

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/HB 1119 — Withholding or Withdrawal of Life-prolonging Procedures

by Health and Human Services Committee; Children, Families and Seniors Subcommittee; and Rep. Berfield and others (CS/CS/SB 1098 by Children, Families, and Elder Affairs Committee; Judiciary Committee; and Senator Burton)

The bill creates s. 744.4431, F.S., relating to guardianship power regarding life-prolonging procedures. This section requires a professional guardian to petition the court for the authority to withhold or withdraw life-prolonging procedures before making such decisions, with certain exceptions. The bill outlines the information required in the petition, the circumstances in which a court hearing is required, and the timeframe a hearing must be held and a ruling reached. The bill specifies circumstances in which a professional guardian may withdraw or withhold life-prolonging procedures or execute a do not resuscitate order (DNRO) for a ward without additional court approval.

The bill requires that a guardian file a ward's advance directive with the court upon discovery, regardless of when the advance directive is discovered. At such time, the court must determine whether the advance directive is an alternative to guardianship and the appropriate delegation of decision-making authority between the guardian and health care surrogate. Such information on advance directives and existing DNROs, and the date such directives and orders were signed, must be included in the initial and annual guardianship plans.

The bill allows health care surrogates and agents under a durable power of attorney, who retain authority to make health care decisions for a ward, to exercise such authority, including the withholding or withdrawal of life-prolonging procedures, without additional approval by the court. Additionally, the bill allows professional guardians to make decisions consistent with an advance directive or power of attorney without additional court approval when such decision-making authority has been expressly delegated to the guardian by the court.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 38-0; House 112-0