

By Senator Harrell

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1 A bill to be entitled
2 An act relating to organ donation and transplantation;
3 amending s. 379.352, F.S.; requiring locations where
4 certain recreational licenses or permits are sold to
5 display and make available to the public educational
6 materials relating to organ donation and registration;
7 requiring that a link to the statewide donor registry
8 be provided to persons applying for certain
9 recreational licenses or permits; amending s.
10 395.1055, F.S.; revising a provision relating to
11 certain rules adopted by the Agency for Health Care
12 Administration; amending s. 409.906, F.S.; authorizing
13 reimbursement for certain organ transplantation
14 services under the Medicaid program; amending s.
15 627.6045, F.S.; prohibiting a health insurance policy
16 from limiting or excluding coverage solely on the
17 basis that an insured is a living organ donor;
18 amending s. 765.5155, F.S.; revising the
19 responsibilities of a contractor procured by the
20 agency for the purpose of educating and informing the
21 public about anatomical gifts; amending s. 765.517,
22 F.S.; prohibiting an organ transplantation facility
23 from charging a donor or his or her family member any
24 fee for services relating to the procurement or
25 donation of organs; amending s. 765.521, F.S.;
26 revising the requirements for certain programs
27 encouraging anatomical gifts to include the process of
28 issuing and renewing recreational licenses and
29 permits; making technical changes; amending s.

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30 765.522, F.S.; revising a requirement that the agency
31 establish rules and guidelines relating to the
32 education of certain individuals designated to perform
33 certain organ donation procedures; amending s.
34 765.543, F.S.; revising the duties of the Organ and
35 Tissue Procurement and Transplantation Advisory Board;
36 requiring the board to submit certain recommendations
37 to the agency by a specified date; amending s.
38 1003.42, F.S.; requiring instruction on organ donation
39 and registration for students in specified grade
40 levels; providing an effective date.

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

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44 Section 1. Present subsections (13) and (14) of section
45 379.352, Florida Statutes, are redesignated as subsections (14)
46 and (15), respectively, and a new subsection (13) is added to
47 that section, to read:

48 379.352 Recreational licenses, permits, and authorization
49 numbers to take wild animal life, freshwater aquatic life, and
50 marine life; issuance; costs; reporting.—

51 (13) At each location where hunting, fishing, or trapping
52 licenses or permits are sold, educational materials regarding
53 organ donation and registration shall be displayed and made
54 available to the public. Each person who applies for a hunting,
55 fishing, or trapping license or permit on the Internet shall be
56 provided a link to the statewide donor registry operated under
57 s. 765.5155.

58 Section 2. Paragraph (i) of subsection (1) of section

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59 395.1055, Florida Statutes, is amended to read:

60 395.1055 Rules and enforcement.—

61 (1) The agency shall adopt rules pursuant to ss. 120.536(1)
62 and 120.54 to implement the provisions of this part, which shall
63 include reasonable and fair minimum standards for ensuring that:

64 (i) All hospitals providing organ transplantation, neonatal
65 intensive care services, inpatient psychiatric services,
66 inpatient substance abuse services, or comprehensive medical
67 rehabilitation meet the minimum licensure requirements adopted
68 by the agency. Such licensure requirements must include quality
69 of care, nurse staffing, physician staffing, physical plant,
70 equipment, emergency transportation, and data reporting
71 standards. Agency rules must include minimum volume standards
72 for organ transplantation and neonatal intensive care services.

73 Section 3. Subsection (28) is added to section 409.906,
74 Florida Statutes, to read:

75 409.906 Optional Medicaid services.—Subject to specific
76 appropriations, the agency may make payments for services which
77 are optional to the state under Title XIX of the Social Security
78 Act and are furnished by Medicaid providers to recipients who
79 are determined to be eligible on the dates on which the services
80 were provided. Any optional service that is provided shall be
81 provided only when medically necessary and in accordance with
82 state and federal law. Optional services rendered by providers
83 in mobile units to Medicaid recipients may be restricted or
84 prohibited by the agency. Nothing in this section shall be
85 construed to prevent or limit the agency from adjusting fees,
86 reimbursement rates, lengths of stay, number of visits, or
87 number of services, or making any other adjustments necessary to

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88 comply with the availability of moneys and any limitations or
89 directions provided for in the General Appropriations Act or
90 chapter 216. If necessary to safeguard the state's systems of
91 providing services to elderly and disabled persons and subject
92 to the notice and review provisions of s. 216.177, the Governor
93 may direct the Agency for Health Care Administration to amend
94 the Medicaid state plan to delete the optional Medicaid service
95 known as "Intermediate Care Facilities for the Developmentally
96 Disabled." Optional services may include:

97 (28) ORGAN TRANSPLANTATION SERVICES.—The agency may pay for
98 organ transplantation services, including pretransplant,
99 transplant, and postdischarge services, and treatment of
100 complications after transplantation for transplants deemed
101 necessary and appropriate within the guidelines set by the Organ
102 Transplant Advisory Council under s. 765.53 or the Bone Marrow
103 Transplant Advisory Panel under s. 627.4236.

104 Section 4. Present subsections (3) and (4) of section
105 627.6045, Florida Statutes, are redesignated as subsections (4)
106 and (5), respectively, and a new subsection (3) is added to that
107 section, to read:

108 627.6045 Preexisting condition.—A health insurance policy
109 must comply with the following:

110 (3) A preexisting condition provision may not limit or
111 exclude coverage solely on the basis that an insured is a living
112 organ donor.

113 Section 5. Paragraph (b) of subsection (3) of section
114 765.5155, Florida Statutes, is amended to read:

115 765.5155 Donor registry; education program.—

116 (3) The contractor shall be responsible for:

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117 (b) A continuing program to educate and inform medical
118 professionals, law enforcement agencies and officers, other
119 state and local government employees, high school students,
120 minorities, and the public about federal and state ~~the laws of~~
121 ~~this state~~ relating to anatomical gifts and the need for
122 anatomical gifts, including the organ donation and
123 transplantation process.

124 1. Existing community resources, when available, must be
125 used to support the program and volunteers may assist the
126 program to the maximum extent possible.

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

131 3. The contractor shall, in consultation with the agency
132 and the State Board of Education, develop an instructional
133 curriculum for students in grades 9 through 12 relating to organ
134 donor registration.

135 Section 6. Subsection (4) of section 765.517, Florida
136 Statutes, is amended to read:

137 765.517 Rights and duties at death.—

138 (4) All reasonable additional expenses incurred in the
139 procedures to preserve the donor's organs or tissues shall be
140 reimbursed by the procurement organization. An organ
141 transplantation facility may not charge a donor or his or her
142 family member any fee for services relating to the procurement
143 or donation of his or her organs.

144 Section 7. Section 765.521, Florida Statutes, is amended to
145 read:

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146 765.521 Donations as part of driver license, ~~or~~
147 identification card, or recreational license and permit
148 process.-

149 (1) The agency and the department shall develop and
150 implement a program encouraging and allowing persons to make
151 anatomical gifts as a part of the process of issuing
152 identification cards, ~~and~~ issuing and renewing driver licenses,
153 and issuing and renewing recreational licenses and permits. The
154 donor registration card distributed by the department shall
155 include the information required by the uniform donor card under
156 s. 765.514 and such additional information as determined
157 necessary by the department. The department shall also develop
158 and implement a program to identify donors which includes
159 notations on identification cards, driver licenses, ~~and~~ driver
160 records, and recreational licenses or permits or such other
161 methods as the department develops to clearly indicate the
162 individual's intent to make an anatomical gift. A notation on an
163 individual's driver license, ~~or~~ identification card, or
164 recreational license or permit that the individual intends to
165 make an anatomical gift satisfies all requirements for consent
166 to organ or tissue donation. The agency shall provide the
167 necessary supplies and forms from funds appropriated from
168 general revenue or contributions from interested voluntary,
169 nonprofit organizations. The department shall provide the
170 necessary recordkeeping system from funds appropriated from
171 general revenue. The department and the agency shall incur no
172 liability in connection with the performance of any acts
173 authorized herein.

174 (2) The department shall maintain an integrated link on its

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175 website which refers ~~referring~~ a visitor renewing a driver
176 license or recreational license or permit or conducting other
177 business to the donor registry operated under s. 765.5155.

178 (3) The department, after consultation with and concurrence
179 by the agency, shall adopt rules to implement ~~the provisions of~~
180 this section in accordance with ~~according to the provisions of~~
181 chapter 120.

182 (4) The agency may not use funds appropriated for patient
183 care ~~Funds expended by the agency to carry out the intent of~~
184 ~~this section may not be taken from funds appropriated for~~
185 ~~patient care.~~

186 Section 8. Subsection (3) of section 765.522, Florida
187 Statutes, is amended to read:

188 765.522 Duty of hospital administrators; liability of
189 hospital administrators and procurement organizations.—

190 (3) The agency shall establish rules and guidelines
191 concerning the education of individuals who may be designated to
192 perform the request and the procedures to be used in making the
193 request, including a requirement that such individuals clearly
194 explain to patients and living organ donors the protocols of the
195 hospital and the federal and state laws regarding organ
196 donation. The agency is authorized to adopt rules concerning the
197 documentation of the request, where such request is made.

198 Section 9. Subsection (3) of section 765.543, Florida
199 Statutes, is amended to read:

200 765.543 Organ and Tissue Procurement and Transplantation
201 Advisory Board; creation; duties.—

202 (3) (a) The board shall do all of the following:

203 1. ~~(a)~~ Assist the agency, in collaboration with other

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204 relevant public or private entities, in the development of
205 necessary professional qualifications, including, but not
206 limited to, the continuing education, training, and performance
207 of licensed health care practitioners and other persons engaged
208 in the various facets of organ and tissue procurement,
209 processing, preservation, and distribution for transplantation.~~†~~

210 2.(b) Assist the agency in monitoring the appropriate and
211 legitimate expenses associated with organ and tissue
212 procurement, processing, and distribution for transplantation
213 and developing methodologies to assure the uniform statewide
214 reporting of data to facilitate the accurate and timely
215 evaluation of the organ and tissue procurement and
216 transplantation system.~~†~~

217 3.(e) Provide assistance to the Florida Medical Examiners
218 Commission in the development of appropriate procedures and
219 protocols to ensure the continued improvement in the approval
220 and release of potential donors by the district medical
221 examiners and associate medical examiners.~~†~~

222 4.(d) Develop with and recommend to the agency the
223 necessary procedures and protocols required to assure that all
224 residents of this state have reasonable access to available
225 organ and tissue transplantation therapy and that residents of
226 this state can be reasonably assured that the statewide
227 procurement transplantation system is able to fulfill their
228 organ and tissue requirements within the limits of the available
229 supply and according to the severity of their medical condition
230 and need.~~†~~~~and~~

231 5.(e) Develop with and recommend to the agency any changes
232 to the laws of this state or administrative rules or procedures

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233 to ensure that the statewide organ and tissue procurement and
234 transplantation system is able to function smoothly,
235 effectively, and efficiently, in accordance with the Federal
236 Anatomical Gift Act and in a manner that assures the residents
237 of this state that no person or entity profits from the
238 altruistic voluntary donation of organs or tissues.

239 (b) In addition to the duties described in paragraph (a),
240 the board must submit to the agency, by September 1, 2022,
241 recommendations that address all of the following:

242 1. Frequency of communication between patients and organ
243 transplant coordinators.

244 2. Monitoring of each organ transplantation facility and
245 the annual reporting and publication of relevant information
246 regarding the statewide number of patients placed on waiting
247 lists and the number of patients who receive transplants,
248 aggregated by facility.

249 3. Establishment of a coordinated communication system
250 between organ transplantation facilities and living organ donors
251 for the purpose of minimizing the cost and time required for
252 duplicative lab tests, including the sharing of lab results
253 between facilities.

254 4. Potential incentives for organ transplantation
255 facilities to increase organ donation in this state.

256 5. Creation of a more efficient regional or statewide
257 living organ donor process.

258 6. Potential opportunities and incentives for organ
259 transplantation research.

260 7. Best practices for organ transplantation facilities and
261 organ procurement organizations which promote the most efficient

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262 and effective outcomes for patients.

263 8. Monitoring of organ procurement organizations.

264 Section 10. Paragraph (u) is added to subsection (2) of
265 section 1003.42, Florida Statutes, to read:

266 1003.42 Required instruction.—

267 (2) Members of the instructional staff of the public
268 schools, subject to the rules of the State Board of Education
269 and the district school board, shall teach efficiently and
270 faithfully, using the books and materials required that meet the
271 highest standards for professionalism and historical accuracy,
272 following the prescribed courses of study, and employing
273 approved methods of instruction, the following:

274 (u) For students in grades 9 through 12, organ donor
275 registration.

276

277 The State Board of Education is encouraged to adopt standards
278 and pursue assessment of the requirements of this subsection. A
279 character development program that incorporates the values of
280 the recipients of the Congressional Medal of Honor and that is
281 offered as part of a social studies, English Language Arts, or
282 other schoolwide character building and veteran awareness
283 initiative meets the requirements of paragraphs (s) and (t).

284 Section 11. This act shall take effect July 1, 2021.