

Bill No. SB 804

Barcode 911004

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Campbell) recommended the following **substitute for amendment** (393562):

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

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

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

(b) A conflict exists between any of the parties identified in paragraphs (1)(a) through (f) of s. 765.401 regarding the decision to suspend artificially provided sustenance or hydration from the person who is in a persistent vegetative state; and

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1 (c) The person who is in a persistent vegetative state
2 has not executed a written advance directive, executed a
3 written living will, or designated a health care surrogate,
4 which directive, will, or designation of a surrogate
5 authorizes the suspension of life-prolonging procedures, as
6 defined in s. 765.101.

7 (2) Any party identified in paragraphs (1)(a) through
8 (f) of s. 765.401 may petition the court of competent
9 jurisdiction at any time to prevent the suspension of
10 artificially provided sustenance or hydration based upon an
11 assertion that the existence of the conditions of subsection
12 (1) prohibit the suspension of artificially provided
13 sustenance or hydration.

14 Section 2. The provisions of this act are remedial
15 and are applicable to every living person on the effective
16 date of this act. In addition, it is the intent of the
17 Legislature, and the policy of this state, to apply this act
18 to situations in which a person is in a persistent vegetative
19 on or after the effective date of this act.

20 Section 3. This act shall take effect upon becoming
21 a law.

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

25 And the title is amended as follows:

26 Delete everything before the enacting clause

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28 and insert: An act relating to the suspension of artificially
29 provided sustenance or hydration from a person in a persistent
30 vegetative state; creating s. 765.405, F.S.; prohibiting the
31 suspension of the sustenance or hydration under certain

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1 conditions; authorizing certain parties to petition the court
2 to prevent suspension of the sustenance or hydration;
3 specifying that the act is remedial and providing for its
4 application; providing an effective date.
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