

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Ambler, Simmons, Goodlette, Baxley, Stargel,  
2 and Gardiner offered the following:

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4 **Substitute Amendment for Amendment (241033) (with title**  
5 **amendment)**

6 Remove line(s) 165-211 and insert:

7 (b) Clear and convincing evidence exists that, while  
8 competent and prior to entering into a persistent vegetative  
9 state, the person, expressly and unequivocally, directed or  
10 instructed the withholding or withdrawing of artificially  
11 provided sustenance or hydration. For purposes of this section,  
12 this paragraph does not authorize the application of substituted  
13 judgment.

14 (c) In the reasonable medical judgment of the person's  
15 attending physician and a second consulting physician, and in

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16 consultation with the medical ethics committee of the facility  
17 where the person is located, maintenance of artificially  
18 provided sustenance or hydration:

19 1. Is not medically possible;

20 2. Would hasten death;

21 3. Would cause severe, intractable, or significant long-  
22 lasting pain to the person; or

23 4. Would not contribute to sustaining the person's life or  
24 providing comfort to the person.

25 (d) In the reasonable medical judgment of the person's  
26 attending physician and a second consulting physician, and in  
27 consultation with the medical ethics committee of the facility  
28 where the person is located:

29 1. Death is imminent;

30 2. Even with artificially provided sustenance or  
31 hydration, the person will die within a reasonably short period  
32 of time due to a terminal illness or injury; and

33 3. The purpose of withholding or withdrawing artificially  
34 provided sustenance or hydration is not to cause death by  
35 starvation or dehydration.

36 (3) For purposes of making the determination in paragraph  
37 (2)(c) or paragraph (2)(d), if there is no medical ethics  
38 committee at the facility, the facility must have an arrangement  
39 with the medical ethics committee of another facility or with a  
40 community-based ethics committee approved by the Florida Bio-  
41 ethics Network. The individual committee members and the  
42 facility associated with an ethics committee shall not be held

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43 liable in any civil action related to the performance of any  
44 duties required in paragraph (2)(c) or paragraph (2)(d).

45 (4) Any interested party who may reasonably be expected to  
46 be directly affected by the decision to withhold or withdraw  
47 artificially provided sustenance or hydration from a person in a  
48 persistent vegetative state may petition for enforcement of this  
49 section.

50 Section 4. The provisions of this act apply to every  
51 living person on and after the effective date of this act.  
52 Specifically, it is the intent of the Legislature and the policy  
53 of this state to apply the provisions of this act to all  
54 situations in which a person is in a persistent vegetative state  
55 on or after the effective date of this act.

56  
57 ===== T I T L E A M E N D M E N T =====

58 Remove line(s) 20-23 and insert:  
59 hydration; authorizing certain interested persons to petition  
60 for enforcement of the section;