

By the Committees on Health and Human Services Appropriations;
Governmental Operations; and Senator Oelrich

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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

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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:
58

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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

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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~~

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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

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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) A close personal friend, as defined in s. 765.101;
151 (h) ~~(f)~~ A guardian of the person of the decedent at the time
152 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 heard
155 ex parte filed by any person, who which representative ad litem
156 shall ascertain that no person of higher priority exists who
157 objects to the gift of all or any part of the decedent's body and
158 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 who,~~
164 ~~if they are reasonably available must be, have been contacted and~~
165 ~~made aware of the proposed gift, and further provided that a~~
166 ~~reasonable search must be conducted which shows is made to show~~
167 ~~that there would have been no objection to the gift on religious~~
168 ~~grounds by the decedent.~~

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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 ~~or, 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 of
173 a class is opposed by a member of ~~the same or a prior class,~~ the
174 donee shall not accept the gift.

175 Section 3. Section 765.514, Florida Statutes, is amended to
176 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 valid
195 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~~

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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:

210
 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~~;
 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, or
 225 education;

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

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227 Limitations or special wishes, if any:
 228 [If applicable, list specific donee; this must be arranged in
 229 advance with the donee.]

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. 765.513
 242 and the donee may be specified by name. ~~If the donee is not~~
 243 ~~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~~

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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, the~~
261 ~~donee or other person authorized to accept the gift may employ or~~
262 ~~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 a
265 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 to
270 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 the~~
281 ~~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~~

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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 after
298 the donor's death, the person in possession shall produce the
299 document for examination.

300 ~~(4) The Agency for Health Care Administration and the~~
301 ~~Department of Highway Safety and Motor Vehicles shall develop and~~
302 ~~implement an organ and tissue donor registry which shall record,~~
303 ~~through electronic means, organ and tissue donation documents~~
304 ~~submitted through the driver license identification program or by~~
305 ~~other sources. The registry shall be maintained in a manner~~
306 ~~which will allow, through electronic and telephonic methods,~~
307 ~~immediate access to organ and tissue donation documents 24 hours~~
308 ~~a day, 7 days a week. Hospitals, organ and tissue procurement~~
309 ~~agencies, and other parties identified by the agency by rule~~
310 ~~shall be allowed access through coded means to the information~~
311 ~~stored in the registry. Costs for the organ and tissue donor~~
312 ~~registry shall be paid from the Florida Organ and Tissue Donor~~
313 ~~Education and Procurement Trust Fund created by s. 765.52155.~~

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314 ~~Funds deposited into the Florida Organ and Tissue Donor Education~~
315 ~~and Procurement Trust Fund shall be utilized by the Agency for~~
316 ~~Health Care Administration for maintaining the organ and tissue~~
317 ~~donor registry and for organ and tissue donor education.~~

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

320 765.5155 Organ and tissue donor registry; education
321 program.--

322 (1) The Legislature finds that:

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

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

328 (c) A statewide organ and tissue donor registry having an
329 online donor registration process coupled with an enhanced
330 program of donor education will lead to an increase in the number
331 of organ and tissue donors registered in this state, thus
332 affording more persons who are awaiting organ or tissue
333 transplants the opportunity for a full and productive life.

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

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343 statewide organ and tissue donor public education campaigns, and
344 represent the needs of the organ and tissue donation community in
345 the state.

346 (3) The contractor shall be responsible for:

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

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

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

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

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

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

371 (c) Preparing and submitting an annual written report to

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372 the Agency for Health Care Administration by December 31 of each
373 year. The report must include:

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

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

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

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

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

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

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

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

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

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

399 (5) Costs for the organ and tissue donor registry and
400 education program shall be paid by the Agency for Health Care

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401 Administration from the funds deposited into the Health Care
402 Trust Fund pursuant to ss. 320.8047 and 322.08, which are
403 designated for maintaining the organ and tissue donor registry
404 and education program. In addition, the contractor may receive
405 and use voluntary contributions to help support the registry and
406 provide education.

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

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

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

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

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

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

420 765.517 Rights and duties at death.--

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

429 (a) It has been verified that the deceased's consent to

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430 donate appears in the organ and tissue donor registry or a
431 properly executed donor card or document is located; or~~7~~

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

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

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

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

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

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

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

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

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

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

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

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

504 (6) The hospital administrator or a designee shall, at or
505 near the time of death of a potential organ donor, directly
506 notify the affiliated ~~Health Care Financing Administration~~
507 ~~designated~~ organ procurement organization designated by the
508 United States Department of Health and Human Services of the
509 potential organ donor. This organ procurement organization must
510 offer any organ from such a donor first to patients on a Florida-
511 based local or state organ sharing transplant list. For the
512 purpose of this subsection, the term "transplant list" includes
513 certain categories of national or regional organ sharing for
514 patients of exceptional need or exceptional match, as approved or
515 mandated by the Organ Procurement and Transplantation Network, or
516 its agent ~~United Network for Organ Sharing~~. This notification may

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517 ~~must~~ not be made to a tissue bank or eye bank in lieu of the
518 organ procurement organization unless the tissue bank or eye bank
519 is also a ~~Health Care Financing Administration~~ designated as an
520 organ procurement organization by the United States Department of
521 Health and Human Services.

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

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