



156796

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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Appropriations Subcommittee on Health and Human Services  
(Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (1) of subsection (3) of section  
395.1041, Florida Statutes, is amended to read:

395.1041 Access to emergency services and care.—

(3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF  
FACILITY OR HEALTH CARE PERSONNEL.—

(1) Hospital personnel may withhold or withdraw



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11 cardiopulmonary resuscitation if presented with an order not to  
12 resuscitate executed pursuant to s. 401.45 or a physician order  
13 for life-sustaining treatment (POLST) form executed pursuant to  
14 s. 401.451 which contains an order not to resuscitate. Facility  
15 staff and facilities are ~~shall~~ not ~~be~~ subject to criminal  
16 prosecution or civil liability, and are not ~~nor be~~ considered to  
17 have engaged in negligent or unprofessional conduct, for  
18 withholding or withdrawing cardiopulmonary resuscitation  
19 pursuant to such an order or POLST form. The absence of an order  
20 not to resuscitate executed pursuant to s. 401.45 or a POLST  
21 form executed pursuant to s. 401.451 which contains an order not  
22 to resuscitate does not preclude a physician from withholding or  
23 withdrawing cardiopulmonary resuscitation as otherwise  
24 authorized ~~permitted~~ by law.

25 Section 2. Subsection (3) of section 400.142, Florida  
26 Statutes, is amended to read:

27 400.142 Emergency medication kits; orders not to  
28 resuscitate.—

29 (3) Facility staff may withhold or withdraw cardiopulmonary  
30 resuscitation if presented with an order not to resuscitate  
31 executed pursuant to s. 401.45 or a physician order for life-  
32 sustaining treatment (POLST) form executed pursuant to s.  
33 401.451 that contains an order not to resuscitate. Facility  
34 staff and facilities are not subject to criminal prosecution or  
35 civil liability, or considered to have engaged in negligent or  
36 unprofessional conduct, for withholding or withdrawing  
37 cardiopulmonary resuscitation pursuant to such an order or POLST  
38 form. The absence of an order not to resuscitate executed  
39 pursuant to s. 401.45 or a POLST form executed pursuant to s.



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40 401.451 which contains an order not to resuscitate does not  
41 preclude a physician from withholding or withdrawing  
42 cardiopulmonary resuscitation as otherwise authorized ~~permitted~~  
43 by law.

44 Section 3. Subsection (7) of section 400.487, Florida  
45 Statutes, is amended to read:

46 400.487 Home health service agreements; physician's,  
47 physician assistant's, and advanced registered nurse  
48 practitioner's treatment orders; patient assessment;  
49 establishment and review of plan of care; provision of services;  
50 orders not to resuscitate; physician orders for life-sustaining  
51 treatment.—

52 (7) Home health agency personnel may withhold or withdraw  
53 cardiopulmonary resuscitation if presented with an order not to  
54 resuscitate executed pursuant to s. 401.45 or a physician order  
55 for life-sustaining treatment (POLST) form executed pursuant to  
56 s. 401.451 which contains an order not to resuscitate. The  
57 agency shall adopt rules providing for the implementation of  
58 such orders. Home health personnel and agencies are ~~shall~~ ~~not be~~  
59 subject to criminal prosecution or civil liability, and are not  
60 ~~nor be~~ considered to have engaged in negligent or unprofessional  
61 conduct, for withholding or withdrawing cardiopulmonary  
62 resuscitation pursuant to such an order or POLST form and rules  
63 adopted by the agency.

64 Section 4. Paragraph (e) of subsection (1) of section  
65 400.605, Florida Statutes, is amended to read:

66 400.605 Administration; forms; fees; rules; inspections;  
67 fines.—

68 (1) The agency, in consultation with the department, may



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69 adopt rules to administer the requirements of part II of chapter  
70 408. The department, in consultation with the agency, shall by  
71 rule establish minimum standards and procedures for a hospice  
72 pursuant to this part. The rules must include:

73 (e) Procedures relating to the implementation of advance  
74 ~~advanced~~ directives; physician order for life-sustaining  
75 treatment (POLST) forms executed pursuant to s. 401.451 which  
76 contain orders not to resuscitate; and orders not to resuscitate  
77 ~~do-not-resuscitate orders.~~

78 Section 5. Subsection (8) of section 400.6095, Florida  
79 Statutes, is amended to read:

80 400.6095 Patient admission; assessment; plan of care;  
81 discharge; death.—

82 (8) The hospice care team may withhold or withdraw  
83 cardiopulmonary resuscitation if presented with an order not to  
84 resuscitate executed pursuant to s. 401.45 or a physician order  
85 for life-sustaining treatment (POLST) form executed pursuant to  
86 s. 401.451 which contains an order not to resuscitate. The  
87 department shall adopt rules providing for the implementation of  
88 such orders. Hospice staff are shall not be subject to criminal  
89 prosecution or civil liability, and are not ~~nor be~~ considered to  
90 have engaged in negligent or unprofessional conduct, for  
91 withholding or withdrawing cardiopulmonary resuscitation  
92 pursuant to such an order or POLST form and applicable rules.  
93 The absence of an order to resuscitate executed pursuant to s.  
94 401.45 or a POLST form executed pursuant to s. 401.451 which  
95 contains an order not to resuscitate does not preclude a  
96 physician from withholding or withdrawing cardiopulmonary  
97 resuscitation as otherwise authorized ~~permitted~~ by law.



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98 Section 6. Subsection (4) of section 401.35, Florida  
99 Statutes, is amended to read:

100 401.35 Rules.—The department shall adopt rules, including  
101 definitions of terms, necessary to carry out the purposes of  
102 this part.

103 (4) The rules must establish circumstances and procedures  
104 under which emergency medical technicians and paramedics may  
105 honor orders by the patient's physician not to resuscitate  
106 executed pursuant to s. 401.45 or physician order for life-  
107 sustaining treatment (POLST) forms executed pursuant to s.  
108 401.451 that contain orders not to resuscitate and the  
109 documentation and reporting requirements for handling such  
110 requests.

111 Section 7. Paragraph (a) of subsection (3) of section  
112 401.45, Florida Statutes, is amended to read:

113 401.45 Denial of emergency treatment; civil liability.—

114 (3) (a) Resuscitation or other forms of medical intervention  
115 may be withheld or withdrawn from a patient by an emergency  
116 medical technician, ~~or~~ paramedic, or other health care  
117 professional if evidence of an order not to resuscitate by the  
118 patient's physician or a physician order for life-sustaining  
119 treatment (POLST) form executed pursuant to s. 401.451 which  
120 contains an order not to resuscitate is presented to the  
121 emergency medical technician, ~~or~~ paramedic, or other health care  
122 professional. To be valid, an order not to resuscitate or not to  
123 perform other medical intervention, ~~to be valid,~~ must be on the  
124 form adopted by rule of the department. The form must be signed  
125 by the patient's physician and by the patient or, if the patient  
126 is incapacitated, the patient's health care surrogate or proxy



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127 as provided in chapter 765, court-appointed guardian as provided  
128 in chapter 744, or attorney in fact under a durable power of  
129 attorney as provided in chapter 709 or, if the patient is a  
130 minor, the patient's parent or legal guardian. The court-  
131 appointed guardian or attorney in fact must have been delegated  
132 authority to make health care decisions on behalf of the  
133 patient.

134 Section 8. Section 401.451, Florida Statutes, is created to  
135 read:

136 401.451 Physician Order for Life-Sustaining Treatment  
137 Program.—

138 (1) POLST FORM.—A physician order for life-sustaining  
139 treatment (POLST) must be on the form adopted by rule of the  
140 department which must include the requirements specified in this  
141 section and must be executed as required by this section.

142 (a) A POLST form may only be completed by or for a patient  
143 determined by the patient's physician to have an end-stage  
144 condition as defined in s. 765.101(4) or a patient who, in the  
145 good faith clinical judgment of her or his physician, is  
146 suffering from at least one terminal medical condition that will  
147 likely result in the death of the patient within 1 year.

148 (b) A POLST form must be signed by the patient's physician.  
149 The form must contain a certification by the physician signing  
150 the POLST form that the physician consulted with the patient  
151 signing the form, or if the patient is incapable of making  
152 health care decisions for herself or himself or is  
153 incapacitated, with the patient's health care surrogate, proxy,  
154 court-appointed guardian or attorney-in-fact authorized to  
155 execute a POLST form on behalf of the patient as provided in



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156 paragraph (c), and must include information about the patient's  
157 care goals and preferences as reflected on the POLST form,  
158 specifically including the use of and the effect of removal or  
159 refusal of life-sustaining medical treatment. The physician  
160 signing the POLST form must further indicate the medical  
161 circumstance justifying the execution of the POLST.

162 (c) A POLST form must also be signed by the patient, or if  
163 the patient is incapable of making health care decisions for  
164 herself or himself or is incapacitated, by the patient's health  
165 care surrogate or proxy as provided in chapter 765, or if none  
166 exists, by the patient's court-appointed guardian if the  
167 guardian has such authority as provided in chapter 744, or if  
168 none exists, by the patient's attorney-in-fact if the patient  
169 has delegated the power to make all health care decisions to the  
170 attorney-in-fact as provided in chapter 709. If a POLST form is  
171 signed by a health care surrogate, proxy, court-appointed  
172 guardian, or attorney-in-fact, the patient's physician must  
173 certify the basis for the authority of the appropriate  
174 individual to execute the POLST form on behalf of the patient  
175 including compliance with chapter 765, chapter 744, or chapter  
176 709.

177 (d) The execution of a POLST form by the patient  
178 automatically revokes all POLST forms previously executed by the  
179 patient.

180 (e) A patient's health care surrogate, proxy, court  
181 appointed guardian, or attorney-in-fact authorized to execute a  
182 POLST form on behalf of the patient as provided in paragraph (c)  
183 may subsequently revoke a POLST form for a patient, unless a  
184 valid advance directive or prior POLST form executed by the



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185 patient expressly forbids changes by a surrogate, proxy,  
186 guardian, or attorney-in-fact.

187 (f) An individual acting in good faith as a surrogate,  
188 proxy, court-appointed guardian, or attorney-in-fact who  
189 executes a POLST form on behalf of an incapacitated patient or a  
190 minor patient in accordance with this section and rules adopted  
191 by the department is not subject to criminal prosecution or  
192 civil liability for executing the POLST form.

193 (g) If a family member of the patient, the health care  
194 facility providing services to the patient, or the patient's  
195 physician, who may reasonably be expected to be affected by the  
196 patient's POLST form directives, believes that directives  
197 executed by the patient's legal representative are in conflict  
198 with the patient's prior expressed desires regarding end-of-life  
199 care, the family member, facility, or physician may seek  
200 expedited judicial intervention pursuant to the Florida Probate  
201 Rules if that person believes:

202 1. The POLST form regarding the patient's wishes regarding  
203 life-sustaining treatment is ambiguous or the patient has  
204 changed her or his mind after execution of the advance directive  
205 or POLST form;

206 2. The POLST form was executed by a surrogate, proxy,  
207 court-appointed guardian, or attorney-in-fact authorized to  
208 execute a POLST form on behalf of a patient as provided in  
209 paragraph (c) and the POLST form is not in accord with the  
210 patient's known desires or chapter 765, chapter 744, or chapter  
211 709;

212 3. The POLST was executed by a surrogate, proxy, court-  
213 appointed guardian, or attorney-in-fact on behalf of a patient





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214 as provided in paragraph (c) and the surrogate, proxy, court-  
215 appointed guardian, or attorney-in-fact was improperly  
216 designated or appointed, or the designation of the surrogate,  
217 proxy, court-appointed guardian, or attorney-in-fact is no  
218 longer effective or has been removed;

219 4. The surrogate, proxy, court-appointed guardian, or  
220 attorney-in-fact who executed the POLST form on behalf of the  
221 patient as provided in paragraph (c) has failed to discharge her  
222 or his duties, or incapacity or illness renders her or him  
223 incapable of discharging those duties;

224 5. The POLST was executed by surrogate, proxy, court-  
225 appointed guardian, or attorney-in-fact authorized to execute a  
226 POLST form on behalf of a patient as provided in paragraph (c)  
227 who has abused her or his powers; or

228 6. The patient has sufficient capacity to make her or his  
229 own health care decisions.

230 (h) A POLST form may not include a directive regarding  
231 hydration or the preselection of any decision or directive. A  
232 POLST form must be voluntarily executed by the patient or, if  
233 the patient is incapacitated or a minor, the patient's legal  
234 representative, and all directives included in the form must be  
235 made by the patient or, if the patient is incapacitated or a  
236 minor, the patient's legal representative, at the time of  
237 signing the form. A POLST form is not valid and may not be  
238 included in a patient's medical records or submitted to the  
239 clearinghouse unless the form:

240 1. Is clearly printed on one or both sides of a single  
241 piece of paper as determined by department rule;

242 2. Includes the signatures of the patient and the patient's



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243 examining physician or, if the patient is incapacitated or a  
244 minor, the signatures of the patient's legal representative and  
245 the patient's examining physician. The POLST form may be  
246 executed only after the examining physician consults with the  
247 patient or the patient's legal representative, as appropriate;

248 3. Prominently states that completion of a POLST form is  
249 voluntary, that the execution or use of a POLST form may not be  
250 required as a condition for medical treatment, and that a POLST  
251 form may not be given effect if the patient is conscious and  
252 competent to make health care decisions;

253 4. Prominently provides in a conspicuous location on the  
254 form a space for the patient's examining physician to attest  
255 that, in her or his clinical judgment and with good faith at the  
256 time the POLST form is completed and signed, the patient has the  
257 ability to make and communicate health care decisions or, if the  
258 patient is incapacitated or a minor, that the patient's legal  
259 representative has such ability;

260 5. Includes an expiration date, provided by the patient's  
261 examining physician, that is within 1 year after the patient or  
262 the patient's legal representative signs the form or that is  
263 contingent on completion of the course of treatment addressed in  
264 the POLST form, whichever occurs first; and

265 6. Identifies the medical condition or conditions, provided  
266 by the patient's examining physician, that necessitate the POLST  
267 form.

268 (2) DUTIES OF THE DEPARTMENT.—The department shall:

269 (a) Adopt rules to implement and administer the POLST  
270 program.

271 (b) Prescribe a standardized POLST form.



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272 (c) Provide the POLST form in an electronic format on the  
273 department's website and prominently state on the website the  
274 requirements for a POLST form as specified in this section.

275 (d) Consult with health care professional licensing groups,  
276 provider advocacy groups, medical ethicists, and other  
277 appropriate stakeholders on the development of rules and forms  
278 to implement and administer the POLST program.

279 (e) Recommend a uniform method of identifying persons who  
280 have executed a POLST form and provide health care providers  
281 with contact information regarding a patient's primary health  
282 care provider.

283 (f) Oversee the education of health care providers licensed  
284 by the department regarding implementation of the POLST program.

285 (g) Develop a process for collecting provider feedback to  
286 enable periodic redesign of the POLST form in accordance with  
287 current health care best practices.

288 (3) DUTY TO COMPLY WITH POLST; OUT-OF-STATE POLST; LIMITED  
289 IMMUNITY.—

290 (a) Emergency medical service personnel, health care  
291 providers, physicians, and health care facilities, absent actual  
292 notice of revocation or termination of a POLST form, may comply  
293 with the orders on a person's POLST form without regard to  
294 whether the POLST-ordering provider is on the medical staff of  
295 the treating health care facility. If the POLST-ordering  
296 provider is not on the medical staff of the treating health care  
297 facility, the POLST form must be reviewed by the treating health  
298 care professional at the receiving facility with the patient, or  
299 the patient's health care surrogate, proxy, court-appointed  
300 guardian, or attorney-in-fact authorized to execute a POLST form



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301 on behalf of a patient as provided in paragraph (1)(c), and  
302 shall be made into a medical order at the receiving facility,  
303 unless the POLST form is replaced or voided as provided in this  
304 section.

305 (b) A POLST form from another state, absent actual notice  
306 of revocation or termination, shall be presumed to be valid and  
307 shall be effective in this state and shall have the same burden  
308 of compliance as a POLST form executed in this state.

309 (c) Any licensee, physician, medical director, or emergency  
310 medical technician or paramedic who acts in good faith on a  
311 POLST is not subject to criminal prosecution or civil liability  
312 and has not engaged in negligent or unprofessional conduct as a  
313 result of carrying out the directives of the POLST made in  
314 accordance with this section and rules adopted by the  
315 department.

316 (4) PATIENT TRANSFER; POLST FORM REVIEW REQUIRED.—If a  
317 patient whose goals and preferences for care have been entered  
318 in a valid POLST form is transferred from one health care  
319 facility or level of care to another, the health care facility  
320 initiating the transfer must communicate the existence of the  
321 POLST form to the receiving facility before the transfer. Upon  
322 the patient's transfer, the treating health care provider at the  
323 receiving facility must review the POLST form with the patient  
324 or, if the patient is incapacitated or a minor, the patient's  
325 health care surrogate, proxy, court-appointed guardian, or  
326 attorney-in-fact.

327 (5) CONFLICTS WITH ADVANCE DIRECTIVES.—To the extent that a  
328 directive made on a patient's POLST form conflicts with another  
329 advance directive of the patient which addresses a substantially



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330 similar health care condition or treatment, the document most  
331 recently signed by the patient takes precedence. Such directives  
332 may include, but are not limited to:

333 (a) A living will.

334 (b) A health care power of attorney.

335 (c) A POLST form for the specific medical condition or  
336 treatment.

337 (d) An order not to resuscitate.

338 (6) POLST FORM FOR A MINOR PATIENT.—If a medical order on a  
339 POLST form executed for a minor patient directs that life-  
340 sustaining treatment may be withheld from the minor patient, the  
341 order must include certifications by the patient's examining  
342 physician and a health care provider other than the examining  
343 physician stating that, in their clinical judgment, an order to  
344 withhold medical treatment is in the best interest of the minor  
345 patient. A POLST form for a minor patient must be signed by the  
346 minor patient's legal representative. The minor patient's  
347 examining physician must certify the basis for the authority of  
348 the minor patient's legal representative to execute the POLST  
349 form on behalf of the minor patient, including the legal  
350 representative's compliance with the relevant provisions of  
351 chapter 744 or chapter 765.

352 (7) POLST FORM NOT A PREREQUISITE.—A POLST form may not be  
353 a prerequisite for receiving medical services or for admission  
354 to a health care facility. A health care facility or health care  
355 provider may not require an individual to complete, revise, or  
356 revoke a POLST form as a condition of receiving medical services  
357 or treatment or as a condition of admission. The execution,  
358 revision, or revocation of a POLST form must be a voluntary



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359 decision of the patient or, if the patient is incapacitated or a  
360 minor, the patient's legal representative.

361 (8) REVOCATION OF A POLST FORM.—

362 (a) A POLST form may be revoked at any time by a patient  
363 deemed to have capacity by means of:

364 1. A signed, dated writing;

365 2. The physical cancellation or destruction of the POLST  
366 form by the patient or by another in the patient's presence and  
367 at the patient's direction;

368 3. An oral expression of intent to revoke; or

369 4. A subsequently executed POLST form or advance directive  
370 that is materially different from a previously executed POLST  
371 form or advance directive.

372 (b) A surrogate, proxy, court-appointed guardian, or  
373 attorney-in-fact permitted to execute a POLST form on behalf of  
374 a patient as provided in paragraph (1)(c) who created a POLST  
375 form for a patient may revoke a POLST form at any time in a  
376 writing signed by such surrogate, proxy, court-appointed  
377 guardian, or attorney-in-fact.

378 (c) Any revocation of a POLST form shall be promptly  
379 communicated to the patient's primary health care provider,  
380 primary physician, and any health care facility at which the  
381 patient is receiving care. Further, a health care professional,  
382 surrogate, proxy, court-appointed guardian, or attorney-in-fact  
383 who is informed of the revocation of a POLST form shall promptly  
384 communicate the fact of the revocation to the patient's primary  
385 care physician, the current supervising health care  
386 professional, and any health care facility at which the patient  
387 is receiving care, to the extent known to the surrogate, proxy,



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388 court-appointed guardian, or attorney-in-fact.

389 (d) Upon revocation, a POLST form shall be void. A POLST  
390 form may only be revoked in its entirety. A partial revocation  
391 of a POLST form renders the entirety of the POLST form void.

392 (9) INSURANCE NOT AFFECTED.—The presence or absence of a  
393 POLST form does not affect, impair, or modify a contract of life  
394 or health insurance or an annuity to which an individual is a  
395 party, and may not serve as the basis for a delay in issuing or  
396 refusing to issue a policy of life or health insurance or an  
397 annuity or for an increase or decrease in premiums charged to  
398 the individual.

399 (10) INVALIDITY.—A POLST form is invalid if payment or  
400 other remuneration was offered or made in exchange for execution  
401 of the form.

402 (11) CONSTRUCTION.—This section may not be construed to  
403 condone, authorize, or approve mercy killing or euthanasia. The  
404 Legislature does not intend that this act be construed as  
405 authorizing an affirmative or deliberate act to end an  
406 individual's life, except to allow the natural process of dying.

407 Section 9. Subsection (4) of section 429.255, Florida  
408 Statutes, is amended to read:

409 429.255 Use of personnel; emergency care.—

410 (4) Facility staff may withhold or withdraw cardiopulmonary  
411 resuscitation or the use of an automated external defibrillator  
412 if presented with an order not to resuscitate executed pursuant  
413 to s. 401.45 or a physician order for life-sustaining treatment  
414 (POLST) form executed pursuant to s. 401.451 that contains an  
415 order not to resuscitate. The department shall adopt rules  
416 providing for the implementation of such an order or POLST form



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417 ~~orders~~. Facility staff and facilities are ~~shall~~ not ~~be~~ subject  
418 to criminal prosecution or civil liability, and are not ~~nor be~~  
419 considered to have engaged in negligent or unprofessional  
420 conduct, for withholding or withdrawing cardiopulmonary  
421 resuscitation or the use of an automated external defibrillator  
422 pursuant to such an order or POLST form and rules adopted by the  
423 department. The absence of an order not to resuscitate executed  
424 pursuant to s. 401.45 or a POLST form executed pursuant to s.  
425 401.451 which contains an order not to resuscitate does not  
426 preclude a physician from withholding or withdrawing  
427 cardiopulmonary resuscitation or the use of an automated  
428 external defibrillator as otherwise authorized ~~permitted~~ by law.

429 Section 10. Subsection (3) of section 429.73, Florida  
430 Statutes, is amended to read:

431 429.73 Rules and standards relating to adult family-care  
432 homes.—

433 (3) The department shall adopt rules providing for the  
434 implementation of orders not to resuscitate and physician order  
435 for life-sustaining treatment (POLST) forms executed pursuant to  
436 s. 401.451 which contain orders not to resuscitate. The provider  
437 may withhold or withdraw cardiopulmonary resuscitation if  
438 presented with an order not to resuscitate executed pursuant to  
439 s. 401.45 or a POLST form executed pursuant to s. 401.451 which  
440 contains an order not to resuscitate. The provider is ~~shall~~ not  
441 ~~be~~ subject to criminal prosecution or civil liability, and is  
442 not ~~nor be~~ considered to have engaged in negligent or  
443 unprofessional conduct, for withholding or withdrawing  
444 cardiopulmonary resuscitation pursuant to such an order or POLST  
445 form and applicable rules.





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446 Section 11. Subsections (7) and (8) of section 456.072,  
447 Florida Statutes, are renumbered as subsections (8) and (9),  
448 respectively, and a new subsection (7) is added to that section  
449 to read:

450 456.072 Grounds for discipline; penalties; enforcement.—

451 (7) A licensee may withhold or withdraw cardiopulmonary  
452 resuscitation or the use of an automated external defibrillator  
453 if presented with an order not to resuscitate executed pursuant  
454 to s. 401.45 or a physician order for life-sustaining treatment  
455 (POLST) form executed pursuant to s. 401.451 which contains an  
456 order not to resuscitate. The department shall adopt rules  
457 providing for the implementation of such an order or POLST form.  
458 A licensee is not subject to criminal prosecution or civil  
459 liability and is not considered to have engaged in negligent or  
460 unprofessional conduct for withholding or withdrawing  
461 cardiopulmonary resuscitation or the use of an automated  
462 external defibrillator if presented with such an order or POLST  
463 form. The absence of such an order or POLST form does not  
464 preclude a licensee from withholding or withdrawing  
465 cardiopulmonary resuscitation or the use of an automated  
466 external defibrillator as otherwise authorized by law.

467 Section 12. Paragraph (c) of subsection (1) of section  
468 765.205, Florida Statutes, is amended to read:

469 765.205 Responsibility of the surrogate.—

470 (1) The surrogate, in accordance with the principal's  
471 instructions, unless such authority has been expressly limited  
472 by the principal, shall:

473 (c) Provide written consent using an appropriate form  
474 whenever consent is required, including a physician's order not



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475 to resuscitate or a physician order for life-sustaining  
476 treatment (POLST) form executed pursuant to s. 401.451 which  
477 contains an order not to resuscitate.

478 Section 13. This act shall take effect July 1, 2018.

479

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

481 And the title is amended as follows:

482 Delete everything before the enacting clause  
483 and insert:

484 A bill to be entitled  
485 An act relating to physician orders for life-  
486 sustaining treatment; amending ss. 395.1041, 400.142,  
487 and 400.487, F.S.; authorizing specified personnel to  
488 withhold or withdraw cardiopulmonary resuscitation if  
489 presented with orders not to resuscitate or POLST  
490 forms that contain orders not to resuscitate;  
491 providing such personnel with immunity from criminal  
492 prosecution or civil liability for such actions;  
493 providing that the absence of such orders or forms  
494 does not preclude physicians or home health agency  
495 personnel from withholding or withdrawing  
496 cardiopulmonary resuscitation under certain  
497 conditions; amending s. 400.605, F.S.; requiring the  
498 Department of Elderly Affairs, in consultation with  
499 the Agency for Health Care Administration, to adopt by  
500 rule procedures for the implementation of POLST forms  
501 in hospice care; amending s. 400.6095, F.S.;  
502 authorizing hospice care teams to withhold or withdraw  
503 cardiopulmonary resuscitation if presented with POLST



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504 forms that contain orders not to resuscitate;  
505 providing hospice staff with immunity from criminal  
506 prosecution or civil liability for such actions;  
507 providing that the absence of a POLST form does not  
508 preclude physicians from withholding or withdrawing  
509 cardiopulmonary resuscitation; amending s. 401.35,  
510 F.S.; requiring the Department of Health to establish  
511 circumstances and procedures for honoring POLST forms;  
512 amending s. 401.45, F.S.; authorizing emergency  
513 medical personnel to withhold or withdraw  
514 cardiopulmonary resuscitation or other medical  
515 interventions if presented with POLST forms that  
516 contain orders not to resuscitate; creating s.  
517 401.451, F.S.; establishing the Physician Order for  
518 Life-Sustaining Treatment (POLST) Program within the  
519 Department of Health; providing requirements for POLST  
520 forms; providing duties of the department; providing a  
521 restriction on the use of POLST forms; providing for  
522 the revocation of POLST forms under certain  
523 circumstances; specifying which document takes  
524 precedence when directives in POLST forms conflict  
525 with other advance directives; providing limited  
526 immunity for legal representatives and specified  
527 health care providers relying in good faith on POLST  
528 forms; specifying additional requirements for POLST  
529 forms executed on behalf of minor patients under  
530 certain circumstances; requiring the review of POLST  
531 forms upon the transfer of a patient; prohibiting  
532 POLST forms from being required as a condition for



533 treatment or admission to health care facilities;  
534 providing for the revocation of POLST forms under  
535 certain circumstances; providing that the presence or  
536 absence of POLST forms does not affect, impair, or  
537 modify certain insurance contracts; declaring POLST  
538 forms invalid if they are executed in exchange for  
539 payment or other remuneration; providing construction;  
540 amending s. 429.255, F.S.; authorizing assisted living  
541 facility personnel to withhold or withdraw  
542 cardiopulmonary resuscitation or the use of an  
543 automated external defibrillator if presented with  
544 POLST forms that contain orders not to resuscitate;  
545 providing facility staff and facilities with immunity  
546 from criminal prosecution or civil liability for such  
547 actions; providing that the absence of a POLST form  
548 does not preclude physicians from withholding or  
549 withdrawing cardiopulmonary resuscitation or the use  
550 of an automated external defibrillator; amending s.  
551 429.73, F.S.; requiring the Department of Elderly  
552 Affairs to adopt rules for the implementation of POLST  
553 forms in adult family-care homes; authorizing  
554 providers of such homes to withhold or withdraw  
555 cardiopulmonary resuscitation if presented with a  
556 POLST form that contains orders not to resuscitate;  
557 providing such providers with immunity from criminal  
558 prosecution or civil liability for such actions;  
559 amending s. 456.072, F.S.; authorizing licensees to  
560 withhold or withdraw cardiopulmonary resuscitation or  
561 the use of an automated external defibrillator if



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562 presented with orders not to resuscitate or POLST  
563 forms that contain orders not to resuscitate;  
564 requiring the Department of Health to adopt rules  
565 providing for the implementation of such orders or  
566 forms; providing licensees with immunity from criminal  
567 prosecution or civil liability for withholding or  
568 withdrawing cardiopulmonary resuscitation or the use  
569 of an automated external defibrillator if presented  
570 with such orders or forms; providing that the absence  
571 of such orders or forms does not preclude licensees  
572 from withholding or withdrawing cardiopulmonary  
573 resuscitation or the use of an automated external  
574 defibrillator; amending s. 765.205, F.S.; requiring  
575 health care surrogates to provide written consent for  
576 POLST forms under certain circumstances; providing an  
577 effective date.