By Senator Crist

12-802-04

A bill to be entitled 1 2 An act relating to living wills; amending s. 3 765.302, F.S.; providing that a person may 4 specify in a living will or written declaration 5 which life-prolonging procedures the person 6 chooses to use and which life-prolonging 7 procedures the person chooses not to use to sustain, restore, or supplant a spontaneous 8 9 vital function; amending s. 765.303, F.S.; revising the suggested form of a living will to 10 permit a person to direct which life-prolonging 11 12 procedures the person chooses to have withheld or withdrawn; providing an effective date. 13 14 15 Be It Enacted by the Legislature of the State of Florida: 16 17 Section 1. Subsection (1) of section 765.302, Florida Statutes, is amended to read: 18 19 765.302 Procedure for making a living will; notice to 20 physician. --21 (1)(a) Any competent adult may, at any time, make a 22 living will or written declaration and direct the providing, withholding, or withdrawal of life-prolonging procedures in 23 24 the event that the such person has a terminal condition, has 25 an end-stage condition, or is in a persistent vegetative 26 state. 27 (b) The principal may specify in a living will or 28 written declaration which life-prolonging procedures the 29 principal chooses to use and which life-prolonging procedures 30 the principal chooses not to use to sustain, restore, or

supplant a spontaneous vital function.

```
1
          (c) A living will must be signed by the principal in
 2
    the presence of two subscribing witnesses, one of whom is
 3
    neither a spouse nor a blood relative of the principal. If the
 4
   principal is physically unable to sign the living will, one of
 5
    the witnesses must subscribe the principal's signature in the
 6
    principal's presence and at the principal's direction.
 7
           Section 2. Section 765.303, Florida Statutes, is
 8
    amended to read:
 9
           765.303 Suggested form of a living will.--
10
           (1) A living will may, BUT NEED NOT, be in the
11
    following form:
                             Living Will
12
13
           Declaration made this .... day of ...., ...(year)...,
14
    I, ....., willfully and voluntarily make known my desire
    that my dying not be artificially prolonged under the
15
    circumstances set forth below, and I do hereby declare that,
16
17
    if at any time I am incapacitated and
           ...(initial)... I have a terminal condition
18
19
           or ...(initial)... I have an end-stage condition
           or ...(initial)... I am in a persistent vegetative
20
21
    state
22
    and if my attending or treating physician and another
23
24
    consulting physician have determined that there is no
25
    reasonable medical probability of my recovery from the such
    condition, I direct that life-prolonging procedures, as
26
27
    directed below, be withheld or withdrawn when the application
28
    of such procedures would serve only to prolong artificially
29
    the process of dying, and that I be permitted to die naturally
    with only the administration of medication or the performance
30
31
```

1	of any medical procedure deemed necessary to provide me with
2	comfort care or to alleviate pain.
3	(initial) I choose that artificial respiration and
4	other means of sustaining involuntary body functions be
5	withheld or withdrawn.
6	(initial) I choose that artificially provided
7	sustenance and hydration be withheld or withdrawn.
8	It is my intention that this declaration be honored by
9	my family and physician as the final expression of my legal
LO	right to refuse medical or surgical treatment and to accept
L1	the consequences for the such refusal.
L2	In the event that I have been determined to be unable
L3	to provide express and informed consent regarding the
L4	withholding, withdrawal, or continuation of life-prolonging
L5	procedures, I wish to designate, as my surrogate to carry out
L6	the provisions of this declaration:
L7	
L8	Name:
L9	Address:
20	Zip Code:
21	Phone:
22	I understand the full import of this declaration, and I
23	am emotionally and mentally competent to make this
24	declaration.
25	Additional Instructions (optional):
26	
27	
28	
29	(Signed)
30	Witness
31	Address

1	Phone
2	Witness
3	Address
4	Phone
5	
6	(2) The principal's failure to designate a surrogate
7	shall not invalidate the living will.
8	Section 3. This act shall take effect July 1, 2004.
9	
10	****************
11	SENATE SUMMARY
12	Provides that a person may specify in a living will or written declaration which life-prolonging procedures the
13	l person chooses to use and which life-prolonging
14	procedures the person chooses not to use to sustain, restore, or supplant a spontaneous vital function.
15	Revises the living will form to permit a person to direct which life-prolonging procedures the person chooses to have withheld or withdrawn.
16	have withheld of withdrawn.
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	