

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representatives Smith, Seiler, Gelber, Bendross-Mindingall,
2 Henriquez, and Joyner offered the following:

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4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 765.405, Florida Statutes, is created
7 to read:

8 765.405 Suspension of artificially provided sustenance or
9 hydration in absence of an advance directive.--

10 (1) Artificially provided sustenance or hydration may not
11 be suspended from a person who is in a persistent vegetative
12 state if:

13 (a) The purpose of the suspension is solely to end the
14 life of a person who is in a persistent vegetative state.

15 (b) A conflict exists between any of the parties
16 identified in s. 765.401(1)(a)-(f) regarding the decision to

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17 suspend artificially provided sustenance or hydration from the
18 person who is in a persistent vegetative state.

19 (c) The person who is in a persistent vegetative state has
20 not executed a written advance directive, executed a written
21 living will, or designated a health care surrogate, which
22 directive, will, or designation of a surrogate authorizes the
23 suspension of life-prolonging procedures, as defined in s.
24 765.101.

25 (d) No clear and convincing evidence exists that the
26 person, while competent and prior to entering into a persistent
27 vegetative state, expressly directed or instructed the
28 suspension of artificially provided sustenance or hydration or
29 the suspension of life-prolonging procedures should he or she be
30 in a condition for which there is no reasonable medical
31 probability of recovery.

32 (e) The person who is in a persistent vegetative state did
33 not, when competent, hold religious beliefs against artificially
34 provided sustenance or hydration and such provision would not
35 violate his or her exercise of religion as defined in chapter
36 761.

37 (2) Any party identified in s. 765.401(1)(a)-(f) may
38 petition a court of competent jurisdiction at any time to
39 prevent the suspension of artificially provided sustenance or
40 hydration based upon an assertion that the existence of the
41 conditions of subsection (1) prohibits the suspension of
42 artificially provided sustenance or hydration.

43 Section 2. This act shall take effect upon becoming a law.
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45 ===== T I T L E A M E N D M E N T =====

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46 Remove the entire title and insert:

47 057697

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49 3/16/2005 1:29:49 PMA bill to be entitled
50 An act relating to artificially provided sustenance and
51 hydration; creating s. 765.405, F.S.; providing that
52 artificially provided sustenance or hydration may not be
53 suspended from a person who is in a persistent vegetative
54 state if specified conditions exist; permitting specified
55 persons to petition a court of competent jurisdiction at
56 any time to prevent the suspension of artificially
57 provided sustenance or hydration based upon an assertion
58 that the specified conditions exist; providing an
59 effective date.