

1 A bill to be entitled

2 An act relating to organ and tissue donation; amending s.
3 765.203, F.S.; deleting a provision in the form that
4 designates a health care surrogate that provides an
5 exception for anatomical gifts; amending s. 765.512, F.S.;
6 revising provisions for making an organ donation; adding
7 additional persons to the list of persons who may donate a
8 decedent's body; removing the provision prohibiting a
9 spouse from making a donation if the decedent's adult son
10 or daughter objects; amending s. 765.514, F.S.; providing
11 additional mechanisms for making an anatomical gift
12 including registering with the organ and tissue donor
13 registry; revising the uniform donor card to specify the
14 type of donation; deleting a statement of public policy
15 that prohibits restrictions on who may receive an
16 anatomical gift, a provision specifying who can accept a
17 gift, and a provision designating a physician to carry out
18 appropriate procedures; amending s. 765.515, F.S.;
19 requiring the Department of Highway Safety and Motor
20 Vehicles to inform the donor registry of instances of
21 making an anatomical gift and of withdrawal of an
22 anatomical gift; deleting a provision requiring the Agency
23 for Health Care Administration and the department to
24 maintain a donor registry; creating s. 765.5155, F.S.;
25 providing legislative intent with respect to establishing
26 an online organ and tissue donor registry; requiring
27 administration of the donor registry to be procured by
28 competitive solicitation; specifying the duties of the

29 contractor including the operation of the registry, a
30 continuing public education program about organ donation,
31 and the preparation of an annual report; providing for
32 funding and for voluntary contributions to the registry;
33 designating the donor registry as the "Joshua Abbott Organ
34 and Tissue Donor Registry"; amending s. 765.516, F.S.;
35 authorizing revocation of an anatomical gift by a donor
36 through removal of his or her name from the registry;
37 amending s. 765.517, F.S.; revising provisions relating to
38 verification of a donor's consent at death; amending s.
39 765.521, F.S.; conforming a cross-reference; amending s.
40 765.522, F.S.; revising duties of hospital administrators
41 with respect to reporting suitable donor candidates at or
42 near the time of death; updating references to organ
43 procurement organizations; repealing s. 765.5215, F.S.,
44 relating to an education program relating to anatomical
45 gifts; repealing s. 765.5216, F.S., relating to the organ
46 and tissue donor education panel; providing an effective
47 date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Section 765.203, Florida Statutes, is amended
52 to read:

53 765.203 Suggested form of designation.--A written
54 designation of a health care surrogate executed pursuant to this
55 chapter may, but need not be, in the following form:
56

CS/HB 1485

2008

DESIGNATION OF HEALTH CARE SURROGATE

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80

Name: _____ (Last) _____ (First) _____ (Middle Initial) _____

In the event that I have been determined to be incapacitated to provide informed consent for medical treatment and surgical and diagnostic procedures, I wish to designate as my surrogate for health care decisions:

Name:

Address:

_____ Zip Code: _____

Phone: _____

If my surrogate is unwilling or unable to perform his or her duties, I wish to designate as my alternate surrogate:

Name:

Address:

_____ Zip Code: _____

Phone: _____

I fully understand that this designation will permit my designee to make health care decisions, ~~except for anatomical gifts, unless I have executed an anatomical gift declaration pursuant to law,~~ and to provide, withhold, or withdraw consent

CS/HB 1485

2008

81 on my behalf; to apply for public benefits to defray the cost of
 82 health care; and to authorize my admission to or transfer from a
 83 health care facility.

84 Additional instructions (optional):

85 I further affirm that this designation is not being made as
 86 a condition of treatment or admission to a health care facility.
 87 I will notify and send a copy of this document to the following
 88 persons other than my surrogate, so they may know who my
 89 surrogate is.

90 Name:

91 Name:

92 Signed:

93 Date:

94

Witnesses: 1. _____
 2. _____

95

96

97 Section 2. Subsections (1), (2), (3), and (4) of section
 98 765.512, Florida Statutes, are amended to read:

99 765.512 Persons who may make an anatomical gift.--

100 (1) Any person who may make a will may give all or part of
 101 his or her body for any purpose specified in s. 765.513. ~~s.~~
 102 ~~765.510,~~ The gift is effective ~~to take effect~~ upon the death of
 103 the donor. ~~An anatomical gift made by an adult donor and not~~
 104 ~~revoked by the donor as provided in s. 765.516 is irrevocable~~
 105 ~~after the donor's death. A family member, guardian,~~
 106 ~~representative ad litem, or health care surrogate of an adult~~

107 ~~donor who has made an anatomical gift pursuant to subsection (2)~~
 108 ~~may not modify, deny, or prevent a donor's wish or intent to~~
 109 ~~make an anatomical gift from being made after the donor's death.~~

110 (a)(2) If the decedent makes ~~has executed an agreement~~
 111 ~~concerning~~ an anatomical gift, by one of the methods listed in
 112 s. 765.514(1), signing an organ and tissue donor card, by
 113 ~~expressing his or her wish to donate in a living will or advance~~
 114 ~~directive, or by signifying his or her intent to donate on his~~
 115 ~~or her driver's license or in some other written form has~~
 116 ~~indicated his or her wish to make an anatomical gift, and in the~~
 117 ~~absence of actual notice of contrary indications by the~~
 118 ~~decedent, the document~~ or entry in the organ and tissue registry
 119 ~~is evidence of~~ legally sufficient evidence of the decedent's
 120 ~~informed consent to donate an anatomical gift and is legally~~
 121 ~~binding.~~

122 (b) An anatomical gift made by a qualified donor and not
 123 revoked by the donor, as provided in s. 765.516, is irrevocable
 124 after the donor's death. A family member, guardian,
 125 representative ad litem, or health care surrogate may not
 126 modify, deny, or prevent a donor's wish or intent to make an
 127 anatomical gift after the donor's death.

128 (2) A health care ~~Any~~ surrogate designated by the decedent
 129 pursuant to part II of this chapter may give all or any part of
 130 the decedent's body for any purpose specified in s. 765.513
 131 absent actual notice of contrary indications by the decedent ~~s.~~
 132 ~~765.510.~~

133 (3) If the decedent has not made ~~executed an agreement~~
 134 ~~concerning~~ an anatomical gift or designated a health surrogate

135 ~~pursuant to part II of this chapter to make an anatomical gift~~
 136 ~~pursuant to the conditions of subsection (2), a member of one of~~
 137 the classes of persons listed below, in the order of priority
 138 listed ~~stated~~ and in the absence of actual notice of contrary
 139 indications by the decedent or actual notice of opposition by a
 140 member of ~~the same or~~ a prior class, may give all or any part of
 141 the decedent's body for any purpose specified in s. 765.513 ~~s.~~
 142 ~~765.510~~:

- 143 (a) The spouse of the decedent;
- 144 (b) An adult son or daughter of the decedent;
- 145 (c) Either parent of the decedent;
- 146 (d) An adult brother or sister of the decedent;
- 147 (e) An adult grandchild of the decedent;
- 148 (f) A grandparent of the decedent;
- 149 (g) A close personal friend of the decedent, as defined in
 150 s. 765.101;
- 151 (h) ~~(f)~~ A guardian of the person of the decedent at the
 152 time of his or her death; or
- 153 (i) ~~(g)~~ A representative ad litem ~~who shall be~~ appointed by
 154 a court of competent jurisdiction ~~forthwith~~ upon a petition
 155 heard ex parte filed by any person, who ~~which representative ad~~
 156 ~~litem~~ shall ascertain that no person of higher priority exists
 157 who objects to the gift of all or any part of the decedent's
 158 body and that no evidence exists of the decedent's having made a
 159 communication expressing a desire that his or her body or body
 160 parts not be donated upon death. †

161
 162 ~~but no gift shall be made by the spouse if any adult son or~~

163 ~~daughter objects, and provided that~~ Those of higher priority
 164 ~~who, if they~~ are reasonably available must be, ~~have been~~
 165 contacted and made aware of the proposed gift, ~~and further~~
 166 ~~provided that~~ a reasonable search must be conducted which shows
 167 ~~is made to show~~ that there would have been no objection to the
 168 gift on religious grounds by the decedent.

169 (4) A donee may not accept an anatomical gift if the donee
 170 has actual notice of contrary indications by the donor ~~decedent~~
 171 ~~er, in the case of a spouse making the gift, an objection of an~~
 172 ~~adult son or daughter~~ or actual notice that a gift by a member
 173 of a class is opposed by a member of ~~the same~~ or a prior class,
 174 ~~the donee shall not accept the gift.~~

175 Section 3. Section 765.514, Florida Statutes, is amended
 176 to read:

177 765.514 Manner of making ~~executing~~ anatomical gifts.--

178 (1) A person may make a gift of all or part of his or her
 179 ~~the body under s. 765.512(1) may be made by will:~~

180 (a) Signing an organ and tissue donor card.

181 (b) Registering online with the organ and tissue donor
 182 registry.

183 (c) Signifying an intent to donate on his or her driver's
 184 license or identification card issued by the Department of
 185 Highway Safety and Motor Vehicles. Revocation, suspension,
 186 expiration, or cancellation of the driver's license or
 187 identification card does not invalidate the gift.

188 (d) Expressing a wish to donate in a living will or other
 189 advance directive.

190 (e) Executing a will that includes a provision indicating

191 that the testator wishes to make an anatomical gift. The gift
 192 becomes effective upon the death of the testator without waiting
 193 for probate. If the will is not probated or if it is declared
 194 invalid for testamentary purposes, the gift is nevertheless
 195 valid to the extent that it has been acted upon in good faith.

196 (f)(2)(a) Expressing a wish to donate in ~~A gift of all or~~
 197 ~~part of the body under s. 765.512(1) may also be made by a~~
 198 document other than a will. ~~The gift becomes effective upon the~~
 199 ~~death of the donor.~~ The document must be signed by the donor in
 200 the presence of two witnesses who shall sign the document in the
 201 donor's presence. If the donor cannot sign, the document may be
 202 signed for him or her at the donor's direction and in his or her
 203 presence and the presence of two witnesses who must sign the
 204 document in the donor's presence. Delivery of the document of
 205 gift during the donor's lifetime is not necessary to make the
 206 gift valid.

207 ~~(b)~~ The following form of written document is ~~instrument~~
 208 ~~shall be~~ sufficient for any person to give all or part of his or
 209 her body for the purposes of this part:

211 UNIFORM DONOR CARD

212
 213 The undersigned hereby makes this anatomical gift, if medically
 214 acceptable, to take effect on death. The words and marks below
 215 indicate my desires:

216
 217 I give:

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

CS/HB 1485

2008

219 (b) _____ only the following organs, tissues, or eyes ~~or~~
 220 ~~parts~~

221 [Specify the organs, tissues, or eyes ~~organ(s) or~~
 222 ~~part(s)~~]

223
 224 for the purpose of transplantation, therapy, medical research,
 225 or education;

226 (c) _____ my body for anatomical study if needed.

227 Limitations or special wishes, if any:

228 [~~+~~If applicable, list specific donee; this must be arranged in
 229 advance with the donee.]~~+~~

230
 231 Signed by the donor and the following witnesses in the presence
 232 of each other: (Signature of donor)

233 (Date of birth of donor)

234 (Date signed)

235 (City and State)

236 (Witness)

237 (Witness)

238 (Address)

239 (Address)

241 ~~(2)-(3)~~ The gift may be made to a donee listed in s.
 242 765.513 and the donee may be specified by name. ~~If the donee is~~
 243 ~~not specified by name, the gift may be accepted by the attending~~
 244 ~~physician as donee upon or following the donor's death. If the~~
 245 ~~gift is made to a specified donee who is not available at the~~
 246 ~~time and place of death, the attending physician may accept the~~

247 ~~gift as donee upon or following death in the absence of any~~
248 ~~expressed indication that the donor desired otherwise. However,~~
249 ~~the Legislature declares that the public policy of this state~~
250 ~~prohibits restrictions on the possible recipients of an~~
251 ~~anatomical gift on the basis of race, color, religion, sex,~~
252 ~~national origin, age, physical handicap, health status, marital~~
253 ~~status, or economic status, and such restrictions are hereby~~
254 ~~declared void and unenforceable. The physician who becomes a~~
255 ~~donee under this subsection shall not participate in the~~
256 ~~procedures for removing or transplanting a part.~~

257 ~~(4) Notwithstanding s. 765.517(2), the donor may designate~~
258 ~~in his or her will or other document of gift the surgeon or~~
259 ~~physician to carry out the appropriate procedures. In the~~
260 ~~absence of a designation or if the designee is not available,~~
261 ~~the donee or other person authorized to accept the gift may~~
262 ~~employ or authorize any surgeon or physician for the purpose.~~

263 ~~(3)(5)~~ Any gift by a health care surrogate designated by
264 the decedent pursuant to part II of this chapter or a member of
265 a class designated in s. 765.512(3) must be made by a document
266 signed by that person or made by that person's witnessed
267 telephonic discussion, telegraphic message, or other recorded
268 message.

269 Section 4. Section 765.515, Florida Statutes, is amended
270 to read:

271 765.515 Delivery of donor document; ~~organ and tissue donor~~
272 ~~registry.--~~

273 (1) If a gift is made pursuant to ~~through the program~~
274 ~~established by the Agency for Health Care Administration and the~~

275 ~~Department of Highway Safety and Motor Vehicles under the~~
276 ~~authority of s. 765.521, the completed donor registration card~~
277 ~~shall be delivered to the Department of Highway Safety and Motor~~
278 ~~Vehicles and the department must communicate the donor's intent~~
279 ~~to the organ and tissue donor registry processed in a manner~~
280 ~~specified in subsection (4), but delivery is not necessary to~~
281 ~~the validity of the gift. If the donor withdraws the gift, the~~
282 ~~records of the Department of Highway Safety and Motor Vehicles~~
283 ~~must shall be updated to reflect such withdrawal and the~~
284 ~~department must communicate the withdrawal to the organ and~~
285 ~~tissue donor registry for the purpose of updating the registry.~~

286 (2) ~~If a gift is not made through the program established~~
287 ~~by the Agency for Health Care Administration and the Department~~
288 ~~of Highway Safety and Motor Vehicles under the authority of s.~~
289 ~~765.521 and is made by the donor to a specified donee, the~~
290 ~~document, other than a will, may be delivered to the donee to~~
291 ~~expedite the appropriate procedures immediately after death, but~~
292 ~~delivery is not necessary to the validity of the gift. Such~~
293 ~~document may be deposited in any hospital, bank, storage~~
294 ~~facility, or registry office that accepts such documents for~~
295 ~~safekeeping or to facilitate the donation of organs and tissue~~
296 ~~for facilitation of procedures after death.~~

297 (3) ~~At~~ On the request of any interested party upon or
298 after the donor's death, the person in possession shall produce
299 the document for examination.

300 (4) ~~The Agency for Health Care Administration and the~~
301 ~~Department of Highway Safety and Motor Vehicles shall develop~~
302 ~~and implement an organ and tissue donor registry which shall~~

303 ~~record, through electronic means, organ and tissue donation~~
 304 ~~documents submitted through the driver license identification~~
 305 ~~program or by other sources. The registry shall be maintained in~~
 306 ~~a manner which will allow, through electronic and telephonic~~
 307 ~~methods, immediate access to organ and tissue donation documents~~
 308 ~~24 hours a day, 7 days a week. Hospitals, organ and tissue~~
 309 ~~procurement agencies, and other parties identified by the agency~~
 310 ~~by rule shall be allowed access through coded means to the~~
 311 ~~information stored in the registry. Costs for the organ and~~
 312 ~~tissue donor registry shall be paid from the Florida Organ and~~
 313 ~~Tissue Donor Education and Procurement Trust Fund created by s.~~
 314 ~~765.52155. Funds deposited into the Florida Organ and Tissue~~
 315 ~~Donor Education and Procurement Trust Fund shall be utilized by~~
 316 ~~the Agency for Health Care Administration for maintaining the~~
 317 ~~organ and tissue donor registry and for organ and tissue donor~~
 318 ~~education.~~

319 Section 5. Section 765.5155, Florida Statutes, is created
 320 to read:

321 765.5155 Organ and tissue donor registry; education
 322 program.--

323 (1) The Legislature finds that:

324 (a) There is a shortage of organ and tissue donors in this
 325 state willing to provide the organs and tissue that could save
 326 lives or enhance the quality of life for many persons.

327 (b) There is a need to encourage the various minority
 328 populations of this state to donate organs and tissue.

329 (c) A statewide organ and tissue donor registry having an
 330 online donor registration process coupled with an enhanced

331 program of donor education will lead to an increase in the
 332 number of organ and tissue donors registered in this state, thus
 333 affording more persons who are awaiting organ or tissue
 334 transplants the opportunity for a full and productive life.

335 (2) The Agency for Health Care Administration and the
 336 Department of Highway Safety and Motor Vehicles shall jointly
 337 contract for the operation of an organ and tissue donor registry
 338 and education program. The contractor shall be procured by
 339 competitive solicitation pursuant to chapter 287,
 340 notwithstanding any exemption in s. 287.057(5)(f). When awarding
 341 the contract, priority shall be given to existing nonprofit
 342 groups that are based within the state, have expertise working
 343 with organ and tissue procurement organizations, have expertise
 344 in conducting statewide organ and tissue donor public education
 345 campaigns, and represent the needs of the organ and tissue
 346 donation community in the state.

347 (3) The contractor shall be responsible for:

348 (a) The development, implementation, and maintenance of an
 349 interactive web-based organ and tissue donor registry that,
 350 through electronic means, allows for online organ donor
 351 registration and the recording of organ and tissue donation
 352 records submitted through the driver's license identification
 353 program or through other sources.

354 1. The registry must be maintained in a manner that
 355 allows, through electronic and telephonic methods, immediate
 356 access to organ and tissue donation records 24 hours a day, 7
 357 days a week.

358 2. Access to the registry must be through coded and secure

359 means to protect the integrity of the data in the registry.

360 (b) A continuing program to educate and inform medical
 361 professionals, law enforcement agencies and officers, other
 362 state and local government employees, high school students,
 363 minorities, and the public about the laws of this state relating
 364 to anatomical gifts and the need for anatomical gifts.

365 1. Existing community resources, when available, must be
 366 used to support the program and volunteers may assist the
 367 program to the maximum extent possible.

368 2. The contractor shall coordinate with the head of a
 369 state agency or other political subdivision of the state, or his
 370 or her designee, to establish convenient times, dates, and
 371 locations for educating that entity's employees.

372 (c) Preparing and submitting an annual written report to
 373 the Agency for Health Care Administration by December 31 of each
 374 year. The report must include:

375 1. The number of donors on the registry and an analysis of
 376 the registration rates by location and method of donation;

377 2. The characteristics of donors as determined from
 378 registry information submitted directly by the donors or by the
 379 Department of Highway Safety and Motor Vehicles;

380 3. The annual dollar amount of voluntary contributions
 381 received by the contractor;

382 4. A description of the educational campaigns and
 383 initiatives implemented during the year and an evaluation of
 384 their effectiveness in increasing enrollment on the registry;
 385 and

386 5. An analysis of Florida's registry compared with other

387 states' donor registries.

388 (4) Costs for the organ and tissue donor registry and
389 education program shall be paid by the Agency for Health Care
390 Administration from the funds deposited into the Health Care
391 Trust Fund pursuant to ss. 320.08047 and 322.08 that are
392 designated for maintaining the organ and tissue donor registry
393 and education program. In addition, the contractor may receive
394 and use voluntary contributions to help support the registry and
395 provide education.

396 (5) The organ and tissue donor registry established by
397 this section is designated as the "Joshua Abbott Organ and
398 Tissue Registry."

399 Section 6. Paragraph (e) is added to subsection (1) of
400 section 765.516, Florida Statutes, to read:

401 765.516 Amendment of the terms of or the revocation of the
402 gift.--

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

405 (e) Removing his or her name from the organ and tissue
406 donor registry.

407 Section 7. Subsection (3) of section 765.517, Florida
408 Statutes, is amended to read:

409 765.517 Rights and duties at death.--

410 (3) The organ procurement organization, tissue bank, or
411 eye bank, or hospital medical professionals under the direction
412 thereof, may perform any and all tests to evaluate the deceased
413 as a potential donor and any invasive procedures on the deceased
414 body in order to preserve the potential donor's organs. These

415 | procedures do not include the surgical removal of an organ or
 416 | penetrating any body cavity, specifically for the purpose of
 417 | donation, until:

418 | (a) It has been verified that the deceased's consent to
 419 | donate appears in the organ and tissue donor registry or a
 420 | properly executed donor card or document is located; or

421 | (b) If a properly executed donor card or document cannot
 422 | be located or the deceased's consent is not listed in the organ
 423 | and tissue donor registry, a person specified in s. 765.512(2)
 424 | or (3) s. ~~765.512(3)~~ has been located, has been notified of the
 425 | death, and has granted legal permission for the donation.

426 | Section 8. Subsection (1) of section 765.521, Florida
 427 | Statutes, is amended to read:

428 | 765.521 Donations as part of driver license or
 429 | identification card process.--

430 | (1) The Agency for Health Care Administration and the
 431 | Department of Highway Safety and Motor Vehicles shall develop
 432 | and implement a program encouraging and allowing persons to make
 433 | anatomical gifts as a part of the process of issuing
 434 | identification cards and issuing and renewing driver licenses.
 435 | The donor registration card distributed by the Department of
 436 | Highway Safety and Motor Vehicles shall include the information
 437 | required by the uniform donor card under s. 765.514 ~~material~~
 438 | ~~specified by s. 765.514(2)(b) and may require~~ such additional
 439 | information, ~~and include such additional material,~~ as determined
 440 | ~~may be deemed~~ necessary by the ~~that~~ department. The department
 441 | ~~of Highway Safety and Motor Vehicles~~ shall also develop and
 442 | implement a program to identify donors, which includes ~~program~~

443 ~~shall include~~ notations on identification cards, driver
444 licenses, and driver records or such other methods as the
445 department develops to ~~may develop~~. ~~This program shall include,~~
446 ~~after an individual has completed a donor registration card,~~
447 ~~making a notation on the front of the driver license or~~
448 ~~identification card that~~ clearly indicate ~~indicates~~ the
449 individual's intent to donate the individual's organs, tissues,
450 or eyes ~~tissue~~. A notation on an individual's driver license or
451 identification card that the individual intends to donate
452 organs, or tissues, or eyes ~~satisfies~~ ~~is deemed sufficient to~~
453 ~~satisfy~~ all requirements for consent to organ or tissue
454 donation. The Agency for Health Care Administration shall
455 provide the necessary supplies and forms from ~~through~~ funds
456 appropriated from general revenue or contributions from
457 interested voluntary, nonprofit organizations. The department ~~of~~
458 ~~Highway Safety and Motor Vehicles~~ shall provide the necessary
459 recordkeeping system from ~~through~~ funds appropriated from
460 general revenue. The Department of Highway Safety and Motor
461 Vehicles and the Agency for Health Care Administration shall
462 incur no liability in connection with the performance of any
463 acts authorized herein.

464 Section 9. Subsections (2) and (6) of section 765.522,
465 Florida Statutes, are amended to read:

466 765.522 Duty of certain hospital administrators; liability
467 of hospital administrators, organ procurement organizations, eye
468 banks, and tissue banks.--

469 (2) Where, based on accepted medical standards, a hospital
470 patient is a suitable candidate for organ or tissue donation,

471 the hospital administrator or the hospital administrator's
 472 designee shall, at or near the time of death, notify the
 473 appropriate organ, eye, or tissue recovery program, which shall
 474 access the organ and tissue donor registry created by s.
 475 765.5155 ~~s. 765.515(4)~~ to ascertain the existence of an entry in
 476 the registry that has not been revoked, a donor card, or a
 477 document executed by the decedent. In the absence of an entry in
 478 the donor registry, a donor card, organ donation sticker or
 479 organ donation imprint on a driver's license, or other properly
 480 executed document, the organ, eye, or tissue recovery program
 481 ~~hospital administrator or designee shall request:~~

482 (a) The patient's health care surrogate, as authorized
 483 ~~permitted~~ in s. 765.512(2); or

484 (b) If the patient does not have a surrogate, or the
 485 surrogate is not reasonably available, any of the persons
 486 specified in s. 765.512(3), in the order and manner listed ~~of~~
 487 ~~priority stated in s. 765.512(3),~~

488
 489 to consent to the gift of all or any part of the decedent's body
 490 for any purpose specified in this part. Except as provided in s.
 491 765.512, in the absence of actual notice of opposition, consent
 492 need only be obtained from the person or persons in the highest
 493 priority class reasonably available.

494 (6) The hospital administrator or a designee shall, at or
 495 near the time of death of a potential organ donor, directly
 496 notify the affiliated ~~Health Care Financing Administration~~
 497 ~~designated~~ organ procurement organization designated by the
 498 United States Department of Health and Human Services of the

CS/HB 1485

2008

499 potential organ donor. This organ procurement organization must
500 offer any organ from such a donor first to patients on a
501 Florida-based local or state organ sharing transplant list. For
502 the purpose of this subsection, the term "transplant list"
503 includes certain categories of national or regional organ
504 sharing for patients of exceptional need or exceptional match,
505 as approved or mandated by the Organ Procurement and
506 Transplantation Network, or its agent ~~United Network for Organ~~
507 Sharing. This notification may ~~must~~ not be made to a tissue bank
508 or eye bank in lieu of the organ procurement organization unless
509 the tissue bank or eye bank is also a ~~Health Care Financing~~
510 ~~Administration~~ designated as an organ procurement organization
511 by the United States Department of Health and Human Services.

512 Section 10. Sections 765.5215 and 765.5216, Florida
513 Statutes, are repealed.

514 Section 11. This act shall take effect July 1, 2008.