

HOUSE MESSAGE SUMMARY

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BILL: CS/CS/SB 374
SPONSOR: Senator Carlton
SUBJECT: Elderly persons and disabled adults
PREPARED BY: Senate Committee on Children and Families
DATE: May 3, 2001

I. Amendments Contained in Message:

Amendment 1 – 501593 (body and title)

II. Summary of Amendments Contained in Message:

Amendment 1 amends s. 765.401(3), F. S., to specify that a guardian ad litem not related to the patient must represent the patient's interest in the decision process by a proxy about withholding or withdrawing life-prolonging procedures for an incapacitated patient. The appointment of a guardian ad litem for this purpose results in an indeterminate cost to the court.

Amendment 1 also amends s. 744.3215, F.S., the rights of persons determined incapacitated, by stating that a guardian may not consent to or direct on behalf of the ward to withdraw or withhold life-prolonging procedures without first obtaining specific authority from the court under s. 744.3725, F.S., and complying with chapter 765, F.S. Section 744.3725, F.S., requires that the court meet personally with an incapacitated person to obtain its own impression of the person's capacity. This provision will create a judicial review for persons in a persistent vegetative state, in addition to the non-judicial review specified in s. 765.404, F.S. Indeterminate costs to the court system will result because of these new hearings and because the court must visit the patient in a setting outside the courtroom.