

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Baxley offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause, and insert:

Section 1. This act may be cited as the "Nick Oelrich Gift of Life Act."

Section 2. Subsection 765.510, Florida Statutes, is amended to read:

765.510 Legislative declaration.--Because of the rapid medical progress in the fields of tissue and organ preservation, transplantation of tissue, and tissue culture, and because it is in the public interest to aid the medical developments in these fields, the Legislature in enacting this part intends to encourage and aid the development of reconstructive medicine and surgery and the development of medical research by facilitating premortem and postmortem authorizations for donations of tissue and organs. It is the purpose of this part to regulate the gift

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28 of a body or parts of a body, the gift to be made after the  
29 death of a donor, giving due regard to the balance between the  
30 rights of the donor and the donor's family, and the need for  
31 anatomical gifts.

32 Section 3. Subsection (3) of s. 765.5215, Florida  
33 Statutes, is amended and subsection (5) is added to said section  
34 to read:

35 765.5215 Education program relating to anatomical  
36 gifts.--The Agency for Health Care Administration subject to the  
37 concurrence of the Department of Highway Safety and Motor  
38 Vehicles, shall develop a continuing program to educate and  
39 inform medical professionals, law enforcement agencies and  
40 officers, high school children, state and local government  
41 employees, and the public regarding the laws of this state  
42 relating to anatomical gifts and the need for anatomical gifts.

43 (3) The Agency for Health Care Administration shall, no  
44 later than March 1 of each year, submit a report to the  
45 Legislature containing statistical data on the effectiveness of  
46 the program in procuring donor organs and the effect of the  
47 program on state spending for health care. The report shall also  
48 include statistical data regarding the number of family members  
49 who attempt to modify, deny, or prevent a donor's wish or intent  
50 to make an anatomical gift from being accomplished after the  
51 donor's death and the number of anatomical gifts revoked  
52 pursuant to s. 765.516, delineated by the following categories:

53 (a) The execution and delivery to the donee of a signed  
54 statement.

55 (b) An oral statement that is:

56 1. Made to the donor's spouse.

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57 2. Made in the presence of two persons, and communicated  
58 to the donor's family or attorney or to the donee.

59 (c) A statement made during a terminal illness or injury  
60 addressed to an attending physician, who must communicate the  
61 revocation of the gift to the procurement organization that is  
62 certified by the state.

63 (d) A signed document found on the donor's person or in  
64 the donor's effects.

65 (5) The Agency for Health Care Administration shall  
66 conduct a survey to determine whether making irrevocable the  
67 donation of an anatomical gift would affect the number of  
68 donations. The results of the survey shall be submitted to the  
69 Legislature no later than March 1, 2004, in conjunction with the  
70 report required by subsection (3).

71 Section 4. This act shall take effect July 1, 2003.

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

75 Remove the entire title, and insert:

76 A bill to be entitled

77 An act relating to anatomical gifts; creating the "Nick  
78 Oelrich Gift of Life Act"; amending s. 765.510, F.S.;  
79 relating to a legislative declaration; amending s.  
80 765.5215, F.S.; requiring the Agency for Health Care  
81 Administration to conduct a study and a survey relating to  
82 anatomical gifts; providing for a report; providing an  
83 effective date.