

Bill No. CS for SB 364

Amendment No. Barcode 702564

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

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Senate Amendment (with title amendment)

14 On page 3, lines 17-30, delete those lines

16 and insert:

17 Section 3. Subsection (4) is added to section 765.104,
18 Florida Statutes, to read:

19 765.104 Amendment or revocation.--

20 (4) Any patient for whom a medical proxy has been
21 recognized under s. 765.401 and for whom any previous legal
22 disability that precluded the patient's ability to consent is
23 removed may amend or revoke the recognition of the medical
24 proxy and any uncompleted decision made by that proxy. The
25 amendment or revocation takes effect when it is communicated
26 to the proxy, the health care provider, or the health care
27 facility in writing or, if communicated orally, in the
28 presence of a third person.

29 Section 4. Subsections (1) and (3) of section 765.401,
30 Florida Statutes, are amended to read:

31 765.401 The proxy.--

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

9 (a) The judicially appointed guardian of the patient
10 or the guardian advocate of the person having a developmental
11 disability as defined in s. 393.063,

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13 (Redesignate subsequent sections.)

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

17 And the title is amended as follows:

18 On page 1, line 14, after the first semicolon,

19
20 insert:

21 amending s. 765.104, F.S.; authorizing a
22 patient whose legal disability is removed to
23 amend or revoke the recognition of a medical
24 proxy and any uncompleted decision made by that
25 proxy; specifying when the amendment or
26 revocation takes effect;

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