

1 A bill to be entitled
2 An act relating to organ donation; creating s.
3 110.1185, F.S.; providing administrative leave for
4 certain employees; creating s. 220.197, F.S.; defining
5 the term "employee organ donation expenses";
6 authorizing a tax credit for certain expenses;
7 providing applicability; providing requirements for
8 application; requiring the Department of Revenue to
9 issue specified notifications within a certain time
10 period; authorizing certain applicants to reapply
11 within a specified time period; authorizing
12 rulemaking; amending s. 322.291, F.S.; requiring
13 information on organ donation be included in specified
14 education programs; authorizing rulemaking; s.
15 379.352, F.S.; requiring locations at which certain
16 recreational licenses or permits are sold to display
17 and make available to the public educational materials
18 relating to organ donation and registration; requiring
19 that a link to the statewide donor registry be
20 provided to persons applying for certain recreational
21 licenses or permits; amending s. 627.6045, F.S.;
22 prohibiting a health insurance policy from limiting or
23 excluding coverage solely on the basis that an insured
24 is a living organ donor; amending s. 765.5155, F.S.;
25 requiring coordination between specified parties to

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26 ensure the availability of certain continuing
27 education topics; amending s. 765.521, F.S.; revising
28 the requirements for certain programs encouraging
29 anatomical gifts to include the process of issuing and
30 renewing recreational licenses and permits; providing
31 an effective date.

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

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35 Section 1. Section 110.1185, Florida Statutes, is created
36 to read:

37 110.1185 Administrative leave for organ donation.—An
38 employee of the state or political subdivision thereof shall be
39 granted administrative leave for organ donation.

40 Section 2. Section 220.197, Florida Statutes, is created
41 to read:

42 220.197 Tax credit for expenses related to employee organ
43 donation.—

44 (1) As used in this section, the term "employee organ
45 donation expenses" means:

46 (a) Compensation paid to an employee while the employee is
47 unable to work in preparation for organ donation and while the
48 employee is on leave for such donation.

49 (b) Additional labor expenses incurred by a business while
50 the employee is on leave for organ donation.

51 (2) For taxable years beginning on or after January 1,
52 2025, a qualified business shall receive a tax credit for
53 previously paid corporate income taxes equal to 100 percent of
54 employee organ donation expenses during the tax year the
55 employee donated an organ. The credit may be taken only as a
56 deduction on a corporate income tax return and may not be
57 received as a refund of taxes previously paid.

58 (3) To qualify for the credit under this section, a
59 business must apply to the department on a form approved by the
60 department. The application must include all information
61 required by the department to verify organ donation expenses the
62 taxpayer claims to have incurred.

63 (4) Within 30 business days after receipt of the
64 application, the department shall notify the applicant in
65 writing as to whether the application has been approved or
66 deemed insufficient to support the credit. The department shall
67 identify any insufficiency in the written notice. If the
68 application is deemed insufficient, the applicant may reapply
69 for the credit within 90 calendar days after receipt of the
70 written notice.

71 (5) The department may adopt rules to administer this
72 section.

73 Section 3. Section 322.291, Florida Statutes, is amended
74 to read:

75 322.291 Driver improvement schools or DUI programs;

76 | required in certain suspension and revocation cases.—
 77 | (1) Except as provided in s. 322.03(2), any person:
 78 | ~~(a)-(1)~~ Whose driving privilege has been revoked:
 79 | 1.~~(a)~~ Upon conviction for:
 80 | ~~a.1.~~ Driving, or being in actual physical control of, any
 81 | vehicle while under the influence of alcoholic beverages, any
 82 | chemical substance set forth in s. 877.111, or any substance
 83 | controlled under chapter 893, in violation of s. 316.193;
 84 | ~~b.2.~~ Driving with an unlawful blood- or breath-alcohol
 85 | level;
 86 | ~~c.3.~~ Manslaughter resulting from the operation of a motor
 87 | vehicle;
 88 | ~~d.4.~~ Failure to stop and render aid as required under the
 89 | laws of this state in the event of a motor vehicle crash
 90 | resulting in the death or personal injury of another;
 91 | ~~e.5.~~ Reckless driving; or
 92 | ~~2.~~~~(b)~~ As a habitual offender;
 93 | ~~3.~~~~(e)~~ Upon direction of the court, if the court feels that
 94 | the seriousness of the offense and the circumstances surrounding
 95 | the conviction warrant the revocation of the licensee's driving
 96 | privilege; or
 97 | ~~(b)~~~~(2)~~ Whose license was suspended under the point system,
 98 | was suspended for driving with an unlawful blood-alcohol level
 99 | of 0.10 percent or higher before January 1, 1994, was suspended
 100 | for driving with an unlawful blood-alcohol level of 0.08 percent

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101 or higher after December 31, 1993, was suspended for a violation
102 of s. 316.193(1), or was suspended for refusing to submit to a
103 lawful breath, blood, or urine test as provided in s. 322.2615
104
105 shall, before the driving privilege may be reinstated, present
106 to the department proof of enrollment in a department-approved
107 advanced driver improvement course operating pursuant to s.
108 318.1451 or a substance abuse education course conducted by a
109 DUI program licensed pursuant to s. 322.292, which shall include
110 a psychosocial evaluation and treatment, if referred.
111 Additionally, for a third or subsequent violation of
112 requirements for installation of an ignition interlock device, a
113 person must complete treatment as determined by a licensed
114 treatment agency following a referral by a DUI program and have
115 the duration of the ignition interlock device requirement
116 extended by at least 1 month up to the time period required to
117 complete treatment. If the person fails to complete such course
118 or evaluation within 90 days after reinstatement, or
119 subsequently fails to complete treatment, if referred, the DUI
120 program shall notify the department of the failure. Upon receipt
121 of the notice, the department shall cancel the offender's
122 driving privilege, notwithstanding the expiration of the
123 suspension or revocation of the driving privilege. The
124 department may temporarily reinstate the driving privilege upon
125 verification from the DUI program that the offender has

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126 completed the education course and evaluation requirement and
127 has reentered and is currently participating in treatment. If
128 the DUI program notifies the department of the second failure to
129 complete treatment, the department shall reinstate the driving
130 privilege only after notice of completion of treatment from the
131 DUI program.

132 (2) Classes required under this section must include
133 information on organ donation. The department may adopt rules to
134 administer this subsection.

135 Section 4. Subsections (13) and (14) of section 379.352,
136 Florida Statutes, are renumbered as subsections (14) and (15),
137 respectively, and a new subsection (13) is added to that
138 section, to read:

139 379.352 Recreational licenses, permits, and authorization
140 numbers to take wild animal life, freshwater aquatic life, and
141 marine life; issuance; costs; reporting.-

142 (13) At each location at which hunting, fishing, or
143 trapping licenses or permits are sold, educational materials
144 regarding organ donation and registration shall be displayed and
145 made available to the public. Each person who applies for a
146 hunting, fishing, or trapping license or permit on the Internet
147 shall be provided a link to the statewide donor registry
148 operated under s. 765.5155.

149 Section 5. Subsections (3) and (4) of section 627.6045,
150 Florida Statutes, are renumbered as subsections (4) and (5),

151 respectively, and a new subsection (3) is added to that section,
 152 to read:

153 627.6045 Preexisting condition.—A health insurance policy
 154 must comply with the following:

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

158 Section 6. Paragraph (b) of subsection (3) of section
 159 765.5155, Florida Statutes, is amended to read:

160 765.5155 Donor registry; education program.—

161 (3) The contractor shall be responsible for:

162 (b) A continuing program to educate and inform medical
 163 professionals, law enforcement agencies and officers, other
 164 state and local government employees, high school students,
 165 minorities, and the public about the laws of this state relating
 166 to anatomical gifts and the need for anatomical gifts.

167 1. Existing community resources, when available, must be
 168 used to support the program and volunteers may assist the
 169 program to the maximum extent possible.

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

174 3. The contractor shall coordinate with the Department of
 175 Business and Professional Regulation to ensure that continuing

176 education topics on organ donation are available to medical
 177 professionals.

178 Section 7. Section 765.521, Florida Statutes, is amended
 179 to read:

180 765.521 Donations as part of driver license, ~~or~~
 181 identification card, or recreational license and permit
 182 process.—

183 (1) The agency and the department shall develop and
 184 implement a program encouraging and allowing persons to make
 185 anatomical gifts as a part of the process of issuing
 186 identification cards, and issuing and renewing driver licenses,
 187 and issuing and renewing recreational licenses and permits. The
 188 donor registration card distributed by the department shall
 189 include the information required by the uniform donor card under
 190 s. 765.514 and such additional information as determined
 191 necessary by the department. The department shall also develop
 192 and implement a program to identify donors which includes
 193 notations on identification cards, driver licenses, ~~and~~ driver
 194 records, and recreational licenses or permits or such other
 195 methods as the department develops to clearly indicate the
 196 individual's intent to make an anatomical gift. A notation on an
 197 individual's driver license, ~~or~~ identification card, or
 198 recreational license or permit that the individual intends to
 199 make an anatomical gift satisfies all requirements for consent
 200 to organ or tissue donation. The agency shall provide the

201 necessary supplies and forms from funds appropriated from
 202 general revenue or contributions from interested voluntary,
 203 nonprofit organizations. The department shall provide the
 204 necessary recordkeeping system from funds appropriated from
 205 general revenue. The department and the agency shall incur no
 206 liability in connection with the performance of any acts
 207 authorized herein.

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

212 (3) The department, after consultation with and
 213 concurrence by the agency, shall adopt rules to implement ~~the~~
 214 ~~provisions of~~ this section in accordance with ~~according to the~~
 215 ~~provisions of~~ chapter 120.

216 (4) The agency may not use funds appropriated for patient
 217 care ~~Funds expended by the agency~~ to carry out the intent of
 218 this section ~~may not be taken from funds appropriated for~~
 219 ~~patient care.~~

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