



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

1 Florida Coalition on Donation; revising  
2 authority for designation of organ procurement  
3 organizations; amending s. 765.544, F.S.;  
4 revising provisions relating to the use of the  
5 Florida Organ and Tissue Procurement Trust  
6 Fund; providing for use of specified funds for  
7 certain transitional and notification purposes;  
8 providing for expiration of specified  
9 provisions; amending s. 215.20, F.S.;  
10 conforming provisions to the redesignation of  
11 the Florida Organ and Tissue Donor Education  
12 and Procurement Trust Fund as the Florida Organ  
13 and Tissue Procurement Trust Fund; amending ss.  
14 320.08047 and 322.08, F.S.; revising  
15 distribution of specified voluntary  
16 contributions for organ and tissue donor  
17 education; providing an effective date.  
18

19 Be It Enacted by the Legislature of the State of Florida:  
20

21 Section 1. (1) The Legislature finds that:

22 (a) There exists in the state a shortage of organ and  
23 tissue donors to provide the organs and tissue that could save  
24 lives or enhance the quality of life for many Floridians.

25 (b) There is a need to encourage the various minority  
26 populations of Florida to donate organs and tissue.

27 (c) An enhanced program of donor education coupled  
28 with an online registration process developed and implemented  
29 by a private not-for-profit entity in cooperation with the  
30 Department of Highway Safety and Motor Vehicles that will  
31 report its results to the Agency for Health Care

1 Administration and the Legislature will lead to an increase in  
2 the number of organ and tissue donors registered in Florida.

3 (d) The Florida Coalition on Donation has been  
4 established as a not-for-profit entity by the Florida organ  
5 procurement organizations designated by the United States  
6 Department of Health and Human Services and Florida tissue  
7 banks and eye banks, all certified by the Agency for Health  
8 Care Administration.

9 (2) It is the intent of the Legislature that the funds  
10 collected pursuant to ss. 320.08047 and 322.08(6)(b), Florida  
11 Statutes, be used to maintain the donor registry and for  
12 educational purposes aimed at increasing the number of organ  
13 and tissue donors, thus affording more Floridians who are  
14 awaiting organ or tissue transplants the opportunity for a  
15 full and productive life.

16 Section 2. Subsections (4) and (5) of section 765.511,  
17 Florida Statutes, are renumbered as subsections (5) and (6),  
18 respectively, and a new subsection (4) is added to that  
19 section to read:

20 765.511 Definitions.--As used in this part, the term:  
21 (4) "Florida Coalition on Donation" or "coalition"  
22 means the Florida Coalition on Donation, Inc., a  
23 not-for-profit corporation.

24 Section 3. Subsections (2) and (3) of section 765.512,  
25 Florida Statutes, are amended to read:

26 765.512 Persons who may make an anatomical gift.--

27 (2) If the decedent has executed an agreement  
28 concerning an anatomical gift, by signing an organ and tissue  
29 donor card, by joining the organ donor registry, by expressing  
30 his or her wish to donate in a living will or advance  
31 directive, or by signifying his or her intent to donate on his

1 or her driver's license or identification card or in some  
2 other written form has indicated his or her wish to make an  
3 anatomical gift, and in the absence of actual notice of  
4 contrary indications by the decedent, the document is evidence  
5 of legally sufficient informed consent to donate an anatomical  
6 gift and is legally binding. If an unemancipated minor  
7 designates his or her intent to donate on his or her driver's  
8 license or identification card, the designation shall have the  
9 same effect as if it had been made by an adult once he or she  
10 attains the age of majority. Any surrogate designated by the  
11 decedent pursuant to part II of this chapter may give all or  
12 any part of the decedent's body for any purpose specified in  
13 s. 765.510.

14 (3) If the decedent has not executed an agreement  
15 concerning an anatomical gift, is not included in the donor  
16 registry, or has not designated a surrogate pursuant to part  
17 II of this chapter to make an anatomical gift pursuant to the  
18 conditions of subsection (2), a member of one of the classes  
19 of persons listed below, in the order of priority stated and  
20 in the absence of actual notice of contrary indications by the  
21 decedent or actual notice of opposition by a member of the  
22 same or a prior class, may give all or any part of the  
23 decedent's body for any purpose specified in s. 765.510:

- 24 (a) The spouse of the decedent;  
25 (b) An adult son or daughter of the decedent;  
26 (c) Either parent of the decedent;  
27 (d) An adult brother or sister of the decedent;  
28 (e) A grandparent of the decedent;  
29 (f) A guardian of the person of the decedent at the  
30 time of his or her death; or  
31

1 (g) A representative ad litem who shall be appointed  
2 by a court of competent jurisdiction forthwith upon a petition  
3 heard ex parte filed by any person, which representative ad  
4 litem shall ascertain that no person of higher priority exists  
5 who objects to the gift of all or any part of the decedent's  
6 body and that no evidence exists of the decedent's having made  
7 a communication expressing a desire that his or her body or  
8 body parts not be donated upon death;

9  
10 but no gift shall be made by the spouse if any adult son or  
11 daughter objects, and provided that those of higher priority,  
12 if they are reasonably available, have been contacted and made  
13 aware of the proposed gift, and further provided that a  
14 reasonable search is made to show that there would have been  
15 no objection on religious grounds by the decedent.

16 Section 4. Section 765.514, Florida Statutes, is  
17 amended to read:

18 765.514 Manner of executing anatomical gifts.--

19 (1) A gift of all or part of the body under s.  
20 765.512(1) may be made by:

21 (a) A statement or symbol indicating that the donor  
22 has made an anatomical gift that he or she has authorized to  
23 be imprinted on his or her driver's license or identification  
24 card. Revocation, suspension, expiration, or cancellation of a  
25 driver's license or identification card upon which an  
26 anatomical gift is indicated does not invalidate the gift.

27 (b) A statement indicating that the donor has made an  
28 anatomical gift that he or she has authorized to be included  
29 on the donor registry. Individuals may make such an  
30 authorization through online access to the donor registry. The  
31 Department of Highway Safety and Motor Vehicles shall adopt

1 rules to provide for verification of the identity of such  
2 individuals in a manner similar to the verification of  
3 identity for online drivers license renewal.

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

9 ~~(d)1.(2)(a) A gift of all or part of the body under s.~~  
10 ~~765.512(1) may also be made by~~ A document other than a will.  
11 The gift becomes effective upon the death of the donor. The  
12 document must be signed by the donor in the presence of two  
13 witnesses who shall sign the document in the donor's presence.  
14 If the donor cannot sign, the document may be signed for him  
15 or her at the donor's direction and in his or her presence and  
16 the presence of two witnesses who must sign the document in  
17 the donor's presence. Delivery of the document of gift during  
18 the donor's lifetime is not necessary to make the gift valid.

19 ~~2.(b)~~ The following form of written instrument shall  
20 be sufficient for any person to give all or part of his or her  
21 body for the purposes of this part:

22  
23 UNIFORM DONOR CARD

24  
25 The undersigned hereby makes this anatomical gift, if  
26 medically acceptable, to take effect on death. The words and  
27 marks below indicate my desires:

28 I give:

- 29 (a) .... any needed organs, tissues, or eyes ~~or parts~~;  
30 (b) .... only the following organs, tissues, or eyes  
31 ~~or parts~~



1 void and unenforceable. The physician who becomes a donee  
2 under this subsection shall not participate in the procedures  
3 for removing or transplanting a part.

4 ~~(3)(4)~~ Notwithstanding s. 765.517(2), the donor may  
5 designate in his or her will or other document of gift the  
6 surgeon or physician to carry out the appropriate procedures.  
7 In the absence of a designation or if the designee is not  
8 available, the donee or other person authorized to accept the  
9 gift may employ or authorize any surgeon or physician for the  
10 purpose.

11 ~~(4)(5)~~ Any gift by a member of a class designated in  
12 s. 765.512(3) must be made by a document signed by that person  
13 or made by that person's witnessed telephonic discussion,  
14 telegraphic message, or other recorded message.

15 Section 5. Section 765.515, Florida Statutes, is  
16 amended to read:

17 765.515 Delivery of document; organ and tissue donor  
18 registry.--

19 (1) If a gift is made pursuant to ~~through the program~~  
20 ~~established by the Agency for Health Care Administration and~~  
21 ~~the Department of Highway Safety and Motor Vehicles under the~~  
22 ~~authority of~~ s. 765.521, the completed donor registration card  
23 shall be delivered to the Department of Highway Safety and  
24 Motor Vehicles and processed as provided ~~in a manner specified~~  
25 in subsection (4), but delivery is not necessary to the  
26 validity of the gift. If the donor withdraws the gift, the  
27 records of the Department of Highway Safety and Motor Vehicles  
28 shall be updated to reflect such withdrawal and the department  
29 shall communicate the withdrawal to the Florida Coalition on  
30 Donation for the purpose of updating the donor registry.

1           (2) If a gift is not made pursuant to ~~through the~~  
2 ~~program established by the Agency for Health Care~~  
3 ~~Administration and the Department of Highway Safety and Motor~~  
4 ~~Vehicles under the authority of s. 765.521 and is made by the~~  
5 donor to a specified donee, the document, other than a will,  
6 may be delivered to the donee to expedite the appropriate  
7 procedures immediately after death, but delivery is not  
8 necessary to the validity of the gift. Such document may be  
9 deposited in any hospital, bank, storage facility, or registry  
10 office that accepts such documents for safekeeping or for  
11 facilitation of procedures after death.

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

15           (4)(a) The Florida Coalition on Donation ~~The Agency~~  
16 ~~for Health Care Administration and the Department of Highway~~  
17 ~~Safety and Motor Vehicles~~ shall maintain ~~develop and implement~~  
18 an organ and tissue donor registry that ~~which~~ shall record,  
19 through electronic means, organ and tissue donation records  
20 ~~documents~~ submitted through the driver license identification  
21 program or through ~~by~~ other sources. The registry shall be  
22 maintained in a manner that ~~which~~ will allow, through  
23 electronic and telephonic methods, immediate access to organ  
24 and tissue donation records ~~documents~~ 24 hours a day, 7 days a  
25 week. ~~Hospitals,~~ Organ, and tissue, and eye procurement  
26 agencies that are certified by the Agency for Health Care  
27 Administration to obtain consent for donation and to screen  
28 potential organ and tissue donors, the Florida Coalition on  
29 Donation, the Department of Highway Safety and Motor Vehicles,  
30 and other parties identified by the agency by rule shall be  
31 allowed access through coded means to the information stored

1 in the registry. Both the coalition and the Department of  
2 Highway Safety and Motor Vehicles shall have administrative  
3 responsibilities for the registry.

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

6 1. The number of donors on the registry.

7 2. The changes in the number of donors on the  
8 registry.

9 3. The general characteristics of donors as may be  
10 determined from registry information submitted directly by the  
11 donors or by the Department of Highway Safety and Motor  
12 Vehicles.

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

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

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

27 2. Except as provided in subparagraph 1., costs for  
28 maintaining the organ and tissue donor registry shall be paid  
29 from funds collected pursuant to ss. 320.08047 and  
30 322.08(6)(b) and from any other funds available to the  
31 coalition for this purpose. ~~Funds deposited into the Florida~~

1 ~~Organ and Tissue Donor Education and Procurement Trust Fund~~  
2 ~~shall be utilized by the Agency for Health Care Administration~~  
3 ~~for maintaining the organ and tissue donor registry and for~~  
4 ~~organ and tissue donor education.~~

5 Section 6. At the time of implementation of the  
6 amendments concerning the organ and tissue donor registry in  
7 s. 765.515(4), Florida Statutes, made by this act, the Florida  
8 Coalition on Donation shall assume responsibility for all  
9 aspects of the donor registry and the Agency for Health Care  
10 Administration shall provide the coalition with the current  
11 registry information, including donor registration documents,  
12 for all previously registered donors.

13 Section 7. The organ and tissue donor registry  
14 required by this act to be maintained by the Florida Coalition  
15 on Donation is designated as the "Joshua Abbott Organ and  
16 Tissue Donor Registry."

17 Section 8. Section 765.515(4)(e)1., Florida Statutes,  
18 as amended by this act, shall expire upon completion of the  
19 transition of the organ and tissue donor registry from the  
20 Agency for Health Care Administration to the Florida Coalition  
21 on Donation and the notification of potential donors of the  
22 changes to the registration process.

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

25 765.516 Amendment of the terms of or the revocation of  
26 the gift.--

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

29 (e) Removal of his or her own name from the donor  
30 registry.

31

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

3           765.517 Rights and duties at death.--

4           (3) The organ procurement organization, tissue bank,  
5 or eye bank, or hospital medical professionals under the  
6 direction thereof, may perform any and all tests to evaluate  
7 the deceased as a potential donor and any invasive procedures  
8 on the deceased body in order to preserve the potential  
9 donor's organs. These procedures do not include the surgical  
10 removal of an organ or penetrating any body cavity,  
11 specifically for the purpose of donation, until:

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

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

20           Section 11. Section 765.5201, Florida Statutes, is  
21 created to read:

22           765.5201 Meetings of the Florida Coalition on  
23 Donation.--Records and meetings of the Florida Coalition on  
24 Donation are open to the public in accordance with s.  
25 119.07(1), s. 286.011, and s. 24, Art. I of the State  
26 Constitution, unless otherwise made exempt by law.

27           Section 12. Section 765.521, Florida Statutes, is  
28 amended to read:

29           765.521 Donations as part of driver license or  
30 identification card process.--

31

1           (1) The ~~Agency for Health Care Administration and the~~  
2 Department of Highway Safety and Motor Vehicles and the  
3 Florida Coalition on Donation shall develop and implement a  
4 program encouraging and allowing persons to make anatomical  
5 gifts as a part of the process of issuing identification cards  
6 and issuing and renewing driver licenses. The donor  
7 registration card distributed by the Department of Highway  
8 Safety and Motor Vehicles shall include the material specified  
9 by s. 765.514(1)(d)2. ~~(2)(b)~~ and may require such additional  
10 information, and include such additional material, as may be  
11 deemed necessary by that department. The Department of Highway  
12 Safety and Motor Vehicles shall also develop and implement a  
13 program to identify donors, which program shall include  
14 notations on identification cards, driver licenses, and driver  
15 records or such other methods as the department may develop.  
16 This program shall include, after an individual has completed  
17 a donor registration card, making a notation on the front of  
18 the driver license or identification card that clearly  
19 indicates the individual's intent to donate the individual's  
20 organs or tissue. A notation on an individual's driver license  
21 or identification card that the individual intends to donate  
22 organs or tissues is deemed sufficient to satisfy all  
23 requirements for consent to organ or tissue donation. The  
24 coalition ~~Agency for Health Care Administration~~ shall provide  
25 the necessary supplies and forms through funds collected under  
26 ss. 320.08047 and 322.08(6)(b) ~~appropriated from general~~  
27 ~~revenue~~ or contributions from interested voluntary, nonprofit  
28 organizations. The Department of Highway Safety and Motor  
29 Vehicles shall provide the necessary recordkeeping system  
30 through funds appropriated from general revenue. The  
31 Department of Highway Safety and Motor Vehicles and the

1 ~~coalition~~ ~~Agency for Health Care Administration~~ shall incur no  
2 liability in connection with the performance of any acts  
3 authorized herein.

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

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

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

14 765.5215 Education program relating to anatomical  
15 gifts.--

16 (1) The Florida Coalition on Donation has established,  
17 and continues to develop, a program to educate the citizens of  
18 Florida, including medical professionals, students, and  
19 minority communities, regarding the laws of this state  
20 relating to anatomical gifts and the need for anatomical  
21 gifts. ~~The Agency for Health Care Administration,~~ Subject to  
22 the concurrence of the Department of Highway Safety and Motor  
23 Vehicles, the coalition shall expand this program by  
24 developing ~~develop~~ a continuing program to educate and inform  
25 ~~medical professionals, law enforcement agencies and officers,~~  
26 ~~high school children,~~ state and local government employees,  
27 including law enforcement agencies and officers, and the  
28 ~~public~~ regarding the laws of this state relating to anatomical  
29 gifts and the need for anatomical gifts.

30 ~~(2)(1)~~ The program is to be implemented with ~~the~~  
31 ~~assistance of the organ and tissue donor education panel as~~

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

14 ~~(2) The Legislature finds that particular difficulties~~  
15 ~~exist in making members of the various minority communities~~  
16 ~~within the state aware of laws relating to anatomical gifts~~  
17 ~~and the need for anatomical gifts. Therefore, the program~~  
18 ~~shall include, as a demonstration project, activities~~  
19 ~~especially targeted at providing such information to the~~  
20 ~~nonwhite, Hispanic, and Caribbean populations of the state.~~

21 (3) The coalition ~~Agency for Health Care~~  
22 ~~Administration~~ shall, no later than March 1 of each year,  
23 submit a report to the Legislature containing statistical data  
24 on the effectiveness of the program in procuring donor organs  
25 ~~and the effect of the program on state spending for health~~  
26 ~~care.~~

27 (4) The coalition ~~Agency for Health Care~~  
28 ~~Administration, for the sole purpose of furthering in~~  
29 ~~furtherance~~ of its educational responsibilities regarding  
30 organ and tissue donation, shall have access to the buildings  
31

1 and workplace areas of all state agencies and political  
2 subdivisions of the state.

3 Section 14. Section 765.52155, Florida Statutes, is  
4 amended to read:

5 765.52155 Florida Organ and Tissue ~~Donor Education and~~  
6 Procurement Trust Fund.--The Florida Organ and Tissue ~~Donor~~  
7 ~~Education and~~ Procurement Trust Fund is ~~hereby~~ created, to be  
8 administered by the Agency for Health Care Administration.  
9 Funds shall be credited to the trust fund as provided for in  
10 general law.

11 Section 15. Section 765.5216, Florida Statutes, is  
12 repealed.

13 Section 16. Subsections (2), (5), and (6) of section  
14 765.522, Florida Statutes, are amended to read:

15 765.522 Duty of certain hospital administrators;  
16 liability of hospital administrators, organ procurement  
17 organizations, eye banks, and tissue banks.--

18 (2) Where, based on accepted medical standards, a  
19 hospital patient is a suitable candidate for organ or tissue  
20 donation, the hospital administrator or the hospital  
21 administrator's designee shall, at or near the time of death,  
22 notify the appropriate organ, tissue, or eye recovery program,  
23 which shall access the organ and tissue donor registry created  
24 by s. 765.515(4) to ascertain the existence of a donor card or  
25 document executed by the decedent. In the absence of a donor  
26 card, organ donation sticker or organ donation imprint on a  
27 driver's license, or other properly executed document, the  
28 organ, tissue, or eye recovery program ~~hospital administrator~~  
29 ~~or designee~~ shall request:

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

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

5  
6 to consent to the gift of all or any part of the decedent's  
7 body for any purpose specified in this part. Except as  
8 provided in s. 765.512, in the absence of actual notice of  
9 opposition, consent need only be obtained from the person or  
10 persons in the highest priority class reasonably available.

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

21 (6) The hospital administrator or a designee shall, at  
22 or near the time of death of a potential organ donor, directly  
23 notify the affiliated ~~Health Care Financing Administration~~  
24 ~~designated~~ organ procurement organization designated as such  
25 by the United States Department of Health and Human Services  
26 of the potential organ donor. This organ procurement  
27 organization must offer any organ from such a donor first to  
28 patients on a Florida-based local or state organ sharing  
29 transplant list. For the purpose of this subsection, the term  
30 "transplant list" includes certain categories of national or  
31 regional organ sharing for patients of exceptional need or

1 | exceptional match, as approved or mandated by the United  
2 | Network for Organ Sharing. This notification must not be made  
3 | to a tissue bank or eye bank in lieu of the organ procurement  
4 | organization unless the tissue bank or eye bank is also a  
5 | ~~Health Care Financing Administration~~ designated as an organ  
6 | procurement organization by the United States Department of  
7 | Health and Human Services.

8 |           Section 17. Section 765.544, Florida Statutes, is  
9 | amended to read:

10 |           765.544 Fees; Florida Organ and Tissue ~~Donor Education~~  
11 | ~~and~~ Procurement Trust Fund.--

12 |           (1) The Agency for Health Care Administration shall  
13 | collect an initial application fee of \$1,000 from organ  
14 | procurement organizations and tissue banks and \$500 from eye  
15 | banks. The fee must be submitted with each application for  
16 | initial certification and is nonrefundable.

17 |           (2) The Agency for Health Care Administration shall  
18 | assess annual fees to be used, in the following order of  
19 | priority, for the certification program and, the advisory  
20 | board, ~~maintenance of the organ and tissue donor registry, and~~  
21 | ~~the organ and tissue donor education program~~ in the following  
22 | amounts, which may not exceed \$35,000 per organization:

23 |           (a) Each general organ procurement organization shall  
24 | pay the greater of \$1,000 or 0.25 percent of its total  
25 | revenues produced from procurement activity in this state by  
26 | the certificateholder during its most recently completed  
27 | fiscal year or operational year.

28 |           (b) Each bone and tissue procurement agency or bone  
29 | and tissue bank shall pay the greater of \$1,000 or 0.25  
30 | percent of its total revenues from procurement and processing  
31 |

1 activity in this state by the certificateholder during its  
2 most recently completed fiscal year or operational year.

3 (c) Each eye bank shall pay the greater of \$500 or  
4 0.25 percent of its total revenues produced from procurement  
5 activity in this state by the certificateholder during its  
6 most recently completed fiscal year or operational year.

7 (3) The Agency for Health Care Administration shall  
8 provide by rule for administrative penalties for the purpose  
9 of ensuring adherence to the standards of quality and practice  
10 required by this chapter and rules of the agency for continued  
11 certification.

12 (4)(a) Proceeds from fees, administrative penalties,  
13 and surcharges collected pursuant to subsections (2) and (3)  
14 must be deposited into the Florida Organ and Tissue ~~Donor~~  
15 ~~Education and~~ Procurement Trust Fund created by s. 765.52155.

16 (b) Moneys deposited in the trust fund pursuant to  
17 this section must be used exclusively for the implementation,  
18 administration, and operation of the certification program and  
19 the advisory board, ~~for maintaining the organ and tissue donor~~  
20 ~~registry, and for organ and tissue donor education.~~

21 (5) As used in this section, the term "procurement  
22 activity in this state" includes the bringing into this state  
23 for processing, storage, distribution, or transplantation of  
24 organs or tissues that are initially procured in another state  
25 or country.

26 Section 18. In addition to uses of funds provided for  
27 in s. 765.544(2) and (4)(b), Florida Statutes, funds governed  
28 by those provisions shall be used for the orderly transition  
29 of the organ and tissue donor registry from the Agency for  
30 Health Care Administration to the Florida Coalition on  
31 Donation and notification to potential donors of the changes

1 in the registration process. This section shall expire upon  
2 completion of the transition of the organ and tissue donor  
3 registry from the Agency for Health Care Administration to the  
4 Florida Coalition on Donation and the notification of  
5 potential donors of the changes to the registration process.

6 Section 19. Paragraph (a) of subsection (4) of section  
7 215.20, Florida Statutes, is amended to read:

8 215.20 Certain income and certain trust funds to  
9 contribute to the General Revenue Fund.--

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

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

- 15 1. The Florida Organ and Tissue ~~Donor Education and~~  
16 Procurement Trust Fund.  
17 2. The Health Care Trust Fund.  
18 3. The Resident Protection Trust Fund.

19  
20 The enumeration of the foregoing moneys or trust funds shall  
21 not prohibit the applicability thereto of s. 215.24 should the  
22 Governor determine that for the reasons mentioned in s. 215.24  
23 the money or trust funds should be exempt herefrom, as it is  
24 the purpose of this law to exempt income from its force and  
25 effect when, by the operation of this law, federal matching  
26 funds or contributions or private grants to any trust fund  
27 would be lost to the state.

28 Section 20. Section 320.08047, Florida Statutes, is  
29 amended to read:

30 320.08047 Voluntary contribution for organ and tissue  
31 donor education.--As a part of the collection process for

1 license taxes as specified in s. 320.08, individuals shall be  
2 permitted to make a voluntary contribution of \$1, which  
3 contribution shall be distributed to the Florida Coalition on  
4 Donation ~~deposited into the Florida Organ and Tissue Donor~~  
5 ~~Education and Procurement Trust Fund~~ for organ and tissue  
6 donor education and for maintaining the organ and tissue donor  
7 registry.

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

10 322.08 Application for license.--

11 (6) The application form for a driver's license or  
12 duplicate thereof shall include language permitting the  
13 following:

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

17 (b) A voluntary contribution of \$1 per applicant,  
18 which contribution shall be distributed to the Florida  
19 Coalition on Donation ~~deposited into the Florida Organ and~~  
20 ~~Tissue Donor Education and Procurement Trust Fund~~ for organ  
21 and tissue donor education and for maintaining the organ and  
22 tissue donor registry.

23 (c) A voluntary contribution of \$1 per applicant,  
24 which contribution shall be distributed to the Florida Council  
25 of the Blind.

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

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

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

4  
5 A statement providing an explanation of the purpose of the  
6 trust funds shall also be included. For the purpose of  
7 applying the service charge provided in s. 215.20,  
8 contributions received under paragraphs**(b)**, (c), (d), (e),  
9 and (f) and under s. 322.18(9)(a) are not income of a revenue  
10 nature.

11           Section 22. This act shall take effect July 1, 2007.

12  
13                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14                   COMMITTEE SUBSTITUTE FOR  
15                   Senate Bill 1350

16 The committee substitute designates the organ and tissue donor  
17 registry maintained by the coalition as the "Joshua Abbott  
18 Organ and Tissue Donor Registry." The committee substitute  
19 also clarifies that all records and meetings of the coalition  
20 are open to the public, unless otherwise made exempt by law.  
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