



DESOTO COUNTY

Board of County Commissioners

Social Services

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POLICY CONCERNING **INDIGENT OR UNCLAIMED REMAINS DISPOSITION**

Originally adopted January 24, 2006

REVISED:

June 12, 2012

June 24, 2025

PURPOSE:

To provide uniform guidance pursuant to Chapter 406, Florida Statutes for the determination of unclaimed or indigent deceased and outline definitively the DeSoto County Board of County Commissioners policy regarding disposing of deceased, indigent, and unclaimed remains, which are required, by law, to be disposed of at public expense (the "Program").

OVERVIEW

Florida law states that all counties are charged with the burial or cremation of unclaimed or indigent remains at the counties' expense. Pursuant to sections 406.50(5) and 406.52(2), Florida Statutes, the County Commissioners or other legally authorized person in the county where such person died is responsible to cause the remains to be buried or cremated per the rules, laws, and practices for disposing of such unclaimed remains. The law was enacted to ensure that unclaimed and indigent remains are properly disposed of for public health purposes. DeSoto County does not supplement funeral expenses.

In DeSoto County, County staff work to determine the eligibility of the deceased for the Program. Presently, the Designated person/or Designated Entities as defined below is the Social Services Director and the Social Services Department is responsible for ensuring this policy is followed and is hereby appointed as the legally authorized person to act on the County's behalf. After being identified for eligibility by staff, all unclaimed or indigent cremations are coordinated between the local funeral home and DeSoto County, through contract. The contracted funeral home then disposes of the remains in accordance with Florida Law.

POLICY AND PROCEDURE:

Definitions

Definitions as used in this policy are:

“Designated person/or Designated Entity” means the County personnel or entity awarded a County contract to perform the services of determining eligibility of a deceased for the Program and/or for the proper disposal of the deceased’s remains.

“Legally authorized person” means in the priority listed: the surviving spouse; a son or daughter who is 18 years of age or older; a parent; a brother or sister who is 18 years of age or older; a grandchild who is 18 years of age or older; a grandparent; or 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 deceased person at the time of death; the personal representative of the deceased; the attorney of fact of the deceased person at the time of death; the health surrogate of the deceased person at time of death; a representative of a nursing home or other health care institution in charge of final disposition; or a friend or other person, including a member of a representative community organization not listed in this definition that is willing to assume the responsibility as the legally authorized person.

“Indigent person” means persons 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.

“Unclaimed remains” means human remains that are not claimed by a legally authorized person (as defined in section 497.005, Florida Statutes), other than a medical examiner or the Board of County Commissioners, for final disposition at the person’s expense.

QUALIFICATIONS UNDER THE PROGRAM

In accordance with Chapter 406, Florida Statutes, DeSoto County will provide for direct cremation under this Program for deceased persons who died within DeSoto County who meet the following criteria:

1. Was unclaimed by any legally authorized person, including, but not limited to: relative by blood or marriage, friend, fraternal society, charitable or religious organization, or governmental agency providing residential care to the deceased at the time of his or her death, and there is no court order affecting the disposal of the remains of the deceased; or
2. Was determined by the Designated person/or Designated Entity to be indigent and the deceased’s relatives and/or friends have refused to claim the body or are also indigent.

Direct cremation is the only approved form of disposal under this Program unless otherwise authorized by court order, with the exception of the following:

- A veteran who is eligible to be buried at either Florida National Cemetery or Sarasota National Cemetery. The National Cemeteries shall provide the plot, opening and closing,

liner or vault and plaque. The County will authorize payment for preparing the deceased body and transportation to the National Cemetery; or

- Should the deceased be unidentified such remains shall not be cremated but shall instead be buried at the County's expense.

ELIGIBILITY DETERMINATION PROCEDURE FOR UNCLAIMED STATUS

For purposes of determining whether a deceased is unclaimed the Designated person/or Designated Entities shall make all reasonable efforts to contact the next of kin or other legally authorized person to see whether said individual(s) would be willing to claim the deceased.

1. If a legally authorized person claims the deceased and is not indigent, the deceased is not eligible for cremation under this Program and shall be surrendered to the claimant for interment.
2. If no legally authorized person is found the Designated person/or Designated Entities shall document the procedures it went through in making a reasonable effort to contact the next of kin or other legally authorized person, and shall process the deceased for disposal under the Program.
3. If legally authorized person(s) are found by the Designated person/or Designated Entities, but said legally authorized person(s) refuse to claim the deceased, the Designated person/or Designated Entity shall make efforts to have the legally authorized person sign a Refusal to Claim form, regardless of whether the Refusal to Claim form is signed the Designated person/or Designated Entities shall document the file and shall process the deceased for disposal under the Program.
4. If the legally authorized person claims the deceased and is claiming indigency of the deceased and/or the legally authorized person, then the eligibility determination procedures for indigent status, below, must be followed by the Designated person/or Designated Entities to determine eligibility.

ELIGIBILITY DETERMINATION PROCEDURES FOR INDIGENT STATUS

For those deceased which are not unclaimed, but instead identified to be indigent, an eligibility determination shall be based on the Designated person/or Designated Entities review of the deceased persons and the legally authorized person(s) claiming the deceased's resources, including income and assets, and a determination of need. Upon notification by a reporting individual that a person appears to be indigent, the Designated entity of County personal shall first have the reporting individual provide them with information on an intake form created by County Administration with the assistance of the County Attorney's office. To the extent available, the following information should be provided as part of the intake procedures to determine indigency:

1. RESOURCES INFORMATION

Total monthly gross income, assets, and contributions from any source to the family unit are considered. DeSoto County uses the resource guidelines for the economically disadvantaged, known as the Federal Poverty Guidelines to determine eligibility of this program. Will update as FPG updates.

2. GROSS INCOME INFORMATION

Gross income is the sum of a "family unit's" total income prior to any deductions being made.

3. INCOME CONSIDERED FOR APPROVAL, includes:

Gross wages and salary of the applicant, applicant's legal spouse, and other members of the household family unit.

Child Support

Alimony

Unemployment Compensation

Worker's Compensation

Veteran's Pension

Social Security or Supplemental Security Income

Pensions, Annuities, and/or Dividends

Interest on Savings or Bonds

Income from Estates or Trusts

Net rental income or royalties

Net income from Self-Employment

Contributions from any source.

4. ASSETS

Any property in which the spouse or deceased owns that is not homesteaded by spouse.

Vehicles if more than one (per household driver) determined by Kelley Blue Book.

Travel Trailers, motor cycles, or recreational vehicles. Value determined by a statement from a commercial seller of such recreational assets.

Checking and savings accounts.

Trusts. Value will be based on the principal of the trust and verified by statement from the trustee.

Stocks and Bonds. Value verified by value listed in stock value section of statement from a knowledgeable source.

Any other assets to which family unit has access.

Within 24 hours of receipt of the completed application, the Designated person/or Designated Entities shall advise the applicant if the individual income meets the current U.S. Department of Health and Human Services (HHS) poverty guidelines.

ADDITIONAL PROCEDURES FOR QUALIFICATION:

Once the deceased is determined to be unclaimed and/or indigent, the following procedures shall be followed to determine whether the deceased qualifies under this Program:

1. Confirm that the deceased died in DeSoto County, Florida. If the deceased did not die within the County the deceased does not qualify for the Program and should be referred to the Board of County Commissioners in the county in which the individual died.

2. Reasonable effort will be made to determine whether or not the deceased person is entitled to burial in a national cemetery as a veteran of the armed forces and if so arrangements shall be made for such burial services by the provisions of 38 C.F. R. For purposes of this section, "a reasonable effort" includes contacting the DeSoto County Veterans Service Officer or regional office of the United States Department of Veteran

Affairs. To ensure that the County has taken every precaution to determine veteran status of the decedent, there will be three steps:

- a. Seek verification from the Social Security Office if they have any record of veteran status. They only have knowledge of veteran status if the decedent has ever provided them with documentation specific to Veteran benefits.
 - b. Reach out to the DeSoto County Department of Veteran's Affairs with the name, date of birth, and social security number; or
 - c. If steps a and b do not yield a positive veteran status, call the Department of Veteran Affairs (GCVHCS) at 228-523-5122 to inquire as to the decedent's status as a veteran. The office may also be able to assist with locating next of kin for the deceased veteran.
3. Notify the State Anatomical Board, located at the University of Florida Health Science Center, if the deceased meets the criteria as outlined in section 406.50, Florida Statutes. If the body is accepted by the State Anatomical Board, the funeral home shall proceed according to subsection 406.50(2), Florida Statutes. The University of Florida Health Science Center Anatomical Board shall be responsible for the cost of preparation and transportation of the body to the Center. If the body is not accepted, the funeral home shall proceed with the cremation of the deceased.

Notification of the Anatomical Board is **not** required if the death was:

- Caused by crushing injury
- Deceased had a contagious disease
- Autopsy was required to determine the cause of death
- The body was in a severe state of decomposition
- Relative, by blood or marriage, claims the body for burial at the expense of the relative
- Any friend, or any representative of a fraternal society of which the deceased was a member, or representative of any charitable or religious organization, or a governmental agency providing residential care to the indigent person at the time of death claims the body for burial at their expense.

If the Designated person/Designated Entity determines that the deceased died in DeSoto County, is not eligible for interment at the National Cemetery, and is not needed by the State Anatomical Board, then the deceased qualifies for this Program. The Designated person/Designated Entity shall process the deceased for disposal, cremation or burial if unidentified, with a Funeral Home.

AUTHORITY TO CONTRACT FOR SERVICES UNDER THIS POLICY

The Board of County Commissioners may enter into an agreement with an entity operating within the State of Florida to provide any or all of the Designated Person/Designated Entity services under this policy to make determinations regarding the

disposal of deceased remains in accordance with this Policy. Such entity shall satisfy all requirements of the State of Florida to perform the services under this policy and Chapter 406, Florida Statutes. If more than one entity is utilized for purposes of this policy, said entity will be included on a list and assigned services on a rotational basis. The list of entities shall be utilized in determining where to send the remains of unclaimed deceased persons.

If no entity within Florida can fulfill the services set forth in this policy in a reasonable and cost-effective manner, then the Board may designate those responsibilities to the County Administrator and his or her designee or department to ensure that the procedures are followed. Presently, the County's Department of Social Services is the Designated person/Designated Entity.

DURATION OF TIME FOR CREMAINS TO BE HELD AND RECOVERY OF CREMAINS

Cremains shall be held at a location designated by the Designated Entity for a period of no less than one hundred twenty (120) days from the date of cremation as provided for in section 497.607(2), Florida Statutes. Prior to internment or proper disposal of the cremains, should county cremation expenses be reimbursed to the County by a legally authorized person, including, but not limited to: relatives, friends, fraternal society, charitable or religious organization or governmental agency which provided care to the deceased or if the family member is also found to be indigent, which shall be determined by providing sufficient proof of indigence, the Designated Entities shall release the cremains to said legally authorized person upon execution by said individual/entity of a hold harmless form provided by the County.

If the cremains are not claimed after this period, they will continue to be held by the Designated Entities or funeral home until proper disposal as provided or allowed by law in Chapter 497, Florida Statutes.

RECOUPMENT OF FUNDS FOR CREMATION

Upon receiving and paying an invoice to cremate indigent or unclaimed remains, the County may record a notice of Funeral, Internment, and Grave Marker Expenses Paid by the County in the public records of the County under the deceased's name.

County Administration and the County Attorney's Office are authorized, where feasible to make attempts to recover expense(s) from the following resources to recoup the cost for cremation: 1) Social Security Lump Sum Benefits; 2) any probate administration of the deceased's estate; and/or 3) Miscellaneous Resources, i.e. Nursing Home, cash estates, assets in bank, life insurance, etc.

NO EFFECT ON MEDICAL EXAMINER AND OR COURT

This policy does not affect the right of a medical examiner to transport or hold human remains for the purpose of investigating the cause of death or the right of any court of competent jurisdiction to enter an order affecting the disposition of such remains.

SUPERCEEDING OTHER POLICIES AND EFFECTIVE DATE

This policy shall supersede any current policies of the DeSoto County Board of County Commissioners pertaining to unclaimed and indigent remains. The effective date of this policy shall be immediately upon adoption by the Board of County Commissioners.

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, ON THE _____ OF _____, 2025.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA

Mandy Hines
County Administrator

By: _____
J.C Deriso
Chairman

Approved as to form and legal sufficiency:

Valerie Vicente
County Attorney

HHS Poverty Guidelines for 2025

Join our [listserv](#) to stay up-to-date on the latest news regarding the poverty guidelines.

2025 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA	
Persons in family/household	Poverty guideline
1	\$15,650
2	\$21,150
3	\$26,650
4	\$32,150
5	\$37,650
6	\$43,150
7	\$48,650
8	\$54,150
For families/households with more than 8 persons, add \$5,500 for each additional person.	

Indigent or Unclaimed Body Disposition Affidavit

_____ or _____
Deceased Name Deceased M E Case Number, if applicable

Date

COUNTY OF _____

SWORN to subscribed before me, this _____ day of _____, 20_____

My Commission Expires: _____