



426088

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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	.	

The Committee on Budget Subcommittee on General Government Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete lines 325 - 378
and insert:

Section 12. Section 406.61, Florida Statutes, is amended to read:

406.61 Selling, buying, or conveying human remains ~~bodies~~ outside state prohibited; exceptions; ~~7~~ penalty.-

(1) Any person who sells or buys human remains, or any part thereof, ~~body or parts of bodies as described in this chapter~~ or any person except a recognized Florida medical or dental school who transmits or conveys or causes to be transmitted or conveyed



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13 such remains ~~body~~ or part thereof ~~parts of bodies~~ to any place
14 outside this state, commits a misdemeanor of the first degree,
15 punishable as provided in s. ~~ss.~~ 775.082 or s. ~~and~~ 775.083.
16 However, this chapter does not prohibit the anatomical board
17 from transporting human remains ~~specimens~~ outside the state for
18 educational or scientific purposes or prohibit the transport of
19 human remains, any part of such remains ~~bodies, parts of bodies,~~
20 or tissue specimens for purposes ~~in furtherance~~ of lawful
21 examination, investigation, or autopsy conducted pursuant to s.
22 406.11. Any person, institution, or organization that conveys
23 human remains ~~bodies~~ or any part thereof ~~parts of bodies~~ into or
24 out of the state for medical or dental education or research
25 purposes shall notify the anatomical board of such intent and
26 receive approval from the board; however, the requirement in
27 this subsection to notify or receive approval from the
28 anatomical board is waived and does not apply with respect to
29 any nontransplant anatomical organization accredited by the
30 American Association of Tissue Banks.

31 (2) Human remains received in this state by the anatomical
32 board, or a nontransplant anatomical donation organization, must
33 be accompanied by the original burial-transit permit issued
34 pursuant to s. 382.007. The remains may not be dissected,
35 segmented, or disarticulated until the district medical examiner
36 of the county in which the death occurred has granted approval
37 pursuant to s. 406.11.

38 (3) Monetary inducement or other valuable consideration,
39 including goods or services, may not be offered in exchange for
40 human remains to a donor, legally authorized person, the donor's
41 estate, or other third party. As used in this section, the term



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42 "valuable consideration" does not include, and nothing in this
43 section prohibits, the payment or reimbursement of the
44 reasonable costs associated with the removal, storage, and
45 transportation of human remains, including payment or
46 reimbursement to a funeral establishment or removal service
47 licensed under chapter 497, or the reasonable costs after use,
48 including the disposition of human remains, pursuant to s.
49 406.60.

50 (4)~~(2)~~ Any entity accredited by the American Association of
51 Museums may convey plastinated human remains ~~bodies~~ or any part
52 thereof within, parts of bodies into, or out of the state for
53 exhibition and public educational purposes without the consent
54 of the anatomical board if the accredited entity:

55 (a) Notifies the anatomical board of the conveyance and the
56 duration and location of the exhibition at least 30 days before
57 the intended conveyance.

58 (b) Submits to the anatomical board a description of the
59 remains ~~bodies~~ or any part thereof ~~parts of bodies~~ and the name
60 and address of the company providing the remains ~~bodies~~ or any
61 part thereof ~~parts of bodies~~.

62 (c) Submits to the anatomical board documentation that the
63 remains or each part thereof ~~body~~ was donated by the decedent or
64 his or her next of kin for purposes of plastination and public
65 exhibition, or, in lieu of such documentation, an affidavit
66 stating that the remains or each part thereof ~~body~~ was donated
67 directly by the decedent or his or her next of kin for such
68 purposes to the company providing the remains ~~body~~ and that such
69 company has a donation form on file for the remains ~~body~~.

70 ~~(3) Notwithstanding paragraph (2) (c) and in lieu of the~~



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71 ~~documentation or affidavit required under paragraph (2) (c), for~~
72 ~~a plastinated body that, before July 1, 2009, was exhibited in~~
73 ~~this state by any entity accredited by the American Association~~
74 ~~of Museums, such an accredited entity may submit an affidavit to~~
75 ~~the board stating that the body was legally acquired and that~~
76 ~~the company providing the body has acquisition documentation on~~
77 ~~file for the body. This subsection expires January 1, 2012.~~

78
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete lines 41 - 46

82 and insert:

83 406.61, F.S.; revising provisions prohibiting the
84 selling or buying of human remains or the transmitting
85 or conveying of such remains outside the state;
86 providing penalties; allowing certain accredited
87 schools and organizations to convey human remains in
88 or out of state for medical or research purposes under
89 certain conditions; requiring documentation prior to
90 use of human remains received in the state; defining
91 the term "valuable consideration" and providing
92 exemptions for certain costs; deleting an expired
93 provision relating to procedures for the conveyance of
94 a plastinated human body that was exhibited by an
95 entity accredited by the American Association of
96 Museums; conforming