

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Governmental Operations Committee

BILL: SB 728

INTRODUCER: Senator Crist

SUBJECT: Conveyance of Bodies

DATE: February 27, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rhea	Wilson	GO	Favorable
2.			HR	
3.				
4.				
5.				
6.				

I. Summary:

“Plastination” or “polymer preservation” is a technique used to preserve bodies or body parts. Human bodies and body parts that have been preserved with this method may be used for teaching anatomy. In recent years, this technique has been used to display preserved human bodies and body parts in professional exhibits at museums, including the Tampa Museum of Science and Industry.

Part II of ch. 406, F.S., regulates the disposition of dead bodies. Section 406.61, F.S., makes the sale of a body or body parts a misdemeanor of the first degree. Further, with exceptions, it makes the transmission or conveyance of a body or body parts a misdemeanor of the first degree. Any person, institution, or organization that conveys bodies or parts of bodies into or out of the state for medical education or research purposes must notify the anatomical board of their intent and receive approval from the board.

This bill permits certain museums to convey plastinated bodies into or out of state for exhibition and educational purposes without the consent of the anatomical board if the museum notifies that board regarding the duration and location of the exhibition at least 30 days before the intended conveyance.

This bill amends the following section of the Florida Statutes: 406.61.

II. Present Situation:

“Plastination” or “polymer preservation” is a technique used in anatomy to preserve bodies or body parts. The water and fat are replaced with curable polymers or plastics, yielding specimens

that can be touched, do not smell or decay, and retain microscopic properties of the original specimen.¹

Plastination requires four main steps. First, decomposition of the body must be stopped, requiring the body to be embalmed, usually in a formaldehyde solution. Thereafter, the body or body part is placed in a bath of acetone. Under freezing conditions, the acetone draws out all the water and the acetone replaces it inside the cells. In the next step, the body or body part is placed in a bath of liquid polymer, such as silicone rubber, polyester or epoxy resin. The acetone is forced to boil by creating a vacuum. As the acetone vaporizes and leaves the cells, it draws the liquid polymer in behind it, leaving a cell filled with liquid plastic. In the next step, gas, heat or UV light is used to harden or cure the plastic.

Part II of ch. 406, F.S., regulates the disposition of dead bodies. Section 406.61, F.S., makes the sale of a body or body parts a misdemeanor of the first degree. Further, it makes the transmission or conveyance of a body or body parts a misdemeanor of the first degree, except by a recognized Florida medical or dental school.

Section 406.50, F.S., provides that the “anatomical board” means the anatomical board located at the University of Florida Health Science Center. Section 406.61, F.S., does not prohibit the anatomical board from transporting human specimens outside the state for educational or scientific purposes nor does it prohibit the transport of bodies, parts of bodies, or tissue specimens in furtherance of lawful examination, investigation, or autopsy. Any person, institution, or organization that conveys bodies or parts of bodies into or out of the state for medical education or research purposes must notify the anatomical board of their intent and receive approval from the board.

In the summer of 2005, the anatomical board, which regulates the distribution of cadavers for research and education, voted 4-2 against a proposed exhibit of plastinated bodies at Tampa's Museum of Science and Industry (MOSI). According to news reports, the board wanted written records from the show's promoters that the donors or their families consented to the transport and use of their bodies in the exhibit.² The attorney general opined that the anatomical board had jurisdiction but declined to seek an injunction.³ Despite the ban, the museum opened the exhibit, claiming that the anatomical board did not have jurisdiction over the exhibit because the law refers to medical education at a medical school, not public education at a museum. The exhibit broke attendance records at the MOSI.⁴

According to its website, the American Association of Museums (AAM) “is the only organization representing the entire scope of museums and professionals and nonpaid staff who work for and with museums. We currently represent more than 15,000 individual museum professionals and volunteers, 3,000 institutions, and 300 corporate members.” The AAM, through its Accreditation Commission, evaluates museums for accreditation based on the

¹ See, <http://en.wikipedia.org/wiki/Plastination>

² *Florida Museumgoers Line Up to See Corpses*, by Abby Weingarten, *The New York Times*, August 20, 2005.

³ *Defiant MOSI unveils 'Bodies*, by Kevin Graham, *St. Petersburg Times*, August 18, 2005.

⁴ *Human Cadaver Exhibit Breaks Tampa Museum Records*, Chamber News by The Greater Tampa Bay Chamber of Commerce, August 23, 2005.

established program standards and requirements.⁵ Two core questions guide each review: (1) How well does the museum achieve its stated mission and goals?; and (2) How well does the museum's performance meet standards and best practices as they are generally understood in the museum field, as appropriate to its circumstances? The review is composed of the following seven parts:

1. Public Trust and Accountability, which is determined by the following standards: the museum is a good steward of its resources held in the public trust; the museum identifies the communities it serves, and makes appropriate decisions in how it serves them, regardless of its self-identified communities, the museum strives to be a good neighbor in its geographic area; the museum strives to be inclusive and offers opportunities for diverse participation; the museum asserts its public service role and places education at the center of that role; the museum demonstrates a commitment to providing the public with physical and intellectual access to the museum and its resources; the museum is committed to public accountability and is transparent in its mission and its operations; the museum complies with local, state, and federal laws, codes, and regulations applicable to its facilities, operations, and administration.

2. Mission and Planning, which is determined by the following standards: the museum has a clear understanding of its mission and communicates why it exists and who benefits as a result of its efforts; all aspects of the museum's operations are integrated and focused on meeting its mission; the museum's governing authority and staff think and act strategically to acquire, develop, and allocate resources to advance the mission of the museum; the museum engages in ongoing and reflective institutional planning that includes involvement of its audiences and community; the museum establishes measures of success and uses them to evaluate and adjust its activities.

3. Leadership and Organizational Structure, which is determined by the following standards: the governance, staff, and volunteer structures and processes effectively advance the museum's mission; the governing authority, staff, and volunteers have a clear and shared understanding of their roles and responsibilities; the governing authority, staff, and volunteers legally, ethically, and effectively carry out their responsibilities; the composition, qualifications, and diversity of the museum's leadership, staff, and volunteers enable it to carry out the museum's mission and goals; there is a clear and formal division of responsibilities between the governing authority and any group that supports the museum, whether separately incorporated or operating within the museum or its parent organization.

4. Collections Stewardship, which is determined by the following standards: the museum owns, exhibits, or uses collections that are appropriate to its mission; the museum legally, ethically, and effectively manages, documents, cares for, and uses the collections; the museum's collections-related research is conducted according to appropriate scholarly standards; the museum strategically plans for the use and development of its collections; guided by its mission, the museum provides public access to its collections while ensuring their preservation.

⁵ A more detailed explanation can be found at the following URL: <http://www.aam-us.org/museumresources/accred/standards.cfm>.

5. Education and Interpretation, which is determined by the following standards: the museum clearly states its overall educational goals, philosophy, and messages, and demonstrates that its activities are in alignment with them; the museum understands the characteristics and needs of its existing and potential audiences and uses this understanding to inform its interpretation; the museum's interpretive content is based on appropriate research; the museums conducting primary research do so according to scholarly standards; the museum uses techniques, technologies, and methods appropriate to its educational goals, content, audiences, and resources; the museum presents accurate and appropriate content for each of its audiences; the museum demonstrates consistent high quality in its interpretive activities; and the museum assesses the effectiveness of its interpretive activities and uses those results to plan and improve its activities.

6. Financial Stability, which is determined by the following standards: the museum legally, ethically, and responsibly acquires, manages, and allocates its financial resources in a way that advances its mission; and the museum operates in a fiscally responsible manner that promotes its long-term sustainability.

7. Facilities and Risk Management, which is determined by the following standards: the museum allocates its space and uses its facilities to meet the needs of the collections, audience, and staff; the museum has appropriate measures to ensure the safety and security of people, its collections and/or objects, and the facilities it owns or uses; the museum has an effective program for the care and long-term maintenance of its facilities; the museum is clean and well-maintained, and provides for the visitors' needs; the museum takes appropriate measures to protect itself against potential risk and loss.

Additional information about the accreditation process may be found at the following URL: <http://www.aam-us.org/museumresources/accred/standards.cfm>.

According to its website, the Association of Science-Technology Centers (ASTC) “. . . is an organization of science centers and museums dedicated to furthering the public understanding of science among increasingly diverse audiences.” The ASTC has more than 540 members in 40 countries. Members include science-technology centers, science museums, nature centers, aquariums, planetariums, zoos, botanical gardens, space theaters, and natural history and children's museums.

III. **Effect of Proposed Changes:**

This bill makes clarifying grammatical and organizational changes to the statute. Further, the bill provides an express statement that nothing in ch. 406, F.S., prohibits a museum that is accredited by the American Association of Museums or certified by the Association of Science-Technology Centers from conveying plastinated bodies into or out of the state for exhibition and educational purposes without the consent of the anatomical board if that museum notifies the board regarding the duration and location of the exhibition at least 30 days before the intended conveyance.

The effective date of the bill is July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.