

By Senator Crist

12-802-04

1                                   A bill to be entitled  
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  
8           sustain, restore, or supplant a spontaneous  
9           vital function; amending s. 765.303, F.S.;  
10          revising the suggested form of a living will to  
11          permit a person to direct which life-prolonging  
12          procedures the person chooses to have withheld  
13          or withdrawn; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Subsection (1) of section 765.302, Florida  
18 Statutes, is amended to read:

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,  
23 withholding, or withdrawal of life-prolonging procedures in  
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  
31 supplant a spontaneous vital function.



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5 withheld or withdrawn.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7 sustenance and hydration be withheld or withdrawn.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  
10 right to refuse medical or surgical treatment and to accept  
11 the consequences for the ~~such~~ refusal.

12 In the event that I have been determined to be unable  
13 to provide express and informed consent regarding the  
14 withholding, withdrawal, or continuation of life-prolonging  
15 procedures, I wish to designate, as my surrogate to carry out  
16 the provisions of this declaration:

17  
18 Name:.....  
19 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.  
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11                                   SENATE SUMMARY

12                   Provides that a person may specify in a living will or  
13 written declaration which life-prolonging procedures the  
14 person chooses to use and which life-prolonging  
15 procedures the person chooses not to use to sustain,  
16 restore, or supplant a spontaneous vital function.  
17 Revises the living will form to permit a person to direct  
18 which life-prolonging procedures the person chooses to  
19 have withheld or withdrawn.  
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