



156796

LEGISLATIVE ACTION

Senate

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House

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



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.