## Chapter 6 BLOOD DONOR FACILITIES [[1]](#BK_15AF0A0BF977E98F9792B527D93D5D5A)

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Sec. 6-1. Short title.

This chapter may be cited as the "Dade County Blood Donor Facility Ordinance."

(Ord. No. 73-91, § 1, 10-30-73)

Sec. 6-2. Definitions.

As used in this chapter, the following terms shall be defined as hereinafter provided:

(a) *Blood donor facility* means any facility the primary function of which is to obtain, by venipuncture, source blood or plasma (human) intended for injection.

(b) *Donor* means a person present at a blood donor facility for the purpose of undergoing venipuncture in order to extract source blood or plasma (human) intended for injection.

(c) *Party* means individuals, partnerships, corporations, associations, or public or private organizations of any character.

(Ord. No. 73-91, § 2, 10-30-73; Ord. No. 74-4, §§ 1, 4, 2-5-74; Ord. No. 74-53, § 1, 7-2-74)

Sec. 6-3. Modified reenactment of Florida Clinical Laboratory Law.

Florida Statutes, Chapter 483, Laws of Florida 1971, otherwise known as The Florida Clinical Laboratory Law, and hereinafter referred to as the "statute," is incorporated herein by reference and shall be a part of this chapter as though set forth herein verbatim subject to the following provisions:

(a) Wherever in the statute reference is made to a clinical laboratory, that reference shall be deemed and construed to be a reference to a blood donor facility.

(b) Whenever in the statute, except in Section 483.051(3) thereof, reference is made to the State of Florida, that reference shall be deemed and construed to be a reference to Dade County.

(c) Wherever in the statute reference is made to the Division of Health of the Department of Health and Rehabilitative Services, that reference shall be deemed and construed to be a reference to the Dade County Department of Public Health.

(d) The following sections of the statute are inapplicable to and specifically excluded from this chapter: Sections 483.011; 483.041(7); 483.051(6), (7); 483.081; 483.161 beginning with the word "microbiology" and continuing through the word "tech- nology"; 483.181; 483.191; and 483.24.

(Ord. No. 73-91, § 3, 10-30-73)

Sec. 6-4. Reenactment of regulations of the United States Food and Drug Administration.

The regulations of the Commissioner of the Food and Drug Administration of the United States Department of Health, Education, and Welfare, Sections 273.3100 through 273.3108 inclusively, as set forth in the Federal Register, Volume 38, Number 139, and Sections 600.10, 600.11, 640.1 through 640.18 inclusively, as set forth in the Federal Register, Volume 38, Number 223, and as may be modified from time to time hereafter are incorporated herein by reference and shall be a part of this chapter as though set forth herein verbatim. Said regulations shall be applicable to blood donor facilities within Dade County.

(Ord. No. 73-91, § 4, 10-30-73; Ord. No. 74-53, § 2, 7-2-74)

Sec. 6-4.1. Donor identification system for plasma donors and plasmapheresis facilities.

(a) *Definitions.* As used in this section the following terms shall be defined as hereinafter provided:

(1) "Plasma donor" means an individual who undergoes venipuncture (or phlebotomy) to obtain the liquid portion of blood (plasma).

(2) "Plasmapheresis" means the procedure whereby whole blood is removed from a plasma donor by venipuncture (or phlebotomy) and the plasma is separated therefrom.

(3) "Plasmapheresis facility" means any facility, laboratory, or place of business where plasmapheresis is performed.

(b) *Plasma donor identification system.* There shall be established, pursuant to regulations promulgated by the Director of the Dade County Department of Public Health, a system for the registration and identification of and the gathering of medical data applicable to any person who shall undergo or attempt to undergo plasmapheresis in any plasmapheresis facility in Dade County. The information, data gathering, and registration system for which provision is herein made shall be known as the "Plasma Donor Identification System:"

(1) Donor identification card required. Except as hereinafter provided, it shall be unlawful for any person to present himself for plasmapheresis and for any plasmapheresis facility to perform plasmapheresis on any individual, unless that individual shall first present to the plasmapheresis facility a valid donor registration card for which provision is made in subsection (b)(2) of this section.

(2) Application for donor registration number and donor registration card. Each prospective plasma donor before undergoing plasmapheresis shall make application to the Department of Public Health, in a manner prescribed by that Department, for a donor identification number and a donor identification card. Each plasmapheresis facility shall be required to place and maintain upon the premises of the facility such photographic and other identification equipment as shall be required by the Director of the Dade County Department of Public Health for the maintenance of the plasma donor identification system.

(3) Records and confidentiality. Records shall be kept by each plasmapheresis facility and by the Department of Public Health pertaining to each plasmapheresis procedure performed and each attempt by an individual to undergo plasmapheresis. Such records shall set forth the date of the aforementioned events, identifying information pertaining to the plasma donor or prospective plasma donor, and such other identifying and medical data as shall be required by the Department of Public Health. All of the aforementioned information shall be provided by plasmapheresis facilities to the Department of Public Health daily and the Department of Public Health shall compile such information and give prompt notification of any violation of this section or the rules and regulations promulgated pursuant hereto.

The Department of Public Health shall keep all its records in a manner which protects the rights of individuals to the confidentiality of their medical records. The disclosure of the identity of or other information relating to blood donors, except as such disclosure is directly related to and necessary for enforcement of this section is expressly prohibited.

(4) Prohibited acts. It shall be unlawful for any person to obtain or attempt to obtain more than one (1) plasma donor identification card or more than one (1) plasma donor identification number, or for any person to attempt to utilize a donor identification card or donor identification number of another individual, or for any person to provide false information to a plasmapheresis facility or to the Department of Public Health in connection with the application for a donor identification card or identification number or in connection with any plasmapheresis procedure.

(c) *Fees.* The Director of the Dade County Department of Public Health shall assess a fee upon each plasmapheresis facility for the purpose of paying the expense which the Department of Public Health shall incur in the implementation and maintenance of the plasma donor identification system.

   The fee shall be based upon the number of plasmapheresis procedures performed by a plasmapheresis facility, and shall be payable monthly by the facility upon receipt of an invoice from the Dade County Department of Public Health. The fee shall not exceed the amount of fifty cents ($0.50) for each plasmapheresis procedure which has been performed by the facility during the said month. The total of fees collected shall not exceed the cost to the Department of Public Health of administering the plasma donor identification system.

(d) *Penalties.* In addition to the penalties otherwise provided by Ordinance 73-91 [Chapter 6], the following penalties may be imposed by the Director of the Department of Public Health upon his determination that an individual has violated a provision of this section:

(1) For a violation by a person who is not a registered donor, a disqualification of that person from becoming a registered donor for a period not exceeding ninety (90) days for each violation.

(2) For the first violation by a registered donor, suspension of the donor identification card and number and all the privileges incident thereto for a period not exceeding ninety (90) days.

(3) For the second violation by a registered donor, suspension of the donor identification card and number and all the privileges incident thereto for a period not exceeding one (1) year.

(4) For the third violation by a registered donor, suspension of the donor identification card and number and all the privileges incident thereto for a period not exceeding five (5) years, or permanent revocation of the donor identification card and registration number and all the privileges incident thereto.

(Ord. No. 74-4, §§ 2, 3, 2-5-74; Ord. No. 74-50, § 1, 7-2-74)

**Editor's note—**

Ord. No. 74-4, §§ 2, 3, amended Ord. No. 73-91 from which [Ch. 6](../level2/PTIIICOOR_CH6BLDOFA.docx#PTIIICOOR_CH6BLDOFA) is derived by adding the provisions codified herein as [§ 6-4.1](../level2/PTIIICOOR_CH6BLDOFA.docx#PTIIICOOR_CH6BLDOFA_S6-4.1DOIDSYPLDOPLFA)

Sec. 6-4.2. Breath analysis required of commercial donors.

It shall be unlawful for any commercial blood donor facility in Dade County to extract whole blood or any of its products from a commercial donor unless, immediately prior to said extraction, the facility shall analyze the breath of the donor and determine from such analysis that the blood of the donor does not contain alcohol in excess of seven-one hundredths (0.07) percent, weight per volume. For the purpose of performing the required breath analysis, each commercial blood donor facility in Dade County shall maintain upon the premises thereof such testing materials, equipment, supplies, and personnel as are approved by the State Division of Health of the Department of Health and Rehabilitative Services and as shall be required and approved by the Dade County Department of Public Health.

(Ord. No. 74-4, § 5, 2-5-74)

**Editor's note—**

Section 5 of Ord. No. 74-4 is included herein as [§ 6-4.2](../level2/PTIIICOOR_CH6BLDOFA.docx#PTIIICOOR_CH6BLDOFA_S6-4.2BRANRECODO) at the discretion of the editors.

Sec. 6-5. Reporting of communicable disease.

Any blood donor facility or employee thereof who shall discover the existence of a communicable disease in a donor shall immediately submit to the Director of the Dade County Department of Public Health a confidential report setting forth the nature of the disease and the name and address and other information sufficient to identify and locate the diseased person.

(Ord. No. 73-91, § 5, 10-30-73)

Sec. 6-5.1. Procedure for the denial, revocation, suspension, limitation, annulment or denial of renewal of the registration of any blood donor facility or license of blood donor facility personnel.

Notice of violation. Whenever the Director of the Department of Public Health or his duly authorized representative finds and determines that there has been a violation of the Dade County Blood Donor Facility Ordinance, he shall give notice of such violation to the party or parties responsible for such violations. Such notice shall be in writing and shall specify the violation and shall prescribe for a reasonable time for compliance, and shall be served upon the party or parties responsible for the violation. Such notice shall be deemed to be properly served and binding upon the party or parties responsible and upon the facility involved if a copy is served personally by certified mail, or if after diligent search and inquiry the party or parties responsible for the violation cannot be found or served by personal service or certified mail, a copy of the notice is posted in a conspicuous place on the facility involved. Such notice shall specify that the violation must be corrected within the time specified in the notice and that failure to comply within the time specified may result in the suspension or revocation of the party or parties registration and/or license. Such notice shall inform the party or parties to whom it is directed of the right to apply to the Health Appeals Board for a hearing and review of the matters specified in the notice.

(Ord. No. 74-53, § 4, 7-2-74)

**Editor's note—**

Ord. No. 74-53, § 4, amended Ord. No. 73-91 from which [Ch. 6](../level2/PTIIICOOR_CH6BLDOFA.docx#PTIIICOOR_CH6BLDOFA) is basically derived by adding the provisions included herein as §§ [6-5.1](../level2/PTIIICOOR_CH6BLDOFA.docx#PTIIICOOR_CH6BLDOFA_S6-5.1PRDERESULIANDEREREANBLDOFALIBLDOFAPE)—6.5.3.

Sec. 6-5.2. Procedure for the denial, suspension or revocation of any donor identification card.

Notice of violation. Whenever the Director of the Department of Public Health or his duly authorized representative finds and determines that there has been a violation of the Dade County Blood Donor Facility Ordinance, he shall give notice of such violation to the party responsible for such violation. Such notice shall be in writing and shall be served upon the party responsible for the violation. The notice shall specify the violation and the penalty imposed as provided for in [Section 6-4.1](../level2/PTIIICOOR_CH6BLDOFA.docx#PTIIICOOR_CH6BLDOFA_S6-4.1DOIDSYPLDOPLFA)(d) of this chapter. Such notice shall be deemed to be properly served and binding upon the party responsible, if a copy is served personally or served by certified mail, or if after diligent search and inquiry the party responsible for the violation cannot be found or served by personal service or certified mail, a copy of the notice is published once during each week for four (4) consecutive weeks in some newspaper published in Dade County. The newspaper shall meet such requirements as prescribed by law for such purpose. Such notice shall inform the party to whom it is directed of the right to apply to the Health Appeals Board for a hearing and review of the matters specified in the notice.

(Ord. No. 74-53, § 4, 7-2-74)

Note—See the editor's note following § 6-5.1

Sec. 6-5.3. Reserved.

**Editor's note—**

**Ord. No. 80-43, § 2, adopted May 20, 1980, repealed former** [**§ 6-5.3**](../level2/PTIIICOOR_CH6BLDOFA.docx#PTIIICOOR_CH6BLDOFA_S6-5.3RE)**. Said former section for appeals of decisions of the Health Director with respect to blood donor facilities and was derived from Ord. No. 74-53, § 4, adopted July 2, 1974.**

Sec. 6-6. Enforcement, inspection, penalties.

It shall be the responsibility of the Director of the Dade County Department of Public Health or his duly authorized representative to enforce the provisions of this chapter throughout Dade County and the Director shall have the duty and authority to promulgate regulations necessary to carry out the provisions of this chapter.

The Dade County Department of Public Health shall make an inspection of each blood donor facility in Dade County not less frequently than once per month for the purpose of determining the existence of any violation of this chapter.

If the Director of the Department of Public Health or his designee shall determine that a violation of this chapter or of any regulation promulgated hereunder has occurred, the Director shall take one (1) or more of the following actions:

(a) Service upon the person or facility in violation of a citation setting forth the violation and establishing a time within which such violation must be corrected.

(b) Initiation of a procedure for the denial, revocation, suspension, limitation, annulment, or denial of renewal of the registration of any blood donor facility or the license of any blood donor facility personnel.

(c) The initiation of a judicial procedure for injunctive action against any individual or organization violating this chapter, it being hereby declared that the operation or maintenance of any unregistered blood donor facility or the performance of any blood donor procedure or operation in violation of this chapter or any regulation promulgated hereunder is a nuisance inimical to the public, health, welfare, and safety.

(d) Whenever the Director of Public Health shall have determined the existence of a violation of this chapter which constitutes an immediate threat to the health, safety, or welfare of a donor, a potential recipient of blood or plasma, or the public, and such condition cannot or will not be immediately corrected, the Director of Public Health may order the immediate closing of such blood donor facility until such time as the threat is found no longer to exist.

(e) Referral of the matter to the State Attorney for criminal action against any person in violation of this chapter.

(Ord. No. 73-91, § 6, 10-30-73)

Sec. 6-7. Criminal penalty.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor punishable by a fine or not more than five hundred dollars ($500.00) or by imprisonment of not more than sixty (60) days or by both such fine and imprisonment. Each day of a violation shall constitute a separate offense.

(Ord. No. 73-91, § 7, 10-30-73)

FOOTNOTE(S):

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**Editor's note—** Chapter 6, §§ 6-1—6-7, is derived from Ord. No. 73-91, §§ 1—7, adopted Oct. 30, 1973. Section 10 of said ordinance provides: [(Back)](#BK_B598D32551C0BCF1FF424FBEC387D47C)

"Section 10. Effective Date. The provisions of this ordinance shall become effective immediately upon its enactment except that the following sections of Florida Statutes re-enacted herein shall not become effective until forty-five (45) days from the date of enactment: Florida Statutes §§ 483.051(1), (2), (3), (4), (5); 483.091; 483.101; 483.111; 483.141; 483.151; 483.161; 483.21; and 483.23(1), (2), (3)." [(Back)](#BK_B598D32551C0BCF1FF424FBEC387D47C)

**State Law reference—** Blood transfusions, etc., F.S. § 381.601 et seq. [(Back)](#BK_B598D32551C0BCF1FF424FBEC387D47C)