

By Senator Smith

14-175A-03

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

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

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16 Section 1. This act may be cited as the "Nick Oelrich
17 Gift of Life Act."18 Section 2. Subsections (1), (2), and (6) of section
19 765.512, Florida Statutes, are amended to read:

20 765.512 Persons who may make an anatomical gift.--

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

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

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

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

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

20 Section 3. Section 765.516, Florida Statutes, is
21 amended to read:

22 765.516 Amendment of the terms of or the revocation of
23 the gift.--

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

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

28 (b) An oral statement that is+

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

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1 ~~2-~~ made in the presence of two persons, other than the
2 donor's spouse, and communicated to the donor's family or
3 attorney or to the donee.

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

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

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

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

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16 SENATE SUMMARY

17 Creates the "Nick Oelrich Gift of Life Act," relating to
18 anatomical gifts. Prohibits modifying a donor's intent
19 relating to such a gift. Provides that a donor document
20 is legally binding. Authorizes specified persons to
21 furnish a donor's medical records upon request. Revises
22 procedures by which the terms of an anatomical gift may
23 be amended or the gift may be revoked.
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