

**Board of County Commissioners
Leon County, Florida**

Policy No. 98-25

Title: Disposition of Unclaimed and Indigent Bodies

Date Adopted: May 9, 2017

Effective Date: May 9, 2017

Reference: Florida Statutes, Ch. 406.49 – 406.53

Policy Superseded: Policy No. 83-3 “Disposition of Unclaimed Bodies” adopted June 14, 1983; Policy No. 98-25, “Disposition of Unclaimed Bodies,” adopted October 13, 1998; Policy No. 98-25, “Disposition of Unclaimed and Indigent Bodies,” revised February 27, 2007; revised June 28, 2011

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 98-25, “Disposition of Unclaimed and Indigent Bodies,” revised June 28, 2011, is hereby amended, and a revised Policy is hereby adopted in its place, to wit:

In accordance with Florida Statutes 406.50 and 406.52, Leon County has the authority to establish policies and procedures for the burial or cremation of indigent persons or unclaimed persons whose deaths occurred, or whose remains were found in the county.

I. Purpose:

- A. To provide for a uniform policy and procedure for the decent and dignified disposition of unclaimed or indigent deceased persons or human remains, in accordance with Florida Statutes, Chapter 406, or as may be amended from time to time.
- B. To establish the Leon County Indigent Burial Program for burial and/or cremation of unidentified, unclaimed, and indigent persons who die in Leon County.

II. Definitions:

- A. For the purposes of this Policy, all terms herein shall have the same meaning as set forth in Florida Statutes §§ 406.49 – 406.53, or as may be amended from time to time.
- B. The term “Next of Kin” in this policy shall have the same meaning as “Legally authorized person” as defined in Florida Statutes § 406.49(6), or as may be amended from time to time.

III. Policy:

- A. As required by Florida Statute, Chapter 406, § 406.50, or as may be amended from time to time, in the event the County finds itself in charge or control of human remains or a dead body, that is unclaimed or requires disposal at public expense, the County shall, make a reasonable effort to:
 1. Determine the identity of the deceased person;
 2. Contact any relatives of such deceased person; and,
 3. Determine whether the deceased person is entitled to burial in a national cemetery as a veteran of the armed services.
- B. In the event the County finds itself in charge or control of human remains or a dead body that is unclaimed or requires disposal at public expense, the County shall immediately notify the anatomical board, except in the instances provided for in Florida Statutes §§ 406.50 and 406.53.
- C. 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 human remains or a dead body that is not claimed by a legally authorized person, as defined in s. 497.005, for interment at that person's expense.
- D. Except as provided for in Florida Statutes, Chapter 406, the County shall deliver such human remains or dead body, as described in Florida Statute § 406.50, to the anatomical board as soon as possible after death.
- E. Nothing herein shall affect the right of a medical examiner to hold such human remains or 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 or remains.
- F. Prior to the cremation or burial of human remains or a deceased body that is unclaimed or requires disposal at public expense, there shall be reasonable effort to:
 1. Determine the identity of the deceased person. Identification of the deceased will generally be established through cooperation with the Medical Examiner's Office, law enforcement, healthcare providers, nursing homes, and/or hospice care providers.
 2. Contact the next of kin of such deceased person. Identification of the next of kin will generally be established through cooperation with the Medical Examiner's Office, law enforcement, healthcare providers, nursing homes, and/or hospice care providers.
 3. Determine whether the deceased person is eligible under 38 C.F.R.s. 38.620 for burial in a national cemetery as a veteran of the armed services.

4. Determine eligibility for the Leon County Indigent Burial Program. A deceased person or human remains are deemed eligible for the Leon County Indigent Burial Program when the deceased person died or human remains are located in Leon County; does not have life insurance; and one of the following:
 - a. The deceased person is unidentified; or
 - b. The deceased person does not have the means to pay for final disposition; or
 - c. The deceased person is unclaimed by a next of kin for purposes of final disposition.

- G. If a deceased person is later determined not eligible for the Leon County Indigent Burial Program, the County reserves the right to probate the estate of the deceased person in order to recover all costs associated with disposition expenses.

- H. In the event the deceased person or human remains meets the eligibility determination for the Leon County Indigent Burial Program, the deceased shall be cremated unless the following criteria apply:
 1. If the remains cannot be identified.
 2. If the County receives written notification from the next of kin that the deceased had a preference for burial.
 3. If the County receives written notification from the Medical Examiner's Office that the deceased was involved in a crime.
 4. If the County receives written request from the Medical Examiner's Office or law enforcement that the deceased be must be disposed through burial.

- I. All bodies required for burial, unless eligible under 38 C.F.R.s. 38.620 for burial in a national cemetery as a veteran of the armed services, shall be buried on a County-owned property. All burials shall comply with all rules and regulations set forth in Florida Statutes.

- J. In the event a relative of the deceased is contacted, the County shall make reasonable efforts to accommodate requests for cremation or burial. In the event more than one legally authorized person claims a body for interment, the request shall be prioritized in accordance with Florida Statute §732.103.

- K. Leon County Veteran Services shall determine if a deceased person is eligible under 38 C.F.R.s. 38.620 for interment at a National Cemetery. However, the National Cemetery Administration shall schedule and coordinate the interment of a deceased veteran.

- L. The County may contract with a funeral establishment or direct disposal establishment as defined Florida Statue 497.005 to perform disposition duties.
 - 1. The funeral establishment or direct disposal establishment shall provide disposition of each body in accordance to all applicable laws and statutes.
 - 2. In the event the County finds itself in charge or control of human remains or a deceased body that is unclaimed, indigent or requires disposal at public expense, the County may reimburse the funeral establishment or direct disposal establishment for expensed incurred for the storage, preparation, and disposal of human remains or deceased body.

- M. The County Administrator shall develop operational procedures for the disposition of unclaimed and indigent bodies and a recommended fee schedule for Board consideration.

Revised 5/9/2017