

Senate Bill No. 530

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.—

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

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

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

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

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

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

765.516 Amendment of the terms of or the revocation of the gift.—

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

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

(b) An oral statement that is:

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

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

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

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

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

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

Approved by the Governor May 27, 2003.

Filed in Office Secretary of State May 27, 2003.