

Bill No. CS for SB 1350

Barcode 561458

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Comm: FAV
04/17/2007 03:15 PM

.
. .
. .
. .
. .
. .

The Committee on Transportation (Webster) recommended the following amendment:

Senate Amendment (with title amendment)

On page 5, line 6, through
page 23, line 10, delete those lines

and insert: gift and is legally binding. Any surrogate designated by the decedent pursuant to part II of this chapter may give all or any part of the decedent's body for any purpose specified in s. 765.510.

(3) If the decedent has not executed an agreement concerning an anatomical gift, is not included in the donor registry, or has not designated a surrogate pursuant to part II of this chapter to make an anatomical gift pursuant to the conditions of subsection (2), a member of one of the classes of persons listed below, 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, may give all or any part of the decedent's body for any purpose specified in s. 765.510:

Bill No. CS for SB 1350

Barcode 561458

- 1 (a) The spouse of the decedent;
- 2 (b) An adult son or daughter of the decedent;
- 3 (c) Either parent of the decedent;
- 4 (d) An adult brother or sister of the decedent;
- 5 (e) A grandparent of the decedent;
- 6 (f) A guardian of the person of the decedent at the
- 7 time of his or her death; or
- 8 (g) A representative ad litem who shall be appointed
- 9 by a court of competent jurisdiction forthwith upon a petition
- 10 heard ex parte filed by any person, which representative ad
- 11 litem shall ascertain that no person of higher priority exists
- 12 who objects to the gift of all or any part of the decedent's
- 13 body and that no evidence exists of the decedent's having made
- 14 a communication expressing a desire that his or her body or
- 15 body parts not be donated upon death;
- 16
- 17 but no gift shall be made by the spouse if any adult son or
- 18 daughter objects, and provided that those of higher priority,
- 19 if they are reasonably available, have been contacted and made
- 20 aware of the proposed gift, and further provided that a
- 21 reasonable search is made to show that there would have been
- 22 no objection on religious grounds by the decedent.

23 Section 4. Section 765.514, Florida Statutes, is
24 amended to read:

25 765.514 Manner of executing anatomical gifts.--

26 (1) A gift of all or part of the body under s.

27 765.512(1) may be made by:

- 28 (a) A statement or symbol indicating that the donor
- 29 has made an anatomical gift that he or she has authorized to
- 30 be imprinted on his or her driver's license or identification
- 31 card. Revocation, suspension, expiration, or cancellation of a

Bill No. CS for SB 1350

Barcode 561458

1 driver's license or identification card upon which an
 2 anatomical gift is indicated does not invalidate the gift.

3 (b) A statement indicating that the donor has made an
 4 anatomical gift that he or she has authorized to be included
 5 on the donor registry. Individuals may make such an
 6 authorization through online access to the donor registry. The
 7 Department of Highway Safety and Motor Vehicles may adopt
 8 rules to provide for verification of the identity of such
 9 individuals in a manner similar to the verification of
 10 identity for online driver's license renewal. An online
 11 authorization under this paragraph is evidence of legally
 12 sufficient informed consent to donate an anatomical gift, is
 13 legally binding, and satisfies all signature requirements for
 14 such authorization.

15 (c) A will. The gift becomes effective upon the death
 16 of the testator without waiting for probate. If the will is
 17 not probated or if it is declared invalid for testamentary
 18 purposes, the gift is nevertheless valid to the extent that it
 19 has been acted upon in good faith.

20 (d) ~~1.(2)(a) A gift of all or part of the body under s.~~
 21 ~~765.512(1) may also be made by~~ A document other than a will or
 22 online authorization. The gift becomes effective upon the
 23 death of the donor. The document must be signed by the donor
 24 in the presence of two witnesses who shall sign the document
 25 in the donor's presence. If the donor cannot sign, the
 26 document may be signed for him or her at the donor's direction
 27 and in his or her presence and the presence of two witnesses
 28 who must sign the document in the donor's presence. Delivery
 29 of the document of gift during the donor's lifetime is not
 30 necessary to make the gift valid.

31 2.(b) The following form of written instrument shall

Bill No. CS for SB 1350

Barcode 561458

1 be sufficient for any person to give all or part of his or her
2 body for the purposes of this part:

3

4

UNIFORM DONOR CARD

5

6 The undersigned hereby makes this anatomical gift, if
7 medically acceptable, to take effect on death. The words and
8 marks below indicate my desires:

9 I give:

10 (a) any needed organs, tissues, or eyes ~~or parts~~;

11 (b) only the following organs, tissues, or eyes
12 ~~or parts~~

13 ...[Specify the organ(s), tissues, or eye(s) ~~or~~
14 ~~part(s)~~]...

15 for the purpose of transplantation, therapy, medical research,
16 or education;

17 (c) my body for anatomical study if needed.

18 Limitations or special wishes, if any:

19 ...(If applicable, list specific donee)...[This must be
20 arranged in advance with the donee.]

21

22 Signed by the donor and the following witnesses in the
23 presence of each other:

24

25 ...(Signature of donor)... ...(Date of birth of donor)...

26 ...(Date signed)... ...(City and State)...

27

28 ...(Witness)... ...(Witness)...

29 ...(Address)... ...(Address)...

30

31 ~~(2)~~(3) The gift may be made to a donee specified by

Bill No. CS for SB 1350

Barcode 561458

1 name. If the donee is not specified by name, the gift may be
2 accepted by the attending physician as donee upon or following
3 the donor's death. If the gift is made to a specified donee
4 who is not available at the time and place of death, the
5 attending physician may accept the gift as donee upon or
6 following death in the absence of any expressed indication
7 that the donor desired otherwise. However, the Legislature
8 declares that the public policy of this state prohibits
9 restrictions on the possible recipients of an anatomical gift
10 on the basis of race, color, religion, sex, national origin,
11 age, physical handicap, health status, marital status, or
12 economic status, and such restrictions are hereby declared
13 void and unenforceable. The physician who becomes a donee
14 under this subsection shall not participate in the procedures
15 for removing or transplanting a part.

16 ~~(3)(4)~~ Notwithstanding s. 765.517(2), the donor may
17 designate in his or her will or other document of gift the
18 surgeon or physician to carry out the appropriate procedures.
19 In the absence of a designation or if the designee is not
20 available, the donee or other person authorized to accept the
21 gift may employ or authorize any surgeon or physician for the
22 purpose.

23 ~~(4)(5)~~ Any gift by a member of a class designated in
24 s. 765.512(3) must be made by a document signed by that person
25 or made by that person's witnessed telephonic discussion,
26 telegraphic message, or other recorded message.

27 Section 5. Section 765.515, Florida Statutes, is
28 amended to read:

29 765.515 Delivery of document; organ and tissue donor
30 registry.--

31 (1) If a gift is made pursuant to ~~through the program~~

Bill No. CS for SB 1350

Barcode 561458

1 ~~established by the Agency for Health Care Administration and~~
 2 ~~the Department of Highway Safety and Motor Vehicles under the~~
 3 ~~authority of s. 765.521, the completed donor registration card~~
 4 shall be delivered to the Department of Highway Safety and
 5 Motor Vehicles and processed as provided ~~in a manner specified~~
 6 in subsection (4), but delivery is not necessary to the
 7 validity of the gift. If the donor withdraws the gift, the
 8 records of the Department of Highway Safety and Motor Vehicles
 9 shall be updated to reflect such withdrawal and the department
 10 shall communicate the withdrawal to the Florida Coalition on
 11 Donation for the purpose of updating the donor registry.

12 (2) If a gift is not made pursuant to ~~through the~~
 13 ~~program established by the Agency for Health Care~~
 14 ~~Administration and the Department of Highway Safety and Motor~~
 15 ~~Vehicles under the authority of s. 765.521 and is made by the~~
 16 donor to a specified donee, the document, other than a will,
 17 may be delivered to the donee to expedite the appropriate
 18 procedures immediately after death, but delivery is not
 19 necessary to the validity of the gift. Such document may be
 20 deposited in any hospital, bank, storage facility, or registry
 21 office that accepts such documents for safekeeping or for
 22 facilitation of procedures after death.

23 (3) On the request of any interested party upon or
 24 after the donor's death, the person in possession shall
 25 produce the document for examination.

26 (4)(a) The Florida Coalition on Donation ~~The Agency~~
 27 ~~for Health Care Administration and the Department of Highway~~
 28 ~~Safety and Motor Vehicles~~ shall maintain ~~develop and implement~~
 29 an organ and tissue donor registry that ~~which~~ shall record,
 30 through electronic means, organ and tissue donation records
 31 ~~documents~~ submitted through the driver license identification

Bill No. CS for SB 1350

Barcode 561458

1 program or through ~~by~~ other sources. The registry shall be
2 maintained in a manner that ~~which~~ will allow, through
3 electronic and telephonic methods, immediate access to organ
4 and tissue donation records ~~documents~~ 24 hours a day, 7 days a
5 week. ~~Hospitals,~~ Organ, ~~and tissue,~~ and eye procurement
6 agencies that are certified by the Agency for Health Care
7 Administration to obtain consent for donation and to screen
8 potential organ and tissue donors, the Florida Coalition on
9 Donation, the Department of Highway Safety and Motor Vehicles,
10 and other parties identified by the agency by rule shall be
11 allowed access through coded means to the information stored
12 in the registry. Both the coalition and the Department of
13 Highway Safety and Motor Vehicles shall have administrative
14 responsibilities for the registry.

15 (b) The coalition shall submit an annual written
16 report to the Legislature that includes all of the following:

17 1. The number of donors on the registry.

18 2. The changes in the number of donors on the
19 registry.

20 3. The general characteristics of donors as may be
21 determined from registry information submitted directly by the
22 donors or by the Department of Highway Safety and Motor
23 Vehicles.

24 (c) Upon request by the Department of Highway Safety
25 and Motor Vehicles, the coalition will provide the department
26 with a list of the names of individuals who joined the donor
27 registry online. This list shall be used to confirm that the
28 identities of all such individuals were verified through the
29 process authorized in s. 765.514(1)(b).

30 (d) The coalition may receive voluntary contributions
31 to support its activities and the registry.

Bill No. CS for SB 1350

Barcode 561458

1 (e)1. Costs for the orderly transition of the organ
 2 and tissue donor registry from the Agency for Health Care
 3 Administration to the coalition and for the notification of
 4 potential donors of the changes to the registration process
 5 shall be paid from the Florida Organ and Tissue ~~Donor~~
 6 ~~Education and Procurement Trust Fund~~ created by s. 765.52155.

7 2. Except as provided in subparagraph 1., costs of
 8 maintaining the organ and tissue donor registry shall be paid
 9 from funds collected pursuant to ss. 320.08047 and
 10 322.08(6)(b) and from any other funds available to the
 11 coalition for this purpose. Funds deposited into the Florida
 12 ~~Organ and Tissue Donor Education and Procurement Trust Fund~~
 13 ~~shall be utilized by the Agency for Health Care Administration~~
 14 ~~for maintaining the organ and tissue donor registry and for~~
 15 ~~organ and tissue donor education.~~

16 Section 6. At the time of implementation of the
 17 amendments concerning the organ and tissue donor registry in
 18 s. 765.515(4), Florida Statutes, made by this act, the Florida
 19 Coalition on Donation shall assume responsibility for all
 20 aspects of the donor registry and the Agency for Health Care
 21 Administration shall provide the coalition with the current
 22 registry information, including donor registration documents,
 23 for all previously registered donors.

24 Section 7. The organ and tissue donor registry
 25 required by this act to be maintained by the Florida Coalition
 26 on Donation is designated as the "Joshua Abbott Organ and
 27 Tissue Donor Registry."

28 Section 8. Section 765.515(4)(e)1., Florida Statutes,
 29 as amended by this act, shall expire upon completion of the
 30 transition of the organ and tissue donor registry from the
 31 Agency for Health Care Administration to the Florida Coalition

Bill No. CS for SB 1350

Barcode 561458

1 on Donation and the notification of potential donors of the
2 changes to the registration process.

3 Section 9. Paragraph (e) is added to subsection (1) of
4 section 765.516, Florida Statutes, to read:

5 765.516 Amendment of the terms of or the revocation of
6 the gift.--

7 (1) A donor may amend the terms of or revoke an
8 anatomical gift by:

9 (e) Removal of his or her own name from the donor
10 registry.

11 Section 10. Subsection (3) of section 765.517, Florida
12 Statutes, is amended to read:

13 765.517 Rights and duties at death.--

14 (3) The organ procurement organization, tissue bank,
15 or eye bank, or hospital medical professionals under the
16 direction thereof, may perform any and all tests to evaluate
17 the deceased as a potential donor and any invasive procedures
18 on the deceased body in order to preserve the potential
19 donor's organs. These procedures do not include the surgical
20 removal of an organ or penetrating any body cavity,
21 specifically for the purpose of donation, until:

22 (a) It has been verified that the deceased's consent
23 to donate appears in the donor registry or until a properly
24 executed donor card or document is located; or

25 (b) If a properly executed donor card or document
26 cannot be located and the deceased's consent is not listed on
27 the donor registry, until a person specified in s. 765.512(3)
28 has been located, has been notified of the death, and has
29 granted legal permission for the donation.

30 Section 11. Section 765.5201, Florida Statutes, is
31 created to read:

Bill No. CS for SB 1350

Barcode 561458

1 765.5201 Records and meetings of the
2 coalition.--Records and meetings of the Florida Coalition on
3 Donation are open to the public in accordance with s.
4 119.07(1), s. 286.011, and s. 24, Art. I of the State
5 Constitution, unless otherwise made exempt by law.

6 Section 12. Section 765.521, Florida Statutes, is
7 amended to read:

8 765.521 Donations as part of driver license or
9 identification card process.--

10 (1) The ~~Agency for Health Care Administration and the~~
11 Department of Highway Safety and Motor Vehicles and the
12 Florida Coalition on Donation shall develop and implement a
13 program encouraging and allowing persons to make anatomical
14 gifts as a part of the process of issuing identification cards
15 and issuing and renewing driver licenses. The donor
16 registration card distributed by the Department of Highway
17 Safety and Motor Vehicles shall include the material specified
18 by s. 765.514(1)(d)2. ~~s. 765.514(2)(b)~~ and may require such
19 additional information, and include such additional material,
20 as may be deemed necessary by that department. The Department
21 of Highway Safety and Motor Vehicles shall also develop and
22 implement a program to identify donors, which program shall
23 include notations on identification cards, driver licenses,
24 and driver records or such other methods as the department may
25 develop. This program shall include, after an individual has
26 completed a donor registration card, making a notation on the
27 front of the driver license or identification card that
28 clearly indicates the individual's intent to donate the
29 individual's organs or tissue. A notation on an individual's
30 driver license or identification card that the individual
31 intends to donate organs or tissues is deemed sufficient to

Bill No. CS for SB 1350

Barcode 561458

1 satisfy all requirements for consent to organ or tissue
 2 donation. The coalition ~~Agency for Health Care Administration~~
 3 shall provide the necessary supplies and forms through funds
 4 collected under ss. 320.08047 and 322.08(6)(b) ~~appropriated~~
 5 ~~from general revenue~~ or contributions from interested
 6 voluntary, nonprofit organizations. The Department of Highway
 7 Safety and Motor Vehicles shall provide the necessary
 8 recordkeeping system through funds appropriated from general
 9 revenue. The Department of Highway Safety and Motor Vehicles
 10 and the coalition ~~Agency for Health Care Administration~~ shall
 11 incur no liability in connection with the performance of any
 12 acts authorized herein.

13 (2) The Department of Highway Safety and Motor
 14 Vehicles, ~~after consultation with and concurrence by the~~
 15 ~~Agency for Health Care Administration,~~ shall adopt rules to
 16 implement ~~the provisions of this section~~ pursuant ~~according to~~
 17 ss. 120.536(1) and 120.54 ~~the provisions of chapter 120.~~

18 (3) ~~Funds expended by the Agency for Health Care~~
 19 ~~Administration to carry out the intent of this section shall~~
 20 ~~not be taken from any funds appropriated for patient care.~~

21 Section 13. Section 765.5215, Florida Statutes, is
 22 amended to read:

23 765.5215 Education program relating to anatomical
 24 gifts.--

25 (1) The Florida Coalition on Donation has established,
 26 and continues to develop, a program to educate the citizens of
 27 Florida, including medical professionals, students, and
 28 minority communities, regarding the laws of this state
 29 relating to anatomical gifts and the need for anatomical
 30 gifts. ~~The Agency for Health Care Administration,~~ Subject to
 31 the concurrence of the Department of Highway Safety and Motor

Bill No. CS for SB 1350

Barcode 561458

1 Vehicles, the coalition shall expand this program by
 2 developing ~~develop~~ a continuing program to educate and inform
 3 ~~medical professionals, law enforcement agencies and officers,~~
 4 ~~high school children,~~ state and local government employees,
 5 including law enforcement agencies and officers, ~~and the~~
 6 ~~public~~ regarding the laws of this state relating to anatomical
 7 gifts and the need for anatomical gifts.

8 (2)(1) The program is to be implemented with ~~the~~
 9 ~~assistance of the organ and tissue donor education panel as~~
 10 ~~provided in s. 765.5216 and with the funds collected under ss.~~
 11 ~~320.08047 and 322.08(6)(b) and any other funds available to~~
 12 the coalition for the purpose of education. Existing community
 13 resources, when available, must be used to support the
 14 program, and volunteers may assist the program to the maximum
 15 extent possible. ~~The Agency for Health Care Administration may~~
 16 ~~contract for the provision of all or any portion of the~~
 17 ~~program. When awarding such contract, the agency shall give~~
 18 ~~priority to existing nonprofit groups that are located within~~
 19 ~~the community, including within the minority communities~~
 20 ~~specified in subsection (2).~~ The program aimed at educating
 21 medical professionals may be implemented by contract with one
 22 or more medical schools located in the state.

23 ~~(2)~~ ~~The Legislature finds that particular difficulties~~
 24 ~~exist in making members of the various minority communities~~
 25 ~~within the state aware of laws relating to anatomical gifts~~
 26 ~~and the need for anatomical gifts. Therefore, the program~~
 27 ~~shall include, as a demonstration project, activities~~
 28 ~~especially targeted at providing such information to the~~
 29 ~~nonwhite, Hispanic, and Caribbean populations of the state.~~

30 (3) ~~The coalition~~ ~~Agency for Health Care~~
 31 ~~Administration~~ shall, no later than March 1 of each year,

Bill No. CS for SB 1350

Barcode 561458

1 submit a report to the Legislature containing statistical data
2 on the effectiveness of the program in procuring donor organs
3 ~~and the effect of the program on state spending for health~~
4 ~~care.~~

5 (4) The coalition ~~Agency for Health Care~~
6 ~~Administration, for the sole purpose of furthering in~~
7 ~~furtherance of~~ its educational responsibilities regarding
8 organ and tissue donation, shall have access to the buildings
9 and workplace areas of all state agencies and political
10 subdivisions of the state.

11 Section 14. Section 765.52155, Florida Statutes, is
12 amended to read:

13 765.52155 Florida Organ and Tissue ~~Donor Education and~~
14 Procurement Trust Fund.--The Florida Organ and Tissue ~~Donor~~
15 ~~Education and~~ Procurement Trust Fund is ~~hereby~~ created, to be
16 administered by the Agency for Health Care Administration.
17 Funds shall be credited to the trust fund as provided for in
18 general law.

19 Section 15. Section 765.5216, Florida Statutes, is
20 repealed.

21 Section 16. Subsections (2), (5), and (6) of section
22 765.522, Florida Statutes, are amended to read:

23 765.522 Duty of certain hospital administrators;
24 liability of hospital administrators, organ procurement
25 organizations, eye banks, and tissue banks.--

26 (2) Where, based on accepted medical standards, a
27 hospital patient is a suitable candidate for organ or tissue
28 donation, the hospital administrator or the hospital
29 administrator's designee shall, at or near the time of death,
30 notify the appropriate organ, tissue, or eye recovery program,
31 which shall access the organ and tissue donor registry created

Bill No. CS for SB 1350

Barcode 561458

1 by s. 765.515(4) to ascertain the existence of a donor card or
 2 document executed by the decedent. In the absence of a donor
 3 card, organ donation sticker or organ donation imprint on a
 4 driver's license, or other properly executed document, the
 5 organ, tissue, or eye recovery program ~~hospital administrator~~
 6 ~~or designee~~ shall request:

7 (a) The patient's health care surrogate, as permitted
 8 in s. 765.512(2); or

9 (b) If the patient does not have a surrogate, or the
 10 surrogate is not reasonably available, any of the persons
 11 specified in s. 765.512(3), in the order and manner of
 12 priority stated in s. 765.512(3),

13
 14 to consent to the gift of all or any part of the decedent's
 15 body for any purpose specified in this part. Except as
 16 provided in s. 765.512, in the absence of actual notice of
 17 opposition, consent need only be obtained from the person or
 18 persons in the highest priority class reasonably available.

19 (5) There shall be no civil or criminal liability
 20 against any organ procurement organization, eye bank, or
 21 tissue bank certified under s. 765.542, ~~or~~ against any
 22 hospital or hospital administrator or designee, or against the
 23 Florida Coalition on Donation, when complying with the
 24 provisions of this part and the rules of the Agency for Health
 25 Care Administration or when, in the exercise of reasonable
 26 care, a request for organ donation is inappropriate and the
 27 gift is not made according to this part and the rules of the
 28 Agency for Health Care Administration.

29 (6) The hospital administrator or a designee shall, at
 30 or near the time of death of a potential organ donor, directly
 31 notify the affiliated ~~Health Care Financing Administration~~

Bill No. CS for SB 1350

Barcode 561458

1 ~~designated~~ organ procurement organization designated as such
2 by the United States Department of Health and Human Services
3 of the potential organ donor. This organ procurement
4 organization must offer any organ from such a donor first to
5 patients on a Florida-based local or state organ sharing
6 transplant list. For the purpose of this subsection, the term
7 "transplant list" includes certain categories of national or
8 regional organ sharing for patients of exceptional need or
9 exceptional match, as approved or mandated by the United
10 Network for Organ Sharing. This notification must not be made
11 to a tissue bank or eye bank in lieu of the organ procurement
12 organization unless the tissue bank or eye bank is also ~~a~~
13 ~~Health Care Financing Administration~~ designated as an organ
14 procurement organization by the United States Department of
15 Health and Human Services.

16 Section 17. Section 765.544, Florida Statutes, is
17 amended to read:

18 765.544 Fees; ~~Florida Organ and Tissue Donor Education~~
19 ~~and Procurement Trust Fund.~~--

20 (1) The Agency for Health Care Administration shall
21 collect an initial application fee of \$1,000 from organ
22 procurement organizations and tissue banks and \$500 from eye
23 banks. The fee must be submitted with each application for
24 initial certification and is nonrefundable.

25 (2) The Agency for Health Care Administration shall
26 assess annual fees to be used, in the following order of
27 priority, for the certification program and, the advisory
28 board, ~~maintenance of the organ and tissue donor registry, and~~
29 ~~the organ and tissue donor education program~~ in the following
30 amounts, which may not exceed \$35,000 per organization:

31 (a) Each general organ procurement organization shall

Bill No. CS for SB 1350

Barcode 561458

1 pay the greater of \$1,000 or 0.25 percent of its total
2 revenues produced from procurement activity in this state by
3 the certificateholder during its most recently completed
4 fiscal year or operational year.

5 (b) Each bone and tissue procurement agency or bone
6 and tissue bank shall pay the greater of \$1,000 or 0.25
7 percent of its total revenues from procurement and processing
8 activity in this state by the certificateholder during its
9 most recently completed fiscal year or operational year.

10 (c) Each eye bank shall pay the greater of \$500 or
11 0.25 percent of its total revenues produced from procurement
12 activity in this state by the certificateholder during its
13 most recently completed fiscal year or operational year.

14 (3) The Agency for Health Care Administration shall
15 provide by rule for administrative penalties for the purpose
16 of ensuring adherence to the standards of quality and practice
17 required by this chapter and rules of the agency for continued
18 certification.

19 (4)(a) Proceeds from fees, administrative penalties,
20 and surcharges collected pursuant to subsections (2) and (3)
21 must be deposited into Health Care ~~the Florida Organ and~~
22 ~~Tissue Donor Education and Procurement~~ Trust Fund created by
23 s. 408.16 ~~s. 765.52155~~.

24 (b) Moneys deposited in the trust fund pursuant to
25 this section must be used exclusively for the implementation,
26 administration, and operation of the certification program and
27 the advisory board, ~~for maintaining the organ and tissue donor~~
28 ~~registry, and for organ and tissue donor education.~~

29 (5) As used in this section, the term "procurement
30 activity in this state" includes the bringing into this state
31 for processing, storage, distribution, or transplantation of

Bill No. CS for SB 1350

Barcode 561458

1 organs or tissues that are initially procured in another state
2 or country.

3 Section 18. In addition to uses of funds provided for
4 in s. 765.544(2) and (4)(b), Florida Statutes, funds governed
5 by those provisions shall be used for the orderly transition
6 of the organ and tissue donor registry from the Agency for
7 Health Care Administration to the Florida Coalition on
8 Donation and notification to potential donors of the changes
9 in the registration process. This section shall expire upon
10 completion of the transition of the organ and tissue donor
11 registry from the Agency for Health Care Administration to the
12 Florida Coalition on Donation and the notification of
13 potential donors of the changes to the registration process.

14 Section 19. Paragraph (a) of subsection (4) of section
15 215.20, Florida Statutes, is amended to read:

16 215.20 Certain income and certain trust funds to
17 contribute to the General Revenue Fund.--

18 (4) The income of a revenue nature deposited in the
19 following described trust funds, by whatever name designated,
20 is that from which the appropriations authorized by subsection
21 (3) shall be made:

22 (a) Within the Agency for Health Care Administration:

23 ~~1. The Florida Organ and Tissue Donor Education and~~
24 ~~Procurement Trust Fund.~~

25 ~~1.2.~~ The Health Care Trust Fund.

26 ~~2.3.~~ The Resident Protection Trust Fund.

27

28 The enumeration of the foregoing moneys or trust funds shall
29 not prohibit the applicability thereto of s. 215.24 should the
30 Governor determine that for the reasons mentioned in s. 215.24
31 the money or trust funds should be exempt herefrom, as it is

Bill No. CS for SB 1350

Barcode 561458

1 the purpose of this law to exempt income from its force and
2 effect when, by the operation of this law, federal matching
3 funds or contributions or private grants to any trust fund
4 would be lost to the state.

5 Section 20. Section 320.08047, Florida Statutes, is
6 amended to read:

7 320.08047 Voluntary contribution for organ and tissue
8 donor education.--As a part of the collection process for
9 license taxes as specified in s. 320.08, individuals shall be
10 permitted to make a voluntary contribution of \$1, which
11 contribution shall be distributed to the Florida Coalition on
12 Donation ~~deposited into the Florida Organ and Tissue Donor~~
13 ~~Education and Procurement Trust Fund~~ for organ and tissue
14 donor education and for maintaining the organ and tissue donor
15 registry.

16 Section 21. Subsection (6) of section 322.08, Florida
17 Statutes, is amended to read:

18 322.08 Application for license.--

19 (6) The application form for a driver's license or
20 duplicate thereof shall include language permitting the
21 following:

22 (a) A voluntary contribution of \$5 per applicant,
23 which contribution shall be transferred into the Election
24 Campaign Financing Trust Fund.

25 (b) A voluntary contribution of \$1 per applicant,
26 which contribution shall be distributed to the Florida
27 Coalition on Donation ~~deposited into the Florida Organ and~~
28 ~~Tissue Donor Education and Procurement Trust Fund~~ for organ
29 and tissue donor education and for maintaining the organ and
30 tissue donor registry.

31 (c) A voluntary contribution of \$1 per applicant,

Bill No. CS for SB 1350

Barcode 561458

1 which contribution shall be distributed to the Florida Council
2 of the Blind.

3 (d) A voluntary contribution of \$2 per applicant,
4 which shall be distributed to the Hearing Research Institute,
5 Incorporated.

6 (e) A voluntary contribution of \$1 per applicant,
7 which shall be distributed to the Juvenile Diabetes Foundation
8 International.

9 (f) A voluntary contribution of \$1 per applicant,
10 which shall be distributed to the Children's Hearing Help
11 Fund.

12
13 A statement providing an explanation of the purpose of the
14 trust funds shall also be included. For the purpose of
15 applying the service charge provided in s. 215.20,
16 contributions received under paragraphs**(b)**, (c), (d), (e),
17 and (f) and under s. 322.18(9)(a) are not income of a revenue
18 nature.

19 Section 22. The sum of \$607,000 in nonrecurring funds
20 is appropriated from the Florida Organ and Tissue Procurement
21 Trust Fund to the Agency for Health Care Administration for
22 the purpose of contracting with the Florida Coalition on
23 Donation for the orderly transition of the organ donor
24 registry.

25
26 (Redesignate subsequent sections.)

27
28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 1, line 6, through

Bill No. CS for SB 1350

Barcode 561458

1 page 3, line 17, delete those lines

2

3 and insert:

4 joining a donor registry; conforming
5 provisions; amending s. 765.514, F.S.;
6 providing for authorization of anatomical
7 donations by notations on a driver's license or
8 identification card; providing for effect on
9 authorization of license revocation,
10 suspension, expiration, or cancellation;
11 providing for authorization of anatomical
12 donation by inclusion on a donor registry;
13 providing for authorization of donation through
14 online access to registry; providing for
15 rulemaking; specifying the effects of an online
16 authorization; revising the uniform donor card;
17 amending s. 765.515, F.S.; revising provisions
18 relating to communication of specified
19 information to the donor registry; providing
20 for administration of the donor registry by a
21 specified nonprofit corporation rather than by
22 a state agency; revising provisions relating to
23 registry administration; requiring an annual
24 report; providing for verification of certain
25 online entries; providing for voluntary
26 contributions to the registry; revising
27 provisions relating to payment of costs of the
28 registry; providing for provision of current
29 registry information to the Florida Coalition
30 on Donation; designating the Joshua Abbott
31 Organ and Tissue Donor Registry; providing for

Bill No. CS for SB 1350

Barcode 561458

1 expiration of specified transitional
2 provisions; amending s. 765.516, F.S.;
3 authorizing revocation of anatomical an gift by
4 a donor through removal of his or her name from
5 the donor registry; amending s. 765.517, F.S.;
6 revising provisions relating to verification of
7 a donor's consent at death; creating s.
8 765.5201, F.S.; providing for application of
9 public records and meetings requirements to the
10 Florida Coalition on Donation; amending s.
11 765.521, F.S.; revising provisions relating to
12 authorization of donations as a part of the
13 driver's license or identification card
14 process; amending s. 765.5215, F.S.; revising
15 provisions relating to anatomical gift
16 education programs; amending s. 765.52155,
17 F.S.; redesignating the Florida Organ and
18 Tissue Donor Education and Procurement Trust
19 Fund as the Florida Organ and Tissue
20 Procurement Trust Fund; repealing s. 765.5216,
21 F.S., relating to the organ and tissue donor
22 education panel; amending s. 765.522, F.S.;
23 revising duties of hospital administrators at
24 or near the time of death of persons who are
25 suitable candidates for organ or tissue
26 donation; providing specified immunity to the
27 Florida Coalition on Donation; revising
28 authority for designation of organ procurement
29 organizations; amending s. 765.544, F.S.;
30 revising provisions relating to the Florida
31 Organ and Tissue Procurement Trust Fund and the

Bill No. CS for SB 1350

Barcode 561458

1 Health Care Trust Fund; providing for use of
2 specified funds for certain transitional and
3 notification purposes; revising disposition of
4 certain fees, penalties, and surcharges;
5 providing for expiration of specified
6 provisions; amending s. 215.20, F.S.; deleting
7 the Florida Organ and Tissue Donor Education
8 and Procurement Trust Fund from provisions
9 concerning a trust fund surcharge; amending ss.
10 320.08047 and 322.08, F.S.; revising
11 distribution of specified voluntary
12 contributions for organ and tissue donor
13 education; providing an appropriation;
14 providing an effective date.

15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31