

By Senator King

8-1433-00

See HB

1 A bill to be entitled
2 An act relating to anatomical gifts by capital
3 defendants; creating s. 921.1425, F.S.;
4 providing for anatomical gifts by capital
5 defendants who are sentenced to death;
6 providing for alternative methods of execution;
7 providing priority for state residents;
8 prohibiting compensation for such donations;
9 requiring the Department of Corrections to
10 notify certain persons of the right to make
11 anatomical gifts and to rescind such gifts;
12 requiring the department to adopt certain
13 rules; providing an effective date.

15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 921.1425, Florida Statutes, is
18 created to read:

19 921.1425 Anatomical gifts by capital defendants.--

20 (1) Any person who is convicted or adjudicated guilty
21 of a capital felony and who is sentenced to death by lethal
22 injection may choose to make an anatomical gift of all or any
23 part of his or her body pursuant to part X of chapter 732.

24 (2) Such person may choose the method of lethal
25 injection under this section to be:

26 (a) Introduction of a suitable substance into the body
27 which would cause the irreversible cessation of all brain
28 functions other than autonomic nervous system functions for
29 purposes of maintaining cardiac and pulmonary functions to
30 preserve the tissues and organs of such person naturally,
31 without resorting to artificial means of support, until

1 appropriate donees for such tissues or organs can be located;
2 or
3 (b) Introduction of suitable substances into the body
4 which would cause irreversible cessation of cardiac and
5 pulmonary functions. If such a person is executed by a method
6 under this paragraph, the person may choose to donate any
7 organ or tissue that can be appropriately recovered after such
8 irreversible cessation of cardiac and pulmonary functions.
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10 Notwithstanding s. 382.009, for purposes of determinations of
11 death under paragraph (a), irreversible cessation of all brain
12 functions other than autonomic nervous system functions
13 constitutes death.
14 (3) Notwithstanding s. 732.913, any organs or tissue
15 recovered from such person pursuant to this section shall be
16 made available first to residents of this state.
17 (4) A person choosing to make an anatomical gift
18 pursuant to this section shall not be compensated for such
19 donation, whether financially, by special consideration, or in
20 any other way.
21 (5) The Department of Corrections shall notify in
22 writing each person who is sentenced to death of the person's
23 right to make an anatomical gift pursuant to the provisions of
24 part X of chapter 732 and this section and of the right to
25 rescind such gift before execution. The department shall adopt
26 rules to implement this subsection.
27 Section 2. This act shall take effect upon becoming a
28 law.
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HOUSE SUMMARY

Provides for a capital defendant who is sentenced to death to make an anatomical gift of all or any part of his or her body, provides for alternative methods of execution in such a case, provides for priority for Florida residents, prohibits compensation for such donations, and requires the Department of Corrections to notify persons sentenced to death of their right to make anatomical gifts and to rescind such gifts.