Staff Analysis

1984

Session Law 84-264

Florida Senate & House of Representatives

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Florida Legislature

History of Legislation
1984 Regular Session

preparation by:

Joint Legislative Management Committee

Legislative Information Division
Capitol Building, Room 826 — 488-4371
S 0139 JOINT RESOLUTION by Crawford

Retention of Judges, constitutional amendment to provide that circuit judges & county court judges may qualify for retention by vote of electors & that vacancy in such office created by vote not to retain shall be filled by means of special election. Amends ss. 10, 11, Art. V.

05/10/84 SENATE Prefiled
05/16/84 SENATE Referred to Judiciary-Civil, Rules and Calendar
04/03/84 SENATE Introduced, referred to Judiciary-Civil, Rules and Calendar -SJ 00015
04/13/84 SENATE Extension of time granted Committee Judiciary-Civil
04/27/84 SENATE Extension of time granted Committee Judiciary-Civil
05/11/84 SENATE Extension of time granted Committee Judiciary-Civil
05/25/84 SENATE Extension of time granted Committee Judiciary-Civil
06/01/84 SENATE Died in Committee on Judiciary-Civil

S 0140 GENERAL BILL/CS by Judiciary-Civil, Judiciary-Criminal, Crawford, Dunn and others (Similar CS/H 0056, Compare S 0237)

(CS/CS) Tissue & Human Embryos for Valuable Consideration, provides penalties, expands list of persons who may make anatomical gift to include court & county court judges may qualify for retention by vote of electors & that vacancy in such office created by vote not to retain shall be filled by means of special election. Amends ss. 10, 11, Art. V.

05/08/84 HOUSE In Messages
05/08/84 HOUSE Conference Committee appointed - HJ 00337: Rep Martinez, Gordon & Messermost - HJ 00337
05/16/84 SENATE On committee agenda-- Conference Committee, Cancelled
05/17/84 SENATE On committee agenda-- Conference Committee, 05/17/84, 1:15 pm, Rm. C
05/24/84 SENATE Conference Committee Report received - SJ 00398;
Conference Committee Report adopted: Passed as amended by Conference Committee Report: YEA 32 NAYS 0 - SJ 00400
05/24/84 SENATE In Message: Conference Committee Report received - HJ 00628; Conference Committee Report adopted. Passed as amended by Conference Committee Report, YEA 114 NAYS 0 - HJ 00831
05/24/84 SENATE Ordered enrolled - SJ 00428
05/30/84 SENATE Signed by Officers and presented to Governor - SJ 00596
06/05/84 SENATE Approved by Governor Chapter No. 84-86

S 0141 GENERAL BILL/CS by Personnel, Retirement and Collective Bargaining, Crawford

Employee Pay Plans, requires Administration Department to conduct statewide study of competitive area differentials, requires department to report results to legislature. Effective Date: Upon becoming law

01/10/84 SENATE Prefiled
01/16/84 SENATE Referred to Personnel, Retirement and Collective Bargaining, Appropriations
04/03/84 SENATE Introduced, referred to Personnel, Retirement and Collective Bargaining, Appropriations - SJ 00016
04/16/84 SENATE Extension of time granted Committee Personnel, Retirement and Collective Bargaining
04/27/84 SENATE Extension of time granted Committee Personnel, Retirement and Collective Bargaining
04/30/84 SENATE On Committee agenda-- Personnel, R & C B. 05/02/84, 3:00 pm, Rm. C
05/02/84 SENATE Comm Report CS by Personnel, Retirement and Collective Bargaining - SJ 00234: CS read first time
05/04/84 SENATE Now in Appropriations - SJ 00234
05/17/84 SENATE Extension of time granted Committee Appropriations
05/30/84 SENATE Extension of time granted Committee Appropriations
06/01/84 SENATE Died in Committee on Appropriations

S 0142 GENERAL BILL by Crawford (Identical H 0560)

Documentary Evidence Tax, provides that excise tax on document not apply to stocks or shares of certain mutual funds. Amends 201.04.05.

Effective Date: 10/01/84

01/10/84 SENATE Prefiled
01/16/84 SENATE Referred to Commerce, Finance, Taxation and Claims
04/03/84 SENATE Introduced, referred to Commerce, Finance, Taxation and Claims - SJ 00016
04/08/84 SENATE On Committee agenda-- Commerce, 04/11/84, 9:00 am, Rm. A
04/11/84 SENATE Comm Report Favorable by Commerce - SJ 00120
04/13/84 SENATE Now in Finance, Taxation and Claims - SJ 00120
04/17/84 SENATE On Committee agenda-- Finance, Tax & Claims. 04/19/84, 12 noon, Rm 1C
04/19/84 SENATE Comm Report Favorable, placed on Calendar by Finance, Taxation and Claims - SJ 00149
05/29/84 SENATE Placed on Special Order Calendar: Iden./Sim. House Bill substituted: Laid on table under Rule, Iden./Sim. Compare Bill passed, refer to HB 560 (Ch 84-154) - SJ 00501

S 0143 GENERAL BILL/CS by Health and Rehabilitative Services, Frank (Identical CS/H 0056, Compare H 0931, C/S 0058)

Human Body Parts: prohibits sale, purchase or transfer of human organs, tissue or human embryos for valuable consideration, provides penalties, expands list of persons who may make anatomical gift to include court & county court judges may qualify for retention by vote of electors & that vacancy in such office created by vote not to retain shall be filled by means of special election. Amends ss. 10, 11, Art. V.

04/03/84 SENATE Introduced, referred to Judiciary-Criminal, Judiciary-Civil - SJ 00016; Comm Report. CS by Judiciary-Criminal - SJ 00053; CS read first time - SJ 00055, Now in Judiciary-Civil - SJ 00053
04/10/84 SENATE On committee agenda-- Judiciary-Criminal, 04/12/84, 9:30 am, Rm. B
04/12/84 SENATE CS combines this bill and 237. Comm Report: CS/CS placed on Calendar by Judiciary-Civil - SJ 00124
04/18/84 SENATE CS read first time - SJ 00032
04/25/84 SENATE Placed on Special Order Calendar: CS passed; YEAS 37 NAYS 0 - SJ 00178
05/01/84 HOUSE In Message: Services, Judiciary-Criminal - SJ 00018
05/03/84 HOUSE Received, placed on Calendar - HJ 00291
05/07/84 HOUSE Placed on Special Order Calendar; Substituted for CS/HB 56, Read second time. Amendment adopted; Read third time. Passed as amended, YEAS 12 NAYS 0 - HJ 00306, Immediately certified
05/10/84 HOUSE Ordered engrossed, then enrolled - SJ 00248
05/10/84 HOUSE CS passed as amended, YEAS 35 NAYS 0 - SJ 00247
05/21/84 HOUSE Ordered enrolled - SJ 00248
05/24/84 HOUSE Signed by Officers and presented to Governor - SJ 00275
05/21/84 HOUSE Approved by Governor Chapter No. 84-36 - SJ 00346

S 0144 GENERAL BILL/CS by Health and Rehabilitative Services, Frank

(Similar CS/H 0029, Compare H 0931, C/S 0058)

Human Body Parts: prohibits sale, purchase or transfer of human organs, tissue or human embryos for valuable consideration, provides penalties, expands list of persons who may make anatomical gift to include court & county court judges may qualify for retention by vote of electors & that vacancy in such office created by vote not to retain shall be filled by means of special election. Amends ss. 10, 11, Art. V.

04/03/84 SENATE Introduced, referred to Health and Rehabilitative Services, Judiciary-Criminal - SJ 00018
04/16/84 SENATE On Committee agenda-- Health and Rehabilitative Services, Judiciary-Criminal - SJ 00018
04/16/84 SENATE Extension of time granted Committee Health and Rehabilitative Services
04/26/84 SENATE On Committee agenda-- HRS, 05/02/84, 3:00 pm, Rm A
04/27/84 SENATE Extension of time granted Committee Health and Rehabilitative Services
05/02/84 SENATE Comm. Report: CS by Health and Rehabilitative Services - SJ 00230; CS read first time 05/04/84 - SJ 00231
05/04/84 SENATE Now in Judiciary-Criminal - SJ 00230
05/14/84 SENATE On Committee agenda-- Judiciary-Criminal, 05/16/84, 2:00 pm, Rm C
05/16/84 SENATE Comm. Report Favorable, placed on Calendar by Judiciary-Criminal - SJ 00298
05/30/84 SENATE Placed on Special Order Calendar. CS passed as amended.

CONTINUED ON NEXT PAGE
bidder, who shall pay the amount bid by a cashier's check within 24 hours of the time of sale 5-days-of-notice. The proceeds from the sale of such license, after deducting expenses of the sale, shall be paid first to the lienholder or lienholders in the order of date of filing and, second, to creditors who have paid or by law are obligated to pay federal or state excise taxes on purchases by the licensee; and the balance shall be paid as directed in the judgment of foreclosure.

Section 7. Section 563.05, Florida Statutes, is amended to read:

563.05 Excise taxes on malt beverages.--As to malt beverages containing more than 1 percent of alcohol by weight, there shall be paid by all manufacturers, distributors, and vendors, as herein defined, a tax of 48 cents per gallon upon all such beverages in bulk or in kegs or barrels; and, when such beverages are sold in containers of less than 1 gallon, the tax shall be 6 cents on each pint or fraction thereof in the container. However, the excise taxes required to be paid by this section upon malt beverages containing alcohol of not more than 3.2 percent-by-weight are not required to be paid upon such beverages when the same are sold to post exchanges, ship service stores, and base exchanges located in military, naval, or air force reservations within this state.

Section 8. Subsection (9) is added to section 564.06, Florida Statutes, to read:

564.06 Excise taxes on wines and beverages; exemptions.--

(9) The excise taxes required to be paid by this section shall not be required to be paid upon any alcoholic beverage sold to post exchanges, ship service stores, and base exchanges located in military, naval, or air force reservations within this state.

Section 9. Subsection (4) is added to section 565.12, Florida Statutes, to read:

565.12 Excise tax on liquors and beverages.--

(4) The excise taxes required to be paid by this section shall not be required to be paid upon any alcoholic beverage sold to post exchanges, ship service stores, and base exchanges located in military, naval, or air force reservations within this state.

Section 10. Subsection (12) of section 561.42, Florida Statutes, is amended to read:

561.42 Tied house evil; financial aid and assistance to vendor by manufacturer or distributor prohibited; procedure for enforcement; exception.--

(12) Any manufacturer or distributor may give, lend, furnish, or sell to a vendor who sells the products of such manufacturer or distributor neon or electric signs, window painting and decalcomanias, posters, placards, and other advertising material herein authorized to be used or displayed by the vendor in the interior of his licensed premises. The division shall make reasonable rules governing promotional displays and advertising which rules shall not conflict with or be more stringent than the federal regulations pertaining to such promotional displays and advertising furnished vendors by distributors and manufacturers.
CHAPTER 84-264
LAWS OF FLORIDA
CHAPTER 84-264

Section 1. Section 381.603, Florida Statutes, is created to read:

381.603 Purchase or sale of body organs and tissue prohibited.--No person shall knowingly offer to purchase or sell or purchase, sell, or otherwise transfer any human organ or tissue for valuable consideration. As used in this section, "valuable consideration" does not include the reasonable costs associated with the removal, storage, and transportation of human organs and tissues. The human organs and tissues subject to the provisions of this section are the human kidney, liver, heart, lung, pancreas, bone, and skin, or any other human organ or tissue adopted by rule by the Department of Health and Rehabilitative Services for this purpose. No for-profit corporation or any employee thereof shall transfer or arrange for the transfer of any human body part for valuable consideration.

(2) Any person who violates the provisions of this section is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Section 2. The procurement, processing, testing, storing, or providing of human tissue and organs for human transplant, by institutions qualified for such purposes, shall be the rendering of a service. It shall not constitute the sale of goods or products to which implied warranties of merchantability or fitness for a particular purpose shall be applicable. No implied warranties shall exist as to defects which cannot be detected, removed, or prevented by reasonable use of available scientific procedures or techniques.

Section 3. Section 732.910, Florida Statutes, is amended to read:

732.910 Legislative declaration.--Because of the rapid medical progress in the fields of tissue and organ preservation, transplantation of tissue, and tissue culture, and because it is in the public interest to aid these medical developments the development of--field of--medicine, the Legislature in enacting this part intends to encourage and aid the development of reconstructive medicine and surgery and the development of medical research by facilitating premortem and postmortem authorizations for donations of tissue and organs. It is the purpose of this part to regulate only the gift of a body or parts of a body to be made after the death of a donor.

Section 4. Subsection (2) of section 732.912, Florida Statutes, is amended to read:

732.912 Persons who may make an anatomical gift.--

(2) In the order of priority stated and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, any of the following persons may give all or any part of the decedent's body for any purpose specified in s. 732.910:

(a) The spouse;
(b) An adult son or daughter;
(c) Either parent;
(d) An adult brother or sister; or
A bill to be entitled

An act relating to human body parts;
prohibiting a person from selling, offering for
sale, purchasing, or otherwise transferring for
consideration any human body part or from
soliciting another to do so; providing an
exception; providing penalties; providing an
effective date.

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

Section 1. (1) It is unlawful for any person
knowingly to sell, offer for sale, purchase, or otherwise
transfer for consideration, or to solicit another to sell,
offer for sale, purchase, or otherwise transfer for
consideration any human body part. For the purposes of this
section, the term "human body part" does not include blood
plasma nor human hair transferred for the manufacturing of
wigs or other hair pieces and the term "consideration" does
not include the reasonable costs associated with removal,
storage, or transportation of a human body part.

(2) Any person who violates the provisions of this act
is guilty of a felony of the second degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084, Florida
Statutes.

Section 2. This act shall take effect October 1, 1984.
SENATE SUMMARY

Prohibits a person from selling, offering for sale, purchasing or otherwise transferring any human body part for valuable consideration or from soliciting another to do so. Provides an exception for blood plasma and human hair transferred for use in wig manufacturing. Provides that the unlawful transfer of a human body part is a felony of the second degree.
A bill to be entitled
An act relating to human body parts,
prohibiting a person from selling, offering for
sale, purchasing, or otherwise transferring for
consideration any human body part for purposes
of transplantation, or from soliciting another
to do so; providing an exception; providing
penalties, providing that the storage and
processing of human tissue and organs shall not
be considered a sale, providing an effective
date.

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

Section 1. (1) It is unlawful for any person
knowingly to sell, offer for sale, purchase, or otherwise
transfer for consideration, or to solicit another to sell,
offer for sale, purchase, or otherwise transfer for
consideration any human body part for purposes of
transplantation. For the purposes of this section, the term
"human body part" does not include blood plasma nor human hair
transferred for the manufacturing of wigs or other hair pieces
and the term "consideration" does not include the reasonable
costs associated with removal, storage, or transportation of a
human body part.

(2) Any person who violates the provisions of this act
is guilty of a felony of the second degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084, Florida
Statutes.

Section 2 The procurement, processing, testing,
storing, or providing of human tissue and organs for human
transplant, by institutions qualified for such purposes, shall be the rendering of a service. It shall not constitute the sale of goods or products to which implied warranties of merchantability or fitness for a particular purpose shall be applicable. No implied warranties shall exist as to defects which cannot be detected, removed, or prevented by reasonable use of available scientific procedures or techniques.

Section 3. This act shall take effect October 1, 1984.
A bill to be entitled
An act relating to human body parts; creating
s. 381.603, F.S.; prohibiting the sale,
purchase, or transfer of human organs or tissue
for valuable consideration; providing
definitions; prohibiting for-profit
corporations and their employees from
transferring or arranging the transfer of any
human body part for valuable consideration;
providing a criminal penalty; amending s.
732.910, F.S.; amending s. 732.912, F.S.,
expanding the list of persons who may make an
anatomical gift to include a representative ad
litem appointed by a court of competent
jurisdiction; establishing duties for the
representative ad litem; providing for notice
to certain persons; requiring that a reasonable
search be made for objections on religious
grounds; providing that the storage and
processing of human tissue and organs shall not
be considered a sale; creating s. 381.603,
F.S.; prohibiting the advertisement, purchase,
sale, or transfer for consideration of human
embryos; providing a penalty; providing an
effective date.

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

Section 1. Section 381.603, Florida Statutes, is
created to read:

CODING: Words in square brackets are deletions from existing law; words underlined are additions.
381.603 Purchase or sale of body organs and tissue prohibited.--No person shall knowingly offer to purchase or sell or purchase, sell, or otherwise transfer any human organ or tissue for valuable consideration. As used in this section, "valuable consideration" does not include the reasonable costs associated with the removal, storage, and transportation of human organs and tissues. The human organs and tissues subject to the provisions of this section are the human kidney, liver, heart, lung, pancreas, bone and skin, or any other human organ or tissue adopted by rule by the Department of Health and Rehabilitative Services for this purpose. No for-profit corporation or any employee thereof shall transfer or arrange for the transfer of any human body part for valuable consideration.

(2) Any person who violates the provisions of this section is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Section 2. The procurement, processing, testing, storing, or providing of human tissue and organs for human transplant, by institutions qualified for such purposes, shall be the rendering of a service. It shall not constitute the sale of goods or products to which implied warranties of merchantability or fitness for a particular purpose shall be applicable. No implied warranties shall exist as to defects which cannot be detected, removed, or prevented by reasonable use of available scientific procedures or techniques.

Section 3. Section 732.910, Florida Statutes, is amended to read:

732.910 Legislative declaration.--Because of the rapid medical progress in the fields of tissue and organ...
preservation, transplantation of tissue, and tissue culture,
and because it is in the public interest to aid these medical
developments the development of this field of medicine, the
Legislature in enacting this part intends to encourage and aid
the development of reconstructive medicine and surgery and the
development of medical research by facilitating premortem and
postmortem authorizations for donations of tissue and organs.
It is the purpose of this part to regulate only the gift of a
body or parts of a body to be made after the death of a donor.

Section 4. Subsection (2) of section 732.912, Florida
Statutes, is amended to read:

732.912 Persons who may make an anatomical gift.--
(2) In the order of priority stated and in the absence
of actual notice of contrary indications by the decedent or
actual notice of opposition by a member of the same or a prior
class, any of the following persons may give all or any part
of the decedent's body for any purpose specified in s.
732.910:
(a) The spouse;
(b) An adult son or daughter;
(c) Either parent;
(d) An adult brother or sister;
(e) A guardian of the person of the decedent at the
time of his death; or
(f) A representative ad litem who shall be appointed
by a court of competent jurisdiction forthwith upon a petition
heard ex parte filed by any person, and said representative ad
litem shall ascertain that no person of higher priority exists
who objects to the gift of all or any part of the decedent's
body and that no evidence exists of communications made by the

CODING: Words in brackets through type are deletions from existing law; words underlined are additions.
decedent expressing a desire that his body or body parts not
by donated upon death;

but no gift shall be made by the spouse if any adult son or
daughter objects, and provided that those of higher priority,
if they are reasonably available, have been contacted and made
aware of the proposed gift and further provided that a
reasonable search is made to show that there would have been
no objection on religious grounds by the decedent.

Section 5. Section 381.603, Florida Statutes, is
created to read:

381.603 Advertising or sale of human embryos
prohibited.—No person shall knowingly advertise or offer to
purchase or sell, or purchase, sell or otherwise transfer any
human embryo for valuable consideration. As used in this
section, "valuable consideration" does not include the
reasonable costs associated with the removal, storage, and
transportation of a human embryo. Any person violating the
provisions of this section is guilty of a misdemeanor of the
second degree, punishable as provided in s. 775.082, s.
775.083, or s. 775.084.

Section 6. This act shall take effect October 1, 1984.
I. SUBJECT (Brief Description of Bill):

This bill prohibits a person from selling, offering for sale, purchasing, or otherwise transferring for consideration any human body part, or from soliciting another to do so; does not prohibit the collection of reasonable cost associated with removal, storage, or transportation of a human body part. It also provides an exception for human hair, blood plasma, and wigs. Penalty for violation of this act will be a felony of the second degree.

II. SUMMARY:

A. Present Situation:

The development of procurement groups throughout the United States which are interested in the procurement of body parts for profit is on the increase. This situation has not occurred in Florida; however, the feeling of all the groups involved in organ procurement is that it is only a matter of time before this will occur.

There is presently a bill entitled the "Gore bill" in the United States Congress which was written specifically to control the development of these profit oriented procurement centers.

B. Effect of Proposed Changes Upon HRS Programs or Operations:

None.

02/06/84
III. COMMENTS (Potential Programmatic Problems, Barriers to Implementation, Legal Issues):

A. Barriers to Implementation

The bill does not identify a department responsible for implementation and monitoring of this law; nor does it provide authority to write further rules and regulations to govern the program. In the absence of such specification, the law presumably would be enforced by State's Attorney's offices acting on individual complaints.

B. Interpretative Issues

How "reasonable cost" will be determined is not clearly defined in this bill. In addition, the term "consideration" without some further modification, has considerably broader meaning than apparently contemplated here. Inter-family donations may be done for consideration - e.g., love, affection, potential earning power, etc. Finally, the state must show an overriding state interest in restricting fundamental property rights to uphold potential constitutional challenges to this law.

IV. SUGGESTED CHANGES IN BILL:

1. Establish a method of interpreting "reasonable costs" by statute.

2. If enforcement and investigative duties are intended to proceed on other than a complaint basis, specify a responsible agency and give it rule-writing authority (Medical Examiners Commission in Department of Law Enforcement?)

3. Clarify the scope of consideration, or exempt familial and similar donations

V. FISCAL SUMMARY (See Attached Fiscal Note for Details):

A. Personnel: __________________ Positions

B. Cost to Administer: $___________ (Annual)

C. In Department's Legislative Budget Request? _____YES   X   NO

D. In Governor's Recommended Budget? _____YES   X   NO
I. Agency requirements to administer the bill's provisions (categorize as cost of additional personnel, operating cost outlay, and other additional costs):

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount Year 1</th>
<th>Amount Year 2</th>
<th>Amount Year 3</th>
</tr>
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<tbody>
<tr>
<td>N/A</td>
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</tbody>
</table>

*Include all start-up effects as well as recurring expenses.

II. Appropriations Consequences/Source of Funds:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount Year 1</th>
<th>Amount Year 2</th>
<th>Amount Year 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
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</tbody>
</table>

III. Amount and Disposition of any anticipated revenue collections:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount Year 1</th>
<th>Amount Year 2</th>
<th>Amount Year 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
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</table>

IV. Long run effects other than normal growth:

Prevent the development of profit procurement centers in State.

V. Fiscal Impact on other governmental agencies (specify amount, source of funding, quantify):

A. Federal

  None

B. State

  None

C. Local

  None

VI. Impact on the Public (direct cost to the public):

  None
I. SUMMARY:

A. Present Situation:

Chapter 245, Florida Statutes, prohibits the sale or purchase of dead bodies or parts of dead bodies. Chapter 872, Florida Statutes, also prohibits the buying or selling of dead bodies. Both chapters make exceptions for the use of dead bodies for teaching and research in institutions of higher learning.

Part 10 of chapter 732, Florida Statutes, authorizes a program of anatomical gifts or the giving, up to death, of body tissue and organs for transplant or research. The legislative intent is to "encourage and aid in the development of reconstructive medicine and surgery and the development of medical research by facilitating premortem and postmortem authorization for donations of tissue and organs".

No current provision of Florida law prohibits a person from selling parts of his body for profit for purposes of transplantation to another person. Section 381.601(3)(c), Florida Statutes, does prohibit the transfusion of blood from a paid donor if other blood is available.

B. Effect of Proposed Changes:

Senate Bill 143 prohibits a person from selling, offering for sale, purchasing, or otherwise transferring any human body part for consideration or from soliciting another person to do so. Blood plasma and human hair to be used in wigs or other hair pieces are excluded from being considered as human body parts.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

SB 143 could prevent the escalation of costs of transplanting human body parts by prohibiting persons from selling their own body parts for a profit.

B. Government:

None

III. COMMENTS:

None

IV. AMENDMENTS:
I. SUMMARY:

A. Present Situation:

Chapter 245, Florida Statutes, prohibits the sale or purchase of dead bodies or parts of dead bodies. Chapter 872, Florida Statutes, also prohibits the buying or selling of dead bodies. Both chapters make exceptions for the use of dead bodies for teaching and research in institutions of higher learning.

Part 10 of chapter 732, Florida Statutes, authorizes a program of anatomical gifts or the giving, upon death, of body tissue and organs for transplant or research. The legislative intent is to "encourage and aid in the development of reconstructive medicine and surgery and the development of medical research by facilitating premortem and postmortem authorization for donations of tissue and organs".

No current provision of Florida law prohibits a person from selling parts of his body for profit for purposes of transplantation to another person. Section 381.601(3)(c), Florida Statutes, does prohibit the transfusion of blood from a paid donor if other blood is available.

B. Effect of Proposed Changes:

CS/SB 143 prohibits a person from selling, offering for sale, purchasing, or otherwise transferring any human body part for purposes of transplantation, for consideration or from soliciting another person to do so. Blood plasma and human hair to be used in wigs or other hair pieces are excluded from being considered as human body parts. "Consideration" does not cover the costs to remove, store, and transport organs or tissue. CS/SB 143 provides that the unlawful transfer of a human body part is a felony of the second degree. It also provides that the storage and processing of human tissue and organs shall not be considered a sale of goods or products to which implied warranties would be applicable.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

CS/SB 143 could prevent the escalation of costs of transplanting human body parts by prohibiting persons from selling their own body parts for a profit.

B. Government:

None.
III. COMMENTS:

None.

IV. AMENDMENTS:
I. SUMMARY:

A. Present Situation:

Chapter 245, Florida Statutes, prohibits the sale or purchase of dead bodies or parts of dead bodies. Chapter 872, Florida Statutes, also prohibits the buying or selling of dead bodies. Both chapters make exceptions for the use of dead bodies for teaching and research in institutions of higher learning.

Part 10 of chapter 732, Florida Statutes, authorizes a program of anatomical gifts or the giving, upon death, of body tissue and organs for transplant or research. The legislative intent is to "encourage and aid in the development of reconstructive medicine and surgery and the development of medical research by facilitating premortem and postmortem authorization for donations of tissue and organs".

No current provision of Florida law prohibits a person from selling parts of his body for profit for purposes of transplantation to another person. Section 381.601(3)(c), Florida Statutes, does prohibit the transfusion of blood from a paid donor if other blood is available.

B. Effect of Proposed Changes:

CS/SB 143 prohibits a person from selling, offering for sale, purchasing, or otherwise transferring any human body part for purposes of transplantation, for consideration or from soliciting another person to do so. Blood plasma and human hair to be used in wigs or other hair pieces are excluded from being considered as human body parts. "Consideration" does not cover the costs to remove, store, and transport organs or tissue. CS/SB 143 provides that the unlawful transfer of a human body part is a felony of the second degree. It also provides that the storage and processing of human tissue and organs shall not be considered a sale of goods or products to which implied warranties would be applicable.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

CS/SB 143 could prevent the escalation of costs of transplanting human body parts by prohibiting persons from selling their own body parts for a profit.

B. Government:

None.
III. COMMENTS:
None.

IV. AMENDMENTS:
None.
I. SUMMARY:

A. Present Situation:

Chapter 245, Florida Statutes, prohibits the sale or purchase of dead bodies or parts of dead bodies. Chapter 872, Florida Statutes, also prohibits the buying or selling of dead bodies. Both chapters make exceptions for the use of dead bodies for teaching and research in institutions of higher learning.

Part 10 of chapter 732, Florida Statutes, authorizes a program of anatomical gifts or the giving, upon death, of body tissue and organs for transplant or research. The legislative intent is to "encourage and aid in the development of reconstructive medicine and surgery and the development of medical research by facilitating premortem and postmortem authorization for donations of tissue and organs".

No current provision of Florida law prohibits a person from selling parts of his body for profit for purposes of transplantation to another person. Section 381.601(3)(c), Florida Statutes, does prohibit the transfusion of blood from a paid donor if other blood is available.

B. Effect of Proposed Changes:

CS/SB 143 prohibits a person from selling, offering for sale, purchasing, or otherwise transferring any human body part for purposes of transplantation, for consideration or from soliciting another person to do so. Blood plasma and human hair to be used in wigs or other hair pieces are excluded from being considered as human body parts. "Consideration" does not cover the costs to remove, store, and transport organs or tissue. CS/SB 143 provides that the unlawful transfer of a human body part is a felony of the second degree. It also provides that the storage and processing of human tissue and organs shall not be considered a sale of goods or products to which implied warranties would be applicable.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

CS/SB 143 could prevent the escalation of costs of transplanting human body parts by prohibiting persons from selling their own body parts for a profit.
B. Government:
None.

III. COMMENTS:
None.

IV. AMENDMENTS:
STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILL 0143

1. Clarifies that the act applies to the sale of human body parts for purposes of transplantation.

2. Provides that the storage and processing of human tissue and organs shall not be considered a sale of goods or products to which implied warranties would apply.

Committee on Health and Rehabilitative Services

[Signature]

Chairman or Staff Director

C14(4-74) (File 2 copies with Committee Substitutes)
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

***************************************************************************

NOTE: This analysis reflects the nature of the bill as it left the Committee on Judiciary-Criminal. Any further changes to the bill are not included in this analysis. See the "Comments" section for the final procedural action taken by the Legislature.

***************************************************************************

I. SUMMARY:

A. Present Situation:

Chapter 245, Florida Statutes, prohibits the sale or purchase of dead bodies or parts of dead bodies. Chapter 872, Florida Statutes, also prohibits the buying or selling of dead bodies. Both chapters make exceptions for the use of dead bodies for teaching and research in institutions of higher learning.

Part 10 of chapter 732, Florida Statutes, authorizes a program of anatomical gifts or the giving, upon death, of body tissue and organs for transplant or research. The legislative intent is to "encourage and aid in the development of reconstructive medicine and surgery and the development of medical research by facilitating premortem and postmortem authorization for donations of tissue and organs".

No current provision of Florida law prohibits a person from selling parts of his body for profit for purposes of transplantation to another person. Section 381.601(3)(c), Florida Statutes, does prohibit the transfusion of blood from a paid donor if other blood is available.

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organs shall not be considered a sale of goods or products to which implied warranties would be applicable.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

CS/SB 143 could prevent the escalation of costs of transplanting human body parts by prohibiting persons from selling their own body parts for a profit.

B. Government:

None.

III. COMMENTS:

Final Update: CS/SB 143 passed both houses of the Legislature, was approved by the Governor on June 19, 1984, and was incorporated into the Laws of Florida as Chapter 84-264.

IV. AMENDMENTS:

None.
COMMITTEE SUBSTITUTE FOR SENATE BILL 143 prohibits the sale or purchase of human organs or tissues for valuable consideration. Reasonable costs associated with the removal, storage, and transportation of human organs and tissues are not included in the definition of valuable consideration. Organs and tissues are specified and the Department of Health and Rehabilitative Services is given authority to further define human organs and tissues subject to the provisions of the bill.

The list of persons who may make an anatomical gift is expanded to include court appointed representatives ad litem. No anatomical gifts may be made by any person on the list unless persons of higher priority on the list, if they are reasonably available, have been contacted and unless a reasonable effort has been made to determine if the decedent would have had objections on religious grounds.

Advertising or sale of human embryos is prohibited. Violation of this provision is a misdemeanor of the second degree.
BILL ACTION REPORT

(CS-75. File with Secretary of Senate) (S)(W) BILL NO. 143

COMMITTEE ON HEALTH AND REHABILITATIVE SERVICES

DATE May 2, 1984

TIME 3:00 - 5:00 p.m.

PLACE Committee Room A

OTHER COMMITTEE REFERENCES:
(In order shown)
J. Civil

DATE Reported May 2, 1984

FINAL ACTION:

Favorably with amendments
Favorably with Committee Substitute
Unfavorably

OTHER: Temporarily Passed
Reconsidered
Not Considered

THE VOTE WAS.

<table>
<thead>
<tr>
<th>FINAL BILL VOTE</th>
<th>SENATORS</th>
<th>TITLE</th>
<th>TITLE</th>
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<tbody>
<tr>
<td>Aye Nay</td>
<td>GRIZZLE, Mary R.</td>
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<tr>
<td>Aye Nay</td>
<td>JENNE, Kenneth C.</td>
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<td>Aye Nay</td>
<td>MALCHON, Jeanne</td>
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<tr>
<td>Aye Nay</td>
<td>MEEK, Carrie P.</td>
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<tr>
<td>Aye Nay</td>
<td>MYERS, William G.</td>
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<td>Aye Nay</td>
<td>VOGT, John W.</td>
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<td>Aye Nay</td>
<td>REHM, Gerald S.</td>
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<tr>
<td>Aye Nay</td>
<td>CHILDERS, Don C.</td>
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</tbody>
</table>

7 / 0 TOTAL

Please Complete The key sponsor appeared (X)
A Senator appeared ( )
Sponsor's aide appeared ( )
Other appearance ( )

(Attach additional page if necessary)
BILL ACTION REPORT

COMMITTEE ON HEALTH AND REHABILITATIVE SERVICES

DATE May 2, 1984
TIME 3:00 - 5:00 p.m.
PLACE Committee Room A

FINAL ACTION: Favorably with ___ amendments
                  Favorably with Committee Substitute
                  Unfavorably

OTHER: ___ Temporarily Passed
        Reconsidered
        Not Considered

THE VOTE WAS:

<table>
<thead>
<tr>
<th>FINAL BILL VOTE</th>
<th>SENATORS</th>
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<th>2nd Amendment</th>
<th>3rd Amendment</th>
<th>Cosponsors</th>
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</tbody>
</table>

(Attach additional page if necessary)

Please Complete. The key sponsor appeared  
A Senator appeared ( )
Sponsor's aide appeared ( )
Other appearance ( )
SENATE COMMITTEE AMENDMENT

SB 0143

The Committee on ........ HRS ........ recommended the following amendment which was moved by Senator Myers ....... and adopted:

Amendment

On page ....1....., line ...26....., strike all of said line

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

and insert:

Section 2. The procurement, processing, testing, storing, or providing of human tissue and organs for human transplant, by institutions qualified for such purposes, shall be the rendering of a service. It shall not constitute the sale of goods or products to which implied warranties of merchantability and/or fitness for a particular purpose shall be applicable. No implied warranties shall exist as to defects which cannot be detected, removed or prevented by reasonable use of available scientific procedures or techniques.

Section 3. This act shall take effect on October 1, 1984.

CODING: Words struck are deletions; words underlined are additions.

* Amendment No. L. taken up by committee: Adopted
* Offered by -----------------------

(Amendment No. ____ Adopted __ Failed __ Date __/__/__)
The Committee on ....... HRS ......... recommended the following amendment which was moved by Senator Myers ... and adopted:

Title Amendment

In title, on page ....1, line ....6, strike

after the words "do so;"

If amendment is text from another bill insert:

providing that the storage and processing of human tissue and organs shall not be considered a sale;
The Committee on.......HRS........recommends the following amendment which was moved by Senator...............and adopted:

Title Amendment

In title, on page ............., line ............, strike

after the words "human body part"

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

and insert:

for purposes of transplantation,
JOURNAL OF THE HOUSE OF REPRESENTATIVES

May 31, 1984

The Honorable H. Lee Moffitt, Speaker

I am directed to inform the House of Representatives that the Senate has passed as amended CS for SB 143 and requests the concurrence of the House.

Joe Brown, Secretary

By the Committee on Health and Rehabilitative Services and Senator Frank—

CS for SB 143—A bill to be entitled An act relating to human body parts, creating § 381.603, F.S., prohibiting the sale, purchase, or transfer of human organs or tissue for valuable consideration, providing definitions, prohibiting for-profit corporations and their employees from transferring or arranging the transfer of any human body part for valuable consideration, providing a criminal penalty, amending § 732.910, F.S., amending § 732.912, F.S., expanding the list of persons who may make an anatomical gift to include a court of competent jurisdiction, establishing duties for the representative ad item, providing for notice to certain persons, requiring that a reasonable search be made for objections on religious grounds, providing that the storage and processing of human tissue and organs shall not be considered a sale, creating § 381.603, F.S., prohibiting the advertisement, purchase, sale, or transfer for consideration of human embryos, providing a penalty, providing an effective date

—was read the first time by title. On motion by Rep. Figg, the rules were waived and CS/SB 143 was read the second time by title and the third time by title. On passage, the vote was

Yeas—100

The Chair Dunbar
Arnold Figg
Arnold Friedman
Bailey Gallagher
Bankhead Gordon
Bankhead Lippman
Bass Grant
Bass Grindle
Brantley Gustafson
Brown, C
Brown, T C
Burnsed Hawkins, L R
Burrell Hazouri
Cassas Healey
Clark Hill
Clements Hodges
Combee Hollingsworth
Cortina Jamerson
Cortina Ogden
Crotty Johnson, R C
Danson Johnson, R M
Dansler Jones, C F
Davis Jones, D L
Deutsch Kelly
Drege Kutin
Dudley Lawson

Yeas—98

The Chair Dunbar
Armstrong Figg
Arnold Friedman
Bailey Gallagher
Bankhead Gordon
Bankhead Lippman
Bass Grant
Bass Grindle
Brantley Gustafson
Brown, C
Brown, T C
Burnsed Hawkins, L R
Burrell Hazouri
Cassas Healey
Clark Hill
Clements Hodges
Combee Hollingsworth
Cortina Jamerson
Cortina Ogden
Crotty Johnson, R C
Danson Johnson, R M
Dansler Jones, C F
Davis Jones, D L
Deutsch Kelly
Drege Kutin
Dudley Lawson

Nays—4

Crotty Deutsch

Nays—None

The Chair Dunbar
Arnold Figg
Arnold Friedman
Bailey Gallagher
Bankhead Gordon
Bankhead Lippman
Bass Grant
Bass Grindle
Brantley Gustafson
Brown, C
Brown, T C
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Burrell Hazouri
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Danson Johnson, R M
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Davis Jones, D L
Deutsch Kelly
Drege Kutin
Dudley Lawson

Nays—None

The Chair Dunbar
Arnold Figg
Arnold Friedman
Bailey Gallagher
Bankhead Gordon
Bankhead Lippman
Bass Grant
Bass Grindle
Brantley Gustafson
Brown, C
Brown, T C
Burnsed Hawkins, L R
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Clements Hodges
Combee Hollingsworth
Cortina Jamerson
Cortina Ogden
Crotty Johnson, R C
Danson Johnson, R M
Dansler Jones, C F
Davis Jones, D L
Deutsch Kelly
Drege Kutin
Dudley Lawson

Votes after roll call

Yeas—Reddock

The bill passed and was immediately certified to the Senate.

The Honorable H. Lee Moffitt, Speaker

I am directed to inform the House of Representatives that the Senate has refused to concur in House Amendment 1 and requests the House to reconsider.
By the Committee on Economic, Community and Consumer Affairs and the Senator Vogt--

CS for SB 650--A bill to be entitled An act relating to construction contracting, amending § 489.107, F.S., expanding the membership of the Construction Industry Licensing Board, amending § 489.119, F.S., increasing the time period for mailing corrected application information to the Department of Professional Regulation with respect to construction contracting, providing an effective date

House Amendment 1--On page 2, between lines 11 & 12, insert (3) To be eligible for appointment, each contractor member and alternate member shall have been certified or registered by the board to operate as a contractor in the category with respect to which he is appointed, be actively engaged in the construction business, and have been so engaged for a period of not less than 5 consecutive years before the date of his appointment. Each appointee shall be a citizen and resident of the state.

On motion by Rep. Lippman, the House receded from the House amendment.

Representatives Metcalf, Cosgrove, and Reynolds offered the following amendment.

Amendment 2--On page 1, line 13, insert Section 1 Purpose--The Legislature recognizes that the alarm business is a necessary and critical business which provides security, life safety, and other vital services to the public. Such business when conducted by unqualified persons may pose significant harm to the public health, safety, and welfare. Therefore, it is necessary in the interest of public health, safety, and welfare to provide uniform procedures and qualifications throughout this state for the licensing and regulation of the alarm business.

Section 2 Definitions--
(1) "Department" means the Department of Professional Regulation.
(2) "Alarm" means any sound or signal, silent or audible, intended to apprise of danger or give warning.
(3) "Alarm system" means any device, or combination of devices, used to detect a situation, causing an alarm in the event of a burglary, robbery, medical emergency, or equipment failure.
(4) "Alarm business" means any person engaged in the sale, installation, maintenance, alteration, repair, replacement, or servicing of alarm systems for compensation where an alarm system is installed or to be installed. "Alarm business," however, does not include--
(a) The installation, maintenance, alteration, repair, replacement, or servicing of an alarm system solely by the owner of a premises or his employees at that premises for the exclusive use of the owner.
(b) The responding to, or monitoring of, an alarm system by any police officer, firefighter, or emergency medical technician while on duty and in the performance of his official duties.
(c) The fabrication, installation, inspection, alteration, repair or service of fire protection systems as defined in § 633.021(12), Florida Statutes, and preengineered systems as defined in § 633.021(18), Florida Statutes, only when those persons are directly engaged in said business as so defined.
(d) Businesses which only manufacture or sell alarm systems and do not directly or indirectly, design, install, alter, maintain, repair, replace, monitor, or respond to alarm systems at a premises where an alarm system is installed.
(e) A federal, state, county, or municipal agency installing traffic control systems or alarm systems in public buildings with their own employees.
(5) "Owner" means a person who holds an interest of 25 percent or more in an alarm business.
(6) "Principal corporate officer" means the president or any vice president of an alarm business.

Section 3 Advisory council--An advisory council to the Department of Professional Regulation is created to consist of five members who shall be residents of the state and primarily engaged in an alarm business licensed under this act. No licensee under this act shall have more than one of its employees as a member of the council at any one time. Members of the council shall be appointed by the secretary of the department, shall be representative of the alarm industry in the State of Florida as to size and type of enterprises provided, and shall act in an advisory capacity to the department in all matters related to the alarm business as defined in this act. One member shall be appointed for an initial term of 1 year, two members for initial terms of 2 years, and two members for initial terms of 3 years. Thereafter, members shall be appointed biennially. Each member of the council shall be entitled to reimbursement as provided in § 112.061, Florida Statutes.

Section 4 Authority to make rules--The department is authorized to make such rules as may be necessary to carry out the duties and authority conferred upon the department by this act and as may be necessary to protect the health, safety and welfare of the public. However, no rule shall be adopted that unreasonably restricts competition or the availability of private alarm services in the state or in a significant part of the state or that increases the cost of private alarm services without a corresponding or equivalent public benefit.

Section 5 Enforcement and Investigation--The department shall have the power to enforce the provisions of this act, irrespective of the place or location in which the violation occurred, and, upon the complaint of any person or on its own initiative, to cause to be investigated any suspected violation thereof.

Section 6 Requirement for alarm business license--
(1) It shall be unlawful and punishable as provided in section 23 for any person to engage in the alarm business within this state or to represent that they have been issued a certificate of competency without having first obtained an alarm business license from the department, subject to subsections (2) and (3).
(2) Each alarm business operating in the state on October 1, 1984, shall have 120 days to apply to the department for a license. Any alarm business filing a timely application may continue to engage in the alarm business pending denial or approval of its application.
(3) Any person holding a certificate of competency in a specialty included within the definition of alarm business from a governmental body as of the effective date of this act shall be required to obtain the certificate of competency as required under this act. However, such person shall be deemed to meet the requirements of section 9 so long as said certificate of competency from a governmental body is in good standing at the time of application and issuance of a certificate of competency under this act. Such person shall meet all other applicable requirements of this act.

Section 7 Application for license and certificate of competency--
(1) Each sole proprietor, partner, or, in the case of a corporation, a principal corporate officer of an alarm business seeking an alarm business license and each individual seeking a certificate of competency shall file with the department a written application accompanied by a nonrefundable application fee specified in section 15(2).
(2) The written application shall be in accordance with the following provisions:
(a) If the applicant is a sole proprietor or an individual seeking a certificate of competency, the application shall be signed and verified by the sole proprietor or individual.
Gordon
Jennings
Grant
Gnzzle
Kirkpatrick
Henderson
Langley
Nays—None

Vote after roll call

May 30, 1984

JOURNAL OF THE SENATE

Frank
Hill
Malchon
Rehm
Gnzzle
Mann
Stuart
Frank
Johnston
Morgulis
Thomas
Gruzie
Kirkpatrick
Meek
Thurman
Henderson
Langley
Myers
Wentzelen

May 30, 1984

Henderson otherwise transferring for consideration any human body part for purposes of transplantation, or transferring any human embryo for valuable consideration as used in this section, “valuable consideration” does not include the reasonable costs associated with the removal, storage, and transportation of human organs and tissues. The human organs and tissues subject to the provisions of this section are the human kidney, liver, heart, lung, pancreas, bone and skin, or any other human organ or tissue adopted by rule by the Department of Health and Rehabilitative Services for this purpose. No for-profit corporation or any employee thereof shall transfer or arrange for the transfer of any human body part for valuable consideration.

Amendment 2—On page 2, between lines 7 and 8, insert:

Section 4 Subsection (2) of section 732.910, Florida Statutes, is amended to read

732.910 Persons who may make an anatomical gift—

(2) In the order of priority stated and in the absence of actual notice of contrary indications by the decedent or actual notice of objection by a member of the same or a prior class, any of the following persons may give all or any part of the decedent’s body for any purpose specified in section 732.910:

(a) The spouse.
(b) An adult son or daughter.
(c) Either parent.
(d) An adult brother or sister, or
(e) A guardian of the person of the decedent at the time of his death.
(f) A representative ad item who shall be appointed by a court of competent jurisdiction forthwith upon a petition heard ex parte filed by any person, and said representative ad item shall ascertain that no person of higher priority exists who objects to the gift of all or any part of the decedent’s body and that no evidence exists of communications made by the decedent expressing a desire that his body or body parts not be donated upon death,

but no gift shall be made by the spouse if any adult son or daughter objects, and provided that if they are reasonably available, have been contacted and made aware of the proposed gift and further provided that a reasonable search is made to show that there would have been no objection on religious grounds by the decedent.

Vote after roll call

Yea—Gersten, Girardeau, Jenne, Scott
Nays—None

Vote after roll call

Yea—Gersten, Jenne, Scott

On motion by Senator Henderson, the rules were waived and by two-thirds vote HB 297 was withdrawn from the Committee on Governmental Operations and Appropriations.

On motion by Senator Henderson—

HB 297—A bill to be entitled An act relating to the Department of State, creating s. 15.30, F.S., to provide for the development and coordination of a program for the protection of the rights, privileges, and immunities of foreign governmental officials residing or otherwise having jurisdiction in Florida, providing for the promulgation of rules, providing an effective date

(Renumber subsequent section.)

Amendment 3—On page 1, line 26, strike “act” and insert section

Senators Dunn and Frank offered the following amendment which was adopted by Senator Dunn and adopted

Amendment 4—On page 2, between lines 7 and 8, insert:

Section 3 Section 381.603, Florida Statutes, is created to read

381.603 Advertising or sale of human embryos prohibited—No person shall knowingly advertise or offer to purchase or sell, or purchase, sell or otherwise transfer any human embryo for valuable consideration. As used in this section, “valuable consideration” does not include the reasonable costs associated with the removal, storage, and transportation of a human embryo. Any person violating the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent section.)

Senators Dunn and Frank moved the following amendment which was adopted by Senator Dunn and adopted

Amendment 5—On title, on page 1, strike all of lines 3-8 and insert:

Senator Frank moved the following amendment which was adopted by Senator Dunn and adopted

Amendment 6—On title, on page 1, line 10, after the semicolon (;) insert:

Amendment 3—On page 1, line 26, strike “act” and insert section

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(Renumber subsequent section.)

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(Renumber subsequent section.)

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- a companion measure, was substituted for SB 180 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 297 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—30

Beard Grant Jennings Rehm
Carlucci Girardeau Langley Stuart
Childers, W D Gordon Malchon Thomas
Crawford Grant Mann Thurman
Deratany Grizzle Margaret Vogt
Dunn Hair McGherson Weinsten
Fox Henderson Meek
Frank Hill Myers

Nays—None

Vote after roll call

Yes—Jenne, Kirkpatrick, Scott

SB 180 was laid on the table

On motions by Senator Henderson, the rules were waived and by two-thirds vote HB 302 was withdrawn from the Committees on Appropriations and Finance, Taxation and Claims

On motion by Senator Henderson—

HB 302—A bill to be entitled An act relating to the Department of State, amending § 15.69, F.S., and creating § 607.372, F.S., establishing the Corporations Trust Fund and providing for the administration thereof, providing retroactive and effective dates

- a companion measure, was substituted for SB 181 and read the second time by title. On motion by Senator Henderson, by two-thirds vote HB 302 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—28

Beard Gersten Jennings Rehm
Carlucci Girardeau Jennings Rehm
Childers, W D Gordon Malchon Thomas
Deratany Grant Grant Thomas
Dunn Hair McGherson Vogt
Fox Hair McGherson Vogt
Frank Henderson Meek Weinsten

Nays—None

Vote after roll call

Yes—Jenne, Kirkpatrick, Langley, Scott

SB 181 was laid on the table

CS for SB 541—A bill to be entitled An act relating to public officials, amending § 111.011, F.S., providing clarifying language, specifying the date by which certain statements of contributions are to be filed, amending § 112.345, F.S., providing a definition, amending §§ 112.345, F.S. requiring certain officials or public bodies to notify new appointees of certain disclosure requirements, amending §§ 112.341, F.S., removing specific authority for district courts of appeal to stay the Governor’s power to suspend certain officials or employees, providing an effective date

- was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 541 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—26

Beard Gersten Hill Stuart
Carlucci Girardeau Jennings Rehm
Childers, D Gordon Mann Thurman
Childers, W D Gordon Malchon Thomas
Deratany Grizzle Margaret Vogt
Dunn Hair McGherson Vogt
Frank Henderson Meek Weinsten

Nays—None

Vote after roll call

Yes—Jenne, Kirkpatrick, Langley, Scott

CS for SB 238—A bill to be entitled An act relating to victim and witness protection, providing a short title, providing intent, amending § 901.145, F.S., expanding provisions relating to victims’ statements at sentencing proceedings, creating § 914.16, F.S., authorizing use in evidence of photographs of property wrongfully taken in a crime, amending § 775.086, F.S., requiring the court to order restitution unless reasons exist not to order same, specifying types of restitution and providing for enforcement thereof, amending § 921.87, 945.991, 948.03, and 960.17, F.S., to conform, amending § 947.181, F.S., requiring the Parole and Probation Commission to order restitution as a condition of parole unless reasons exist not to order same, creating § 960.35, F.S., for the creation of guidelines for the treatment of victims and witnesses of crime, creating § 903.047, F.S., creating certain conditions of pretrial release on bail, creating § 914.21, 914.23, and 914.24, F.S., and amending § 918.14, F.S., providing definitions, expanding provisions prohibiting tampering with witnesses to include victims and informants, prohibiting retaliation against such persons, authorizing civil actions to restrain harassment, providing an effective date

- was read the second time by title. On motion by Senator Weinsten, by two-thirds vote CS for SB 238 was read the third time by title, passed and certified to the House. The vote on passage was

Yeas—28

Beard Frank Hill Myers
Carlucci Girardeau Jennings Rehm
Childers, D Girardeau Kirkpatrick Stuart
Childers, W D Gordon Malchon Thomas
Deratany Grant Mann Thurman
Dunn Grizzle Margolis Vogt
Fox Henderson Meek Weinsten

Nays—None

Vote after roll call

Yes—Jenne, Langley, Scott

On motion by Senator Rehm, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1 to House Amendment 1, concurred in same as amended and passed SB 759, as amended, and requests the concurrence of the Senate

Allen Morris, Clerk