



CHAMBER ACTION

The Committee on Judiciary 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; 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.--

(1) Any person who may make a will may give all or part of his or her body for any purpose specified in s. 765.510, the



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

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

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

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

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



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

58 765.516 Amendment of the terms of or the revocation of the
59 gift.--

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

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

64 (b) An oral statement that is:

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

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

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

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

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

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