

Bill No. CS for SB 268

Amendment No. Barcode 375418

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Carlton moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 4, line 24, through

15 page 11, line 31, delete those lines

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17 and insert:

18 Section 3. Subsection (4) is added to section 765.104,

19 Florida Statutes, to read:

20 765.104 Amendment or revocation.--

21 (4) Any patient for whom a medical proxy has been

22 recognized under s. 765.401 and for whom any previous legal

23 disability that precluded the patient's ability to consent is

24 removed may amend or revoke the recognition of the medical

25 proxy and any uncompleted decision made by that proxy. The

26 amendment or revocation takes effect when it is communicated

27 to the proxy, the health care provider, or the health care

28 facility in writing or, if communicated orally, in the

29 presence of a third person.

30 Section 4. Subsection (1) of section 765.401, Florida

31 Statutes, is amended to read:

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1 765.401 The proxy.--

2 (1) If an incapacitated or developmentally disabled
 3 ~~the~~ patient has not executed an advance directive, or
 4 designated a surrogate to execute an advance directive, or the
 5 designated or alternate surrogate is no longer available to
 6 make health care decisions, health care decisions may be made
 7 for the patient by any of the following individuals, in the
 8 following order of priority, if no individual in a prior class
 9 is reasonably available, willing, or competent to act:

10 (a) The judicially appointed guardian of the patient,
 11 or the guardian advocate of the person having a developmental
 12 disability as defined in s. 393.063, who has been authorized
 13 to consent to medical treatment, if such guardian has
 14 previously been appointed; however, this paragraph shall not
 15 be construed to require such appointment before a treatment
 16 decision can be made under this subsection;

17 (b) The patient's spouse;

18 (c) An adult child of the patient, or if the patient
 19 has more than one adult child, a majority of the adult
 20 children who are reasonably available for consultation;

21 (d) A parent of the patient;

22 (e) The adult sibling of the patient or, if the
 23 patient has more than one sibling, a majority of the adult
 24 siblings who are reasonably available for consultation.

25 (f) An adult relative of the patient who has exhibited
 26 special care and concern for the patient and who has
 27 maintained regular contact with the patient and who is
 28 familiar with the patient's activities, health, and religious
 29 or moral beliefs; or

30 (g) A close friend of the patient.

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1 (Redesignate subsequent sections.)

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 15, through

7 page 2, line 7, delete those lines

8

9 and insert:

10 elderly person or disabled adult; amending s.
11 765.104, F.S.; authorizing a patient whose
12 legal disability is removed to amend or revoke
13 the recognition of a medical proxy and any
14 uncompleted decision made by that proxy;
15 specifying when the amendment or revocation
16 takes effect; amending s. 765.401, F.S.;
17 authorizing a guardian advocate of a person
18 having a developmental disability to make
19 health care decisions on behalf of an
20 incapacitated patient; providing an effective
21 date.

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