



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

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**Section 1. Subsections (15) through (22) of section 765.101, Florida Statutes, are renumbered as subsections (16) through (23), respectively, subsections (1) and (7) are amended, and a new subsection (15) is added to that section, to read:**

765.101 Definitions.—As used in this chapter:

(1) "Advance directive" means a witnessed written document or oral statement in which instructions are given by a principal or in which the principal's desires are expressed concerning any aspect of the principal's health care or health information, and includes, but is not limited to, the designation of a health care surrogate, a living will, or an anatomical gift made pursuant to part V of this chapter. An advance directive may also include a patient-directed medical order.

(7) "Health care facility" means a hospital, nursing home, hospice, home health agency, or health maintenance organization licensed in this state, a ~~or any~~ facility subject to part I of chapter 394, or an assisted living facility or adult family-care home licensed under chapter 429.

(15) "Patient-directed medical order" means a medical order created by the principal in collaboration with a physician, a physician assistant, or an advanced practice registered nurse registered under s. 464.0123 which is portable across health care settings and accessible in a volunteer,

51 online registry.

52 **Section 2. Subsection (6) of section 765.102, Florida**  
53 **Statutes, is amended to read:**

54 765.102 Legislative findings and intent.—

55 (6) For purposes of this chapter:

56 (a) Palliative care is the comprehensive management of the  
57 physical, psychological, social, spiritual, and existential  
58 needs of patients. Palliative care is especially suited to the  
59 care of persons who have incurable or progressive illnesses.

60 (b) Palliative care may ~~must~~ include:

61 1. An opportunity to discuss and plan for end-of-life  
62 care.

63 2. Assurance that physical and mental suffering will be  
64 carefully attended to.

65 3. Assurance that preferences for withholding and  
66 withdrawing life-sustaining interventions will be honored.

67 4. Assurance that the personal goals of the dying person  
68 will be addressed.

69 5. Assurance that the dignity of the dying person will be  
70 a priority.

71 6. Assurance that health care providers will not abandon  
72 the dying person.

73 7. Assurance that the burden to family and others will be  
74 addressed.

75 8. Assurance that advance directives for care, orders not

76 | to resuscitate executed pursuant to s. 401.45, and patient-  
 77 | directed medical orders executed pursuant to s. 765.3041 will be  
 78 | respected regardless of the location of care.

79 | 9. Assurance that organizational mechanisms are in place  
 80 | to evaluate the availability and quality of end-of-life,  
 81 | palliative, and hospice care services, including the evaluation  
 82 | of administrative and regulatory barriers.

83 | 10. Assurance that necessary health care services will be  
 84 | provided and that relevant reimbursement policies are available.

85 | 11. Assurance that the goals expressed in subparagraphs  
 86 | 1.-10. will be accomplished in a culturally appropriate manner.

87 | **Section 3. Section 765.3041, Florida Statutes, is created**  
 88 | **to read:**

89 | 765.3041 Patient-directed medical orders.-

90 | (1) To facilitate a principal's instructions concerning  
 91 | treatment preferences, a patient-directed medical order may be  
 92 | executed in advance to direct the actions of health care  
 93 | providers and health care facilities.

94 | (2) A valid patient-directed medical order must:

95 | (a) Be on a form adopted by rule of the Department of  
 96 | Health and may be combined with an order not to resuscitate  
 97 | executed pursuant to s. 401.45. The form must:

98 | 1. Address medical interventions to be withheld or  
 99 | withdrawn when the application of life-prolonging procedures  
 100 | would serve only to prolong artificially the process of dying.

101        2. Be signed by the principal and the principal's  
102 physician, physician assistant, or advanced practice registered  
103 nurse registered under s. 464.0123.

104        a. If the principal is physically unable to sign the form,  
105 the physician, physician assistant, or advanced practice  
106 registered nurse present at the discussion as required by  
107 subparagraph (b)2. may subscribe the principal's signature in  
108 the principal's presence and at the principal's direction. If  
109 telehealth is used, the physician, physician assistant, or  
110 advanced practice registered nurse may be present at either  
111 location where telehealth is being administered.

112        b. If the principal is incapacitated, the form may be  
113 signed by the principal's health care surrogate or proxy, court-  
114 appointed guardian as provided in chapter 744, or attorney in  
115 fact under a durable power of attorney as provided in chapter  
116 709. The court-appointed guardian or attorney in fact must be  
117 delegated authority to make health care decisions on behalf of  
118 the principal.

119        c. All signatures may be electronic signatures.

120        (b) Clearly express the principal's preferences and  
121 instructions for care, which may include all treatments  
122 available, modified treatments that are not prolonged or  
123 burdensome, or comfort measures that do not pursue or continue  
124 interventions.

125        1. The principal and a physician, a physician assistant,

126 or an advanced practice registered nurse registered under s.  
127 464.0123 must discuss the principal's medical treatment wishes  
128 relating to medical interventions to be withheld or withdrawn  
129 based on the principal's values and preferences in the event the  
130 principal becomes unable to make her or his own decisions.

131 2. The discussion must be in person and may be conducted  
132 using telehealth.

133 (3) Regardless of the decision to withhold or withdraw  
134 life-prolonging procedures, necessary health care services must  
135 be provided for the care and comfort of the principal or to  
136 alleviate pain.

137 (4) A physician, a physician assistant, or an advanced  
138 practice registered nurse registered under s. 464.0123 may  
139 withhold or withdraw cardiopulmonary resuscitation or other  
140 life-prolonging procedures if presented with an order not to  
141 resuscitate executed pursuant to s. 401.45 or a patient-directed  
142 medical order executed pursuant to this section which contains  
143 an order not to resuscitate or an order to withhold or withdraw  
144 life-prolonging procedures. A physician, a physician assistant,  
145 or an advanced practice registered nurse registered under s.  
146 464.0123 is not subject to any disciplinary action under s.  
147 456.072 or criminal prosecution or civil liability, or  
148 considered to have engaged in negligent or unprofessional  
149 conduct, for withholding or withdrawing cardiopulmonary  
150 resuscitation or other life-prolonging procedures pursuant to

151 such orders. The absence of an order not to resuscitate executed  
 152 pursuant to s. 401.45 or a patient-directed medical order  
 153 executed pursuant to this section does not preclude a physician,  
 154 a physician assistant, or an advanced practice registered nurse  
 155 registered under s. 464.0123 from withholding or withdrawing  
 156 cardiopulmonary resuscitation or other life-prolonging  
 157 procedures as otherwise authorized by law.

158 **Section 4. Paragraph (1) of subsection (3) of section**  
 159 **395.1041, Florida Statutes, is amended to read:**

160 395.1041 Access to and ensurance of emergency services;  
 161 transfers; patient rights; diversion programs; reports of  
 162 controlled substance overdoses.—

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

165 (1) Hospital personnel may withhold or withdraw  
 166 cardiopulmonary resuscitation or other life-prolonging  
 167 procedures if presented with an order not to resuscitate  
 168 executed pursuant to s. 401.45 or a patient-directed medical  
 169 order executed pursuant to s. 765.3041 which contains an order  
 170 not to resuscitate or an order to withhold or withdraw life-  
 171 prolonging procedures. Facility staff and facilities are ~~shall~~  
 172 ~~be~~ subject to criminal prosecution or civil liability, or  
 173 ~~nor be~~ considered to have engaged in negligent or unprofessional  
 174 conduct, for withholding or withdrawing cardiopulmonary  
 175 resuscitation or other life-prolonging procedures pursuant to

176 such orders ~~an order~~. The absence of an order not to resuscitate  
177 executed pursuant to s. 401.45 or a patient-directed medical  
178 order executed pursuant to s. 765.3041 does not preclude a  
179 physician from withholding or withdrawing cardiopulmonary  
180 resuscitation or other life-prolonging procedures as otherwise  
181 authorized ~~permitted~~ by law.

182 **Section 5. Subsection (3) of section 400.142, Florida**  
183 **Statutes, is amended to read:**

184 400.142 Emergency medication kits; orders not to  
185 resuscitate and patient-directed medical orders.-

186 (3) Facility staff may withhold or withdraw  
187 cardiopulmonary resuscitation or other life-prolonging  
188 procedures if presented with an order not to resuscitate  
189 executed pursuant to s. 401.45 or a patient-directed medical  
190 order executed pursuant to s. 765.3041 which contains an order  
191 not to resuscitate or an order to withhold or withdraw life-  
192 prolonging procedures. Facility staff and facilities are not  
193 subject to criminal prosecution or civil liability, or  
194 considered to have engaged in negligent or unprofessional  
195 conduct, for withholding or withdrawing cardiopulmonary  
196 resuscitation or other life-prolonging procedures pursuant to  
197 such orders ~~order~~. The absence of an order not to resuscitate  
198 executed pursuant to s. 401.45 or a patient-directed medical  
199 order executed pursuant to s. 765.3041 does not preclude a  
200 physician from withholding or withdrawing cardiopulmonary



201 resuscitation or other life-prolonging procedures as otherwise  
 202 authorized ~~permitted~~ by law.

203 **Section 6. Subsection (7) of section 400.487, Florida**  
 204 **Statutes, is amended to read:**

205 400.487 Home health service agreements; physician's,  
 206 physician assistant's, and advanced practice registered nurse's  
 207 treatment orders; patient assessment; establishment and review  
 208 of plan of care; provision of services; orders not to  
 209 resuscitate and patient-directed medical orders.—

210 (7) Home health agency personnel may withhold or withdraw  
 211 cardiopulmonary resuscitation or other life-prolonging  
 212 procedures if presented with an order not to resuscitate  
 213 executed pursuant to s. 401.45 or a patient-directed medical  
 214 order executed pursuant to s. 765.3041 which contains an order  
 215 not to resuscitate or an order to withhold or withdraw life-  
 216 prolonging procedures. The agency shall adopt rules providing  
 217 for the implementation of such orders. Home health personnel and  
 218 agencies are ~~shall~~ not ~~be~~ subject to criminal prosecution or  
 219 civil liability, or ~~nor~~ ~~be~~ considered to have engaged in  
 220 negligent or unprofessional conduct, for withholding or  
 221 withdrawing cardiopulmonary resuscitation or other life-  
 222 prolonging procedures pursuant to such orders ~~an order~~ and rules  
 223 adopted by the agency. The absence of an order not to  
 224 resuscitate executed pursuant to s. 401.45 or a patient-directed  
 225 medical order executed pursuant to s. 765.3041 does not preclude

226 a physician from withholding or withdrawing cardiopulmonary  
 227 resuscitation or other life-prolonging procedures as otherwise  
 228 authorized by law.

229 **Section 7. Paragraph (e) of subsection (1) of section**  
 230 **400.605, Florida Statutes, is amended to read:**

231 400.605 Administration; forms; fees; rules; inspections;  
 232 fines.—

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

236 (e) Procedures relating to the implementation of advance  
 237 advanced directives, patient-directed medical orders executed  
 238 pursuant to s. 765.3041, and ~~do not resuscitate~~ orders not to  
 239 resuscitate executed pursuant to s. 401.45.

240 **Section 8. Subsection (8) of section 400.6095, Florida**  
 241 **Statutes, is amended to read:**

242 400.6095 Patient admission; assessment; plan of care;  
 243 discharge; death.—

244 (8) The hospice care team may withhold or withdraw  
 245 cardiopulmonary resuscitation or other life-prolonging  
 246 procedures if presented with an order not to resuscitate  
 247 executed pursuant to s. 401.45 or a patient-directed medical  
 248 order executed pursuant to s. 765.3041 which contains an order  
 249 not to resuscitate or an order to withhold or withdraw life-  
 250 prolonging procedures. The agency shall adopt rules providing

251 for the implementation of such orders. Hospice staff are ~~shall~~  
 252 not ~~be~~ subject to criminal prosecution or civil liability, or  
 253 ~~nor be~~ considered to have engaged in negligent or unprofessional  
 254 conduct, for withholding or withdrawing cardiopulmonary  
 255 resuscitation or other life-prolonging procedures pursuant to  
 256 such orders ~~an order~~ and applicable rules. The absence of an  
 257 order not to resuscitate executed pursuant to s. 401.45 or a  
 258 patient-directed medical order executed pursuant to s. 765.3041  
 259 does not preclude a physician from withholding or withdrawing  
 260 cardiopulmonary resuscitation or other life-prolonging  
 261 procedures as otherwise authorized ~~permitted~~ by law.

262 **Section 9. Paragraph (b) of subsection (4) of section**  
 263 **400.611, Florida Statutes, is amended to read:**

264 400.611 Interdisciplinary records of care;  
 265 confidentiality; release of records.—

266 (4) A hospice may not release a patient's  
 267 interdisciplinary record or any portion thereof, unless the  
 268 person requesting the information provides to the hospice:

269 (b) In the case of an incapacitated patient, a patient  
 270 authorization executed before ~~prior to~~ the patient's death by  
 271 the patient's then acting legal guardian, health care surrogate  
 272 as defined in s. 765.101 ~~s. 765.101(21)~~, health care proxy as  
 273 defined in s. 765.101 ~~s. 765.101(19)~~, or agent under power of  
 274 attorney;

275 **Section 10. Subsection (4) of section 401.35, Florida**

276 **Statutes, is amended to read:**

277 401.35 Rules.—The department shall adopt rules, including  
 278 definitions of terms, necessary to carry out the purposes of  
 279 this part.

280 (4) The rules must establish circumstances and procedures  
 281 under which emergency medical technicians and paramedics may  
 282 honor orders not to resuscitate executed pursuant to s. 401.45  
 283 or patient-directed medical orders executed pursuant to s.  
 284 765.3041 which contains an order not to resuscitate or an order  
 285 to withhold or withdraw life-prolonging procedures by the  
 286 patient's physician, physician assistant, or advanced practice  
 287 registered nurse registered under s. 464.0123 ~~not to resuscitate~~  
 288 and the documentation and reporting requirements for handling  
 289 such orders ~~requests~~.

290 **Section 11. Paragraphs (a) and (b) of subsection (3) of**  
 291 **section 401.45, Florida Statutes, are amended to read:**

292 401.45 Denial of emergency treatment; civil liability.—  
 293 (3) (a) ~~Resuscitation may be withheld or withdrawn from a~~  
 294 ~~patient by~~ An emergency medical technician or paramedic may  
 295 withhold or withdraw cardiopulmonary resuscitation or other  
 296 life-prolonging procedures if presented with ~~evidence of~~ an  
 297 order not to resuscitate executed pursuant to this subsection or  
 298 a patient-directed medical order executed pursuant to s.  
 299 765.3041 which contains an order not to resuscitate or an order  
 300 to withhold or withdraw life-prolonging procedures ~~by the~~

301 ~~patient's physician or physician assistant is presented to the~~  
302 ~~emergency medical technician or paramedic. An order not to~~  
303 ~~resuscitate~~ executed pursuant to this subsection or a patient-  
304 directed medical order executed pursuant to s. 765.3041 which  
305 contains an order not to resuscitate or an order to withhold or  
306 withdraw life-prolonging procedures, to be valid, must be on the  
307 form adopted by rule of the department. The form must be signed  
308 by the patient's physician, ~~or~~ physician assistant, or advanced  
309 practice registered nurse registered under s. 464.0123 and by  
310 the patient or, if the patient is incapacitated, the patient's  
311 health care surrogate or proxy as provided in chapter 765,  
312 court-appointed guardian as provided in chapter 744, or attorney  
313 in fact under a durable power of attorney as provided in chapter  
314 709. The court-appointed guardian or attorney in fact must have  
315 been delegated authority to make health care decisions on behalf  
316 of the patient.

317 (b) Any licensee, physician, medical director, or  
318 emergency medical technician or paramedic who acts under the  
319 direction of a medical director is not subject to criminal  
320 prosecution or civil liability, and has not engaged in negligent  
321 or unprofessional conduct, as a result of the withholding or  
322 withdrawal of cardiopulmonary resuscitation or other life-  
323 prolonging procedures from a patient pursuant to this subsection  
324 and rules adopted by the department.

325 **Section 12. Subsection (4) of section 429.255, Florida**

326 **Statutes, is amended to read:**

327 429.255 Use of personnel; emergency care.—

328 (4) Facility staff may withhold or withdraw  
 329 cardiopulmonary resuscitation, ~~or~~ the use of an automated  
 330 external defibrillator, or other life-prolonging procedures if  
 331 presented with an order not to resuscitate executed pursuant to  
 332 s. 401.45 or a patient-directed medical order executed pursuant  
 333 to s. 765.3041 which contains an order not to resuscitate or an  
 334 order to withhold or withdraw life-prolonging procedures. The  
 335 agency shall adopt rules providing for the implementation of  
 336 such orders. Facility staff and facilities are ~~may~~ ~~be~~  
 337 subject to criminal prosecution or civil liability, or ~~nor be~~  
 338 considered to have engaged in negligent or unprofessional  
 339 conduct, for withholding or withdrawing cardiopulmonary  
 340 resuscitation, the ~~or~~ use of an automated external  
 341 defibrillator, or other life-prolonging procedures pursuant to  
 342 such orders ~~an order~~ and rules adopted by the agency. The  
 343 absence of an order not to resuscitate executed pursuant to s.  
 344 401.45 or a patient-directed medical order executed pursuant to  
 345 s. 765.3041 does not preclude a physician from withholding or  
 346 withdrawing cardiopulmonary resuscitation, the ~~or~~ use of an  
 347 automated external defibrillator, or other life-prolonging  
 348 procedures as otherwise authorized ~~permitted~~ by law.

349 **Section 13. Subsection (3) of section 429.73, Florida**  
 350 **Statutes, is amended to read:**

351 429.73 Rules and standards relating to adult family-care  
352 homes.—

353 (3) The agency shall adopt rules providing for the  
354 implementation of orders not to resuscitate and patient-directed  
355 medical orders. The provider may withhold or withdraw  
356 cardiopulmonary resuscitation or other life-prolonging  
357 procedures if presented with an order not to resuscitate  
358 executed pursuant to s. 401.45 or a patient-directed medical  
359 order executed pursuant to s. 765.3041 which contains an order  
360 not to resuscitate or an order to withhold or withdraw life-  
361 prolonging procedures. The provider is ~~shall~~ not ~~be~~ subject to  
362 criminal prosecution or civil liability, or ~~nor be~~ considered to  
363 have engaged in negligent or unprofessional conduct, for  
364 withholding or withdrawing cardiopulmonary resuscitation or  
365 other life-prolonging procedures pursuant to such orders ~~an~~  
366 ~~order~~ and applicable rules. The absence of an order not to  
367 resuscitate executed pursuant to s. 401.45 or a patient-directed  
368 medical order executed pursuant to s. 765.3041 does not preclude  
369 a physician from withholding or withdrawing cardiopulmonary  
370 resuscitation or other life-prolonging procedures as otherwise  
371 authorized by law.

372 **Section 14. Subsections (1), (7), and (8) of section**  
373 **744.4431, Florida Statutes, are amended to read:**

374 744.4431 Guardianship power regarding life-prolonging  
375 procedures.—

376 (1) Except as provided in this section, decisions by a  
377 professional guardian, as defined in s. 744.102, to withhold or  
378 withdraw life-prolonging procedures from, or to execute an order  
379 not to resuscitate pursuant to s. 401.45 or a patient-directed  
380 medical order pursuant to s. 765.3041 which contains an order  
381 not to resuscitate or an order to withhold or withdraw life-  
382 prolonging procedures for, a ward must be approved by the court.  
383 A professional guardian appointed to act on behalf of a ward's  
384 person must petition the court pursuant to the Florida Probate  
385 Rules for authority to consent to withhold or withdraw life-  
386 prolonging procedures or to execute an order not to resuscitate  
387 pursuant to s. 401.45 or a patient-directed medical order  
388 pursuant to s. 765.3041. Court approval must be obtained before  
389 taking such action, except as provided in subsection (7).

390 (7) Court approval is not required for the following  
391 decisions:

392 (a) A decision to withhold or withdraw life-prolonging  
393 procedures made by a professional guardian to whom authority has  
394 been granted by the court under s. 744.3115 to carry out the  
395 instructions in or to take actions consistent with the ward's  
396 advance directive, order not to resuscitate executed pursuant to  
397 s. 401.45, or patient-directed medical order executed pursuant  
398 to s. 765.3041 which contains an order not to resuscitate or an  
399 order to withhold or withdraw life-prolonging procedures, as  
400 long as there are no known objections from the ward; the ward's



401 attorney; the ward's next of kin, if known; and any other  
402 interested persons as the court may direct based on s.  
403 765.105(1).

404 (b) A decision by a professional guardian who has been  
405 delegated health care decisionmaking authority to execute an  
406 order not to resuscitate pursuant to s. 401.45 or a patient-  
407 directed medical order pursuant to s. 765.3041, ~~as described in~~  
408 ~~s. 401.45(3)(a)~~, if the ward is in a hospital and the following  
409 conditions are met:

410 1. The ward's primary treating physician and at least one  
411 other consulting physician document in the ward's medical record  
412 that:

413 a. There is no reasonable medical probability for recovery  
414 from or a cure of the ward's underlying medical condition;

415 b. The ward is in an end-stage condition, a terminal  
416 condition, or a persistent vegetative state as those terms are  
417 defined in s. 765.101, and that the ward's death is imminent;  
418 and

419 c. Resuscitation will cause the ward physical harm or  
420 additional pain.

421 2. The professional guardian has notified the ward's next  
422 of kin, if known, and any interested persons as the court may  
423 direct and the decision is not contrary to the ward's expressed  
424 wishes and there are no known objections from the ward; the  
425 ward's attorney; the ward's next of kin, if known; or any other

426 interested persons as the court may direct on the basis of s.  
 427 765.105(1).

428 (8) Within 2 business days after executing an order not to  
 429 resuscitate pursuant to s. 401.45 or a patient-directed medical  
 430 order pursuant to s. 765.3041 which contains an order not to  
 431 resuscitate or an order to withhold or withdraw life-prolonging  
 432 procedures under paragraph (7)(b), a professional guardian must  
 433 notify the court in writing of all of the following:

434 (a) The date the order not to resuscitate or patient-  
 435 directed medical order was executed.

436 (b) The location of the ward when the order not to  
 437 resuscitate or patient-directed medical order was executed.

438 (c) The names of the physicians who documented the ward's  
 439 condition in the ward's medical record.

440 **Section 15. Subsection (3) of section 752.001, Florida**  
 441 **Statutes, is amended to read:**

442 752.001 Definitions.—As used in this chapter, the term:

443 (3) "Persistent vegetative state" has the same meaning as  
 444 ~~provided in s. 765.101 s. 765.101(15).~~

445 **Section 16. Subsections (1) and (4) of section 765.110,**  
 446 **Florida Statutes, are amended to read:**

447 765.110 Health care facilities and providers; discipline.—

448 (1) A health care facility must, ~~pursuant to Pub. L. No.~~  
 449 ~~101-508, ss. 4206 and 4751, shall~~ provide to each patient  
 450 written information concerning the individual's rights

451 concerning advance directives, orders not to resuscitate  
452 executed pursuant to s. 401.45, or patient-directed medical  
453 orders executed pursuant to s. 765.3041 which contains an order  
454 not to resuscitate or an order to withhold or withdraw life-  
455 prolonging procedures and the health care facility's policies  
456 respecting the implementation of such rights, and shall document  
457 in the patient's medical records whether ~~or not~~ the individual  
458 has executed an advance directive, an order not to resuscitate  
459 pursuant to s. 401.45, or a patient-directed medical order  
460 pursuant to s. 765.3041 which contains an order not to  
461 resuscitate or an order to withhold or withdraw life-prolonging  
462 procedures.

463 (4) The Department of Health, in consultation with the  
464 Department of Elderly Affairs, for health care providers; the  
465 Agency for Health Care Administration for hospitals, hospices,  
466 nursing homes, home health agencies, assisted living facilities,  
467 adult family-care homes, and health maintenance organizations;  
468 and the Department of Children and Families for facilities  
469 subject to part I of chapter 394 shall adopt rules to implement  
470 this section.

471 **Section 17. Subsection (3) of section 765.204, Florida**  
472 **Statutes, is amended to read:**

473 765.204 Capacity of principal; procedure.—

474 (3) The surrogate's authority commences either upon a  
475 determination under subsection (2) that the principal lacks

476 capacity or upon a stipulation of such authority pursuant to s.  
477 765.101 ~~s. 765.101(21)~~. Such authority remains in effect until a  
478 determination that the principal has regained such capacity, if  
479 the authority commenced as a result of incapacity, or until the  
480 authority is revoked, if the authority commenced immediately  
481 pursuant to s. 765.101 ~~s. 765.101(21)~~. Upon commencement of the  
482 surrogate's authority, a surrogate who is not the principal's  
483 spouse shall notify the principal's spouse or adult children of  
484 the principal's designation of the surrogate. Except if the  
485 principal provided immediately exercisable authority to the  
486 surrogate pursuant to s. 765.101 ~~s. 765.101(21)~~, in the event  
487 that the primary or attending physician determines that the  
488 principal has regained capacity, the authority of the surrogate  
489 shall cease, but recommences if the principal subsequently loses  
490 capacity as determined pursuant to this section. A health care  
491 provider is not liable for relying upon health care decisions  
492 made by a surrogate while the principal lacks capacity. At any  
493 time when a principal lacks capacity, a health care decision  
494 made on the principal's behalf by a surrogate is effective to  
495 the same extent as a decision made by the principal. If a  
496 principal possesses capacity, health care decisions of the  
497 principal take precedence over decisions made by the surrogate  
498 that present a material conflict.

499 **Section 18. Paragraph (c) of subsection (1) of section**  
500 **765.205, Florida Statutes, is amended to read:**

501 765.205 Responsibility of the surrogate.—

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

505 (c) Provide written consent using an appropriate form  
506 whenever consent is required, including the execution of an a  
507 physician's order not to resuscitate pursuant to s. 401.45 or a  
508 patient-directed medical order pursuant to s. s. 765.3041 which  
509 contains an order not to resuscitate or an order to withhold or  
510 withdraw life-prolonging procedures.

511 **Section 19. Subsection (2) of section 765.305, Florida**  
512 **Statutes, is amended to read:**

513 765.305 Procedure in absence of a living will.—

514 (2) Before exercising the incompetent patient's right to  
515 forego treatment, including the execution of an order not to  
516 resuscitate pursuant to s. 401.45 or a patient-directed medical  
517 order pursuant to s. 765.3041 which contains an order not to  
518 resuscitate or an order to withhold or withdraw life-prolonging  
519 procedures, the surrogate must be satisfied that:

520 (a) The patient does not have a reasonable medical  
521 probability of recovering capacity so that the right could be  
522 exercised by the patient.

523 (b) The patient has an end-stage condition, the patient is  
524 in a persistent vegetative state, or the patient's physical  
525 condition is terminal.

526           **Section 20.** The Agency for Health Care Administration  
527 shall create and update a database for the storage of patient-  
528 directed medical orders, which shall be stored solely at the  
529 option of the patient in electronic form by the agency.

530           **Section 21.** This act shall take effect July 1, 2025.