

By the Appropriations Committee on Health and Human Services;
and Senator Burton

603-02535-25

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1 A bill to be entitled
2 An act relating to nonopioid advance directives;
3 amending s. 765.1103, F.S.; requiring the Department
4 of Health to develop a voluntary nonopioid advance
5 directive form for a specified purpose and make the
6 form available on its website; providing requirements
7 for the form; providing for the valid execution of the
8 form; requiring that the form be filed in the
9 patient's medical record with the facility or provider
10 of the patient's choosing; authorizing a patient to
11 revoke the form for any reason, verbally or in
12 writing; providing health care providers with immunity
13 from civil and criminal liability for failing to act
14 in accordance with an advance directive under certain
15 circumstances; providing exceptions; defining the term
16 "medical emergency situation"; providing an effective
17 date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Subsection (3) is added to section 765.1103,
22 Florida Statutes, to read:

23 765.1103 Pain management and palliative care.—

24 (3) (a) The Department of Health shall develop a voluntary
25 nonopioid advance directive form that allows a person to
26 indicate to a treating health care provider that he or she does
27 not want to be prescribed or administered an opioid drug for
28 pain management or palliative care in the event that he or she
29 should become incapacitated and is unable to personally direct

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30 his or her health care. The department shall make the form
31 available on its website. The form must indicate to a treating
32 health care provider that the person may not be prescribed or
33 administered an opioid drug.

34 (b) A valid nonopioid advance directive form must be signed
35 by both the patient and a physician licensed under chapter 458
36 or chapter 459. The form must be filed in the patient's medical
37 record, either with a health care facility of the patient's
38 choosing or the patient's primary care physician, or both, and
39 is transferable to another facility or provider upon the
40 patient's request.

41 (c) A person may, verbally or in writing, revoke the
42 voluntary nonopioid advance directive form for any reason.

43 (d) A health care provider without actual knowledge of a
44 patient's nonopioid advance directive form who prescribes,
45 administers, or orders an opioid for the patient in a medical
46 emergency situation is not civilly or criminally liable for
47 failing to act in accordance with the directive unless the act
48 or omission was the result of a provider's gross negligence or
49 willful misconduct. For purposes of this paragraph, the term
50 "medical emergency situation" includes an emergency medical
51 condition and emergency services and care, as those terms are
52 defined in s. 395.002.

53 Section 2. This act shall take effect July 1, 2025.