

By Senator Oelrich

14-02682C-08

20082630\_\_

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

14-02682C-08

20082630\_\_

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

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Section 765.203, Florida Statutes, is amended to  
54 read:

55 765.203 Suggested form of designation.--A written  
56 designation of a health care surrogate executed pursuant to this  
57 chapter may, but need not be, in the following form:  
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14-02682C-08

20082630\_\_

DESIGNATION OF HEALTH CARE SURROGATE

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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 on my behalf; to apply for public benefits to defray the cost of

14-02682C-08

20082630\_\_

84 health care; and to authorize my admission to or transfer from a  
 85 health care facility.

86 Additional instructions (optional):

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

92 Name:

93 Name:

94 Signed:

95 Date:

96

97 Witnesses: 1. \_\_\_\_\_

2. \_\_\_\_\_

98

99 Section 2. Subsections (1), (2), (3), and (4) of section  
 100 765.512, Florida Statutes, are amended to read:

101 765.512 Persons who may make an anatomical gift.--

102 (1) Any person who may make a will may give all or part of  
 103 his or her body for any purpose specified in s. 765.513. ~~s.~~

104 ~~765.510,~~ The gift is effective ~~to take effect~~ upon the death of  
 105 the donor. ~~An anatomical gift made by an adult donor and not~~

106 ~~revoked by the donor as provided in s. 765.516 is irrevocable~~  
 107 ~~after the donor's death. A family member, guardian,~~

108 ~~representative ad litem, or health care surrogate of an adult~~  
 109 ~~donor who has made an anatomical gift pursuant to subsection (2)~~

110 ~~may not modify, deny, or prevent a donor's wish or intent to make~~

14-02682C-08

20082630\_\_

111 ~~an anatomical gift from being made after the donor's death.~~

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

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

129 (2) A health care ~~Any~~ surrogate designated by the decedent  
130 pursuant to part II of this chapter may give all or any part of  
131 the decedent's body for any purpose specified in s. 765.513  
132 absent actual notice of contrary indications by the decedent ~~s.~~  
133 ~~765.510.~~

134 (3) If the decedent has not made ~~executed an agreement~~  
135 ~~concerning~~ an anatomical gift or designated a health surrogate  
136 ~~pursuant to part II of this chapter to make an anatomical gift~~  
137 ~~pursuant to the conditions of subsection (2),~~ a member of one of  
138 the classes of persons listed below, in the order of priority  
139 listed ~~stated~~ and in the absence of actual notice of contrary

14-02682C-08

20082630\_\_

140 indications by the decedent or actual notice of opposition by a  
141 member of ~~the same or~~ a prior class, may give all or any part of  
142 the decedent's body for any purpose specified in s. 765.513 ~~s.~~  
143 ~~765.510~~:

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

162  
163 ~~but no gift shall be made by the spouse if any adult son or~~  
164 ~~daughter objects, and provided that Those of higher priority who,~~  
165 ~~if they are reasonably available must be, have been contacted and~~  
166 ~~made aware of the proposed gift, and further provided that a~~  
167 ~~reasonable search must be conducted which shows is made to show~~  
168 ~~that there would have been no objection to the gift on religious~~

14-02682C-08

20082630\_\_

169 grounds by the decedent.

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

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

178 765.514 Manner of making ~~executing~~ anatomical gifts.--

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

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

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

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

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

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

197 ~~(f)-(2)-(a)~~ Expressing a wish to donate in ~~A gift of all or~~

14-02682C-08

20082630\_\_

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

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

211  
 212 UNIFORM DONOR CARD

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

217  
 218 I give:

- 219 (a) \_\_\_\_\_ any needed organs, tissues, or eyes ~~parts~~;  
 220 (b) \_\_\_\_\_ only the following organs, tissues, or eyes ~~or~~  
 221 ~~parts~~

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

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



14-02682C-08

20082630\_\_

227 (c) \_\_\_\_\_ my body for anatomical study if needed.  
 228 Limitations or special wishes, if any:  
 229 [If applicable, list specific donee; this must be arranged in  
 230 advance with the donee.]

231  
 232 Signed by the donor and the following witnesses in the presence  
 233 of each other: (Signature of donor)  
 234 (Date of birth of donor)  
 235 (Date signed)  
 236 (City and State)  
 237 (Witness)  
 238 (Witness)  
 239 (Address)  
 240 (Address)

241  
 242 (2)~~(3)~~ The gift may be made to a donee listed in s. 765.513  
 243 and the donee may be specified by name. ~~If the donee is not~~  
 244 ~~specified by name, the gift may be accepted by the attending~~  
 245 ~~physician as donee upon or following the donor's death. If the~~  
 246 ~~gift is made to a specified donee who is not available at the~~  
 247 ~~time and place of death, the attending physician may accept the~~  
 248 ~~gift as donee upon or following death in the absence of any~~  
 249 ~~expressed indication that the donor desired otherwise. However,~~  
 250 ~~the Legislature declares that the public policy of this state~~  
 251 ~~prohibits restrictions on the possible recipients of an~~  
 252 ~~anatomical gift on the basis of race, color, religion, sex,~~  
 253 ~~national origin, age, physical handicap, health status, marital~~  
 254 ~~status, or economic status, and such restrictions are hereby~~  
 255 ~~declared void and unenforceable. The physician who becomes a~~

14-02682C-08

20082630\_\_

256 ~~donee under this subsection shall not participate in the~~  
257 ~~procedures for removing or transplanting a part.~~

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

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

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

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

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

14-02682C-08

20082630\_\_

285 department must communicate the withdrawal to the organ and  
286 tissue donor registry for the purpose of updating the registry.

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

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

301 ~~(4) The Agency for Health Care Administration and the~~  
302 ~~Department of Highway Safety and Motor Vehicles shall develop and~~  
303 ~~implement an organ and tissue donor registry which shall record,~~  
304 ~~through electronic means, organ and tissue donation documents~~  
305 ~~submitted through the driver license identification program or by~~  
306 ~~other sources. The registry shall be maintained in a manner~~  
307 ~~which will allow, through electronic and telephonic methods,~~  
308 ~~immediate access to organ and tissue donation documents 24 hours~~  
309 ~~a day, 7 days a week. Hospitals, organ and tissue procurement~~  
310 ~~agencies, and other parties identified by the agency by rule~~  
311 ~~shall be allowed access through coded means to the information~~  
312 ~~stored in the registry. Costs for the organ and tissue donor~~  
313 ~~registry shall be paid from the Florida Organ and Tissue Donor~~

14-02682C-08

20082630\_\_

314 ~~Education and Procurement Trust Fund created by s. 765.52155.~~  
315 ~~Funds deposited into the Florida Organ and Tissue Donor Education~~  
316 ~~and Procurement Trust Fund shall be utilized by the Agency for~~  
317 ~~Health Care Administration for maintaining the organ and tissue~~  
318 ~~donor registry and for organ and tissue donor 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 number  
332 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, notwithstanding  
340 any exemption in s. 287.057(5)(f). When awarding the contract,  
341 priority shall be given to existing nonprofit groups that are  
342 based within the state, have expertise working with organ and

14-02682C-08

20082630\_\_

343 tissue procurement organizations, have expertise in conducting  
344 statewide organ and tissue donor public education campaigns, and  
345 represent the needs of the organ and tissue donation community in  
346 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 allows,  
355 through electronic and telephonic methods, immediate access to  
356 organ and tissue donation records 24 hours a day, 7 days a week.

357 2. Access to the registry must be through coded and secure  
358 means to protect the integrity of the data in the registry.

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

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

367 2. The contractor, for the sole purpose of furthering its  
368 educational program, shall, in coordination with the head of the  
369 applicable entity or his or her designee, have access to the  
370 buildings and workplace areas of all state agencies and political  
371 subdivisions of the state.

14-02682C-08

20082630\_\_

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; and

385 5. An analysis of Florida's registry compared with other  
386 states' donor registries.

387 (4) The Agency for Health Care Administration may adopt  
388 rules to authorize persons engaged in bona fide research to  
389 access records in the registry if the researcher agrees to:

390 (a) Submit a research plan to the agency that specifies the  
391 exact nature of the information requested and the intended use of  
392 the information;

393 (b) Maintain the confidentiality of the records or  
394 information if personal identifying information is made available  
395 to the researcher;

396 (c) Destroy any confidential records or information  
397 obtained after the research is concluded; and

398 (d) Not directly or indirectly contact, for any purpose,  
399 any donor or donee.

400 (5) Costs for the organ and tissue donor registry and

14-02682C-08

20082630\_\_

401 education program shall be paid by the Agency for Health Care  
402 Administration from the Florida Organ and Tissue Donor Education  
403 and Procurement Trust Fund created in s. 765.52155. In addition,  
404 the contractor may receive and use voluntary contributions to  
405 help support the registry and provide education.

406 (6) The organ and tissue donor registry established by this  
407 section is designated as the "Joshua Abbott Organ and Tissue  
408 Registry."

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

411 765.516 Amendment of the terms of or the revocation of the  
412 gift.--

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

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

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

419 765.517 Rights and duties at death.--

420 (3) The organ procurement organization, tissue bank, or eye  
421 bank, or hospital medical professionals under the direction  
422 thereof, may perform any and all tests to evaluate the deceased  
423 as a potential donor and any invasive procedures on the deceased  
424 body in order to preserve the potential donor's organs. These  
425 procedures do not include the surgical removal of an organ or  
426 penetrating any body cavity, specifically for the purpose of  
427 donation, until:

428 (a) It has been verified that the deceased's consent to  
429 donate appears in the organ and tissue donor registry or a

14-02682C-08

20082630\_\_

430 properly executed donor card or document is located; or,

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

436 Section 8. Subsection (1) of section 765.521, Florida  
 437 Statutes, is amended to read:

438 765.521 Donations as part of driver license or  
 439 identification card process.--

440 (1) The Agency for Health Care Administration and the  
 441 Department of Highway Safety and Motor Vehicles shall develop and  
 442 implement a program encouraging and allowing persons to make  
 443 anatomical gifts as a part of the process of issuing  
 444 identification cards and issuing and renewing driver licenses.  
 445 The donor registration card distributed by the Department of  
 446 Highway Safety and Motor Vehicles shall include the information  
 447 required by the uniform donor card under s. 765.514 ~~material~~  
 448 ~~specified by s. 765.514(2)(b) and may require~~ such additional  
 449 ~~information, and include such additional material,~~ as determined  
 450 ~~may be deemed necessary by the that~~ department. The department ~~of~~  
 451 ~~Highway Safety and Motor Vehicles~~ shall also develop and  
 452 implement a program to identify donors, which includes ~~program~~  
 453 ~~shall include~~ notations on identification cards, driver licenses,  
 454 and driver records or such other methods as the department  
 455 develops to ~~may develop. This program shall include, after an~~  
 456 ~~individual has completed a donor registration card, making a~~  
 457 ~~notation on the front of the driver license or identification~~  
 458 ~~card that~~ clearly indicate ~~indicates~~ the individual's intent to



14-02682C-08

20082630\_\_

459 donate the individual's organs, tissues, or eyes ~~tissue~~. A  
460 notation on an individual's driver license or identification card  
461 that the individual intends to donate organs, ~~or~~ tissues, or eyes  
462 satisfies ~~is deemed sufficient to satisfy~~ all requirements for  
463 consent to organ or tissue donation. The Agency for Health Care  
464 Administration shall provide the necessary supplies and forms  
465 from ~~through~~ funds appropriated from general revenue or  
466 contributions from interested voluntary, nonprofit organizations.  
467 The department ~~of Highway Safety and Motor Vehicles~~ shall provide  
468 the necessary recordkeeping system from ~~through~~ funds  
469 appropriated from general revenue. The Department of Highway  
470 Safety and Motor Vehicles and the Agency for Health Care  
471 Administration shall incur no liability in connection with the  
472 performance of any acts authorized herein.

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

475 765.522 Duty of certain hospital administrators; liability  
476 of hospital administrators, organ procurement organizations, eye  
477 banks, and tissue banks.--

478 (2) Where, based on accepted medical standards, a hospital  
479 patient is a suitable candidate for organ or tissue donation, the  
480 hospital administrator or the hospital administrator's designee  
481 shall, at or near the time of death, notify the appropriate  
482 organ, eye, or tissue recovery program, which shall access the  
483 organ and tissue donor registry created by s. 765.5155 ~~s.~~  
484 ~~765.515(4)~~ to ascertain the existence of an entry in the registry  
485 that has not been revoked, a donor card, or a document executed  
486 by the decedent. In the absence of an entry in the donor  
487 registry, a donor card, organ donation sticker or organ donation

14-02682C-08

20082630\_\_

488 imprint on a driver's license, or other properly executed  
489 document, the organ, eye, or tissue recovery program ~~hospital~~  
490 ~~administrator or designee~~ shall request:

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

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

497  
498 to consent to the gift of all or any part of the decedent's body  
499 for any purpose specified in this part. Except as provided in s.  
500 765.512, in the absence of actual notice of opposition, consent  
501 need only be obtained from the person or persons in the highest  
502 priority class reasonably available.

503 (6) The hospital administrator or a designee shall, at or  
504 near the time of death of a potential organ donor, directly  
505 notify the affiliated ~~Health Care Financing Administration~~  
506 ~~designated~~ organ procurement organization designated by the  
507 United States Department of Health and Human Services of the  
508 potential organ donor. This organ procurement organization must  
509 offer any organ from such a donor first to patients on a Florida-  
510 based local or state organ sharing transplant list. For the  
511 purpose of this subsection, the term "transplant list" includes  
512 certain categories of national or regional organ sharing for  
513 patients of exceptional need or exceptional match, as approved or  
514 mandated by the Organ Procurement and Transplantation Network, or  
515 its agent ~~United Network for Organ Sharing~~. This notification may  
516 ~~must~~ not be made to a tissue bank or eye bank in lieu of the

14-02682C-08

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517 organ procurement organization unless the tissue bank or eye bank  
518 is also a ~~Health Care Financing Administration~~ designated as an  
519 organ procurement organization by the United States Department of  
520 Health and Human Services.

521 Section 10. Sections 765.5215 and 765.5216, Florida  
522 Statutes, are repealed.

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