

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

<u>CATEGORY:</u> Human Services	<u>CODE NUMBER:</u> AC-15-7
<u>TITLE:</u> Indigent Cremation/Burial Policy	<u>ADOPTED:</u> 2-10-04
	<u>AMENDED:</u> 8/19/14
	<u>ORIGINATING DEPARTMENT:</u> Human Services

PURPOSE/SCOPE:

The purpose is to officially delegate to the Director of Human Services, or his/her designee, the Board's authority to cremate or bury unclaimed or indigent bodies with respect to Florida Statutes 406.52.

POLICY/PROCEDURE:

- A) **PURPOSE:** To assure compliance with Florida Statute 406 (formerly 245) regarding the state's mandate that each county, through their Board of County Commissioners, assume financial responsibility for the disposition of bodies of unclaimed or indigent persons that die within the confines of their county.
- B) **ADMINISTRATION:** The Lee County Board of County Commissioners has delegated administration of this program to the Department of Human Services. Human Services will make every effort to ensure that this program not only complies with applicable Florida law but also operates in a cost-effective and dignified manner.
- C) **ELIGIBILITY:** Unclaimed or indigent bodies who expire within the confines of Lee County, whether resident or non-resident, are potentially eligible. Lee County residents who expire outside the confines of Lee County become the financial responsibility of the county in which they died.
- D) **DEFINITIONS:**
 - 1) Florida Statute 406.49 defines Unclaimed and Indigent.
 - a. "Unclaimed remains" means human remains that are not claimed by a legally authorized person, other than a medical examiner or board of county commissioners, for final disposition at the person's expense.
 - b. "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.

- 2) Florida Statute 406.53(1)(e) states “Any relative, by blood or marriage, claims the body for final burial at the expense of such relative, but the body shall be surrendered to the claimant for interment, but if such relative is indigent, in a manner consistent with the policy of the agency in possession or control of the body”.
- 3) Florida Statute 497.005(39) defines “legally authorized person”.

E) POLICY: The policy for disposing of bodies at Lee County’s expense will be:

(1) Unclaimed bodies

- (a) Veteran – In accordance with Florida Statutes 406.50(1)(b) and 497.607, and 38 C.F.R., Lee County will provide cremation and inurnment at a national cemetery for an eligible veteran.
- (b) If suitable, Lee County will transfer the body to the anatomical board or research facility as designated in Florida Statute 406.50.
- (c) If the body is ineligible for either of the above and the Medical Examiner’s office has not requested otherwise, the Director of Human Services, or his/her designee, will authorize cremation. The remains will be held by the contracted funeral home for 120 days and, if not claimed by a legally authorized person as defined in Florida Statute 497.005, will be disposed of by the funeral home in compliance with Florida Statute 497.607.

(2) Indigent bodies

- (a) Veteran - A legally authorized person may request cremation and inurnment at a national cemetery for an eligible veteran. Lee County will not provide veteran burial or inurnment locally if eligible for a national cemetery.
 - (b) A legally authorized person may request transfer to the anatomical board or research facility as designated in Florida Statute 406.50.
 - (c) A legally authorized person may authorize direct (no viewing, no service) cremation through the county’s contracted funeral home and may receive the cremated remains in accordance with Florida Statute 497.607.
 - (d) A legally authorized person may claim the body for burial. The county will pay the current contracted amount for cremation toward a direct (no viewing, no service) burial with the contracted funeral home. No payments will be made to any party other than the county contracted funeral home.
- (3) The county does not provide a funeral service or financial assistance toward a funeral service. Upgrades to the county’s arrangements with the contracted funeral home are not permitted.
 - (4) Should unusual or special circumstances warrant, alternatives other than the above may be authorized by the Director of Human Services or his/her designee.

F) PROCEDURES: The Department of Human Services will be responsible for the implementation of the Indigent Cremation/Burial Program. Procedures detailing the implementation of the program are the responsibility of the Department.