

Meeting Date
12/15/15



AGENDA	
Section	Consent
Item No.	II.B.3

**AGENDA REPORT  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

SUBJECT:	ADOPTION OF RESOLUTION AND APPROVAL OF BOARD POLICY, RE: INDIGENT CREMATION PROGRAM
DEPT/OFFICE:	COMMUNITY SERVICES GROUP / HOUSING & HUMAN SERVICES

**Requested Action:**

It is requested that the Board of County Commissioners adopt the attached Resolution and approve the attached Policy establishing criteria for the Indigent Cremation Program.

**Summary Explanation & Background:**

Each county, through their Board of County Commissioners, is mandated to assume financial responsibility for the disposition of unclaimed or indigent bodies that die within the confines of their county. Brevard County provides cremation and burial services, in accordance with Florida Statute 406.52 and by Resolution, for unclaimed and indigent bodies through the Housing and Human Services Department's Community Action Agency (CAA). Currently, the CAA determines eligibility for the Indigent Cremation Program and authorizes the burial or cremation of eligible persons. Cost to the County by the funeral homes for cremating a decedent deemed indigent or unclaimed is \$450.00. Cost to the County by the funeral homes for burial is \$600.00.

The Department believes it is necessary to move to cremations only, due to decreasing space at the Indigent Cemetery. If burials continue at the current rate, the Indigent Cemetery would reach capacity within ten (10) years and the County would need to procure additional land for burials.

The Indigent Cremation Program Policy provides that unless directed by the Medical Examiner's Office, all bodies, except those unidentified and those known to be of Veteran status, will be cremated and dispersed in the proposed Scattering Garden to be located at the Indigent Cemetery in Titusville, Florida. Should the Medical Examiner's Office request burial for a decedent, the County will continue to pay \$600.00 to the funeral homes. Cost of cremation will remain \$450.00 per decedent.

**Fiscal Impact:** FY 15/16 - The impact to the General Fund is budgeted at \$80,000. Funds are budgeted in Fund 0001, Cost Center 200667.

**FY 16/17 – There will be a fiscal impact to the General Fund.**

Contact: Shaunna Heffernan, Housing and Human Services; [Shaunna.heffernan@brevardcounty.us](mailto:Shaunna.heffernan@brevardcounty.us); ext 52553.

Clerk to the Board Instructions: Once Chair signs and Clerk attests, please send to HHS (MS#82).

Exhibits Attached: (1) Resolution, (2) Policy, (3) BC-20's and (4) F.S. 406.52

Contract /Agreement (If attached): Reviewed by County Attorney Yes  No  PR

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Venetta Valdengo	Ian Golden, Director (X52007)

**BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**INITIAL CONTRACT FORM**

**SECTION I**

The following information must be completed on all new contracts submitted to the Board:

1. <b>Contractor:</b> Housing and Human Services Department	
2. <b>Fund/Account #:</b> N/A	3. <b>Division Name:</b> Housing and Human Services
4. <b>Contract Description:</b> Indigent Cremation Program Policy	
5. <b>Contract Monitor:</b> Shaunna Heffernan	6. <b>Mail Stop #:</b> 82
7. <b>Dept./Office Director:</b> Ian Golden, Director Housing & Human Services Department	8. <b>Class Code:</b> N/A
9. <b>ACTION DATE:</b> <u>As soon as possible</u>	10. <b>ACTION REQUIREMENT:</b> To County Attorney, Risk Management and Central Services for review and approval. Please call Ext. 52553 when ready for pick up.

**SECTION II**

The following departments must approve all contracts submitted to the Board:

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>INITIALS</u>	<u>DATE</u>
	<u>Yes</u>	<u>No</u>		
User Agency	___	___	_____	_____
Risk Management	___	___	_____	_____
County Attorney	<input checked="" type="checkbox"/>	___	<u>BA</u>	<u>8/25/15</u>

**BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS**

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User Agency	_____	_____	_____	_____
Risk Management	<input checked="" type="checkbox"/>	_____	<u>SL</u>	<u>8/13/2015</u>
County Attorney	_____	_____	_____	_____



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972

December 16, 2015

MEMORANDUM

TO: Ian Golden, Housing and Human Services Director Attn: Shaunna Heffernan

RE: Item II.B.3., Resolution and Board Policy for Indigent Cremation Program

The Board of County Commissioners, in regular session on December 15, 2015, adopted Resolution No. 15-240, Indigent Cremation Program; and approved Board Policy establishing criteria for the Indigent Cremation Program. Enclosed are certified copy of Resolution and the original Board Policy for your action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

Encls. (2)

cc: Finance  
Budget

RESOLUTION NO. 2015 - 240

**A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO THE INDIGENT CREMATION PROGRAM FOR BREVARD COUNTY; PROVIDING FOR APPROVAL OF A NEW BREVARD COUNTY POLICY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners ("Board") is the governing body in and for Brevard County, a political subdivision and charter county of the State of Florida; and,

**WHEREAS**, Section 406.52, Florida Statutes, authorizes the Board to cremate or bury unclaimed or indigent bodies; and,

**WHEREAS**, adoption of policy formalizes the Board's policy for disposition of indigent and unclaimed bodies, and thereby designates the Director of Housing and Human Services or his/her designee as the Board's legally authorized person to sign for cremation of unclaimed or indigent bodies.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:**

1. The above preamble is hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for, if any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of

such court shall not affect or impair any of the other remaining provisions of this Resolution.

3. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

**DONE, ORDERED AND ADOPTED**, in regular session this 20<sup>th</sup> day of October, 2015.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: 

Scott Ellis, Clerk

By: 

Jim Barfield, Chairman

As Approved By the Board on: December 15, 2015

Reviewed for legal form and content:



L. Rebecca Behl-Hill  
Assistant County Attorney



BOARD OF COUNTY COMMISSIONERS

# POLICY

**TITLE: Indigent Cremation Program Policy**

**NUMBER: AO-**

**CANCELS New**

**APPROVED:**

**ORIGINATOR: Housing & Human Services Department**

**REVIEW: As needed**

## **I. OBJECTIVE**

To establish policy for the Indigent Cremation Program implemented by the Brevard County Housing and Human Services Department and the Brevard County Facilities Department.

## **II. DEFINITIONS AND REFERENCES**

- A.** Section 406.49 – 406.61 Florida Statutes, Disposition of Human Remains and Section 497.005 - 497.607 Florida Statutes, Funeral, Cemetery, and Consumer Services, <http://www.merriam-webster.com/dictionary>.
- B.** Anatomical Board – the anatomical board of the state headquartered at the University of Florida
- C.** Cremation – any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, re-cremated, or otherwise reduced in size or quantity.
- D.** Cremains – the ashes of a cremated human body.
- E.** Exhumation - the removal (of a body) from the place where it is buried.
- F.** Indigent Person – 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.
- G.** Inurnment – to place (as cremated remains) in an urn.

H. Legally Authorized Person – in the priority listed:

1. The decedent, when written inter vivos authorizations and directions are provided by the decedent;
2. The person designated by the decedent as authorized to direct disposition pursuant to Pub. L. No. 109-163, s. 564 as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while serving military service as described in 10 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard;
3. The surviving spouse, unless the spouse has been arrested for committing an act of domestic violence against the deceased, as defined in Florida Statute 741.28 that resulted in or contributed to the death of the deceased;
4. A son or daughter who is 18 years of age or older;
5. A parent;
6. A brother or sister who is 18 years of age or older;
7. A grandchild who is 18 years of age or older;
8. A grandparent; or
9. Any person in the next degree of kinship.

In addition, the term may include, if no family member exists or is available, the guardian of the dead person at the time of death; the personal representative of the deceased; the attorney in fact of the dead person at the time of death; the health surrogate of the dead person at the time of death; a public health officer; the medical examiner, county commission or administrator acting under part II of chapter 406 of the Florida Statute or other public administrator; a representative of a nursing home or other health care institution in charge of final disposition; or a friend or other person not listed in this subsection who is willing to assume the responsibility as the legally authorized person. Where there is a person in any priority class listed in this subsection, the funeral establishment shall rely upon the authorization of any one legally authorized person of that class if that person represents that she or he is not aware of any objection to the cremation of the deceased's human remains by others in the same class of the person making the representation or of any person in a higher priority class.

- I. Scattering Garden – a common area of a Cemetery for the scattering of cremated remains in a non-recoverable manner.

- J. Unclaimed Remains – 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.
- K. Veterans Cemetery and Indigent Cemetery are located at 1135 and 1141 Day Street, 1800 and 1850 South DeLeon Avenue, Titusville, Florida 32780. (Parcel ID: 22-35-09-00-00750)

### **III. DIRECTIVES**

#### **A. Program Administration**

The Brevard County Housing and Human Services Department shall be responsible for the administration of the Indigent Cremation Program. Oversight/maintenance/upkeep and manufacture/placement of headstones shall be coordinated by the Brevard County Facilities Department.

#### **B. Eligibility**

Any person who expires within the confines of Brevard County, whether resident or non-resident is potentially eligible. Brevard County residents who expire outside the confines of Brevard County become the financial responsibility of the county in which they died.

#### **C. Policy**

After the funeral home has performed its due diligence to identify a body, the Community Action Agency, under the auspices of the Housing and Human Services Department, will conduct and document a reasonable search for the family of an unclaimed body of a deceased person referred to the County for cremation when the deceased person is known. When a legally authorized person is located, they will be provided an opportunity to claim the body.

The Community Action Agency will take reasonable steps to locate family within five (5) working days after notification of requested assistance of the deceased person.

The search may include researching and documentation of the following:

- Information from the funeral home that has the body
- Information from agencies such as Department of Children and Family Services, the Medical Examiner's Office, etc., when deemed appropriate

Documentation shall be kept in the case file of all contacts attempted. The case file shall contain notes that describe the resulting information obtained.

The County cannot be responsible for the completeness or accuracy of information or lack of information provided by other sources.

Unless otherwise directed by the Medical Examiner's Office, all bodies, except for those unidentified, will be cremated and dispersed in the designated Scattering Garden. The County does not provide a funeral service or financial assistance toward a funeral service.

The policy for disposing of bodies at Brevard County's expense will be:

1. Unclaimed bodies

- (a) Veteran – The funeral home that presided over the body shall determine if an unclaimed body is a Veteran by contacting the regional office of the United States Department of Veteran Affairs (DVA). If the funeral home has made reasonable attempts to contact the DVA and has been unsuccessful in verifying veteran determination, then they shall contact the Brevard County Veteran's Office for assistance.

If the unclaimed deceased person is identified as a Veteran, the funeral home will obtain documentation verifying the Veteran was discharged under Honorable conditions. If the Veteran is discharged under Dishonorable conditions, the Veteran is not entitled to any VA burial benefits and the remains will be processed per this current policy.

Should the funeral home fail to perform due diligence in obtaining necessary documentation and a decedent's remains are buried at a cemetery which is not a National Cemetery, the County shall not be financially responsible to exhume the remains and transport due to the funeral home's negligence. The financial responsibility will be that of the funeral home.

- (b) If required, as mandated by Statute 406.50, funeral homes will continue to ensure the transfer of the body to the Anatomical Board.
- (c) If the body is ineligible for either of the above and the Medical Examiner's office has not requested otherwise, the Medical Examiner, or designee, will authorize cremation. The remains will be held by the funeral home for 120 days and, if not claimed by a legally authorized person, will then

be scattered in the County Cemetery after the time limit has expired per F.S. 497.607.

2. Indigent bodies

- (a) Veteran – a legally authorized person may request inurnment at a Department of Veterans Affairs approved National Cemetery for an eligible veteran. If the Veteran was discharged under conditions other than Dishonorable (with certain exceptions as determined by the VA, such as Bad Conduct), the funeral home will obtain documentation that the Veteran died as the result of a service connected injury or disease. If it is confirmed that the veteran died as the result of a service connected injury or disease, the funeral home shall authorize the release of the body to the family as the body is entitled to full burial benefits under the Veterans Administration.

If the Veteran was discharged under Dishonorable conditions, the Veteran is not entitled to any VA burial benefits and the remains will be cremated and scattered in the County Cemetery.

- (b) A legally authorized person may request transfer of the body to the Anatomical Board as designated in Statute 406.50, at their own expense.
- (c) A legally authorized person may receive cremated remains.

3. Unidentified bodies and unclaimed Veterans

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 as designated in Statute 406.50(4). Remains not eligible for cremation will be buried at grounds designated by Brevard County.

**D. Fees**

1. Cremations – The County agrees to pay \$450.00 to funeral homes for cremating those decedents deemed indigent or unclaimed.
2. Burials – Should the Medical Examiner's Office request burial, or if the decedent is unidentified, the County agrees to pay \$600.00 to funeral homes for burials.
3. Exhumation – Should there be a request for a decedent's remains to be exhumed, the County shall not be financially responsible to

exhume the body. The financial responsibility will be that of the requesting entity.

**E. Scattering Garden**

The Brevard County Housing and Human Services Department will be responsible for the initial cost associated with the set-up of the scattering garden.

The subsequent responsibility and cost will be that of the Brevard County Facilities Department.

**IV. RESERVATION OF AUTHORITY**

The authority to issue or revise this Policy is reserved by the Housing and Human Services Director or designee.

  
\_\_\_\_\_  
Jim Barfield, Chairman  
Brevard County Board of County Commissioners

Approved by the Board on December 15, 2015

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk

Select Year: 2015 

## The 2015 Florida Statutes

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Title XXIX  
PUBLIC  
HEALTH

Chapter 406  
MEDICAL EXAMINERS; DISPOSITION OF HUMAN  
REMAINS

View Entire  
Chapter

**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.

**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; s. 2, ch. 96-251; s. 12, ch. 98-268; s. 142, ch. 2004-301; s. 8, ch. 2013-138.

**Note.**—Former s. 245.07.