

By the Committees on Governmental Operations; Health Policy;
and Senators Oelrich, Dockery and Lynn

585-2552-07

1 A bill to be entitled
2 An act relating to organ and tissue donation;
3 providing findings and intent; amending s.
4 765.511, F.S.; providing a definition; amending
5 s. 765.512, F.S.; providing for donation by
6 joining a donor registry; conforming
7 provisions; amending s. 765.514, F.S.;
8 providing for authorization of anatomical
9 donations by notations on a driver's license or
10 identification card; providing for effect on
11 authorization of license revocation,
12 suspension, expiration, or cancellation;
13 providing for authorization of anatomical
14 donation by inclusion on a donor registry;
15 providing for authorization of donation through
16 online access to registry; providing for
17 rulemaking; specifying the effects of an online
18 authorization; revising the uniform donor card;
19 amending s. 765.515, F.S.; revising provisions
20 relating to communication of specified
21 information to the donor registry; providing
22 for administration of the donor registry by a
23 specified nonprofit corporation rather than by
24 a state agency; revising provisions relating to
25 registry administration; requiring an annual
26 report; providing for verification of certain
27 online entries; providing for voluntary
28 contributions to the registry; revising
29 provisions relating to payment of costs of the
30 registry; providing for provision of current
31 registry information to the Florida Coalition

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

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

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

Section 1. (1) The Legislature finds that:

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

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

(c) An enhanced program of donor education coupled with an online registration process developed and implemented by a private not-for-profit entity in cooperation with the Department of Highway Safety and Motor Vehicles that will 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. Any surrogate designated by the
7 decedent pursuant to part II of this chapter may give all or
8 any part of the decedent's body for any purpose specified in
9 s. 765.510.

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

- 20 (a) The spouse of the decedent;
21 (b) An adult son or daughter of the decedent;
22 (c) Either parent of the decedent;
23 (d) An adult brother or sister of the decedent;
24 (e) A grandparent of the decedent;
25 (f) A guardian of the person of the decedent at the
26 time of his or her death; or
27 (g) A representative ad litem who shall be appointed
28 by a court of competent jurisdiction forthwith upon a petition
29 heard ex parte filed by any person, which representative ad
30 litem shall ascertain that no person of higher priority exists
31 who objects to the gift of all or any part of the decedent's

1 body and that no evidence exists of the decedent's having made
2 a communication expressing a desire that his or her body or
3 body parts not be donated upon death;

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

11 Section 4. Section 765.514, Florida Statutes, is
12 amended to read:

13 765.514 Manner of executing anatomical gifts.--

14 (1) A gift of all or part of the body under s.
15 765.512(1) may be made by:

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

22 (b) A statement indicating that the donor has made an
23 anatomical gift that he or she has authorized to be included
24 on the donor registry. Individuals may make such an
25 authorization through online access to the donor registry. The
26 Department of Highway Safety and Motor Vehicles may adopt
27 rules to provide for verification of the identity of such
28 individuals in a manner similar to the verification of
29 identity for online driver's license renewal. An online
30 authorization under this paragraph is evidence of legally
31 sufficient informed consent to donate an anatomical gift, is

1 legally binding, and satisfies all signature requirements for
2 such authorization.

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

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

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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 of
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.

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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 Records and meetings of the
23 coalition.--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.--

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

1 and the ~~coalition~~ ~~Agency for Health Care Administration~~ shall
2 incur no liability in connection with the performance of any
3 acts 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 Health Care ~~the Florida Organ and~~
15 ~~Tissue Donor Education and Procurement~~ Trust Fund created by
16 s. 408.16 ~~s. 765.52155~~.

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

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

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

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

7 Section 19. Paragraph (a) of subsection (4) of section
8 215.20, Florida Statutes, is amended to read:

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

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

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

16 ~~1. The Florida Organ and Tissue Donor Education and~~
17 ~~Procurement Trust Fund.~~

18 ~~1.2.~~ The Health Care Trust Fund.

19 ~~2.3.~~ The Resident Protection Trust Fund.

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

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

31

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

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

12 322.08 Application for license.--

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

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

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

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

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

31

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

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

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

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

20 Section 23. This act shall take effect July 1, 2007.

21
22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 CS/SB 1350

25 Removes a provision giving effect to an expression of intent
26 by an unemancipated minor to donate and giving such statement
the same effect as if it had been made by an adult.

27 Provides the sum of \$607,000 in nonrecurring funds from the
28 Florida Organ and Tissue Procurement Trust Fund to the Agency
for Health Care Administration for the purpose of contracting
29 with the Florida Coalition on Donation for orderly transition.
30
31