

Bill No. CS for SB 2750

Amendment No. \_\_\_\_ Barcode 673620

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Smith moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 86, line 31,		
15			
16	insert:		
17	Section 62. <u>This act may be cited as the "Nick Oelrich</u>		
18	<u>Gift of Life Act."</u>		
19	Section 63. Subsections (1), (2), and (6) of section		
20	765.512, Florida Statutes, are amended to read:		
21	765.512 Persons who may make an anatomical gift.--		
22	(1) Any person who may make a will may give all or		
23	part of his or her body for any purpose specified in s.		
24	765.510, the gift to take effect upon death. An anatomical		
25	gift made by an adult donor and not revoked by the donor as		
26	provided in s. 765.516 is irrevocable <del>and does not require the</del>		
27	<del>consent or concurrence of any person</del> after the donor's death.		
28	<u>A family member, guardian, representative ad litem, or health</u>		
29	<u>care surrogate of an adult donor who has made an anatomical</u>		
30	<u>gift may not modify, deny, or prevent the donor's wish or</u>		
31	<u>intent to make an anatomical gift from being made after the</u>		

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1 donor's death.

2 (2) If the decedent has executed an agreement  
 3 concerning an anatomical gift, ~~by including~~ signing an organ  
 4 and tissue donor card, by expressing his or her wish to donate  
 5 in a living will or advance directive, or by signifying his or  
 6 her intent to donate on his or her driver's license or in some  
 7 other written form has indicated his or her wish to make an  
 8 anatomical gift, and in the absence of actual notice of  
 9 contrary indications by the decedent, the document is evidence  
 10 of legally sufficient informed consent to donate an anatomical  
 11 gift and is legally binding. Any surrogate designated by the  
 12 decedent pursuant to part II of this chapter may give all or  
 13 any part of the decedent's body for any purpose specified in  
 14 s. 765.510.

15 (6) A gift of all or part of a body authorizes:

16 (a) Any examination necessary to assure medical  
 17 acceptability of the gift for the purposes intended.

18 (b) The decedent's medical provider, family, or a  
 19 third party to furnish medical records requested concerning  
 20 the decedent's medical and social history.

21 Section 64. Section 765.516, Florida Statutes, is  
 22 amended to read:

23 765.516 Amendment of the terms of or the revocation of  
 24 the gift.--

25 (1) A donor may amend the terms of or revoke an  
 26 anatomical gift by:

27 (a) The execution and delivery to the donee of a  
 28 signed statement.

29 (b) An oral statement that is+

30 ~~1. Made to the donor's spouse; or~~

31 ~~2. made in the presence of two persons, one of whom~~

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1 may not be a family member, and communicated to the donor's  
2 family or attorney or to the donee.

3 (c) A statement during a terminal illness or injury  
4 addressed to an attending physician, who must communicate the  
5 revocation of the gift to the procurement organization that is  
6 certified by the state.

7 (d) A signed document found on or about the donor's  
8 person ~~or in the donor's effects.~~

9 (2) Any gift made by a will may also be amended or  
10 revoked in the manner provided for amendment or revocation of  
11 wills or as provided in subsection (1).

12  
13 (Redesignate subsequent sections.)

14  
15

16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 8, line 30, after the semicolon,

19

20 insert:

21 creating the "Nick Oelrich Gift of Life Act";  
22 amending s. 765.512, F.S., relating to  
23 anatomical gifts; prohibiting modification of a  
24 donor's intent; providing that a donor document  
25 is legally binding; authorizing specified  
26 persons to furnish a donor's medical records  
27 upon request; amending s. 765.516, F.S.;  
28 revising procedures by which the terms of an  
29 anatomical gift may be amended or the gift may  
30 be revoked;

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