A bill to be entitled
An act relating to the Organ Transplant Technical
Advisory Council; amending s. 765.53, F.S.; requiring
the Agency for Health Care Administration to establish
the Organ Transplant Technical Advisory Council for a
specified purpose; providing for membership, meetings,
and duties of the council; requiring the council to
submit a report to the Governor, the Legislature, the
Secretary of Health Care Administration, and the State
Surgeon General by a specified date; extending
sovereign immunity to council members under certain
circumstances; requiring the agency to amend or adopt
specified rules based on the council’s
recommendations; providing for expiration of a certain
provision; amending s. 408.0455, F.S.; revising a
provision related to the operation of certain rules
adopted by the agency; providing an effective date.

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

Section 1. Section 765.53, Florida Statutes, is amended to
read:

(Substantial rewording of section. See
s. 765.53, F.S., for present text.)

765.53 Organ Transplant Technical Advisory Council.–
(1) CREATION AND PURPOSE.–The Organ Transplant Technical
Advisory Council, an advisory council as defined in s. 20.03, is
created within the agency to assist the agency in developing
standards for quality and outcomes at adult and pediatric organ
transplant programs. Unless expressly provided otherwise in this section, the council shall operate in a manner consistent with ss. 20.052.

(2) MEMBERS.—

(a) Voting members of the council must have technical expertise in adult or pediatric organ transplantation. Each chief executive officer of the following hospitals shall appoint one representative, who must be an organ transplant surgeon licensed under chapter 458 or chapter 459, to serve as a voting member of the council:

1. Jackson Memorial Hospital in Miami.
2. Tampa General Hospital in Tampa.
3. University of Florida Health Shands Hospital in Gainesville.
4. AdventHealth Orlando in Orlando.
5. Mayo Clinic in Jacksonville.
6. Cleveland Clinic Florida in Weston.
7. Largo Medical Center in Largo.
8. Memorial Regional Hospital in Hollywood.
9. Halifax Health Medical Center in Daytona Beach.
10. Sacred Heart Hospital in Pensacola.
11. H. Lee Moffitt Cancer Center and Research Institute, Inc., in Tampa.
12. University of Miami Hospital in Miami.

(b) The Secretary of Health Care Administration shall serve as the chair and a nonvoting member of the council.

(c) The Secretary of Health Care Administration may appoint any of the following individuals to serve as a nonvoting member of the council:
2. A parent of a child who has had an organ transplant.
3. An adult who has had an organ transplant.
4. One representative from each of the following:
   a. The Florida Hospital Association.
   b. The Safety Net Hospital Alliance of Florida.
   c. HCA Healthcare.
   (d) Appointments made under paragraph (a) are contingent upon the hospital’s compliance with chapter 395 and rules adopted thereunder. A member of the council appointed under paragraph (a) whose hospital fails to comply with such law and rules may serve only as a nonvoting member until the hospital comes into compliance.
   (e) Any vacancy on the council must be filled in the same manner as the original appointment. Members are eligible for reappointment.
   (f) Members of the council shall serve without compensation but may be reimbursed as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their duties under this section.

(3) MEETINGS.—The council shall meet at least annually and upon the call of the chair. The council may use any method of telecommunications to conduct its meetings.

(4) DUTIES.—The council shall recommend to the agency standards for quality care of adult and pediatric organ transplant patients, including recommendations on minimum volume of transplants by organ type, personnel, physical plant, equipment, transportation, and data reporting for hospitals that perform organ transplants. The council shall also develop
recommendations for improving education, outreach, and
communication between hospitals, patients, and the public, with
an emphasis on potential and prospective donors, including
recommendations for clear explanations to the public of relevant
laws, rules, and regulations; requirements for coordinated
communication between hospitals, between hospitals and patients,
and between hospitals and prospective donors; and
recommendations for providing education to the public on the
organ donation process, with an emphasis on educating potential
living donors. When developing its recommendations, the council
shall review any relevant existing or proposed agency rules and
may provide recommendations to the agency on amendments to such
rules. A voting member may vote on standards related to a
specific type of organ only if he or she represents a hospital
that has a transplant program for that organ.

(5) REPORT.—By October 1, 2021, the council shall submit a
report of its recommendations to the Governor, the President of
the Senate, the Speaker of the House of Representatives, the
Secretary of Health Care Administration, and the State Surgeon
General.

(6) SOVEREIGN IMMUNITY.—Members of the council acting in
good faith in the performance of their duties under this section
are considered agents of the state for purposes of s. 768.28.

(7) AGENCY RULES.—
(a) Based on the recommendations of the council, the agency
shall amend or adopt rules for organ transplant programs so that
such rules include at least all of the following:

1. Quality of care standards for adult and pediatric organ
transplants, including minimum volume thresholds by organ type,
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personnel, physical plant, equipment, transportation, and data reporting.

2. Outcome and survival rate standards that meet or exceed nationally established levels of performance in organ transplantation.

3. Specific steps to be taken by the agency and licensed facilities when the facilities do not meet the volume, outcome, or survival rate standards within a specified timeframe that includes the time required for detailed case reviews and the development and implementation of corrective action plans.

(b) This subsection expires upon the agency’s adoption of organ transplant program rules in accordance with paragraph (a).

Section 2. Section 408.0455, Florida Statutes, is amended to read:

408.0455 Rules; pending proceedings.—The rules of the agency in effect on June 30, 2004, shall remain in effect and are shall be enforceable by the agency with respect to ss. 408.031-408.045 until such rules are repealed or amended by the agency. Rules 59C-1.039 through 59C-1.044, Florida Administrative Code, including, but not limited to, the minimum volume standards for organ transplantation and neonatal intensive care services, remain in effect for the sole purpose of maintaining licensure requirements for the applicable services until the agency has adopted rules for the corresponding services pursuant to s. 395.1055(1)(i), Florida Statutes 2018.

Section 3. This act shall take effect July 1, 2020.