

By Senator Harrell

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1 A bill to be entitled
2 An act relating to organ donation; creating s.
3 110.1185, F.S.; requiring the state and the political
4 subdivisions thereof to provide administrative leave
5 to their employees for organ donation; creating s.
6 220.197, F.S.; defining the term "employee organ
7 donation expenses"; authorizing a tax credit for
8 qualified businesses for such expenses; providing that
9 credits may be taken only as a deduction on corporate
10 income tax returns; providing requirements for
11 applications for the credit; requiring the Department
12 of Revenue to notify applicants of approval or denial
13 of applications within a certain timeframe;
14 authorizing applicants to reapply within a specified
15 timeframe; authorizing the department to adopt rules;
16 amending s. 322.291, F.S.; making technical changes;
17 requiring that information on organ donation be
18 included in specified driver education programs;
19 authorizing the Department of Highway Safety and Motor
20 Vehicles to adopt rules; amending s. 379.352, F.S.;
21 requiring locations at which certain recreational
22 licenses or permits are sold to display and make
23 available to the public educational materials relating
24 to organ donation and registration; requiring that a
25 link to the statewide donor registry be provided to
26 persons applying online for certain recreational
27 licenses or permits; amending s. 627.6045, F.S.;
28 prohibiting a health insurance policy from limiting or
29 excluding coverage solely on the basis that an insured

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30 is a living organ donor; amending s. 765.5155, F.S.;

31 requiring coordination between specified parties to

32 ensure the availability of certain continuing

33 education topics; amending s. 765.521, F.S.; revising

34 the requirements for certain programs encouraging

35 anatomical gifts to include the process of issuing and

36 renewing recreational licenses and permits; providing

37 an effective date.

38

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

40

41 Section 1. Section 110.1185, Florida Statutes, is created

42 to read:

43 110.1185 Administrative leave for organ donation.—The state

44 and any political subdivision thereof shall grant their

45 employees administrative leave for organ donation.

46 Section 2. Section 220.197, Florida Statutes, is created to

47 read:

48 220.197 Tax credit for expenses related to employee organ

49 donation.—

50 (1) As used in this section, the term “employee organ

51 donation expenses” means:

52 (a) Compensation paid to an employee while the employee is

53 unable to work in preparation for organ donation and while the

54 employee is on leave for such donation.

55 (b) Additional labor expenses incurred by a business while

56 the employee is on leave for organ donation.

57 (2) For taxable years beginning on or after January 1,

58 2025, a qualified business shall receive a tax credit for

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59 previously paid corporate income taxes equal to 100 percent of
60 employee organ donation expenses during the tax year the
61 employee donated an organ. The credit may be taken only as a
62 deduction on a corporate income tax return and may not be
63 received as a refund of taxes previously paid.

64 (3) To qualify for the credit under this section, a
65 business must apply to the department on a form approved by the
66 department. The application must include all information
67 required by the department to verify organ donation expenses the
68 taxpayer claims to have incurred.

69 (4) Within 30 business days after receipt of the
70 application, the department shall notify the applicant in
71 writing as to whether the application has been approved or
72 deemed insufficient to support the credit. The department shall
73 identify any insufficiency in the written notice. If the
74 application is deemed insufficient, the applicant may reapply
75 for the credit within 90 calendar days after receipt of the
76 written notice.

77 (5) The department may adopt rules to administer this
78 section.

79 Section 3. Section 322.291, Florida Statutes, is amended to
80 read:

81 322.291 Driver improvement schools or DUI programs;
82 required in certain suspension and revocation cases.—

83 (1) Except as provided in s. 322.03(2), any one of the
84 following persons whose driving privilege has been revoked or
85 whose license has been suspended must, before the driving
86 privilege or license may be reinstated, present to the
87 department proof of enrollment in a department-approved advanced

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88 driver improvement course operating pursuant to s. 318.1451 or a
89 substance abuse education course conducted by a DUI program
90 licensed pursuant to s. 322.292, which must include a
91 psychosocial evaluation and treatment, if referred person:

92 (a)-(1) A person whose driving privilege has been revoked:

93 1.-(a) Upon conviction for:

94 a.1- Driving, or being in actual physical control of, any
95 vehicle while under the influence of alcoholic beverages, any
96 chemical substance set forth in s. 877.111, or any substance
97 controlled under chapter 893, in violation of s. 316.193;

98 b.2- Driving with an unlawful blood- or breath-alcohol
99 level;

100 c.3- Manslaughter resulting from the operation of a motor
101 vehicle;

102 d.4- Failure to stop and render aid as required under the
103 laws of this state in the event of a motor vehicle crash
104 resulting in the death or personal injury of another; or

105 e.5- Reckless driving; ~~or~~

106 2.-(b) As a habitual offender; or

107 3.-(e) Upon direction of the court, if the court feels that
108 the seriousness of the offense and the circumstances surrounding
109 the conviction warrant the revocation of the licensee's driving
110 privilege. ~~;~~ ~~or~~

111 (b)-(2) A person whose license was suspended under the point
112 system, was suspended for driving with an unlawful blood-alcohol
113 level of 0.10 percent or higher before January 1, 1994, was
114 suspended for driving with an unlawful blood-alcohol level of
115 0.08 percent or higher after December 31, 1993, was suspended
116 for a violation of s. 316.193(1), or was suspended for refusing

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117 to submit to a lawful breath, blood, or urine test as provided
118 in s. 322.2615

119
120 ~~shall, before the driving privilege may be reinstated, present~~
121 ~~to the department proof of enrollment in a department-approved~~
122 ~~advanced driver improvement course operating pursuant to s.~~
123 ~~318.1451 or a substance abuse education course conducted by a~~
124 ~~DUI program licensed pursuant to s. 322.292, which shall include~~
125 ~~a psychosocial evaluation and treatment, if referred.~~

126 (2) Additionally, for a third or subsequent violation of
127 requirements for installation of an ignition interlock device, a
128 person must complete treatment as determined by a licensed
129 treatment agency following a referral by a DUI program and have
130 the duration of the ignition interlock device requirement
131 extended by at least 1 month up to the time period required to
132 complete treatment. If the person fails to complete such course
133 or evaluation within 90 days after reinstatement, or
134 subsequently fails to complete treatment, if referred, the DUI
135 program must ~~shall~~ notify the department of the failure. Upon
136 receipt of the notice, the department shall cancel the
137 offender's driving privilege, notwithstanding the expiration of
138 the suspension or revocation of the driving privilege. The
139 department may temporarily reinstate the driving privilege upon
140 verification from the DUI program that the offender has
141 completed the education course and evaluation requirement and
142 has reentered and is currently participating in treatment. If
143 the DUI program notifies the department of the second failure to
144 complete treatment, the department shall reinstate the driving
145 privilege only after notice of completion of treatment from the

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146 DUI program.

147 (3) Courses required under this section must include
148 information on organ donation. The department may adopt rules to
149 administer this subsection.

150 Section 4. Present subsections (13) and (14) of section
151 379.352, Florida Statutes, are redesignated as subsections (14)
152 and (15), respectively, and a new subsection (13) is added to
153 that section, to read:

154 379.352 Recreational licenses, permits, and authorization
155 numbers to take wild animal life, freshwater aquatic life, and
156 marine life; issuance; costs; reporting.—

157 (13) At each location at which hunting, fishing, or
158 trapping licenses or permits are sold, educational materials
159 regarding organ donation and registration must be displayed and
160 made available to the public. Each person who applies for a
161 hunting, fishing, or trapping license or permit online must be
162 provided a link to the statewide donor registry operated under
163 s. 765.5155.

164 Section 5. Present subsections (3) and (4) of section
165 627.6045, Florida Statutes, are redesignated as subsections (4)
166 and (5), respectively, and a new subsection (3) is added to that
167 section, to read:

168 627.6045 Preexisting condition.—A health insurance policy
169 must comply with the following:

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

173 Section 6. Paragraph (b) of subsection (3) of section
174 765.5155, Florida Statutes, is amended to read:

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175 765.5155 Donor registry; education program.—

176 (3) The contractor shall be responsible for:

177 (b) A continuing program to educate and inform medical
178 professionals, law enforcement agencies and officers, other
179 state and local government employees, high school students,
180 minorities, and the public about the laws of this state relating
181 to anatomical gifts and the need for anatomical gifts.

182 1. Existing community resources, when available, must be
183 used to support the program and volunteers may assist the
184 program to the maximum extent possible.

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

189 3. The contractor shall coordinate with the Department of
190 Business and Professional Regulation to ensure that continuing
191 education topics on organ donation are available to medical
192 professionals.

193 Section 7. Section 765.521, Florida Statutes, is amended to
194 read:

195 765.521 Donations as part of driver license, ~~or~~
196 identification card, or recreational license and permit
197 process.—

198 (1) The agency and the department shall develop and
199 implement a program encouraging and allowing persons to make
200 anatomical gifts as a part of the process of issuing
201 identification cards, ~~and~~ issuing and renewing driver licenses,
202 and issuing and renewing recreational licenses and permits under
203 s. 379.352. The donor registration card distributed by the

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204 department must ~~shall~~ include the information required by the
205 uniform donor card under s. 765.514 and such additional
206 information as determined necessary by the department. The
207 department shall also develop and implement a program to
208 identify donors which includes notations on identification
209 cards, driver licenses, ~~and driver records,~~ and recreational
210 licenses or permits or such other methods as the department
211 develops to clearly indicate the individual's intent to make an
212 anatomical gift. A notation on an individual's driver license,
213 ~~or~~ identification card, or recreational license or permit that
214 the individual intends to make an anatomical gift satisfies all
215 requirements for consent to organ or tissue donation. The agency
216 shall provide the necessary supplies and forms from funds
217 appropriated from general revenue or contributions from
218 interested voluntary, nonprofit organizations. The department
219 shall provide the necessary recordkeeping system from funds
220 appropriated from general revenue. The department and the agency
221 shall incur no liability in connection with the performance of
222 any acts authorized herein.

223 (2) The department shall maintain an integrated link on its
224 website which refers ~~referring~~ a visitor renewing a driver
225 license or recreational license or permit or conducting other
226 business to the donor registry operated under s. 765.5155.

227 (3) The department, after consultation with and concurrence
228 by the agency, shall adopt rules to implement ~~the provisions of~~
229 this section in accordance with ~~according to the provisions of~~
230 chapter 120.

231 (4) The agency may not use funds appropriated for patient
232 care to administer ~~Funds expended by the agency to carry out the~~

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233 ~~intent of this section may not be taken from funds appropriated~~
234 ~~for patient care.~~

235 Section 8. This act shall take effect July 1, 2024.