

1 A bill to be entitled
2 An act relating to patient-directed doctor's orders;
3 amending ss. 395.1041, 400.142, and 400.487, F.S.;
4 authorizing specified personnel to withhold or
5 withdraw cardiopulmonary resuscitation if presented
6 with a patient-directed doctor's order (PDDO) form
7 that contains an order not to resuscitate; providing
8 such personnel with immunity from criminal prosecution
9 or civil liability for such actions; providing that
10 the absence of such form does not preclude physicians
11 or home health agency personnel from withholding or
12 withdrawing cardiopulmonary resuscitation under
13 certain conditions; amending s. 400.605, F.S.;
14 requiring the Agency for Health Care Administration to
15 adopt by rule procedures for the implementation of
16 PDDO forms in hospice care; amending s. 400.6095,
17 F.S.; authorizing hospice care teams to withhold or
18 withdraw cardiopulmonary resuscitation if presented
19 with a PDDO form; providing hospice staff with
20 immunity from criminal prosecution or civil liability
21 for such actions; providing that the absence of such
22 form does not preclude physicians from withholding or
23 withdrawing cardiopulmonary resuscitation; amending s.
24 401.35, F.S.; requiring the Department of Health to
25 establish circumstances and procedures for honoring

26 PDDO forms; amending s. 401.45, F.S.; authorizing
27 emergency medical personnel to withhold or withdraw
28 other forms of medical interventions if presented with
29 a PDDO form; prohibiting physician assistants from
30 signing such form; creating s. 401.451, F.S.;

31 establishing the Patient-directed Doctor's Order
32 (PDDO) Program within the department; providing
33 requirements for a PDDO form; providing duties of the
34 department; providing a restriction on the use of such
35 form; providing for the revocation of such form under
36 certain circumstances; specifying which document takes
37 precedence when directives in such form conflict with
38 other advance directives; providing limited immunity
39 for legal representatives and specified health care
40 providers relying in good faith on such form;

41 requiring the review of such form upon transfer of a
42 patient; prohibiting such form from being required as
43 a condition for treatment or admission to a health
44 care facility; providing that the presence or absence
45 of such form does not affect, impair, or modify
46 certain insurance contracts; declaring such form
47 invalid if executed in exchange for payment or other
48 remuneration; requiring the agency to create and
49 update a database for the storage, solely at the
50 option of the patient, of a PDDO form by the

51 department; providing construction; amending s.
52 429.255, F.S.; authorizing assisted living facility
53 personnel to withhold or withdraw cardiopulmonary
54 resuscitation or the use of an automated external
55 defibrillator if presented with a PDDO form; providing
56 facility staff and facilities with immunity from
57 criminal prosecution or civil liability for such
58 actions; providing that the absence of such form does
59 not preclude physicians from withholding or
60 withdrawing cardiopulmonary resuscitation or the use
61 of an automated external defibrillator; amending s.
62 429.73, F.S.; requiring the agency to adopt rules for
63 the implementation of PDDO forms in adult family-care
64 homes; authorizing providers of such homes to withhold
65 or withdraw cardiopulmonary resuscitation if presented
66 with such form; providing such providers with immunity
67 from criminal prosecution or civil liability for such
68 actions; amending s. 456.072, F.S.; authorizing
69 licensees to withhold or withdraw cardiopulmonary
70 resuscitation or the use of an automated external
71 defibrillator if presented with an order not to
72 resuscitate or a PDDO form; requiring the department
73 to adopt rules providing for the implementation of
74 such order and form; providing licensees with immunity
75 from criminal prosecution or civil liability for

76 withholding or withdrawing cardiopulmonary
 77 resuscitation or the use of an automated external
 78 defibrillator if presented with such order or form;
 79 providing that the absence of such order or form does
 80 not preclude licensees from withholding or withdrawing
 81 cardiopulmonary resuscitation or the use of an
 82 automated external defibrillator; amending s. 765.205,
 83 F.S.; requiring health care surrogates to provide
 84 written consent for a PDDO form under certain
 85 circumstances; providing an effective date.

86
 87 Be It Enacted by the Legislature of the State of Florida:

88
 89 Section 1. Paragraph (1) of subsection (3) of section
 90 395.1041, Florida Statutes, is amended to read:

91 395.1041 Access to and ensurance of emergency services;
 92 transfers; patient rights; diversion programs; reports of
 93 controlled substance overdoses.—

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

96 (1) Hospital personnel may withhold or withdraw
 97 cardiopulmonary resuscitation if presented with an order not to
 98 resuscitate executed pursuant to s. 401.45 or a patient-directed
 99 doctor's order (PDDO) form executed pursuant to s. 401.451 that
 100 contains an order not to resuscitate. Facility staff and

101 facilities ~~are shall~~ not ~~be~~ subject to criminal prosecution or
 102 civil liability, and are not ~~nor be~~ considered to have engaged
 103 in negligent or unprofessional conduct, for withholding or
 104 withdrawing cardiopulmonary resuscitation pursuant to such an
 105 order or PDDO form. The absence of an order not to resuscitate
 106 executed pursuant to s. 401.45 or a PDDO form executed pursuant
 107 to s. 401.451 that contains an order not to resuscitate does not
 108 preclude a physician from withholding or withdrawing
 109 cardiopulmonary resuscitation as otherwise authorized ~~permitted~~
 110 by law.

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

113 400.142 Emergency medication kits; orders not to
 114 resuscitate.—

115 (3) Facility staff may withhold or withdraw
 116 cardiopulmonary resuscitation if presented with an order not to
 117 resuscitate executed pursuant to s. 401.45 or a patient-directed
 118 doctor's order (PDDO) form executed pursuant to s. 401.451 that
 119 contains an order not to resuscitate. Facility staff and
 120 facilities are not subject to criminal prosecution or civil
 121 liability, or considered to have engaged in negligent or
 122 unprofessional conduct, for withholding or withdrawing
 123 cardiopulmonary resuscitation pursuant to such an order or PDDO
 124 form. The absence of an order not to resuscitate executed
 125 pursuant to s. 401.45 or a PDDO form executed pursuant to s.

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126 401.451 that contains an order not to resuscitate does not
 127 preclude a physician from withholding or withdrawing
 128 cardiopulmonary resuscitation as otherwise authorized ~~permitted~~
 129 by law.

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

132 400.487 Home health service agreements; physician's,
 133 physician assistant's, and advanced practice registered nurse's
 134 treatment orders; patient assessment; establishment and review
 135 of plan of care; provision of services; orders not to
 136 resuscitate; patient-directed doctor's orders for life-
 137 sustaining treatment.—

138 (7) Home health agency personnel may withhold or withdraw
 139 cardiopulmonary resuscitation if presented with an order not to
 140 resuscitate executed pursuant to s. 401.45 or a patient-directed
 141 doctor's order (PDDO) form executed pursuant to s. 401.451 that
 142 contains an order not to resuscitate. The agency shall adopt
 143 rules providing for the implementation of such orders. Home
 144 health personnel and agencies are ~~shall~~ not ~~be~~ subject to
 145 criminal prosecution or civil liability, and are not ~~nor be~~
 146 considered to have engaged in negligent or unprofessional
 147 conduct, for withholding or withdrawing cardiopulmonary
 148 resuscitation pursuant to such an order or PDDO form and rules
 149 adopted by the agency.

150 Section 4. Paragraph (e) of subsection (1) of section

151 400.605, Florida Statutes, is amended to read:

152 400.605 Administration; forms; fees; rules; inspections;
 153 fines.—

154 (1) The agency shall by rule establish minimum standards
 155 and procedures for a hospice pursuant to this part. The rules
 156 must include:

157 (e) Procedures relating to the implementation of advance
 158 ~~advanced~~ directives; patient-directed doctor's order (PDDO)
 159 forms executed pursuant to s. 401.451 that contain orders not to
 160 resuscitate; and orders not to resuscitate ~~do not resuscitate~~
 161 ~~orders.~~

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

164 400.6095 Patient admission; assessment; plan of care;
 165 discharge; death.—

166 (8) The hospice care team may withhold or withdraw
 167 cardiopulmonary resuscitation if presented with an order not to
 168 resuscitate executed pursuant to s. 401.45 or a patient-directed
 169 doctor's order (PDDO) form executed pursuant to s. 401.451 that
 170 contains an order not to resuscitate. The agency shall adopt
 171 rules providing for the implementation of such orders. Hospice
 172 staff are ~~shall not be~~ subject to criminal prosecution or civil
 173 liability, and are not ~~nor be~~ considered to have engaged in
 174 negligent or unprofessional conduct, for withholding or
 175 withdrawing cardiopulmonary resuscitation pursuant to such an

176 | order or PDDO form and applicable rules. The absence of an order
 177 | to resuscitate executed pursuant to s. 401.45 or a PDDO form
 178 | executed pursuant to s. 401.451 that contains an order not to
 179 | resuscitate does not preclude a physician from withholding or
 180 | withdrawing cardiopulmonary resuscitation as otherwise
 181 | authorized ~~permitted~~ by law.

182 | Section 6. Subsection (4) of section 401.35, Florida
 183 | Statutes, is amended to read:

184 | 401.35 Rules.—The department shall adopt rules, including
 185 | definitions of terms, necessary to carry out the purposes of
 186 | this part.

187 | (4) The rules must establish circumstances and procedures
 188 | under which emergency medical technicians and paramedics may
 189 | honor orders by the patient's physician not to resuscitate
 190 | executed pursuant to s. 401.45 or patient-directed doctor's
 191 | order (PDDO) forms executed pursuant to s. 401.451 that contain
 192 | orders not to resuscitate and the documentation and reporting
 193 | requirements for handling such requests.

194 | Section 7. Paragraph (a) of subsection (3) of section
 195 | 401.45, Florida Statutes, is amended to read:

196 | 401.45 Denial of emergency treatment; civil liability.—

197 | (3)(a) Resuscitation or other forms of medical
 198 | intervention may be withheld or withdrawn from a patient by an
 199 | emergency medical technician, a ~~or~~ paramedic, or another health
 200 | care professional if evidence of an order not to resuscitate by

201 the patient's physician or physician assistant or a patient-
 202 directed doctor's order (PDDO) form executed pursuant to s.
 203 401.451 that contains an order not to resuscitate is presented
 204 to the emergency medical technician, ~~or~~ paramedic, or other
 205 health care professional. To be valid, an order not to
 206 resuscitate or not to perform other medical intervention, ~~to be~~
 207 ~~valid,~~ must be on the form adopted by rule of the department.
 208 The form must be signed by the patient's physician or physician
 209 assistant and by the patient or, if the patient is
 210 incapacitated, the patient's health care surrogate or proxy as
 211 provided in chapter 765, court-appointed guardian as provided in
 212 chapter 744, or attorney in fact under a durable power of
 213 attorney as provided in chapter 709; however, a physician
 214 assistant may not sign a patient-directed doctor's order form
 215 executed pursuant to s. 401.451 that contains an order not to
 216 resuscitate. The court-appointed guardian or attorney in fact
 217 must have been delegated authority to make health care decisions
 218 on behalf of the patient.

219 Section 8. Section 401.451, Florida Statutes, is created
 220 to read:

221 401.451 Patient-directed Doctor's Order Program.-

222 (1) PATIENT-DIRECTED DOCTOR'S ORDER FORM.-A patient-
 223 directed doctor's order (PDDO) must be on a form adopted by rule
 224 of the department which must include the statutory requirements
 225 specified in this section and must be executed as required by

226 this section.

227 (a) A PDDO form may only be completed by or for a patient
228 determined by the patient's physician to have an end-stage
229 condition as defined in s. 765.101 or a patient who, in the good
230 faith clinical judgment of his or her physician, is suffering
231 from at least one terminal medical condition that will likely
232 result in the death of the patient within 1 year.

233 (b) A PDDO form must be signed by the patient's physician.
234 The form must contain a certification by the physician signing
235 the PDDO form that the physician consulted with the patient
236 signing the form or, if the patient is incapable of making
237 health care decisions for himself or herself or is
238 incapacitated, the patient's health care surrogate, proxy,
239 court-appointed guardian, or attorney in fact permitted to
240 execute a PDDO form on behalf of the patient as provided in
241 paragraph (c) and include information about the patient's care
242 goals and preferences selected as reflected on the PDDO form,
243 specifically relating to the use of and the effect of removal or
244 refusal of life-sustaining medical treatment. The physician
245 signing the PDDO form must further indicate the medical
246 circumstance justifying the execution of the PDDO.

247 (c) A PDDO form must also be signed by the patient or, if
248 the patient is incapable of making health care decisions for
249 himself or herself or is incapacitated, the patient's health
250 care surrogate or proxy as provided in chapter 765, court-

251 appointed guardian as provided in chapter 744, or attorney in
252 fact as provided in chapter 709. If a PDDO form is signed by a
253 health care surrogate, proxy, court-appointed guardian, or
254 attorney in fact, the patient's physician must certify the basis
255 for the authority of the appropriate individual to execute the
256 PDDO form on behalf of the patient, including compliance with
257 chapter 765, chapter 744, or chapter 709.

258 (d) The execution of a PDDO form by the patient
259 automatically revokes all PDDO forms previously executed by the
260 patient.

261 (e) A patient's health care surrogate, proxy, court-
262 appointed guardian, or attorney in fact permitted to execute a
263 PDDO form on behalf of a patient as provided in paragraph (c)
264 may subsequently revoke a PDDO form for a patient, unless a
265 valid advance directive or prior PDDO form executed by the
266 patient expressly forbids changes by a surrogate, proxy,
267 guardian, or attorney in fact.

268 (f) An individual acting in good faith as a surrogate,
269 proxy, court-appointed guardian, or attorney in fact who
270 executes a PDDO form on behalf of an incapacitated patient in
271 accordance with this section and rules adopted by the department
272 is not subject to criminal prosecution or civil liability for
273 executing the PDDO form.

274 (g) If a family member of the patient, the health care
275 facility providing services to the patient, or the patient's

276 physician who may reasonably be expected to be affected by the
277 patient's PDDO form directives believes that directives executed
278 by the patient's legal representative are in conflict with the
279 patient's prior expressed desires regarding end-of-life care,
280 the family member, facility, or physician may seek expedited
281 judicial intervention pursuant to the Florida Probate Rules if:
282 1. The PDDO form regarding the patient's wishes regarding
283 life-sustaining treatment is ambiguous or the patient has
284 changed his or her mind after execution of the advance directive
285 or PDDO form;
286 2. The PDDO form was executed by a surrogate, proxy,
287 court-appointed guardian, or attorney in fact permitted to
288 execute a PDDO form on behalf of a patient as provided in
289 paragraph (c) and the PDDO form is not in accord with the
290 patient's known desires or chapter 765, chapter 744, or chapter
291 709;
292 3. The PDDO form was executed by a surrogate, proxy,
293 court-appointed guardian, or attorney in fact on behalf of a
294 patient as provided in paragraph (c) and the surrogate, proxy,
295 court-appointed guardian, or attorney in fact was improperly
296 designated or appointed, or the designation of the surrogate,
297 proxy, court-appointed guardian, or attorney in fact is no
298 longer effective or has been removed;
299 4. The surrogate, proxy, court-appointed guardian, or
300 attorney in fact who executed the PDDO form on behalf of the

301 patient as provided in paragraph (c) has failed to discharge his
302 or her duties, or incapacity or illness renders him or her
303 incapable of discharging those duties;

304 5. The PDDO was executed by a surrogate, proxy, court-
305 appointed guardian, or attorney in fact permitted to execute a
306 PDDO form on behalf of a patient as provided in paragraph (c)
307 who has abused his or her powers; or

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

310 (h) A PDDO form may not include a directive regarding
311 hydration or the preselection of any decision or directive. A
312 PDDO form must be voluntarily executed by the patient or, if the
313 patient is incapacitated, the patient's legal representative,
314 and all directives included in the form must be made by the
315 patient or, if the patient is incapacitated, the patient's legal
316 representative at the time of signing the form. A PDDO form is
317 not valid and may not be included in a patient's medical records
318 or submitted to the database as provided in subsection (10)
319 unless the form:

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

322 2. Includes the signatures of the patient and the
323 patient's examining physician or, if the patient is
324 incapacitated, the patient's legal representative and the
325 patient's examining physician. The PDDO form may be executed

326 only after the examining physician consults with the patient or
 327 the patient's legal representative, as appropriate;

328 3. Prominently states that completion of a PDDO form is
 329 voluntary, that the execution or use of a PDDO form may not be
 330 required as a condition for medical treatment, and that a PDDO
 331 form may not be given effect if the patient is conscious and
 332 competent to make health care decisions;

333 4. Prominently provides in a conspicuous location on the
 334 form a space for the patient's examining physician to attest
 335 that, in his or her clinical judgment and with good faith, at
 336 the time the PDDO form is completed and signed, the patient has
 337 the ability to make and communicate health care decisions or, if
 338 the patient is incapacitated, that the patient's legal
 339 representative has such ability;

340 5. Includes an expiration date, provided by the patient's
 341 examining physician, that is within 1 year after the patient or
 342 the patient's legal representative signs the form or that is
 343 contingent on completion of the course of treatment addressed in
 344 the PDDO form, whichever occurs first; and

345 6. Identifies the medical condition or conditions,
 346 provided by the patient's examining physician, that necessitate
 347 the PDDO form.

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

349 (a) Adopt rules to implement and administer the PDDO
 350 program.

351 (b) Prescribe a standardized PDDO form.

352 (c) Provide the PDDO form in an electronic format on the
353 department's website and prominently state on the website the
354 requirements for a PDDO form as specified under paragraph
355 (3) (a).

356 (d) Consult with health care professional licensing
357 groups, provider advocacy groups, medical ethicists, and other
358 appropriate stakeholders on the development of rules and forms
359 to implement and administer the PDDO program.

360 (e) Recommend a uniform method of identifying persons who
361 have executed a PDDO form and providing health care providers
362 with contact information regarding the person's primary health
363 care provider.

364 (f) Oversee the education of health care providers
365 licensed by the department regarding implementation of the PDDO
366 program.

367 (g) Develop a process for collecting provider feedback to
368 enable periodic redesign of the PDDO form in accordance with
369 current health care best practices.

370 (3) DUTY TO COMPLY WITH PDDO; OUT-OF-STATE PDDO; LIMITED
371 IMMUNITY.—

372 (a) Emergency medical service personnel, health care
373 providers, physicians, and health care facilities, absent actual
374 notice of revocation or termination of a PDDO form, may comply
375 with the orders on a person's PDDO form, without regard to

376 whether the PDDO ordering provider is on the medical staff of
377 the treating health care facility. If the PDDO ordering provider
378 is not on the medical staff of the treating health care
379 facility, the PDDO form shall be reviewed by the treating health
380 care professional at the receiving facility with the patient or
381 the patient's health care surrogate, proxy, court-appointed
382 guardian, or attorney in fact permitted to execute a PDDO form
383 on behalf of a patient as provided in paragraph (1) (c) and made
384 into a medical order at the receiving facility, unless the PDDO
385 form is replaced or voided as provided in this act.

386 (b) A PDDO form from another state, absent actual notice
387 of revocation or termination, shall be presumed valid and shall
388 be effective in this state and shall be complied with to the
389 same extent as a PDDO form executed in this state.

390 (c) Any licensee, physician, medical director, or
391 emergency medical technician or paramedic who acts in good faith
392 on a PDDO is not subject to criminal prosecution or civil
393 liability, and has not engaged in negligent or unprofessional
394 conduct, as a result of carrying out the directives of the PDDO
395 made in accordance with this section and rules adopted by the
396 department.

397 (4) PATIENT TRANSFER; PDDO FORM REVIEW REQUIRED.—If a
398 patient whose goals and preferences for care have been entered
399 in a valid PDDO form is transferred from one health care
400 facility or level of care to another, the health care facility

401 or level of care initiating the transfer must communicate the
 402 existence of the PDDO form to the receiving facility or level of
 403 care before the transfer. Upon the patient's transfer, the
 404 treating health care provider at the receiving facility or level
 405 of care must review the PDDO form with the patient or, if the
 406 patient is incapacitated, the patient's health care surrogate,
 407 proxy, court-appointed guardian, or attorney in fact.

408 (5) CONFLICTS WITH ADVANCE DIRECTIVES.—To the extent that
 409 a directive made on a patient's PDDO form conflicts with another
 410 advance directive of the patient which addresses a substantially
 411 similar health care condition or treatment, the document most
 412 recently signed by the patient takes precedence. Such directives
 413 may include, but are not limited to:

- 414 (a) A living will.
- 415 (b) A health care power of attorney.
- 416 (c) A PDDO form for the specific medical condition or
 417 treatment.
- 418 (d) An order not to resuscitate.

419 (6) PDDO FORM NOT A PREREQUISITE.—A PDDO form may not be a
 420 prerequisite for receiving medical services or for admission to
 421 a health care facility. A health care facility or health care
 422 provider may not require an individual to complete, revise, or
 423 revoke a PDDO form as a condition of receiving medical services
 424 or treatment or as a condition of admission. The execution,
 425 revision, or revocation of a PDDO form must be a voluntary

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426 decision of the patient or, if the patient is incapacitated, the
427 patient's legal representative.

428 (7) REVOCATION OF A PDDO FORM.—

429 (a) A PDDO form may be revoked at any time by a patient
430 deemed to have capacity by means of:

431 1. A signed, dated writing;

432 2. The physical cancellation or destruction of the PDDO
433 form by the patient or by another in the patient's presence and
434 at the patient's direction;

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

436 4. A subsequently executed PDDO form or advance directive
437 that is materially different from a previously executed PDDO
438 form or advance directive.

439 (b) A surrogate, proxy, court-appointed guardian, or
440 attorney in fact permitted to execute a PDDO form on behalf of a
441 patient as provided in paragraph (1)(c) who created a PDDO form
442 for a patient may revoke a PDDO form at any time in a writing
443 signed by such surrogate, proxy, court-appointed guardian, or
444 attorney in fact.

445 (c) Any revocation of a PDDO form shall be promptly
446 communicated to the patient's primary health care provider,
447 primary physician, any health care facility at which the patient
448 is receiving care, and the Agency for Health Care Administration
449 for purposes of updating the database. Further, a health care
450 professional, surrogate, proxy, court-appointed guardian, or

451 attorney in fact who is informed of the revocation of a PDDO
 452 form shall promptly communicate the fact of the revocation to
 453 the patient's primary care physician, the current supervising
 454 health care professional, and any health care facility at which
 455 the patient is receiving care, to the extent known to the
 456 surrogate, proxy, court-appointed guardian, or attorney in fact.

457 (d) Upon revocation, a PDDO form shall be void. A PDDO
 458 form may only be revoked in its entirety. A partial revocation
 459 of a PDDO form renders the entirety of the PDDO form void.

460 (8) INSURANCE NOT AFFECTED.—The presence or absence of a
 461 PDDO form does not affect, impair, or modify a contract of life
 462 or health insurance or an annuity to which an individual is a
 463 party and may not serve as the basis for a delay in issuing or
 464 refusing to issue a policy of life or health insurance or an
 465 annuity or for an increase or decrease in premiums charged to
 466 the individual.

467 (9) INVALIDITY.—A PDDO form is invalid if payment or other
 468 remuneration was offered or made in exchange for execution of
 469 the form.

470 (10) DATABASE.—The Agency for Health Care Administration
 471 shall create and update a database for the storage of PDDO
 472 forms, which shall be stored solely at the option of the patient
 473 in electronic form by the department.

474 (11) CONSTRUCTION.—This section may not be construed to
 475 condone, authorize, or approve mercy killing or euthanasia. The

476 Legislature does not intend that this act be construed as
 477 authorizing an affirmative or deliberate act to end an
 478 individual's life, except to allow the natural process of dying.

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

481 429.255 Use of personnel; emergency care.—

482 (4) Facility staff may withhold or withdraw
 483 cardiopulmonary resuscitation or the use of an automated
 484 external defibrillator if presented with an order not to
 485 resuscitate executed pursuant to s. 401.45 or a patient-directed
 486 doctor's order (PDDO) form executed pursuant to s. 401.451 that
 487 contains an order not to resuscitate. The agency shall adopt
 488 rules providing for the implementation of such an order or PDDO
 489 form ~~orders~~. Facility staff and facilities are ~~may not be~~
 490 subject to criminal prosecution or civil liability, and are not
 491 ~~nor be~~ considered to have engaged in negligent or unprofessional
 492 conduct, for withholding or withdrawing cardiopulmonary
 493 resuscitation or the use of an automated external defibrillator
 494 pursuant to such an order or PDDO form and rules adopted by the
 495 agency. The absence of an order not to resuscitate executed
 496 pursuant to s. 401.45 or a PDDO form executed pursuant to s.
 497 401.451 that contains an order not to resuscitate does not
 498 preclude a physician from withholding or withdrawing
 499 cardiopulmonary resuscitation or the use of an automated
 500 external defibrillator as otherwise authorized ~~permitted~~ by law.

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

503 429.73 Rules and standards relating to adult family-care
 504 homes.—

505 (3) The agency shall adopt rules providing for the
 506 implementation of orders not to resuscitate and patient-directed
 507 doctor's order (PDDO) forms executed pursuant to s. 401.451 that
 508 contain orders not to resuscitate. The provider may withhold or
 509 withdraw cardiopulmonary resuscitation if presented with an
 510 order not to resuscitate executed pursuant to s. 401.45 or a
 511 PDDO form executed pursuant to s. 401.451 that contains an order
 512 not to resuscitate. The provider is ~~shall~~ not ~~be~~ subject to
 513 criminal prosecution or civil liability, and is not ~~nor be~~
 514 considered to have engaged in negligent or unprofessional
 515 conduct, for withholding or withdrawing cardiopulmonary
 516 resuscitation pursuant to such an order or PDDO form and
 517 applicable rules.

518 Section 11. Subsections (7) and (8) of section 456.072,
 519 Florida Statutes, are renumbered as subsections (8) and (9),
 520 respectively, and a new subsection (7) is added to that section
 521 to read:

522 456.072 Grounds for discipline; penalties; enforcement.—

523 (7) A licensee may withhold or withdraw cardiopulmonary
 524 resuscitation or the use of an automated external defibrillator
 525 if presented with an order not to resuscitate executed pursuant

526 to s. 401.45 or a patient-directed doctor's order (PDDO) form
 527 executed pursuant to s. 401.451 that contains an order not to
 528 resuscitate. The department shall adopt rules providing for the
 529 implementation of such order or form. A licensee is not subject
 530 to criminal prosecution or civil liability, and is not
 531 considered to have engaged in negligent or unprofessional
 532 conduct, for withholding or withdrawing cardiopulmonary
 533 resuscitation or the use of an automated external defibrillator
 534 if presented with such an order or PDDO form. The absence of
 535 such an order or PDDO form does not preclude a licensee from
 536 withholding or withdrawing cardiopulmonary resuscitation or the
 537 use of an automated external defibrillator as otherwise
 538 authorized by law.

539 Section 12. Paragraph (c) of subsection (1) of section
 540 765.205, Florida Statutes, is amended to read:

541 765.205 Responsibility of the surrogate.—

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

545 (c) Provide written consent using an appropriate form
 546 whenever consent is required, including a physician's order not
 547 to resuscitate or a patient-directed doctor's order (PDDO) form
 548 executed pursuant to s. 401.451 that contains an order not to
 549 resuscitate.

550 Section 13. This act shall take effect July 1, 2024.