

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Gonzalez offered the following:

Amendment (with title amendment)

5 Remove line 470 and insert:

6 IMMEDIATELY. PURSUANT TO SECTION 765.204(3), ANY INSTRUCTIONS OR
 7 HEALTH CARE DECISIONS I MAKE, EITHER VERBALLY OR IN WRITING,
 8 WHILE I POSSESS CAPACITY SHALL SUPERCEDE ANY INSTRUCTIONS OR
 9 HEALTH CARE DECISIONS MADE BY MY SURROGATE THAT ARE IN MATERIAL
 10 CONFLICT WITH THOSE MADE BY ME.

11 Remove lines 669-680 and insert:

12 (3) The surrogate's authority shall commence either upon a
 13 determination under subsection (2) that the principal lacks
 14 capacity, or upon a stipulation of such authority pursuant to s.
 15 765.101(21). ~~and~~ Such authority shall remain in effect until a
 16 determination that the principal has regained such capacity when
 17 the authority commenced as a result of incapacity, or until its

Amendment No. 1

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

37
38
39 -----
40 **T I T L E A M E N D M E N T**

41 Remove line 44 and insert:

42 notification of incapacity of a principal; providing that a
43 health care provider may justifiably rely on decisions made by a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 889 (2015)

Amendment No. 1

44 surrogate; providing for when there are conflicting decisions
45 between surrogate and patient; amending s.