

By Senator Margolis

35-00428-15

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1 A bill to be entitled
2 An act relating to anatomical gifts; amending s.
3 765.514, F.S.; authorizing a person to make an
4 anatomical gift of all or part of his or her body by
5 registering with the First Person Consent organ and
6 tissue donor registry; amending s. 765.521, F.S.;
7 requiring an applicant for a driver license, driver
8 license renewal, or identification card to provide a
9 statement of whether he or she agrees to have his or
10 her name included in the First Person Consent organ
11 and tissue donor registry; requiring the Department of
12 Highway Safety and Motor Vehicles to develop and issue
13 a brochure explaining such registry; requiring the
14 department to establish the registry and maintain a
15 physical or electronic record of such registry;
16 authorizing a person to revise or withdraw consent to
17 be listed in such registry; authorizing the department
18 to establish additional methods by which a person may
19 have his or her name included in such registry;
20 amending s. 765.51551, F.S.; authorizing specified
21 representatives to ask the department whether a
22 potential organ donor's name is included in the First
23 Person Consent organ and tissue donor registry and
24 authorizing the department to provide such
25 information; reenacting ss. 381.0041(2)(c),
26 765.511(8), 765.512(1)(a), and 765.521(1), F.S., to
27 incorporate the amendment made to s. 765.514, F.S., in
28 references thereto; reenacting s. 765.515(1), F.S., to
29 incorporate the amendment made to 765.521, F.S., in a

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30 reference thereto; providing an effective date.

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

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34 Section 1. Paragraph (c) of subsection (1) of section
35 765.514, Florida Statutes, is amended to read:

36 765.514 Manner of making anatomical gifts.-

37 (1) A person may make an anatomical gift of all or part of
38 his or her body under s. 765.512(1) by:

39 (c) Registering with the First Person Consent organ and
40 tissue donor registry under s. 765.521(2) and signifying an
41 intent to donate on his or her driver license or identification
42 card issued by the department. Revocation, suspension,
43 expiration, or cancellation of the driver license or
44 identification card does not invalidate the gift.

45 Section 2. Present subsections (2) and (3) of section
46 765.521, Florida Statutes, are redesignated as subsections (3)
47 and (4), respectively, and a new subsection (2) is added to that
48 section, to read:

49 765.521 Donations as part of driver license or
50 identification card process.-

51 (2) (a) An applicant for a driver license under s. 322.08, a
52 driver license renewal under s. 322.18, or an identification
53 card under s. 322.051 shall provide a statement in writing, or
54 by another means approved by the department, of whether he or
55 she agrees to have his or her name included in the First Person
56 Consent organ and tissue donor registry established under
57 paragraph (c) by responding to one of the following three
58 options provided by the department: "Yes," "No," or "Defer to

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59 family wishes."

60 1. A person who chooses "Yes" has agreed to have his or her
61 name included in the First Person Consent organ and tissue donor
62 registry and has entered into a legally binding commitment to
63 donate his or her organs or tissue upon his or her death.

64 2. A person who chooses "No" has not agreed to have his or
65 her name included in the First Person Consent organ and tissue
66 donor registry.

67 3. A person who chooses "Defer to family wishes" has agreed
68 to allow a person listed in s. 765.512(3) to donate all or any
69 part of the decedent's body for any purpose specified in s.
70 765.513.

71 (b) The department shall develop and issue a brochure
72 explaining the First Person Consent organ and tissue donor
73 registry to each applicant for a driver license under s. 322.08,
74 a driver license renewal under s. 322.18, or an identification
75 card under s. 322.051. The brochure must advise the applicant
76 that he or she is not required to agree to have his or her name
77 included in the First Person Consent organ and tissue donor
78 registry and that he or she may wish to consult with family,
79 friends, or clergy before having his or her name included in the
80 registry.

81 (c) The department shall establish the First Person Consent
82 organ and tissue donor registry and shall maintain a physical or
83 electronic record of the registry. When a person has agreed to
84 have his or her name included in the First Person Consent organ
85 and tissue donor registry, the department shall record the
86 person's name in the registry.

87 (d) A person may revise or withdraw his or her statement of

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88 agreement to have his or her name included in the First Person
89 Consent organ and tissue donor registry by notifying the
90 department in writing, or by another means approved by the
91 department, of the person's decision to have his or her name
92 removed from the registry.

93 (e) The department may establish additional methods by
94 which a person may have his or her name included in the First
95 Person Consent organ and tissue donor registry.

96 Section 3. Paragraph (c) is added to subsection (2) of
97 section 765.51551, Florida Statutes, to read:

98 765.51551 Donor registry; public records exemption.—

99 (2) Such information may be disclosed to the following:

100 (c) A representative of an organ procurement organization,
101 a tissue bank, or a coroner's or medical examiner's office may
102 ask the department whether a potential organ donor's name is
103 included in the First Person Consent organ and tissue donor
104 registry under s. 765.521(2), and the department may provide
105 such information to the representative.

106 Section 4. Paragraph (c) of subsection (2) of s. 381.0041,
107 subsection (8) of s. 765.511, paragraph (a) of subsection (1) of
108 s. 765.512, and subsection (1) of s. 765.521, Florida Statutes,
109 are reenacted for the purpose of incorporating the amendment
110 made by this act to s. 765.514, Florida Statutes, in references
111 thereto.

112 Section 5. Subsection (1) of s. 765.515, Florida Statutes,
113 is reenacted for the purpose of incorporating the amendment made
114 by this act to s. 765.521, Florida Statutes, in a reference
115 thereto.

116 Section 6. This act shall take effect July 1, 2015.