

1 A bill to be entitled

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

29 | Donation; amending s. 765.516, F.S.; authorizing
30 | revocation of anatomical gift by a donor through removal
31 | of his or her name from the donor registry; amending s.
32 | 765.517, F.S.; revising provisions relating to
33 | verification of a donor's consent at death; creating s.
34 | 765.5201, F.S.; providing legislative findings concerning
35 | the Florida Coalition on Donation; providing for
36 | application of public meetings requirements to certain
37 | meetings of the coalition; amending s. 765.521, F.S.;
38 | revising provisions relating to authorization of donations
39 | as a part of the driver license or identification card
40 | process; amending s. 765.5215, F.S.; revising provisions
41 | relating to anatomical gift education programs; amending
42 | s. 765.52155, F.S.; redesignating the Florida Organ and
43 | Tissue Donor Education and Procurement Trust Fund as the
44 | Florida Organ and Tissue Procurement Trust Fund; repealing
45 | s. 765.5216, F.S., relating to the organ and tissue donor
46 | education panel; amending s. 765.522, F.S.; revising
47 | duties of hospital administrators at or near the time of
48 | death of persons who are suitable candidates for organ or
49 | tissue donation; providing specified immunity to the
50 | Florida Coalition on Donation; revising authority for
51 | designation of organ procurement organizations; amending
52 | s. 765.544, F.S.; revising provisions relating to the use
53 | of the Florida Organ and Tissue Procurement Trust Fund;
54 | providing for use of specified funds for certain
55 | transitional and notification purposes; providing for
56 | expiration of specified provisions; amending s. 215.20,

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57 F.S.; conforming provisions to the redesignation of the
58 Florida Organ and Tissue Donor Education and Procurement
59 Trust Fund as the Florida Organ and Tissue Procurement
60 Trust Fund; amending ss. 320.08047 and 322.08, F.S. ;
61 revising distribution of specified voluntary contributions
62 for organ and tissue donor education; providing an
63 effective date.

64
65 Be It Enacted by the Legislature of the State of Florida:

66
67 Section 1. (1) The Legislature finds that:

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

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

73 (c) An enhanced program of donor education coupled with an
74 online registration process developed and implemented by a
75 private not-for-profit entity in cooperation with the Department
76 of Highway Safety and Motor Vehicles that will report its
77 results to the Agency for Health Care Administration and the
78 Legislature will lead to an increase in the number of organ and
79 tissue donors registered in Florida.

80 (d) The Florida Coalition on Donation has been established
81 as a not-for-profit entity by the Florida organ procurement
82 organizations designated by the United States Department of
83 Health and Human Services and Florida tissue banks and eye

84 banks, all certified by the Agency for Health Care
 85 Administration.

86 (2) It is the intent of the Legislature that the funds
 87 collected pursuant to ss. 320.08047 and 322.08(6)(b), Florida
 88 Statutes, be used to maintain the donor registry and for
 89 educational purposes aimed at increasing the number of organ and
 90 tissue donors, thus affording more Floridians who are awaiting
 91 organ or tissue transplants the opportunity for a full and
 92 productive life.

93 Section 2. Subsections (4) and (5) of section 765.511,
 94 Florida Statutes, are renumbered as subsections (5) and (6),
 95 respectively, and a new subsection (4) is added to that section
 96 to read:

97 765.511 Definitions.--As used in this part, the term:

98 (4) "Florida Coalition on Donation" or "coalition" means
 99 the Florida Coalition on Donation, Inc., a not-for-profit
 100 corporation.

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

103 765.512 Persons who may make an anatomical gift.--

104 (2) If the decedent has executed an agreement concerning
 105 an anatomical gift, by signing an organ and tissue donor card,
 106 by joining the organ donor registry, by expressing his or her
 107 wish to donate in a living will or advance directive, or by
 108 signifying his or her intent to donate on his or her driver's
 109 license or identification card or in some other written form has
 110 indicated his or her wish to make an anatomical gift, and in the
 111 absence of actual notice of contrary indications by the

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112 decedent, the document is evidence of legally sufficient
113 informed consent to donate an anatomical gift and is legally
114 binding. If an unemancipated minor designates his or her intent
115 to donate on his or her driver's license or identification card,
116 the designation shall have the same effect as if it had been
117 made by an adult once he or she attains the age of majority. Any
118 surrogate designated by the decedent pursuant to part II of this
119 chapter may give all or any part of the decedent's body for any
120 purpose specified in s. 765.510.

121 (3) If the decedent has not executed an agreement
122 concerning an anatomical gift, is not included in the donor
123 registry, or has not designated a surrogate pursuant to part II
124 of this chapter to make an anatomical gift pursuant to the
125 conditions of subsection (2), a member of one of the classes of
126 persons listed below, in the order of priority stated and in the
127 absence of actual notice of contrary indications by the decedent
128 or actual notice of opposition by a member of the same or a
129 prior class, may give all or any part of the decedent's body for
130 any purpose specified in s. 765.510:

- 131 (a) The spouse of the decedent;
132 (b) An adult son or daughter of the decedent;
133 (c) Either parent of the decedent;
134 (d) An adult brother or sister of the decedent;
135 (e) A grandparent of the decedent;
136 (f) A guardian of the person of the decedent at the time
137 of his or her death; or
138 (g) A representative ad litem who shall be appointed by a
139 court of competent jurisdiction forthwith upon a petition heard

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140 ex parte filed by any person, which representative ad litem
141 shall ascertain that no person of higher priority exists who
142 objects to the gift of all or any part of the decedent's body
143 and that no evidence exists of the decedent's having made a
144 communication expressing a desire that his or her body or body
145 parts not be donated upon death;

146
147 but no gift shall be made by the spouse if any adult son or
148 daughter objects, and provided that those of higher priority, if
149 they are reasonably available, have been contacted and made
150 aware of the proposed gift, and further provided that a
151 reasonable search is made to show that there would have been no
152 objection on religious grounds by the decedent.

153 Section 4. Section 765.514, Florida Statutes, is amended
154 to read:

155 765.514 Manner of executing anatomical gifts.--

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

158 (a) A statement or symbol indicating that the donor has
159 made an anatomical gift that he or she has authorized to be
160 imprinted on his or her driver's license or identification card.
161 Revocation, suspension, expiration, or cancellation of a
162 driver's license or identification card upon which an anatomical
163 gift is indicated does not invalidate the gift.

164 (b) A statement indicating that the donor has made an
165 anatomical gift that he or she has authorized to be included on
166 the donor registry. Individuals may make such an authorization
167 through online access to the donor registry. The Department of

168 Highway Safety and Motor Vehicles shall adopt rules to provide
 169 for verification of the identity of such individuals in a manner
 170 similar to the verification of identity for online drivers
 171 license renewal.

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

177 ~~(d) 1. (2) (a) A gift of all or part of the body under s.~~
 178 ~~765.512(1) may also be made by~~ A document other than a will. The
 179 gift becomes effective upon the death of the donor. The document
 180 must be signed by the donor in the presence of two witnesses who
 181 shall sign the document in the donor's presence. If the donor
 182 cannot sign, the document may be signed for him or her at the
 183 donor's direction and in his or her presence and the presence of
 184 two witnesses who must sign the document in the donor's
 185 presence. Delivery of the document of gift during the donor's
 186 lifetime is not necessary to make the gift valid.

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

191 UNIFORM DONOR CARD

192
 193 The undersigned hereby makes this anatomical gift, if medically
 194 acceptable, to take effect on death. The words and marks below
 195 indicate my desires:

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196 I give:
 197 (a) _____ any needed organs, tissues, or eyes ~~or parts~~;
 198 (b) _____ only the following organs, tissues, or eyes ~~or~~
 199 ~~parts~~
 200 [Specify the organ(s), tissue(s), or eye(s) ~~or part(s)~~]
 201 for the purpose of transplantation, therapy, medical research,
 202 or education;
 203 (c) _____ my body for anatomical study if needed.
 204 Limitations or special wishes, if any:
 205 (If applicable, list specific donee) [This must be arranged in
 206 advance with the donee.]

208 Signed by the donor and the following witnesses in the presence
 209 of each other:

211 (Signature of donor)	(Date of birth of donor)
212 (Date signed)	(City and State)
214 (Witness)	(Witness)
215 (Address)	(Address)

216 ~~(2)-(3)~~ The gift may be made to a donee specified by name.
 217 If the donee is not specified by name, the gift may be accepted
 218 by the attending physician as donee upon or following the
 219 donor's death. If the gift is made to a specified donee who is
 220 not available at the time and place of death, the attending
 221 physician may accept the gift as donee upon or following death
 222 in the absence of any expressed indication that the donor
 223 desired otherwise. However, the Legislature declares that the

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224 public policy of this state prohibits restrictions on the
225 possible recipients of an anatomical gift on the basis of race,
226 color, religion, sex, national origin, age, physical handicap,
227 health status, marital status, or economic status, and such
228 restrictions are hereby declared void and unenforceable. The
229 physician who becomes a donee under this subsection shall not
230 participate in the procedures for removing or transplanting a
231 part.

232 (3)~~(4)~~ Notwithstanding s. 765.517(2), the donor may
233 designate in his or her will or other document of gift the
234 surgeon or physician to carry out the appropriate procedures. In
235 the absence of a designation or if the designee is not
236 available, the donee or other person authorized to accept the
237 gift may employ or authorize any surgeon or physician for the
238 purpose.

239 (4)~~(5)~~ Any gift by a member of a class designated in s.
240 765.512(3) must be made by a document signed by that person or
241 made by that person's witnessed telephonic discussion,
242 telegraphic message, or other recorded message.

243 Section 5. Section 765.515, Florida Statutes, is amended
244 to read:

245 765.515 Delivery of document; organ and tissue donor
246 registry.--

247 (1) If a gift is made pursuant to ~~through the program~~
248 ~~established by the Agency for Health Care Administration and the~~
249 ~~Department of Highway Safety and Motor Vehicles under the~~
250 ~~authority of~~ s. 765.521, the completed donor registration card
251 shall be delivered to the Department of Highway Safety and Motor

252 Vehicles and processed as provided ~~in a manner specified~~ in
 253 subsection (4), but delivery is not necessary to the validity of
 254 the gift. If the donor withdraws the gift, the records of the
 255 Department of Highway Safety and Motor Vehicles shall be updated
 256 to reflect such withdrawal and the department shall communicate
 257 the withdrawal to the Florida Coalition on Donation for the
 258 purpose of updating the donor registry.

259 (2) If a gift is not made pursuant to ~~through the program~~
 260 ~~established by the Agency for Health Care Administration and the~~
 261 ~~Department of Highway Safety and Motor Vehicles under the~~
 262 ~~authority of s. 765.521~~ and is made by the donor to a specified
 263 donee, the document, other than a will, may be delivered to the
 264 donee to expedite the appropriate procedures immediately after
 265 death, but delivery is not necessary to the validity of the
 266 gift. Such document may be deposited in any hospital, bank,
 267 storage facility, or registry office that accepts such documents
 268 for safekeeping or for facilitation of procedures after death.

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

272 (4) (a) The Florida Coalition on Donation ~~The Agency for~~
 273 ~~Health Care Administration and the Department of Highway Safety~~
 274 ~~and Motor Vehicles~~ shall maintain ~~develop and implement~~ an organ
 275 and tissue donor registry that ~~which~~ shall record, through
 276 electronic means, organ and tissue donation records ~~documents~~
 277 submitted through the driver license identification program or
 278 through ~~by~~ other sources. The registry shall be maintained in a
 279 manner that ~~which~~ will allow, through electronic and telephonic

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280 methods, immediate access to organ and tissue donation records
281 ~~documents~~ 24 hours a day, 7 days a week. ~~Hospitals,~~ Organ, and
282 tissue, and eye procurement agencies that are certified by the
283 Agency for Health Care Administration to obtain consent for
284 donation and to screen potential organ and tissue donors, the
285 Florida Coalition on Donation, the Department of Highway Safety
286 and Motor Vehicles, and other parties identified by the agency
287 by rule shall be allowed access through coded means to the
288 information stored in the registry. Both the coalition and the
289 Department of Highway Safety and Motor Vehicles shall have
290 administrative responsibilities for the registry.

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

- 293 1. The number of donors on the registry.
294 2. The changes in the number of donors on the registry.
295 3. The general characteristics of donors as may be
296 determined from registry information submitted directly by the
297 donors or by the Department of Highway Safety and Motor
298 Vehicles.

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

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

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

313 2. Except as provided in subparagraph 1., costs for
 314 maintaining the organ and tissue donor registry shall be paid
 315 from funds collected pursuant to ss. 320.08047 and 322.08(6)(b)
 316 and from any other funds available to the coalition for this
 317 purpose. Funds deposited into the Florida Organ and Tissue Donor
 318 ~~Education and Procurement Trust Fund shall be utilized by the~~
 319 ~~Agency for Health Care Administration for maintaining the organ~~
 320 ~~and tissue donor registry and for organ and tissue donor~~
 321 ~~education.~~

322 Section 6. At the time of implementation of the amendments
 323 concerning the organ and tissue donor registry in s. 765.515(4),
 324 Florida Statutes, made by this act, the Florida Coalition on
 325 Donation shall assume responsibility for all aspects of the
 326 donor registry and the Agency for Health Care Administration
 327 shall provide the coalition with the current registry
 328 information, including donor registration documents, for all
 329 previously registered donors.

330 Section 7. Section 765.515(4)(e)1., Florida Statutes, as
 331 amended by this act, shall expire upon completion of the
 332 transition of the organ and tissue donor registry from the
 333 Agency for Health Care Administration to the Florida Coalition

334 on Donation and the notification of potential donors of the
 335 changes to the registration process.

336 Section 8. Paragraph (e) is added to subsection (1) of
 337 section 765.516, Florida Statutes, to read:

338 765.516 Amendment of the terms of or the revocation of the
 339 gift.--

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

342 (e) Removal of his or her own name from the donor
 343 registry.

344 Section 9. Subsection (3) of section 765.517, Florida
 345 Statutes, is amended to read:

346 765.517 Rights and duties at death.--

347 (3) The organ procurement organization, tissue bank, or
 348 eye bank, or hospital medical professionals under the direction
 349 thereof, may perform any and all tests to evaluate the deceased
 350 as a potential donor and any invasive procedures on the deceased
 351 body in order to preserve the potential donor's organs. These
 352 procedures do not include the surgical removal of an organ or
 353 penetrating any body cavity, specifically for the purpose of
 354 donation, until:

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

358 (b) If a properly executed donor card or document cannot
 359 be located and the deceased's consent is not listed on the donor
 360 registry, until a person specified in s. 765.512(3) has been

361 located, has been notified of the death, and has granted legal
 362 permission for the donation.

363 Section 10. Section 765.5201, Florida Statutes, is created
 364 to read:

365 765.5201 Meetings of the Florida Coalition on Donation.--

366 (1) (a) The Legislature finds that the Florida Coalition on
 367 Donation, a private not-for-profit corporation whose members
 368 provided organ and tissue donor education to the citizens of
 369 Florida prior to assumption of responsibility for donor
 370 education pursuant to s. 765.5215, does not perform a public
 371 function when preparing general organ and tissue donor education
 372 programs.

373 (b) The legislature has delegated the following public
 374 purposes to the coalition:

375 1. Operating and maintaining the organ and tissue donor
 376 registry.

377 2. Developing and implementing, along with the Department
 378 of Highway Safety and Motor Vehicles, a program to allow
 379 individuals to make anatomical gifts through the process of
 380 issuing and renewing driver licenses and identification cards.

381 3. Developing a program to educate state and local
 382 government employees, including law enforcement agencies and
 383 officers, concerning anatomical gifts.

384 (2) Any meetings of the governing board of the coalition
 385 discussing any of these public purposes, as well as meetings
 386 discussing the expenditure of dollars obtained pursuant to ss.
 387 320.08047 and 322.08(6) (b), must remain open to the public in
 388 accordance with s. 286.011 and s. 24(b), Art. I of the State

389 Constitution, unless made confidential or exempt by law. Other
 390 meetings of the governing board of the coalition are not subject
 391 to s. 286.011 or s. 24(b), Art. I of the State Constitution.

392 Section 11. Section 765.521, Florida Statutes, is amended
 393 to read:

394 765.521 Donations as part of driver license or
 395 identification card process.--

396 (1) ~~The Agency for Health Care Administration and the~~
 397 Department of Highway Safety and Motor Vehicles and the Florida
 398 Coalition on Donation shall develop and implement a program
 399 encouraging and allowing persons to make anatomical gifts as a
 400 part of the process of issuing identification cards and issuing
 401 and renewing driver licenses. The donor registration card
 402 distributed by the Department of Highway Safety and Motor
 403 Vehicles shall include the material specified by s.
 404 765.514(1)(d)2.~~(2)(b)~~ and may require such additional
 405 information, and include such additional material, as may be
 406 deemed necessary by that department. The Department of Highway
 407 Safety and Motor Vehicles shall also develop and implement a
 408 program to identify donors, which program shall include
 409 notations on identification cards, driver licenses, and driver
 410 records or such other methods as the department may develop.
 411 This program shall include, after an individual has completed a
 412 donor registration card, making a notation on the front of the
 413 driver license or identification card that clearly indicates the
 414 individual's intent to donate the individual's organs or tissue.
 415 A notation on an individual's driver license or identification
 416 card that the individual intends to donate organs or tissues is

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417 deemed sufficient to satisfy all requirements for consent to
418 organ or tissue donation. The coalition ~~Agency for Health Care~~
419 ~~Administration~~ shall provide the necessary supplies and forms
420 through funds collected under ss. 320.08047 and 322.08(6)(b)
421 ~~appropriated from general revenue~~ or contributions from
422 interested voluntary, nonprofit organizations. The Department of
423 Highway Safety and Motor Vehicles shall provide the necessary
424 recordkeeping system through funds appropriated from general
425 revenue. The Department of Highway Safety and Motor Vehicles and
426 the coalition ~~Agency for Health Care Administration~~ shall incur
427 no liability in connection with the performance of any acts
428 authorized herein.

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

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

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

439 765.5215 Education program relating to anatomical gifts.--

440 (1) The Florida Coalition on Donation has established, and
441 continues to develop, a program to educate the citizens of
442 Florida, including medical professionals, students, and minority
443 communities, regarding the laws of this state relating to
444 anatomical gifts and the need for anatomical gifts. ~~The Agency~~

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445 ~~for Health Care Administration,~~ Subject to the concurrence of
446 the Department of Highway Safety and Motor Vehicles, the
447 coalition shall expand this program by developing ~~develop~~ a
448 continuing program to educate and inform ~~medical professionals,~~
449 ~~law enforcement agencies and officers, high school children,~~
450 state and local government employees, including law enforcement
451 agencies and officers, ~~and the public~~ regarding the laws of this
452 state relating to anatomical gifts and the need for anatomical
453 gifts.

454 (2) ~~(1)~~ The program is to be implemented with ~~the~~
455 ~~assistance of the organ and tissue donor education panel as~~
456 ~~provided in s. 765.5216 and with the funds collected under ss.~~
457 320.08047 and 322.08(6)(b) and any other funds available to the
458 coalition for the purpose of education. Existing community
459 resources, when available, must be used to support the program,
460 and volunteers may assist the program to the maximum extent
461 possible. ~~The Agency for Health Care Administration may contract~~
462 ~~for the provision of all or any portion of the program. When~~
463 ~~awarding such contract, the agency shall give priority to~~
464 ~~existing nonprofit groups that are located within the community,~~
465 ~~including within the minority communities specified in~~
466 ~~subsection (2).~~ The program aimed at educating medical
467 professionals may be implemented by contract with one or more
468 medical schools located in the state.

469 ~~(2)~~ ~~The Legislature finds that particular difficulties~~
470 ~~exist in making members of the various minority communities~~
471 ~~within the state aware of laws relating to anatomical gifts and~~
472 ~~the need for anatomical gifts. Therefore, the program shall~~

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473 ~~include, as a demonstration project, activities especially~~
474 ~~targeted at providing such information to the nonwhite,~~
475 ~~Hispanic, and Caribbean populations of the state.~~

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

481 (4) The coalition ~~Agency for Health Care Administration,~~
482 for the sole purpose of furthering in furtherance of its
483 educational responsibilities regarding organ and tissue
484 donation, shall have access to the buildings and workplace areas
485 of all state agencies and political subdivisions of the state.

486 Section 13. Section 765.52155, Florida Statutes, is
487 amended to read:

488 765.52155 Florida Organ and Tissue ~~Donor Education and~~
489 Procurement Trust Fund.--The Florida Organ and Tissue ~~Donor~~
490 ~~Education and Procurement Trust Fund~~ is hereby created, to be
491 administered by the Agency for Health Care Administration. Funds
492 shall be credited to the trust fund as provided for in general
493 law.

494 Section 14. Section 765.5216, Florida Statutes, is
495 repealed.

496 Section 15. Subsections (2), (5), and (6) of section
497 765.522, Florida Statutes, are amended to read:

498 765.522 Duty of certain hospital administrators; liability
499 of hospital administrators, organ procurement organizations, eye
500 banks, and tissue banks.--

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501 (2) Where, based on accepted medical standards, a hospital
502 patient is a suitable candidate for organ or tissue donation,
503 the hospital administrator or the hospital administrator's
504 designee shall, at or near the time of death, notify the
505 appropriate organ, tissue, or eye recovery program, which shall
506 access the organ and tissue donor registry created by s.
507 765.515(4) to ascertain the existence of a donor card or
508 document executed by the decedent. In the absence of a donor
509 card, organ donation sticker or organ donation imprint on a
510 driver's license, or other properly executed document, the
511 organ, tissue, or eye recovery program ~~hospital administrator or~~
512 ~~designee~~ shall request:

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

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

519
520 to consent to the gift of all or any part of the decedent's body
521 for any purpose specified in this part. Except as provided in s.
522 765.512, in the absence of actual notice of opposition, consent
523 need only be obtained from the person or persons in the highest
524 priority class reasonably available.

525 (5) There shall be no civil or criminal liability against
526 any organ procurement organization, eye bank, or tissue bank
527 certified under s. 765.542, ~~or~~ against any hospital or hospital
528 administrator or designee, or against the Florida Coalition on

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529 Donation, when complying with the provisions of this part and
530 the rules of the Agency for Health Care Administration or when,
531 in the exercise of reasonable care, a request for organ donation
532 is inappropriate and the gift is not made according to this part
533 and the rules of the Agency for Health Care Administration.

534 (6) The hospital administrator or a designee shall, at or
535 near the time of death of a potential organ donor, directly
536 notify the affiliated ~~Health Care Financing Administration~~
537 ~~designated~~ organ procurement organization designated as such by
538 the United States Department of Health and Human Services of the
539 potential organ donor. This organ procurement organization must
540 offer any organ from such a donor first to patients on a
541 Florida-based local or state organ sharing transplant list. For
542 the purpose of this subsection, the term "transplant list"
543 includes certain categories of national or regional organ
544 sharing for patients of exceptional need or exceptional match,
545 as approved or mandated by the United Network for Organ Sharing.
546 This notification must not be made to a tissue bank or eye bank
547 in lieu of the organ procurement organization unless the tissue
548 bank or eye bank is also a ~~Health Care Financing Administration~~
549 designated as an organ procurement organization by the United
550 States Department of Health and Human Services.

551 Section 16. Subsections (2) and (4) of section 765.544,
552 Florida Statutes, are amended to read:

553 765.544 Fees; Florida Organ and Tissue ~~Donor Education and~~
554 Procurement Trust Fund.--

555 (2) The Agency for Health Care Administration shall assess
556 annual fees to be used, in the following order of priority, for

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557 the certification program and, the advisory board, ~~maintenance~~
558 ~~of the organ and tissue donor registry, and the organ and tissue~~
559 ~~donor education program~~ in the following amounts, which may not
560 exceed \$35,000 per organization:

561 (a) Each general organ procurement organization shall pay
562 the greater of \$1,000 or 0.25 percent of its total revenues
563 produced from procurement activity in this state by the
564 certificateholder during its most recently completed fiscal year
565 or operational year.

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

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

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

579 (b) Moneys deposited in the trust fund pursuant to this
580 section must be used exclusively for the implementation,
581 administration, and operation of the certification program and
582 the advisory board, ~~for maintaining the organ and tissue donor~~
583 ~~registry, and for organ and tissue donor education.~~

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584 Section 17. In addition to uses of funds provided for in
585 s. 765.544(2) and (4)(b), Florida Statutes, funds governed by
586 those provisions shall be used for the orderly transition of the
587 organ and tissue donor registry from the Agency for Health Care
588 Administration to the Florida Coalition on Donation and
589 notification to potential donors of the changes in the
590 registration process. This section shall expire upon completion
591 of the transition of the organ and tissue donor registry from
592 the Agency for Health Care Administration to the Florida
593 Coalition on Donation and the notification of potential donors
594 of the changes to the registration process.

595 Section 18. Paragraph (a) of subsection (4) of section
596 215.20, Florida Statutes, is amended to read:

597 215.20 Certain income and certain trust funds to
598 contribute to the General Revenue Fund.--

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

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

604 1. The Florida Organ and Tissue ~~Donor Education and~~
605 Procurement Trust Fund.

606 2. The Health Care Trust Fund.

607 3. The Resident Protection Trust Fund.

608

609 The enumeration of the foregoing moneys or trust funds shall not
610 prohibit the applicability thereto of s. 215.24 should the
611 Governor determine that for the reasons mentioned in s. 215.24

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612 the money or trust funds should be exempt herefrom, as it is the
613 purpose of this law to exempt income from its force and effect
614 when, by the operation of this law, federal matching funds or
615 contributions or private grants to any trust fund would be lost
616 to the state.

617 Section 19. Section 320.08047, Florida Statutes, is
618 amended to read:

619 320.08047 Voluntary contribution for organ and tissue
620 donor education.--As a part of the collection process for
621 license taxes as specified in s. 320.08, individuals shall be
622 permitted to make a voluntary contribution of \$1, which
623 contribution shall be distributed to the Florida Coalition on
624 Donation ~~deposited into the Florida Organ and Tissue Donor~~
625 ~~Education and Procurement Trust Fund~~ for organ and tissue donor
626 education and for maintaining the organ and tissue donor
627 registry.

628 Section 20. Subsection (6) of section 322.08, Florida
629 Statutes, is amended to read:

630 322.08 Application for license.--

631 (6) The application form for a driver's license or
632 duplicate thereof shall include language permitting the
633 following:

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

637 (b) A voluntary contribution of \$1 per applicant, which
638 contribution shall be distributed to the Florida Coalition on
639 Donation ~~deposited into the Florida Organ and Tissue Donor~~

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640 ~~Education and Procurement Trust Fund~~ for organ and tissue donor
641 education and for maintaining the organ and tissue donor
642 registry.

643 (c) A voluntary contribution of \$1 per applicant, which
644 contribution shall be distributed to the Florida Council of the
645 Blind.

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

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

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

654
655 A statement providing an explanation of the purpose of the trust
656 funds shall also be included. For the purpose of applying the
657 service charge provided in s. 215.20, contributions received
658 under paragraphs (b), (c), (d), (e), and (f) and under s.
659 322.18(9)(a) are not income of a revenue nature.

660 Section 21. This act shall take effect July 1, 2007.