

## CHAPTER 245

## DISPOSITION OF DEAD BODIES

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**245.06 Unclaimed dead bodies; disposition, procedure.**—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 any dead human body which is unclaimed or which is required to be buried or cremated at public expense are hereby required to notify, immediately, the Division of Universities of the Department of Education, or such person or persons as may from time to time be designated by the said division, whenever any such body or bodies come into its possession, charge or control. Should the person coming into possession, charge or control of such dead human body be other than a licensed embalmer or licensed funeral director, the division shall cause said body to be embalmed either by a licensed embalmer or funeral director, or by the institution to which such body is distributed. The division shall cause the fingerprints to be taken and such fingerprint records shall be sent to the Federal Bureau of Investigation in Washington, D.C. and a copy thereof retained by the division. The division shall make reasonable effort to determine the identity of the body and shall further make reasonable effort to contact any relatives of such deceased person. Upon the receipt by a licensed embalmer or funeral director of an unclaimed body or one which must be buried or cremated at public expense, such embalmer or funeral director shall embalm said body by the most acceptable procedure. Such dead human bodies as described in this chapter shall be delivered to the division through its duly authorized agents as soon as possible after death. Nothing herein shall affect the right of a coroner to hold such dead body for the purpose of investigating the cause of death, nor shall this chapter affect the right of any court of competent jurisdiction to enter an order affecting the disposition of such body.

**History.**—s. 6, ch. 28163, 1953; ss. 15, 35, ch. 69-106; s. 22, ch. 73-334; s. 1, ch. 91-168.

**245.07 Retention of bodies before use; unfit or excess number of bodies, disposition procedure.**—All bodies received by the Division of Universities shall be retained in receiving vaults for a period of not less than 48 hours before allowing their use for medical science; if at any time more bodies are made available to the division than can be used for medical science under its jurisdiction, or if a body shall be deemed by the division to be unfit for anatomical purposes, the division may notify, in writing, the county commissioners of the county where such person died, who shall direct some person to take charge of such body and cause it to be buried or cremated in accordance with the already existing rules, laws and practices for disposing of such unclaimed bodies within the confines of the said county. However, prior to having any body buried or cremated, the county shall make a reasonable effort to determine the identity of the body and shall further make a reasonable effort to contact any relatives of the deceased person. If a relative of the deceased person is contacted and expresses a preference for either burial or cremation, the county shall make a reasonable effort to accommodate the request of the relative. For purposes of this section, the county commissioners of the county where such person died shall be considered a "legally authorized person" pursuant to s. 470.002(18).

**History.**—s. 8, ch. 28163, 1953; ss. 15, 35, ch. 69-106; s. 1, ch. 72-40; s. 1, ch. 77-174; s. 2, ch. 91-168.

**245.08 Death of indigents; notice; delivery to division when unclaimed; exceptions; assessment of fees.**

(1) Notice of death shall be given to the Division of Universities in all cases of indigent persons, but no such body shall be delivered to the division:

(a) If any relative, by blood or marriage, claims the body for burial at the expense of such relative, but the body shall be surrendered to the claimant for interment.

(b) If any friend or any representative of a fraternal society of which the deceased was a member, or a representative of any charitable or religious organization, or a governmental agency which was providing residential care to the indigent person at the time of his or her death claims the body for burial at his or her, its, or their expense.

(c) If the deceased person was an honorably discharged member of the Armed Forces of the United States or the state who served during a period of wartime service as defined in s. 1.01(14); but such body shall be buried in accordance with the provisions of the existing laws.

(2) When the Department of Health and Rehabilitative Services claims the body of a client according to this section, the department shall assess fees for burial pursuant to s. 402.33.

**History.**—s. 7, ch. 28163, 1953; s. 1, ch. 67-564; ss. 15, 35, ch. 69-106; s. 1, ch. 81-40; s. 10, ch. 84-114; s. 12, ch. 95-143; s. 88, ch. 95-148.

**245.09 Bodies may be claimed after delivery to division.**—Any dead human body which has been delivered to the Division of Universities may be claimed by

any friend or any representative of a fraternal society of which the deceased was a member, or a representative of any charitable or religious organization. Upon receipt of such claim, the body or remains shall be surrendered to the claimant by the division after the payment to the division for the expenses incurred in obtaining and handling such body or remains.

**History.**—s. 8, ch. 28163, 1953; ss. 15, 35, ch. 69-106; s. 2, ch. 72-40.

**245.10 Contracts for delivery of body after death prohibited.**—The Division of Universities is specifically prohibited from entering into any contract, oral or written, whereby any sum of money shall be paid to any living person in exchange for which the body of said person shall be delivered to the division when such living person dies.

**History.**—s. 9, ch. 28163, 1953; ss. 15, 35, ch. 69-106.

**245.11 Acceptance of bodies under will.**—If any person being of sound mind shall execute a will leaving his or her body to the Division of Universities for the advancement of medical science and such person dies within the geographical limits of the state, the division is hereby empowered to accept and receive such body.

**History.**—s. 10, ch. 28163, 1953; ss. 15, 35, ch. 69-106.

**245.12 Distribution of dead bodies.**—The Division of Universities or its duly authorized agent shall take and receive the bodies delivered to it under the provisions of this chapter and shall distribute them, proportionately and equitably, to and among the medical and dental schools and to those teaching hospitals wherein the resident training program requires cadaveric material for study; or the same may be loaned for examination or study purposes to recognized associations of licensed embalmers or funeral directors, or medical or dental examining boards at the discretion of the division.

**History.**—s. 11, ch. 28163, 1953; ss. 15, 35, ch. 69-106.

**245.13 Fees; authority to accept additional funds; annual audit.**—

(1) The Division of Universities is empowered to prescribe a schedule of fees to be collected from the institution or association to which the bodies, as described in this chapter, are distributed or loaned to defray the costs of obtaining and preparing such bodies.

(2) The division is hereby empowered to receive money from public or private sources in addition to the fees collected from the institution or association to which the bodies are distributed to be used to defray the costs of embalming, handling, shipping, storage, cremation and other costs relating to the obtaining and use of such bodies as described in this chapter; the division is

empowered to pay the reasonable expenses incurred by any person delivering the bodies as described in this chapter to the division and is further empowered to enter into contracts and perform such other acts as are necessary to the proper performance of its duties; a complete record of all fees and other financial transactions of said division shall be kept and audited annually by the Department of Banking and Finance and a report of such audit shall be made annually to the Department of Health and Rehabilitative Services.

**History.**—ss. 12, 15, ch. 28163, 1953; ss. 12, 15, 19, 35, ch. 69-106; s. 3, ch. 79-12.

**245.14 Bonds; institutions receiving bodies.**—No university, school, college, teaching hospital or association shall be allowed or permitted to receive any such body or bodies as described in this chapter until a bond, approved as to form by the Department of Legal Affairs shall have been given to the Division of Universities which bond shall be in the penal sum of \$1,000 conditioned that all such bodies received by such university, school, college, teaching hospital or association shall be used for no other purpose than the promotion of medical science.

**History.**—s. 13, ch. 28163, 1953; ss. 11, 15, 35, ch. 69-106; s. 3, ch. 72-40.

**245.15 Disposition of bodies after use.**—At any time when any body or bodies or part or parts of any body or bodies, as described in this chapter, shall have been used and deemed of no further value to medical or dental science, then the person or persons having charge of said body or parts of said body may dispose of the remains by cremation.

**History.**—s. 14, ch. 28163, 1953.

**245.16 Selling, buying, or conveying bodies outside state prohibited; exceptions, penalty.**—Any person who shall sell or buy any body or parts of bodies as described in this chapter or any person except a recognized Florida medical or dental school who shall transmit or convey or cause to be transmitted or conveyed such body or parts of bodies to any place outside this state is guilty of a misdemeanor of the first degree, punishable as provided in ss. 775.082 and 775.083. However, nothing in this chapter shall be construed as prohibiting the Division of Universities from transporting human specimens outside the state for educational or scientific purposes or as prohibiting the transport of bodies, parts of bodies, or tissue specimens in furtherance of lawful examination, investigation, or autopsy conducted pursuant to s. 406.11.

**History.**—s. 16, ch. 28163, 1953; ss. 15, 35, ch. 69-106; s. 144, ch. 71-136; s. 4, ch. 72-40; s. 3, ch. 91-168; s. 1, ch. 93-3.