

Bill No. CS for SB 804

Barcode 462276

CHAMBER ACTION

Senate

House

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Senator Webster moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert: Section 1. Section 765.405, Florida Statutes, is created to read:

765.405 Withholding or withdrawing artificially provided sustenance or hydration.--When upon request of a proxy, surrogate, or guardian a court is to decide whether to issue an order or provide other authority for the withholding or withdrawing of artificially provided sustenance or hydration from a person in a persistent vegetative state who has no advance directive, the decision of the court to issue the order or provide the authority must be supported by clear and convincing evidence that the person, while competent and prior to entering into a persistent vegetative state, expressly and unequivocally directed or instructed the withholding or withdrawing of artificially provided sustenance or hydration.

Section 2. The provisions of this act apply to every

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1 living person on and after the effective date of this act.  
2 Specifically, the provisions of this act apply to all  
3 situations in which a person is in a persistent vegetative  
4 state on or after the effective date of this act and requires  
5 artificially provided sustenance or hydration for survival.  
6 It is the intent of the Legislature that this act authorizes  
7 an interested party, as determined by the court, to petition a  
8 court of competent jurisdiction to decide whether artificially  
9 provided sustenance or hydration may be withheld after being  
10 withdrawn from a person in a persistent vegetative state on or  
11 after the effective date of this act.

12           Section 3. This act shall take effect upon becoming a  
13 law.

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

17 And the title is amended as follows:

18           Delete everything before the enacting clause  
19  
20 and insert: An act relating to artificially provided  
21 sustenance or hydration; creating s. 765.405, F.S.;  
22 prescribing evidence to govern court decisions on withholding  
23 or withdrawing artificially provided sustenance or hydration  
24 from certain persons in persistent vegetative states;  
25 providing for application of the act; expressing legislative  
26 intent to authorize certain parties to petition a court  
27 relating to the withholding of artificially provided  
28 sustenance or hydration; providing an effective date.

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