



HB 0289

2003
CS

CHAMBER ACTION

The Committee on Health Care recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

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

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

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

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

765.512 Persons who may make an anatomical gift.--



HB 0289

2003
CS

28 (1) Any person who may make a will may give all or part of
29 his or her body for any purpose specified in s. 765.510, the
30 gift to take effect upon death. An anatomical gift made by an
31 adult donor and not revoked by the donor as provided in s.
32 765.516 is irrevocable ~~and does not require the consent or~~
33 ~~concurrence of any person~~ after the donor's death. A family
34 member, guardian, representative ad litem, or health care
35 surrogate of an adult donor who has made an anatomical gift
36 pursuant to subsection (2) may not modify, deny, or prevent a
37 donor's wish or intent to make an anatomical gift from being
38 accomplished after the donor's death.

39 (2) If the decedent has executed an agreement concerning
40 an anatomical gift, by including signing an organ and tissue
41 donor card, by expressing his or her wish to donate in a living
42 will or advance directive, or by signifying his or her intent to
43 donate on his or her driver's license or in some other written
44 form has indicated his or her wish to make an anatomical gift,
45 and in the absence of actual notice of contrary indications by
46 the decedent, the document is evidence of legally sufficient
47 informed consent to donate an anatomical gift and is legally
48 binding. Any surrogate designated by the decedent pursuant to
49 part II of this chapter may give all or any part of the
50 decedent's body for any purpose specified in s. 765.510.

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

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



HB 0289

2003
CS

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

57 Section 3. Section 765.516, Florida Statutes, is amended
58 to read:

59 765.516 Amendment of the terms of or the revocation of the
60 gift.--

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

63 (a) The execution and delivery to the donee of a signed
64 statement.

65 (b) An oral statement that is:

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

67 ~~2. made in the presence of two persons, one of whom must~~
68 not be a family member, and communicated to the donor's family
69 or attorney or to the donee.

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

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

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

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