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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Burgess) recommended the following:

Senate Amendment

Delete lines 168 - 197

and insert:

Section 4. Subsection (2) of section 744.441, Florida Statutes, is amended to read

744.441 Powers of guardian upon court approval.—After obtaining approval of the court pursuant to a petition for authorization to act:

(2) (a) A plenary guardian or a limited guardian of a ward



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11 may sign an order not to resuscitate as provided in s. 401.45(3)
12 for a ward who does not have such an order in effect. When
13 seeking a plenary guardian or a limited guardian of a ward seeks
14 to obtain approval of the court to sign an order not to
15 resuscitate, if required by exigent circumstances, the court
16 must hold a preliminary hearing within 72 hours after the
17 petition is filed, and:

18 1.(a) Rule on the relief requested immediately after the
19 preliminary hearing; or

20 2.(b) Conduct an evidentiary hearing not later than 4 days
21 after the preliminary hearing and rule on the relief requested
22 immediately after the evidentiary hearing.

23 (b)1. Notwithstanding paragraph (a), if the ward is
24 hospitalized and exigent circumstances exist which do not allow
25 time for the guardian to seek court approval under paragraph
26 (a), without prior court approval, the guardian may sign an
27 order not to resuscitate on behalf of the ward and consent to
28 the order being entered in the ward's chart by a physician
29 provided the hospital ethics committee has met and agrees with
30 the entry of an order not to resuscitate.

31 2. As soon as reasonable, and not more than 72 hours after
32 signing an order not to resuscitate and consenting to the order
33 being entered in the ward's chart, the guardian must file notice
34 of such action with the court along with documentation
35 supporting the decision.