



688460

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2015	.	
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The Committee on Rules (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 671 - 682
and insert:

(3) The surrogate's authority shall commence either upon a determination under subsection (2) that the principal lacks capacity, or upon a stipulation of such authority pursuant to s. 765.101(21). ~~and~~ Such authority shall remain in effect until a determination that the principal has regained such capacity when the authority commenced as a result of incapacity, or until its revocation in such cases where the authority commenced



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12 immediately pursuant to 765.101(21). Upon commencement of the
13 surrogate's authority, a surrogate who is not the principal's
14 spouse shall notify the principal's spouse or adult children of
15 the principal's designation of the surrogate. Except where the
16 principal provided immediately exercisable authority to the
17 surrogate pursuant to s. 765.101(21), in the event the primary
18 or attending physician determines that the principal has
19 regained capacity, the authority of the surrogate shall cease,
20 but shall recommence if the principal subsequently loses
21 capacity as determined pursuant to this section. A health care
22 provider will not be liable for relying upon health care
23 decisions made by a surrogate while a principal lacks capacity.
24 At any time when a principal lacks capacity, a health care
25 decision made on a principal's behalf by a surrogate shall be
26 effective to the same extent as a decision made by the
27 principal. When a principal possesses capacity, health care
28 decisions of the principal will take precedence over decisions
29 made by the surrogate that present a material conflict.

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete line 44

34 and insert:

35 notification of incapacity of a principal; providing
36 that a health care provider may justifiably rely on
37 decisions made by a surrogate; providing for when
38 there are conflicting decisions between surrogate and
39 patient; amending s.