodies~~
472 outside state prohibited; exceptions; ~~r~~ penalty.-

473 (1) (a) The anatomical board may transport human remains
474 outside the state for educational or scientific purposes. ~~Any~~
475 ~~person who sells or buys any body or parts of bodies as~~
476 ~~described in this chapter or any person except a recognized~~
477 ~~Florida medical or dental school who transmits or conveys or~~
478 ~~causes to be transmitted or conveyed such body or parts of~~
479 ~~bodies to any place outside this state commits a misdemeanor of~~
480 ~~the first degree, punishable as provided in ss. 775.082 and~~
481 ~~775.083. However, This chapter does not prohibit the transport~~
482 ~~of anatomical board from transporting human remains, any part of~~
483 ~~such remains specimens outside the state for educational or~~
484 ~~scientific purposes or prohibit the transport of bodies, parts~~
485 ~~of bodies, or tissue specimens in furtherance of lawful~~
486 examination, investigation, or autopsy conducted pursuant to s.
487 406.11.

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

493 (c) Notwithstanding paragraph (b), a nontransplant

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494 anatomical donation organization accredited by the American
495 Association of Tissue Banks may convey human remains or any part
496 thereof into or outside the state for medical or dental
497 education or research purposes without notifying or receiving
498 approval from the anatomical board. Effective October 1, 2014, a
499 nontransplant anatomical donation organization must be
500 accredited by the American Association of Tissue Banks.

501 (d) A person who sells or buys human remains or any part
502 thereof, or a person who transmits or conveys or causes to be
503 transmitted or conveyed such remains or part thereof to any
504 place outside this state, in violation of this section commits a
505 misdemeanor of the first degree, punishable as provided in s.
506 775.082 or s. 775.083. This paragraph does not apply to a
507 recognized Florida medical or dental school.

508 (2) (a) Human remains received in this state by the
509 anatomical board or a nontransplant anatomical donation
510 organization must be accompanied by the original burial-transit
511 permit issued pursuant to s. 382.007. The remains may not be
512 dissected, segmented, or disarticulated until the district
513 medical examiner of the county in which the death occurred or
514 the remains were found grants approval pursuant to s. 406.11.

515 (b) A nontransplant anatomical donation organization must
516 obtain specific written consent for the dissection,
517 segmentation, or disarticulation of any part of the remains from
518 a person who is authorized under s. 765.512 to give such
519 consent. Such consent must conspicuously describe each part of
520 the remains that may be dissected, segmented, or disarticulated.

521 (3) A person may not offer in exchange for human remains
522 any monetary inducement or other valuable consideration,

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523 including goods or services, to a donor, a legally authorized
524 person, the donor's estate, or any other third party. As used in
525 this subsection, the term "valuable consideration" does not
526 include, and this subsection does not prohibit, payment or
527 reimbursement of the reasonable costs associated with the
528 removal, storage, and transportation of human remains, including
529 payment or reimbursement of a funeral establishment or removal
530 service licensed under chapter 497 or the reasonable costs after
531 use, including payment or reimbursement for the disposition of
532 human remains pursuant to s. 406.60.

533 (4)-(2) An Any entity accredited by the American Association
534 of Museums may convey plastinated human remains ~~bodies~~ or any
535 part thereof within, parts of bodies into, or outside ~~out of~~ the
536 state for exhibition and public educational purposes without the
537 consent of the anatomical board if the accredited entity:

538 (a) Notifies the anatomical board of the conveyance and the
539 duration and location of the exhibition at least 30 days before
540 the intended conveyance.

541 (b) Submits to the anatomical board a description of the
542 remains ~~bodies~~ or any part thereof ~~parts of bodies~~ and the name
543 and address of the company providing the remains ~~bodies~~ or any
544 part thereof ~~parts of bodies~~.

545 (c) Submits to the anatomical board documentation that the
546 remains or each part thereof ~~body~~ was donated by the decedent or
547 his or her next of kin for purposes of plastination and public
548 exhibition, or, in lieu of such documentation, an affidavit
549 stating that the remains or each part thereof ~~body~~ was donated
550 directly by the decedent or his or her next of kin for such
551 purposes to the company providing the remains ~~body~~ and that such

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552 company has a donation form on file for the remains ~~body~~.

553 ~~(3) Notwithstanding paragraph (2) (c) and in lieu of the~~
554 ~~documentation or affidavit required under paragraph (2) (c), for~~
555 ~~a plastinated body that, before July 1, 2009, was exhibited in~~
556 ~~this state by any entity accredited by the American Association~~
557 ~~of Museums, such an accredited entity may submit an affidavit to~~
558 ~~the board stating that the body was legally acquired and that~~
559 ~~the company providing the body has acquisition documentation on~~
560 ~~file for the body. This subsection expires January 1, 2012.~~

561 Section 17. Subsection (32) of section 497.005, Florida
562 Statutes, is amended to read:

563 497.005 Definitions.—As used in this chapter, the term:

564 (32) "Final disposition" means the final disposal of a dead
565 human body by earth interment, aboveground interment, cremation,
566 burial at sea, anatomical donation, or delivery to a medical
567 institution for lawful dissection if the medical institution or
568 entity receiving the anatomical donation assumes responsibility
569 for disposition after use pursuant to s. 406.60 disposal. The
570 term "Final disposition" does not include the disposal or
571 distribution of cremated remains and residue of cremated
572 remains.

573 Section 18. Section 497.382, Florida Statutes, is amended
574 to read:

575 497.382 Reports of cases embalmed and bodies handled.—

576 (1) Each funeral establishment, direct disposal
577 establishment, cinerator facility, and centralized embalming
578 facility shall record monthly ~~report~~ on a form prescribed and
579 furnished by the licensing authority the name of the deceased
580 and such other information as may be required by rule with

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581 respect to each dead human body embalmed or otherwise handled by
582 the establishment or facility. Such forms shall be signed
583 monthly by the embalmer who performs the embalming, if the body
584 is embalmed, and the funeral director in charge of the
585 establishment or facility or by the direct disposer who disposes
586 of the body and shall be maintained at the business premises of
587 the establishment or facility for inspection by division staff.
588 The licensing authority shall prescribe by rule the procedures
589 for preparing and retaining ~~in submitting~~ such forms
590 ~~documentation. Reports required by this subsection shall be~~
591 ~~filed by the 20th day of each month for final dispositions~~
592 ~~handled the preceding month.~~

593 (2) Funeral directors performing disinterments shall record
594 monthly on the form specified in subsection (1) and pursuant to
595 ~~report, using a form and procedures prescribed~~ specified by
596 rule, the name of the deceased and such other information as may
597 be required by rule with respect to each dead human body
598 disinterred.

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

601 497.607 Cremation; procedure required.-

602 (2) (a) With respect to any person who intends to provide
603 for the cremation of the deceased, if, after a period of 120
604 days from the time of cremation the cremated remains have not
605 been claimed, the funeral or direct disposal establishment may
606 dispose of the cremated remains. Such disposal shall include
607 scattering them at sea or placing them in a licensed cemetery
608 scattering garden or pond or in a church columbarium or
609 otherwise disposing of the remains as provided by rule.

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610 (b) A reasonable effort shall be made before such disposal
611 to determine whether the cremated remains are those of a veteran
612 of the United States Armed Forces, United States Reserve Forces,
613 or National Guard eligible for burial in a national cemetery or
614 a spouse or dependent child of a veteran eligible for burial in
615 a national cemetery.

616 (c) If the unclaimed cremated remains are those of an
617 eligible veteran or the spouse or dependent child of an eligible
618 veteran, the funeral or direct disposal establishment shall
619 arrange for the interment of the cremated remains in a national
620 cemetery. A funeral or direct disposal establishment may use the
621 assistance of a veterans' service organization for this purpose.
622 A funeral or direct disposal establishment or veterans' service
623 organization acting in good faith is not liable for any damages
624 resulting from the release of required information to determine
625 eligibility for interment.

626 (d) This subsection does not require a funeral or direct
627 disposal establishment to:

628 1. Determine whether the cremated remains are those of a
629 veteran if the funeral or direct disposal establishment is
630 informed by a legally authorized person that the decedent was
631 not a veteran.

632 2. Relinquish possession of the cremated remains to a
633 veterans' service organization if the funeral or direct disposal
634 establishment is informed by a legally authorized person that
635 the decedent did not desire any funeral, ceremony, or interment-
636 related services recognizing the decedent's service as a
637 veteran.

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

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639 1. "Reasonable effort" includes contacting the National
640 Cemetery Scheduling Office, the county veterans service office,
641 the regional office of the United States Department of Veterans
642 Affairs, or a veterans' service organization.

643 2. "Veterans' service organization" means an association,
644 corporation, or other entity that qualifies under s. 501(c)(3)
645 or s. 501(c)(19) of the Internal Revenue Code as a tax-exempt
646 organization, that is organized for the benefit of veterans'
647 burial and interment, and that is recognized by the Memorial
648 Affairs Division of the United States Department of Veterans
649 Affairs. The term includes a member or employee of an eligible
650 nonprofit veterans' corporation, association, or entity that
651 specifically assists in facilitating the identification,
652 recovery, and interment of the unclaimed cremated remains of
653 veterans.

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

656 765.513 Donees; purposes for which anatomical gifts may be
657 made.—

658 (1) The following persons or entities may become donees of
659 anatomical gifts of bodies or parts of them for the purposes
660 stated:

661 (a) Any procurement organization or accredited medical or
662 dental school, college, or university for education, research,
663 therapy, or transplantation.

664 (b) Any individual specified by name for therapy or
665 transplantation needed by him or her.

666 (c) The anatomical board as defined in s. 406.49 for
667 donation of the whole body for medical or dental education or

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668 research.

669 Section 21. Section 406.54, Florida Statutes, is repealed.

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