



HB 0289

2003

1 A bill to be entitled

2 An act relating to anatomical gifts; creating the "Nick  
3 Oelrich Gift of Life Act"; amending s. 765.512, F.S.,  
4 relating to anatomical gifts; prohibiting modification of  
5 a donor's intent; providing that a donor document is  
6 legally binding; authorizing specified persons to furnish  
7 a donor's medical records upon request; amending s.  
8 765.516, F.S.; revising procedures by which the terms of  
9 an anatomical gift may be amended or the gift may be  
10 revoked; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. This act may be cited as the "Nick Oelrich Gift  
15 of Life Act."

16 Section 2. Subsections (1), (2), and (6) of section  
17 765.512, Florida Statutes, are amended to read:

18 765.512 Persons who may make an anatomical gift.--

19 (1) Any person who may make a will may give all or part of  
20 his or her body for any purpose specified in s. 765.510, the  
21 gift to take effect upon death. An anatomical gift made by an  
22 adult donor and not revoked by the donor as provided in s.  
23 765.516 is irrevocable ~~and does not require the consent or~~  
24 ~~concurrence of any person~~ after the donor's death. A family  
25 member, guardian, representative ad litem, or health care  
26 surrogate of a decedent who has made an anatomical gift may not  
27 modify the decedent's wishes or deny or prevent the anatomical  
28 gift from being made.

29 (2) If the decedent has executed an agreement concerning  
30 an anatomical gift, by ~~including~~ signing an organ and tissue



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31 donor card, by expressing his or her wish to donate in a living  
 32 will or advance directive, or by signifying his or her intent to  
 33 donate on his or her driver's license or in some other written  
 34 form has indicated his or her wish to make an anatomical gift,  
 35 and in the absence of actual notice of contrary indications by  
 36 the decedent, the document is evidence of legally sufficient  
 37 informed consent to donate an anatomical gift and is legally  
 38 binding. Any surrogate designated by the decedent pursuant to  
 39 part II of this chapter may give all or any part of the  
 40 decedent's body for any purpose specified in s. 765.510.

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

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

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

47 Section 3. Section 765.516, Florida Statutes, is amended  
 48 to read:

49 765.516 Amendment of the terms of or the revocation of the  
 50 gift.--

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

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; or~~

57 ~~2. made in the presence of two persons, other than the~~  
 58 donor's spouse, and communicated to the donor's family or  
 59 attorney or to the donee.



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

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

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

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