

# **DISPOSITION OF DEAD BODIES**

## **POLICY NO. 12-03**

### **PURPOSE:**

To provide a uniform procedure for the cremation of deceased persons or remains unclaimed or which are required to be cremated at public expense in a decent and dignified manner and in accordance with Florida Statutes, Chapter 406.

### **POLICY:**

Cremation by the County will only be approved if:

- the deceased was a resident of Hernando County or died in Hernando County; or
- the body is unclaimed or unidentified; or
- the deceased is found to be indigent and is required to be disposed of at public expense (see attached income guidelines); or
- there are no living relatives, friends or responsible parties; or
- there are living relatives, friends or responsible parties who are also found to be indigent.

Direct cremation is the only approved form of disposal unless otherwise authorized by Court Order.

In accordance with 38 Code of Federal Regulation (C.F.R.) the deceased veteran of the Armed Forces is entitled to burial in a national cemetery and, if so, the Armed Forces shall make arrangements for such burial services.

The maximum authorized payment to funeral homes and/or crematories is: \$650 for adult cremation, \$300 for child cremation (age 1- 12).

**Unclaimed dead bodies/remains disposition:** In accordance with Florida Statutes (F.S.), section 406.50, the State Anatomical Board located at the University of Florida Health Science Center, must be immediately notified each time any public officers, agents, or employees of Hernando County 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 or remains which are unclaimed or which are required to be directly cremated at public expense.

Notification of the anatomical board is NOT required if the death was:

- 1) caused by crushing injury,
- 2) deceased had a contagious disease,
- 3) autopsy was required to determine cause of death,
- 4) body was in a severe state of decomposition,
- 5) relative, by blood or marriage, claims the body for burial at the expense of the relative,
- 6) 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 their expense.

Such dead human bodies, as described in this chapter, shall be delivered to the anatomical board as soon as possible after death. All related transportation costs will be incurred by the University of Florida Health Science Center Anatomical Board.

Hernando County reserves the right and in accordance with the rules, laws and practices for disposing of such unclaimed bodies to cremate the deceased person and to make a reasonable effort to locate relatives, prior to cremation, from the point of approval by the County Social Services Department, up to a maximum of 10 days allowed to determine next of kin. The Hernando County Board of County Commissioners, or designee, where such person dies, shall be considered a legally authorized person as defined in section 470.002, Florida Statutes. A person licensed under F.S. Chapter 470 or Chapter 497 shall not be liable for any damages resulting from the cremating of such body at the direction of the county's legally authorized person.

The person or entity in charge or control of the dead body or human remains shall make a reasonable effort to determine; whether or not the deceased person is entitled to burial in a national cemetery as a veteran of the Armed Forces and, if so, shall make arrangements for such services in accordance with the provisions of 38 C.F.R. For purposes of this subsection "a reasonable effort" includes contacting the Hernando County Veterans Service Officer or regional office of the United States Department of Veterans Affairs.



All public officers, agents or employees of Hernando County coming into possession, charge, or control of any dead human body or remains which are unclaimed or are unclaimed by financially non-qualified indigent status, shall remain in control of Hernando County until which time payment of services rendered is received from the party requesting release of the remains. Any dead human body or remains which are unclaimed by financially qualified indigent status will be released to the requesting party at no charge.

**Disposition of unclaimed deceased veterans:** Guidelines for the disposition of such bodies will be governed by section 406.51, Florida Statutes, and in accordance with 38 C.F.R., relating to the disposition of unclaimed deceased veterans.

**Retention and disposition of bodies:** Guidelines for the retention of such bodies will be governed by section 406.52, Florida Statutes. This provision further provides that funeral homes and crematories duly licensed under Chapter 470 or Chapter 497 shall not be liable for any damages resulting from cremating or disposing of such body at the direction of the county's authorized person. Prior to the funeral home or crematory taking possession of a unclaimed dead human body, and after following the protocol in subsection 460.50(r) Florida Statutes, the funeral home or crematory must first obtain written or oral permission from the County's Social Services Director or other county authorized person of the County. If oral permission is granted, the funeral home or crematory must obtain written permission within 10 working days.

**Death of unclaimed indigents:** notice/delivery to anatomical board: Guidelines for exceptions of such bodies will be governed by section 406.53, Florida Statutes.

**Bodies claimed after delivery to anatomical board:** Guidelines for release of such bodies will be governed by section 406.54, Florida Statutes.

**Contracts for delivery of body after death:** Guidelines on contracts for delivery of such bodies will be governed by section 406.55, Florida Statutes.

**Acceptance of bodies under will:** Guidelines for acceptance of such bodies will be governed by section 406.56, Florida Statutes.

**Distribution of dead bodies:** Guidelines for distribution of such bodies will be governed by section 406.57, Florida Statutes.

**Acceptance of fees, additional funds, annual audit:** Guidelines

for acceptance of fees and audits will be governed by section 406.58, Florida Statutes.

**Institutions receiving bodies:** Guidelines for receiving such bodies will be governed by section 406.59, Florida Statutes.

**Disposition of bodies after use:** Guidelines for disposition of such bodies will be governed by section 406.60, Florida Statutes.

**Selling, buying or conveying bodies outside the State of Florida:** Guidelines for the exchange and transport of such bodies will be governed by section 406.61, Florida Statutes.

- PROCEDURE:
1. If an individual initiates a request for disposition services with the County Social Services Department rather than with a funeral home, the individual shall be advised to contact the funeral home of his/her choice, and if he/she indicates no preference, the County Social Services Department shall provide a referral to the nearest available provider of services.
  2. Prior to rendering approval for a deceased individual, the relative, friend or responsible party shall be provided with the Hernando County Application for Disposition of Deceased Assistance, and advised that it must be completed and submitted to the County Social Services Department prior to services being provided. If the individual requires assistance in completing the application, the funeral home shall refer that individual to the County Social Services Department for assistance. It shall be the responsibility of the County Social Services Department to exhaust all other possible sources of payment prior to approval for services.
  3. Within 24 hours of receipt of the completed application, the County Social Services Department shall advise the applicant and the funeral home if the individual meets the attached income eligibility guidelines as well as the guidelines set forth in Florida Statutes, Chapter 406. The County Social Services Department shall forward a copy via facsimile of the approved application to the funeral home.
  4. Upon approval by the County Social Services Department, the funeral home shall notify the State Anatomical Board, if the deceased meets the criteria as set forth in section 406.50, Florida Statutes. If the body is accepted by the State Anatomical Board, the funeral home shall proceed according to subsection 406.50(2), Florida Statutes. The University of Florida Health Science Center Anatomical Board shall be responsible for the cost of preparation and transportation of the body to the Center. If the body is not accepted, the funeral

home shall proceed with the cremation of the deceased.  
(Retention and disposition of bodies)

5. The funeral home shall submit an itemized invoice for payment to the Hernando County Social Services Department, along with documentation that contact was made with the State Anatomical Board.
6. The County shall make payment in the amount indicated under Policy Guidelines within 30 days from receipt of the invoice.
7. The County will apply for and pursue assignment by Court Order of whatever death benefits, life insurance, patient trust funds, personal property, checking, savings, stocks, bonds, annuities, social security trust accounts, or veterans death benefits available as reimbursement of payment made to funeral homes. All proceeds from the sale of the above listed assignments for reimbursement of the costs for disposition of the deceased, will be deposited into the Hernando County Indigent Burial account by resolution.
8. Any proceeds from the sale of the above listed assignments that exceeds the costs for disposition of the deceased will remain in the Welfare/Indigent Burial account and will be carried forward each Fiscal Year for the expenditures related to Florida Statutes, Chapter 406.

<b>Replaces:</b>	Policy No. 89-01
<b>Reference:</b>	May 9, 1989
<b>Adopted:</b>	September 18, 1991
<b>Amended:</b>	October 7, 2003
<b>Amended:</b>	July 29, 2004