

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

BLUE SHEET NO. **20040098**

1. REQUESTED MOTION:

ACTION REQUESTED: Approve resolution adopting Administrative Code 15-7, which will create policy for the disposition of indigent and unclaimed bodies and designate the Director of Human Services or designee as the county's legally authorized person to sign for cremation of unclaimed or indigent bodies.

WHY ACTION IS NECESSARY: Establishes policy for burial and cremation of unclaimed and indigent bodies and authorizes the Director of Human Services, or designee, to act on behalf of the Board of County Commissioners with respect to Florida Statute 406.52, Indigent Burials, as the county's "legally authorized person" to sign for cremation of unclaimed or indigent bodies.

WHAT THE ACTION ACCOMPLISHES: Provides a cost-effective approach for the disposition of dead bodies and designates the Director of Human Services or designee to authorize cremation of unclaimed and indigent bodies.

2. DEPARTMENTAL CATEGORY: 5 **CSA** **3. MEETING DATE:** **02-10-2004**
COMMISSION DISTRICT #: CW

4. AGENDA:	<input checked="" type="checkbox"/> CONSENT	5. REQUIREMENT/PURPOSE: (Specify)	<input checked="" type="checkbox"/> STATUTE	406	6. REQUESTOR OF INFORMATION:
	<input type="checkbox"/> ADMINISTRATIVE		<input type="checkbox"/> ORDINANCE		
	<input type="checkbox"/> APPEALS		<input checked="" type="checkbox"/> ADMIN. CODE		A. COMMISSIONER
	<input type="checkbox"/> PUBLIC		<input type="checkbox"/> OTHER		B. DEPARTMENT
	<input type="checkbox"/> WALK ON				Human Services
TIME REQUIRED:					C. DIVISION
					BY: Karen B. Hawes

7. BACKGROUND: Traditionally Lee County has buried all unclaimed bodies and offered relatives of indigent bodies the choice of burial or cremation. Steadily rising costs in recent years prompted research and a recent change to this policy. If the responsible party of the indigent body elects burial, Lee County DHS will reimburse the contracted funeral home the amount equal to the cost of cremation. All unclaimed bodies will be cremated, after an investigation is made unless otherwise directed by the Medical Examiner. The Internal Auditors made a recommendation that the Department proceed with this change. It is estimated that this action will reduce the cost of the indigent burial mandate \$66,000 annually.

Attachment: Administrative Code 15-7

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

Department Director	B Purchasing Or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>	N/A	N/A		<i>[Signature]</i>	OA	OM	Risk	GC	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
 Date: **1/28/04**
 Time: **3:25 PM**
 Forwarded to:
 Budget
1/28/04 3:15pm

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
1/28/04
 4:45 pm 367
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
1/29/04
 3pm

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO LEE COUNTY ADMINISTRATIVE CODE 15-7; PROVIDING FOR APPROVAL OF A NEW LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (“Board”) is the governing body in and for Lee 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 Administrative Code 15-7 formalizes the Board’s policy for disposition of indigent and unclaimed bodies, and thereby designates the Director of 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 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.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY	_____
BOB JANES	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this ____ day of _____, 20__.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of County Attorney

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

<u>CATEGORY:</u> Human Services	<u>CODE NUMBER:</u> 15-7
<u>TITLE:</u> Indigent Cremation/Burial Policy	<u>ADOPTED:</u>
	<u>AMENDED:</u>
	<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 unclaimed or indigent bodies 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:** Any person who expires within the confines of Lee County, whether resident or non-resident, is potentially eligible. Lec County residents who expire outside the confines of Lee County become the financial responsibility of the county in which they died.

- D) **DEFINITIONS:** The statute does not define either “unclaimed” or “indigent”. Lee County has determined the following definitions for unclaimed and indigent bodies.
- (1) **Unclaimed.** A body is considered unclaimed when:
 - (a) The body is unidentified.
 - (b) The body has been identified but no legally authorized person (as defined in 470.002) can be found to participate in the final disposition of the body.
 - (c) One or more legally authorized persons, having been contacted, will either not claim the body for burial or will not authorize cremation.
 - (2) **Indigent.** A body is considered indigent when one or more legally authorized persons are willing to either authorize cremation or claim the body for burial, but lack sufficient resources to provide either.
- E) **POLICY:** The policy for disposing of bodies at Lee County’s expense will be:
- (1) **Unclaimed bodies**
 - (a) **Veteran** – In accordance with Statute 406.50 and 38 C.F.R., Lee County will provide burial or 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 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, will be disposed of by the funeral home in compliance with Statute 470.0255.
 - (2) **Indigent bodies**
 - (a) **Veteran** - A legally authorized person may request burial or 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 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 Statute 470.0255.
 - (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 Department Director or 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.