



263154

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2023	.	
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The Committee on Judiciary (Burton) recommended the following:

Senate Amendment

Delete lines 83 - 126
and insert:

s. 744.4431 if there is a conflict over or objection to a proposed exercise of that authority.

Section 3. Present subsections (2), (3), and (4) of section 744.3675, Florida Statutes, are redesignated as subsections (3), (4), and (5), respectively, paragraph (e) is added to subsection (1) and a new subsection (2) is added to that section, and paragraph (d) of subsection (1) of that section is amended, to



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12 read:

13 744.3675 Annual guardianship plan.—Each guardian of the
14 person must file with the court an annual guardianship plan
15 which updates information about the condition of the ward. The
16 annual plan must specify the current needs of the ward and how
17 those needs are proposed to be met in the coming year.

18 (1) Each plan for an adult ward must, if applicable,
19 include:

20 (d) 1. A list of any preexisting:

21 a. Orders not to resuscitate as described in ~~executed under~~
22 s. 401.45(3) and the date such orders were signed; or

23 b. ~~Preexisting~~ Advance directives, as defined in s. 765.101
24 and, the date such directives were signed. ~~an order or directive~~
25 was signed,

26 2. For each item listed under subparagraph 1., the plan
27 must state whether the ~~such~~ order or directive has been ~~revoked,~~
28 modified, or suspended by the court or the extent to which
29 authority under an order or directive has been transferred by
30 the court to the guardian. The plan must also state the date of
31 any revocation, modification, or suspension by the court.

32 (e) ~~, and~~ A description of the steps taken to identify and
33 locate a ~~the~~ preexisting order not to resuscitate or advance
34 directive.

35 (2) A surrogate designated by the ward in an advance
36 directive or an agent designated by the ward in a durable power
37 of attorney who retains authority to make health care decisions
38 under the guardianship plan may exercise retained authority
39 without additional approval by the court. Any authority of the
40 surrogate to carry out the instructions in the advance directive



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41 or authority of the agent under a durable power of attorney
42 which is transferred to the guardian may be exercised by the
43 guardian, consistent with the advance directive or durable power
44 of attorney, without additional approval by the court. Any
45 authority transferred to the guardian to execute an order not to
46 resuscitate or to consent to withhold or withdraw life-
47 prolonging procedures is subject to court approval pursuant to
48 s. 744.4431 if there is a conflict over or objection to a