

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 493](#)

**TITLE:** Leave for Living Organ Donation

**SPONSOR(S):** Berfield

**COMPANION BILL:** [SB 390](#) (Harrell)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Government Operations](#)

15 Y, 0 N, As CS



[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill requires state agencies to grant up to 30 working days of paid administrative leave to allow an employee to serve as a living organ donor. Private employers and political subdivisions with 50 or more employees are required under the bill to offer the same period of leave for living organ donors but it can be unpaid.

### Fiscal or Economic Impact:

The bill will likely have an indeterminate, negative fiscal impact on the state government and local governments, and an indeterminate, negative economic impact on the private sector. State agencies may incur costs associated with providing paid administrative leave to employees who serve as living organ donors, while local governments and private employers may experience indirect or operational costs resulting from employee absences during unpaid leave periods. Overall, fiscal and economic impacts are expected to be limited due to the relatively small number of employees anticipated to serve as living organ donors.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill requires state agencies<sup>1</sup> to grant up to 30 working days of paid [administrative leave](#) to allow an employee to serve as a [living organ donor](#)—a person who donates all or part of a human organ while he or she is alive for transplantation into another person. The bill further specifies that such administrative leave is in addition to any medical, personal, or other leave otherwise authorized by law. (Section [1](#))

Private employers and political subdivisions that employ 50 or more employees are required under the bill to grant an employee unpaid leave in order to allow him or her to serve as a living organ donor, provided a written request is submitted for such leave. The employee must provide written documentation from the attending physician confirming the donation date, and the unpaid leave must be allowed to continue until he or she is medically cleared to return to work. Private employers and local governments may grant paid or unpaid leave for a longer period at their discretion. The bill specifies that the unpaid leave of absence is in addition to any medical, personal, or other paid leave provided by the employer. (Section [2](#))

The effective date of the bill is July 1, 2026. (Section [3](#))

### FISCAL OR ECONOMIC IMPACT:

<sup>1</sup> Current law defines the term “state agency” to mean any official, officer, commission, board, authority, council, committee, or department of the executive branch or the judicial branch of state government. [S. 110.107\(30\), F.S.](#)

**STORAGE NAME:** h0493a.GOS

**DATE:** 1/30/2026

**STATE GOVERNMENT:**

The bill will likely have an indeterminate, negative fiscal impact on state government expenditures. The bill requires state agencies to provide up to 30 working days of paid administrative leave to allow an employee to serve as a living organ donor. As a result, state agencies may incur costs associated with employee absences. The fiscal impact will depend on the number of state employees who elect to serve as living organ donors, the duration of leave taken, and whether agencies need to backfill positions during the leave period. Accordingly, the fiscal impact is indeterminate at this time but is expected to be insignificant as the number of employees anticipated to utilize this leave is low.

**LOCAL GOVERNMENT:**

The bill will likely have an indeterminate, negative fiscal impact on local governments expenditures. The bill requires local governments to grant employees unpaid leave to serve as living organ donors. Because the leave is unpaid, the bill does not directly require additional salary expenditures. However, local governments may experience indirect or operational costs if employee absences require temporary staffing, overtime, or reassignment of duties to ensure continuity of services. The fiscal impact will depend on the number of employees who elect to serve as living organ donors, the duration of leave taken, and whether local governments need to backfill positions during the leave period. Accordingly, the fiscal impact is indeterminate at this time but expected to be insignificant as the number of employees anticipated to utilize this leave is low.

**PRIVATE SECTOR:**

The bill will likely have an indeterminate, negative economic impact on the private sector. The bill requires private employers to grant employees unpaid leave to serve as living organ donors. Because the leave is unpaid, the bill does not directly require additional salary expenditures. However, private employers may experience indirect or operational costs if employee absences require temporary staffing, overtime, or reassignment of duties to ensure continuity of services. The economic impact will depend on the number of employees who elect to serve as living organ donors, the duration of leave taken, and whether private employers need to backfill positions during the leave period. Accordingly, the impact is indeterminate at this time but expected to be insignificant as the number of employees anticipated to utilize this leave is low.

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****Living Organ Donation**

A living organ donation involves a healthy, living individual donating all or part of an organ for transplantation into another person.<sup>2</sup> Living organ donation provides an option for patients who might otherwise face a lengthy wait for an organ from a deceased donor.<sup>3</sup> As of January 9, 2026, there were 108,473 candidates on the national transplant waiting list,<sup>4</sup> including 6,088 candidates in Florida.<sup>5</sup> A significant majority of these candidates are waiting for a kidney or liver, the two organs most commonly donated by living donors.<sup>6</sup> Of the 49,065 transplants performed in 2025, 7,239 were from living donors (6,522 kidneys and 709 livers).<sup>7</sup> In Florida, 384 living-donor transplants were

<sup>2</sup> Most living organ donations are directed donations in which the donor identifies a specific recipient, often someone with whom they have a biological or personal relationship. Directed donation is far more common than anonymous donation. In 2024, only about one and a half percent of living donations were anonymous. See Sydney Naibauer et al., [Attitudes Towards Living Organ Donation: A Cross-sectional Survey Study](#), *Frontiers in Public Health* (March 26, 2025).

<sup>3</sup> Donate Life America, [Living Donation](#) (last visited January 24, 2026).

<sup>4</sup> See U.S. Department of Health & Human Services, [National Data](#) (last visited January 24, 2026).

<sup>5</sup> See U.S. Department of Health & Human Services, [State Data](#) (last visited January 24, 2026).

<sup>6</sup> Kidneys and livers are the primary organs donated by living donors because people can remain healthy with only one kidney, and the liver has the ability to regrow, allowing a portion to be donated without permanent loss of function. See Donate Life America, [FAQs About Living Donation](#) (last visited January 24, 2026).

<sup>7</sup> See U.S. Department of Health & Human Services, [National Data](#) (last visited January 26, 2026).

performed in 2025.<sup>8</sup> According to the U.S. Department of Health & Human Services, approximately 13 people die every day waiting for an organ transplant.<sup>9</sup>

### Administrative Leave

State employees may be granted paid time off in the form of administrative leave for a variety of authorized purposes. The employing agency is responsible for monitoring the use of administrative leave to ensure that its use is within the applicable statutory or rule cap, or does not otherwise exceed a reasonable amount consistent with the circumstances.<sup>10</sup> Generally, state employees may be granted administrative leave for the following purposes:

- Participating in certain international competitions.<sup>11</sup>
- Receiving treatment for a military-service disability.<sup>12</sup>
- Volunteering for certain disasters.<sup>13</sup>
- For law enforcement officers, attending the funeral of another officer killed in the line of duty.<sup>14</sup>
- Participating in certain family activities.<sup>15</sup>
- Attending jury duty.<sup>16</sup>
- When subpoenaed as a witness.<sup>17</sup>
- Taking an examination for military service.<sup>18</sup>
- Attending a family member's funeral.<sup>19</sup>
- When offices are closed under emergency conditions.<sup>20</sup>
- When an employee is under formal investigation.<sup>21</sup>
- Voting in an election.<sup>22</sup>
- Taking examinations before a state agency.<sup>23</sup>
- Participating in the Governor's Mentoring Initiative.<sup>24</sup>

### Family Medical Leave Act

The federal Family and Medical Leave Act of 1993 (FMLA)<sup>25</sup> allows eligible employees<sup>26</sup> of a covered employer to take up to 12 workweeks of job-protected, unpaid leave, or to substitute accrued paid leave, during a 12-month period for qualifying family and medical reasons.<sup>27</sup> Covered employers include private-sector employers that

<sup>8</sup> See U.S. Department of Health & Human Services, [State Data](#) (last visited January 26, 2026).

<sup>9</sup> U.S. Department of Health & Human Services, [Organ Donation Statistics](#) (last visited January 24, 2026).

<sup>10</sup> Department of Management Services, [Division of State Human Resource Management Policy Guideline](#) (last visited January 24, 2026).

<sup>11</sup> [S. 110.118, F.S.](#)

<sup>12</sup> [S. 110.119, F.S.](#)

<sup>13</sup> [S. 110.120, F.S.](#)

<sup>14</sup> [S. 112.1921, F.S.](#)

<sup>15</sup> R. 60L-34.0051(9), F.A.C.

<sup>16</sup> R. 60L-34.0071(3)(a), F.A.C.

<sup>17</sup> R. 60L-34.0071(3)(b), F.A.C.

<sup>18</sup> R. 60L-34.0071(3)(c), F.A.C.

<sup>19</sup> R. 60L-34.0071(3)(d), F.A.C.

<sup>20</sup> R. 60L-34.0071(3)(e), F.A.C.

<sup>21</sup> R. 60L-34.0071(3)(f), F.A.C.

<sup>22</sup> R. 60L-34.0071(3)(g), F.A.C.

<sup>23</sup> R. 60L-34.0071(3)(h), F.A.C.

<sup>24</sup> R. 60L-34.0071(3)(i), F.A.C.

<sup>25</sup> Pub. Law 103-3 (February 5, 1993); 29 U.S.C. 2601 et. seq.

<sup>26</sup> Generally, an eligible employee is an employee of a covered employer who has been employed for at least 12 months, has worked at least 1,250 hours during the preceding 12-month period, and works at a location where the employer employs 50 or more employees within 75 miles of the employee's worksite. See 29 C.F.R. § 825.110(a).

<sup>27</sup> 29 C.F.R. § 825.100(a).

employ 50 or more employees for at least 20 workweeks in a calendar year, all public agencies, and all educational institutions.<sup>28</sup> Eligible employees may use FMLA leave for any of the following qualifying reasons:

- The birth of the employee's child and to care for the newborn.
- The placement of a child with the employee for adoption or foster care.
- To care for the employee's spouse, child, or parent with a serious health condition.<sup>29</sup>
- Because of the employee's own serious health condition that renders the employee unable to perform the functions of his or her job.
- Because of a qualifying exigency arising from the fact that the employee's spouse, child, or parent is a military member on covered active-duty status, or has been notified of an impending call to covered active-duty status.<sup>30</sup>

In addition, FMLA authorizes up to 26 workweeks of leave during a 12-month period to care for a covered servicemember with a serious injury or illness.<sup>31</sup>

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Government Operations Subcommittee</a>	15 Y, 0 N, As CS	1/29/2026	Toliver	Villa
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> <li>• Limited the requirement to grant unpaid leave to serve as a living organ donor to private employers and political subdivisions with 50 or more employees.</li> <li>• Required certain employees to provide documentation confirming the date of the donation.</li> <li>• Specified that the unpaid leave provided by private employers and political subdivisions must continue until the employee is medically cleared to return to work.</li> </ul>			
<a href="#">State Affairs Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>28</sup> 29 C.F.R. § 825.104(a).

<sup>29</sup> Generally, a serious health condition entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. *See* 29 C.F.R. § 825.113(a).

<sup>30</sup> 29 C.F.R. § 825.100(a).

<sup>31</sup> *Id.*