



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-57

~~Amends~~ ~~Cancels: 12/15/15~~ 5/3/2016

Approved: ~~5/3/16~~ 8/2023

Originator: Housing & Human Services

Review: ~~5/3/19~~ 8/8/2026

TITLE: Indigent Cremation Program

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. Bariatric Cremation - any mechanical or thermal process whereby a dead human body is reduced to ashes and bone fragments and where the deceased is of excessive size or weight (above 300 pounds).

~~D.~~ D. 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.~~ E. Cremains - the ashes of a cremated human body.

~~E.~~ F. Exhumation - the removal (of a body) from the place where it is buried.

~~F.~~ G. Indigent Person - a person whose family income does not exceed 125 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.~~ H. Inurnment - to place (as cremated remains) in an urn.

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

J.K. Unclaimed Remains - human remains that are not claimed by a legally authorized person, other than a medical examiner or the bBoard of cCounty cCommissioners, for final disposition at the person's expense.

K.L. Veterans Cemetery and Indigent Cemetery are located at 1135 and 1141 Day Street, 1800 and 1850 South DeLeon Avenue, Titusville, Florida 32780. (Parcel

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**

1. 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.
2. 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.
 - a) The search may include researching and documentation of the following:
 - (1) Information from the funeral home that has the body
 - (2) Information from agencies such as Department of Children and Family Services, the Medical Examiner's Office, etc., when deemed appropriate
 - b) Documentation shall be kept in the case file of all contacts attempted. The case file shall contain notes that describe the resulting information obtained.
 - c) The County will not be responsible for the completeness or accuracy of information or lack of information provided by other sources.
3. 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.

4. In order to receive reimbursement from the County, the funeral home must receive authorization from the County prior to cremating and/or transporting a decedent.

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

a) Unclaimed bodies

- (1) 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 (OVA). If the funeral home has made reasonable attempts to contact the OVA 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 cremains are buried at a cemetery which is not a National Cemetery, the County shall not be financially responsible to exhume the cremains and transport due to the funeral home's negligence. The financial responsibility will be that of the funeral home.

- (2) If required, as mandated by Statute 406.50, funeral homes will continue to ensure the transfer of the body to the Anatomical Board.
- (3) 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 cremains 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.

b) Indigent bodies

- (1) 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.

- (2) The funeral home will be responsible for requesting and obtaining necessary paperwork to be reimbursed by the VA for costs of a Veteran deemed indigent. If the funeral home requests reimbursement from the VA and the funeral home can provide proof of denial of reimbursement from the VA, the County will reimburse the funeral home for transporting the decedent and burial of the decedent at a Department of Veterans Affairs approved National Cemetery.

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.

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

c) 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 up to \$450.00~~550.00~~ to funeral homes for cremating those decedents deemed indigent or unclaimed.
 - a. The County agrees to pay an additional fee up to \$250.00 for a Bariatric Cremation for decedents who are 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 up to \$600.00~~700.00~~ 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.
4. Claimed, Unclaimed or Indigent Veteran — The County agrees to pay funeral homes up to \$300.00~~400.00~~ for transportation to, and up to \$300.00~~400.00~~ for burial at, a Department of Veterans Affairs approved National Cemetery with proof of denial of reimbursement from the V.A.

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.

By: Rita Pritchett, Chair
Board of County Commissioners
As approved by the Board on _____

ATTEST:

Rachel M. Sadoff
Clerk of Court