

CHAPTER 2013-138

Committee Substitute for House Bill No. 171

An act relating to disposition of human remains; amending s. 382.002, F.S.; revising definitions for purposes of the Florida Vital Statistics Act; amending s. 382.006, F.S.; authorizing the Department of Health to issue burial-transit permits; amending s. 382.008, F.S.; revising procedures for the registration of certificates of death or fetal death and the medical certification of causes of death; providing a definition; amending s. 382.011, F.S.; extending the time by which certain deaths must be referred to the medical examiner for investigation; creating s. 406.49, F.S.; providing definitions; amending s. 406.50, F.S.; revising procedures for the reporting and disposition of unclaimed remains; prohibiting certain uses or dispositions of the remains of deceased persons whose identities are not known; limiting the liability of licensed funeral directors who authorize the embalming of unclaimed remains under certain circumstances; amending s. 406.51, F.S.; requiring that local governmental contracts for the final disposition of unclaimed remains comply with certain federal regulations; amending s. 406.52, F.S.; revising procedures for the anatomical board's retention of human remains before their use; providing for claims by, and the release of human remains to, legally authorized persons after payment of certain expenses; authorizing county ordinances or resolutions for the final disposition of the unclaimed remains of indigent persons; limiting the liability of certain licensed persons for cremating or burying human remains under certain circumstances; amending s. 406.53, F.S.; revising exceptions from requirements for notice to the anatomical board of the death of indigent persons; deleting a requirement that the Department of Health assess fees for the burial of certain bodies; amending ss. 406.55, 406.56, and 406.57, F.S.; conforming provisions; amending s. 406.58, F.S.; requiring audits of the financial records of the anatomical board; conforming provisions; amending s. 406.59, F.S.; conforming provisions; amending s. 406.60, F.S.; authorizing certain facilities to dispose of human remains by cremation; amending s. 406.61, F.S.; revising provisions prohibiting the selling or buying of human remains or the transmitting or conveying of such remains outside the state; providing penalties; excepting accredited nontransplant anatomical donation organizations from requirements for the notification of and approval from the anatomical board for the conveyance of human remains for specified purposes; requiring that nontransplant anatomical donation organizations be accredited by a certain date; requiring that human remains received by the anatomical board be accompanied by a burial-transit permit; requiring approval by the medical examiner and consent of certain persons before the dissection, segmentation, or disarticulation of such remains; prohibiting the offer of any monetary inducement or other valuable consideration in exchange for human remains; providing a definition; deleting an expired provision; conforming provisions; amending s. 497.005, F.S.; revising a definition for purposes of the Florida Funeral,

Cemetery, and Consumer Services Act; amending s. 497.382, F.S.; revising certain reporting requirements for funeral establishments, direct disposal establishments, cinerator facilities, and centralized embalming facilities; amending s. 497.607, F.S.; providing requirements for the disposal of unclaimed cremated remains by funeral or direct disposal establishments; limiting the liability of funeral or direct disposal establishments and veterans' service organizations related to the release of information required to determine the eligibility for interment in a national cemetery of the unclaimed cremated remains of a veteran; providing definitions; amending s. 765.513, F.S.; revising the list of donees who may accept anatomical gifts and the purposes for which such a gift may be used; repealing s. 406.54, F.S., relating to claims of bodies after delivery to the anatomical board; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

382.006 Burial-transit permit.—

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

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

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

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

382.008 Death and fetal death registration.—

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

(3) Within 72 hours after receipt of a death or fetal death certificate from the funeral director, the medical certification of cause of death shall be completed and made available to the funeral director by the decendent's primary or attending physician in charge of the decendent's care for the illness or condition which resulted in death, the physician in attendance at the time of death or fetal death or immediately before or after such death or fetal death, or, if s. 382.011 applies, the district medical examiner of the county in which the death occurred or the body was found if the provisions of s. 382.011 apply. The primary or attending physician or medical examiner shall certify over his or her signature the cause of death to the best of his or her knowledge and belief. As used in this section, the term "primary or attending physician" means a physician who treated the decendent through examination, medical advice, or medication during the 12 months preceding the date of death.

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

1. An autopsy is pending.
2. Toxicology, laboratory, or other diagnostic reports have not been completed.
3. The identity of the decendent is unknown and further investigation or identification is required.

(b) If the decendent's primary or attending physician or district medical examiner of the county in which the death occurred or the body was found

indicates ~~has indicated~~ that he or she will sign and complete the medical certification of cause of death, but will not be available until after the 5-day registration deadline, the local registrar may grant an extension of 5 days. If a further extension is required, the funeral director must provide written justification to the registrar.

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

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

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

382.011 Medical examiner determination of cause of death.—

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

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

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

(1) “Anatomical board” means the anatomical board of the state headquartered at the University of Florida Health Science Center.

(2) “Cremated remains” has the same meaning as provided in s. 497.005.

(3) “Final disposition” has the same meaning as provided in s. 497.005.

(4) “Human remains” or “remains” has the same meaning as provided in s. 497.005.

(5) “Indigent person” means a person whose family income does not exceed 100 percent of the current federal poverty guidelines prescribed for the family’s household size by the United States Department of Health and Human Services.

(6) “Legally authorized person” has the same meaning as provided in s. 497.005.

(7) “Nontransplant anatomical donation organization” means a tissue bank or other organization that facilitates nontransplant anatomical donation, including referral, obtaining informed consent or authorization, acquisition, traceability, transport, assessing donor acceptability, preparation, packaging, labeling, storage, release, evaluating intended use, distribution, and final disposition of nontransplant anatomical donations.

(8) “Unclaimed remains” means human remains that are not claimed by a legally authorized person, other than a medical examiner or the board of county commissioners, for final disposition at the person’s expense.

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

406.50 Unclaimed dead ~~bodies or~~ human remains; disposition, procedure.—

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

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

(b) An autopsy is performed on the remains;

(c) The remains contain ~~whenever any such body, bodies, or remains come into its possession, charge, or control. Notification of the anatomical board is not required if the death was caused by crushing injury, the deceased had a contagious disease;~~

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

(e) The deceased person was a veteran of the United States Armed Forces, United States Reserve Forces, or National Guard and is eligible for

burial in a national cemetery or was the spouse or dependent child of a veteran eligible for burial in a national cemetery.

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

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

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

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

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

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

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

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

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

~~For purposes of this chapter, the term “anatomical board” means the anatomical board of this state located at the University of Florida Health Science Center, and the term “unclaimed” means a dead body or human remains that is not claimed by a legally authorized person, as defined in s. 497.005, for interment at that person’s expense.~~

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

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

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

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

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

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

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

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

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

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

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

406.53 Unclaimed remains of indigent person; exemption from notice to the anatomical board.—A board of county commissioners or its designated

county department that receives a report of the unclaimed remains of an indigent person, notwithstanding s. 406.50(1), is not required to notify the anatomical board of the remains if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The anatomical board may:

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

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

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

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

~~(2) The anatomical board shall keep a complete record of all fees and other financial transactions. The University of Florida shall conduct an audit of the financial records of the anatomical board at least once every 3 years or more frequently as the university deems necessary. Within 90 days after completing an audit, the university shall provide a copy of the audit to the Department of Financial Services. The university may contract with a licensed public accounting firm to provide for the audit, which firm may be paid from the fees collected by the of said anatomical board shall be kept and audited annually by the Department of Financial Services, and a report of such audit shall be made annually to the University of Florida.~~

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

406.59 Institutions receiving human remains bodies.—~~A No university, school, college, teaching hospital, or institution may not, or association shall be allowed or permitted to receive any human remains from the anatomical board such body or bodies as described in this chapter until its facilities are~~

have been inspected and approved by the anatomical board. Human remains All such bodies received by such university, school, college, teaching hospital, or institution ~~may not, or association shall be used for any no other purpose other than the promotion of medical education or research science.~~

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

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

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

406.61 Selling, buying, or conveying human remains bodies outside state prohibited; exceptions; penalty.—

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

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

(c) ~~Notwithstanding paragraph (b), a nontransplant anatomical donation organization accredited by the American Association of Tissue Banks may convey human remains or any part thereof into or outside the state for medical or dental education or research purposes without notifying or receiving approval from the anatomical board. Effective October 1, 2014, a nontransplant anatomical donation organization must be accredited by the American Association of Tissue Banks.~~

(d) ~~A person who sells or buys human remains or any part thereof, or a person who transmits or conveys or causes to be transmitted or conveyed such remains or part thereof to any place outside this state, in violation of~~

this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This paragraph does not apply to a recognized Florida medical or dental school.

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

(b) A nontransplant anatomical donation organization must obtain specific written consent for the dissection, segmentation, or disarticulation of any part of the remains from a person who is authorized under s. 765.512 to give such consent. Such 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.

(3) A person, institution, or organization may not offer in exchange for human remains any monetary inducement or other valuable consideration, including goods or services, to a donor, a legally authorized person, the donor's estate, or any other third party. As used in this subsection, the term "valuable consideration" does not include, and this subsection does not prohibit, payment or reimbursement of the reasonable costs associated with the removal, storage, and transportation of human remains, including payment or reimbursement of a funeral establishment or removal service licensed under chapter 497 or the reasonable costs after use, including payment or reimbursement for the disposition of human remains pursuant to s. 406.60.

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

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

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

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

purposes to the company providing the remains body and that such company has a donation form on file for the remains body.

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

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

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

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

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

497.382 Reports of cases embalmed and bodies handled.—

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

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

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

497.607 Cremation; procedure required.—

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

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

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

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

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

2. Relinquish possession of the cremated remains to a veterans' service organization if the funeral or direct disposal establishment 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.

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

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

2. "Veterans' service organization" means an association, corporation, or other entity that qualifies under s. 501(c)(3) or s. 501(c)(19) of the Internal Revenue Code as a tax-exempt organization, that is organized for the benefit of veterans' burial and interment, and that is recognized by the Memorial Affairs Division of the United States Department of Veterans Affairs. The term includes a member or employee of an eligible nonprofit veterans'

corporation, association, or entity that specifically assists in facilitating the identification, recovery, and interment of the unclaimed cremated remains of veterans.

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

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

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

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

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

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

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

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

Approved by the Governor June 7, 2013.

Filed in Office Secretary of State June 7, 2013.