

By Senator Saunders

25-498-01

1                                   A bill to be entitled  
2           An act relating to consent to medical care or  
3           treatment of a minor; amending s. 743.0645,  
4           F.S.; providing that a power of attorney to  
5           provide such consent includes the power to  
6           consent to surgical and general anesthesia  
7           services; providing an effective date.

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

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11           Section 1. Paragraph (b) of subsection (1) and  
12           paragraph (a) of subsection (2) of section 743.0645, Florida  
13           Statutes, are amended to read:

14           743.0645 Other persons who may consent to medical care  
15           or treatment of a minor.--

16           (1) As used in this section, the term:

17           (b) "Medical care and treatment" includes ordinary and  
18           necessary medical and dental examination and treatment,  
19           including blood testing, preventive care including ordinary  
20           immunizations, tuberculin testing, and well-child care, but  
21           does not include surgery, general anesthesia, provision of  
22           psychotropic medications, or other extraordinary procedures  
23           for which a separate court order, power of attorney, or  
24           informed consent as provided by law is required.

25           (2) Any of the following persons, in order of priority  
26           listed, may consent to the medical care or treatment of a  
27           minor who is not committed to the Department of Children and  
28           Family Services or the Department of Juvenile Justice or in  
29           their custody under chapter 39, chapter 984, or chapter 985  
30           when, after a reasonable attempt, a person who has the power  
31           to consent as otherwise provided by law cannot be contacted by

1 the treatment provider and actual notice to the contrary has  
2 not been given to the provider by that person:

3 (a) A person who possesses a power of attorney to  
4 provide medical consent for the minor. A power of attorney to  
5 provide medical consent for a minor includes the power to  
6 consent to necessary surgical and general anesthesia services  
7 for the minor.

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9 There shall be maintained in the treatment provider's records  
10 of the minor documentation that a reasonable attempt was made  
11 to contact the person who has the power to consent.

12 Section 2. This act shall take effect July 1, 2001.

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15 SENATE SUMMARY

16 Provides that a power of attorney to provide medical  
17 consent for a minor includes the power to consent to  
18 necessary surgical and general anesthesia services for  
19 the minor.  
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