

By the Committee on Judiciary; and Senator Webster

590-1744-05

1                                   A bill to be entitled  
2                   An act relating to the suspension of  
3                   artificially provided sustenance or hydration  
4                   from a person in a persistent vegetative state;  
5                   creating s. 765.405, F.S.; prohibiting the  
6                   suspension of the sustenance or hydration under  
7                   certain conditions; authorizing certain parties  
8                   to petition the court to prevent suspension of  
9                   the sustenance or hydration; specifying that  
10                  the act is remedial and providing for its  
11                  application; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15                  Section 1. Section 765.405, Florida Statutes, is  
16 created to read:

17                  765.405 Suspension of artificially provided sustenance  
18 or hydration in absence of an advance directive.--

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

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

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

28                  (c) The person who is in a persistent vegetative state  
29 has not executed a written advance directive, executed a  
30 written living will, or designated a health care surrogate,  
31 which directive, will, or designation of a surrogate

1 authorizes the suspension of life-prolonging procedures, as  
2 defined in s. 765.101.

3 (2) Any party identified in s. 765.401(1)(a)-(f) may  
4 petition the court of competent jurisdiction at any time to  
5 prevent the suspension of artificially provided sustenance or  
6 hydration based upon an assertion that the existence of the  
7 conditions of subsection (1) prohibit the suspension of  
8 artificially provided sustenance or hydration.

9 Section 2. The provisions of this act are remedial and  
10 are applicable to every living person on the effective date of  
11 this act. In addition, it is the intent of the Legislature,  
12 and the policy of this state, to apply this act to situations  
13 in which a person is in a persistent vegetative state on or  
14 after the effective date of this act.

15 Section 3. This act shall take effect upon becoming a  
16 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 804

The committee substitute prohibits the suspension of artificially provided sustenance or hydration from a person in a persistent vegetative state if the following conditions exist:

- The purpose of the suspension is solely to end the person's life;
- There is a conflict between certain persons who are statutorily recognized as potential proxies for an incapacitated person; and
- The person has not executed a written advance directive, executed a written living will, or designated a health care surrogate, which directive, will, or designation authorizes suspending life-prolonging procedures.

The committee substitute authorizes certain persons who are statutorily recognized as potential proxies for an incapacitated person to petition the court to prevent the suspension of artificially provided sustenance or hydration based on the existence of these conditions.

The committee substitute provides that the act is remedial, applies to every living person, and is intended to apply to situations in which a person is in a persistent vegetative state on or after the effective date of the act.