

By Senator Gruters

22-00439-24

2024390__

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 of hospitals, nursing
5 homes, and home health agencies, respectively, to
6 withhold or withdraw cardiopulmonary resuscitation if
7 presented with a patient-directed doctor's order
8 (PDDO) form that contains an order not to resuscitate;
9 providing such personnel and their employing
10 facilities and agencies with immunity from criminal
11 prosecution or civil liability for such actions;
12 revising construction; amending s. 400.605, F.S.;
13 requiring the Agency for Health Care Administration to
14 adopt by rule procedures for the implementation of
15 PDDO forms in hospice care; amending s. 400.6095,
16 F.S.; authorizing hospice care teams to withhold or
17 withdraw cardiopulmonary resuscitation if presented
18 with a PDDO form that contains an order not to
19 resuscitate; providing hospice staff with immunity
20 from criminal prosecution or civil liability for such
21 actions; revising construction; amending s. 401.35,
22 F.S.; requiring the Department of Health to establish
23 by rule circumstances and procedures under which
24 emergency medical technicians and paramedics may honor
25 PDDO forms; amending s. 401.45, F.S.; authorizing
26 emergency medical personnel and other health care
27 professionals to withhold or withdraw cardiopulmonary
28 resuscitation or other forms of medical interventions
29 if presented with a PDDO form that contains an order

22-00439-24

2024390__

30 not to resuscitate; conforming provisions to changes
31 made by the act; prohibiting physician assistants from
32 signing PDDO forms under certain circumstances;
33 creating s. 401.451, F.S.; requiring a patient-
34 directed doctor's order to be on a form adopted by
35 department rule; specifying requirements for the form;
36 authorizing a legal representative to revoke a PDDO
37 form on behalf of a patient, with an exception;
38 providing legal representatives with immunity from
39 criminal and civil liability for, in good faith,
40 executing a PDDO form on behalf of a patient;
41 providing for expedited judicial intervention under
42 certain circumstances; providing duties of the
43 department; providing for the recognition of PDDO
44 forms executed by a provider from a different health
45 care facility or from another state under certain
46 circumstances; providing specified health care
47 professionals immunity from criminal or civil
48 liability for acting in good faith to comply with a
49 PDDO; requiring health care facilities that receive a
50 patient transfer to review the patient's PDDO form, if
51 any; specifying which document takes precedence when
52 directives in PDDO forms conflict with other advance
53 directives; prohibiting health care facilities and
54 health care providers from requiring execution,
55 revision, or revocation of a PDDO form to receive
56 medical services or for admission to the facility;
57 providing for the revocation of PDDO forms under
58 certain circumstances; providing that the presence or

22-00439-24

2024390__

59 absence of PDDO forms does not affect, impair, or
60 modify certain insurance contracts and may not be the
61 basis for delaying issuance of or refusing to issue
62 certain insurance policies or for modifying premiums;
63 specifying that PDDO forms are invalid if executed in
64 exchange for payment or other remuneration; requiring
65 the agency to create and maintain a database for the
66 optional storage of PDDO forms by the department;
67 providing construction; amending s. 429.255, F.S.;
68 authorizing assisted living facility personnel to
69 withhold or withdraw cardiopulmonary resuscitation or
70 the use of an automated external defibrillator if
71 presented with a PDDO form that contains an order not
72 to resuscitate; providing facility staff and
73 facilities with immunity from criminal prosecution or
74 civil liability for such actions; providing that the
75 absence of a PDDO form does not preclude physicians
76 from withholding or withdrawing cardiopulmonary
77 resuscitation or the use of an automated external
78 defibrillator; amending s. 429.73, F.S.; requiring the
79 agency to adopt rules for the implementation of PDDO
80 forms in adult family-care homes; authorizing
81 providers of such homes to withhold or withdraw
82 cardiopulmonary resuscitation if presented with a PDDO
83 form that contains an order not to resuscitate;
84 providing such providers with immunity from criminal
85 prosecution or civil liability for such actions;
86 amending s. 456.072, F.S.; authorizing licensees to
87 withhold or withdraw cardiopulmonary resuscitation or

22-00439-24

2024390__

88 the use of an automated external defibrillator if
89 presented with orders not to resuscitate or a PDDO
90 form that contains an order not to resuscitate;
91 requiring the department to adopt rules providing for
92 the implementation of such orders or forms; providing
93 licensees with immunity from criminal prosecution or
94 civil liability for withholding or withdrawing
95 cardiopulmonary resuscitation or the use of an
96 automated external defibrillator if presented with
97 such orders or forms; providing that the absence of
98 such orders or forms does not preclude licensees from
99 withholding or withdrawing cardiopulmonary
100 resuscitation or the use of an automated external
101 defibrillator; amending s. 765.205, F.S.; requiring
102 health care surrogates to provide written consent for
103 PDDO forms under certain circumstances; providing an
104 effective date.

105
106 Be It Enacted by the Legislature of the State of Florida:

107
108 Section 1. Paragraph (1) of subsection (3) of section
109 395.1041, Florida Statutes, is amended to read:

110 395.1041 Access to and ensurance of emergency services;
111 transfers; patient rights; diversion programs; reports of
112 controlled substance overdoses.—

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

115 (1) Hospital personnel may withhold or withdraw
116 cardiopulmonary resuscitation if presented with an order not to

22-00439-24

2024390__

117 resuscitate executed pursuant to s. 401.45 or a patient-directed
118 doctor's order (PDDO) form executed pursuant to s. 401.451 which
119 contains an order not to resuscitate. Facility staff and
120 facilities are ~~shall~~ not ~~be~~ subject to criminal prosecution or
121 civil liability, and are not ~~nor be~~ considered to have engaged
122 in negligent or unprofessional conduct, for withholding or
123 withdrawing cardiopulmonary resuscitation pursuant to such an
124 order or PDDO form. The absence of an order not to resuscitate
125 executed pursuant to s. 401.45 or a PDDO form executed pursuant
126 to s. 401.451 which contains an order not to resuscitate does
127 not preclude a physician from withholding or withdrawing
128 cardiopulmonary resuscitation as otherwise authorized ~~permitted~~
129 by law.

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

132 400.142 Emergency medication kits; orders not to
133 resuscitate.—

134 (3) Facility staff may withhold or withdraw cardiopulmonary
135 resuscitation if presented with an order not to resuscitate
136 executed pursuant to s. 401.45 or a patient-directed doctor's
137 order (PDDO) form executed pursuant to s. 401.451 which contains
138 an order not to resuscitate. Facility staff and facilities are
139 not subject to criminal prosecution or civil liability, or
140 considered to have engaged in negligent or unprofessional
141 conduct, for withholding or withdrawing cardiopulmonary
142 resuscitation pursuant to such an order or PDDO form. The
143 absence of an order not to resuscitate executed pursuant to s.
144 401.45 or a PDDO form executed pursuant to s. 401.451 which
145 contains an order not to resuscitate does not preclude a

22-00439-24

2024390__

146 physician from withholding or withdrawing cardiopulmonary
147 resuscitation as otherwise authorized ~~permitted~~ by law.

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

150 400.487 Home health service agreements; physician's,
151 physician assistant's, and advanced practice registered nurse's
152 treatment orders; patient assessment; establishment and review
153 of plan of care; provision of services; orders not to
154 resuscitate; patient-directed doctor's orders for life-
155 sustaining treatment.-

156 (7) Home health agency personnel may withhold or withdraw
157 cardiopulmonary resuscitation if presented with an order not to
158 resuscitate executed pursuant to s. 401.45 or a patient-directed
159 doctor's order (PDDO) form executed pursuant to s. 401.451 which
160 contains an order not to resuscitate. The agency shall adopt
161 rules providing for the implementation of such orders. Home
162 health personnel and agencies are ~~shall~~ ~~be~~ subject to
163 criminal prosecution or civil liability, and are not ~~nor be~~
164 considered to have engaged in negligent or unprofessional
165 conduct, for withholding or withdrawing cardiopulmonary
166 resuscitation pursuant to such an order or PDDO form and rules
167 adopted by the agency.

168 Section 4. Paragraph (e) of subsection (1) of section
169 400.605, Florida Statutes, is amended to read:

170 400.605 Administration; forms; fees; rules; inspections;
171 fines.-

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

22-00439-24

2024390__

175 (e) Procedures relating to the implementation of advance
176 ~~advanced~~ directives; patient-directed doctor's order (PDDO)
177 forms executed pursuant to s. 401.451 which contain orders not
178 to resuscitate; and orders not to resuscitate ~~do not resuscitate~~
179 ~~orders.~~

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

182 400.6095 Patient admission; assessment; plan of care;
183 discharge; death.—

184 (8) The hospice care team may withhold or withdraw
185 cardiopulmonary resuscitation if presented with an order not to
186 resuscitate executed pursuant to s. 401.45 or a patient-directed
187 doctor's order (PDDO) form executed pursuant to s. 401.451 which
188 contains an order not to resuscitate. The agency shall adopt
189 rules providing for the implementation of such orders. Hospice
190 staff are ~~shall~~ not be subject to criminal prosecution or civil
191 liability, and are not ~~nor~~ be considered to have engaged in
192 negligent or unprofessional conduct, for withholding or
193 withdrawing cardiopulmonary resuscitation pursuant to such an
194 order or PDDO form and applicable rules. The absence of an order
195 to resuscitate executed pursuant to s. 401.45 or a PDDO form
196 executed pursuant to s. 401.451 which contains an order not to
197 resuscitate does not preclude a physician from withholding or
198 withdrawing cardiopulmonary resuscitation as otherwise
199 authorized ~~permitted~~ by law.

200 Section 6. Subsection (4) of section 401.35, Florida
201 Statutes, is amended to read:

202 401.35 Rules.—The department shall adopt rules, including
203 definitions of terms, necessary to carry out the purposes of

22-00439-24

2024390__

204 this part.

205 (4) The rules must establish circumstances and procedures
206 under which emergency medical technicians and paramedics may
207 honor orders by the patient's physician not to resuscitate
208 executed pursuant to s. 401.45 or patient-directed doctor's
209 order (PDDO) forms executed pursuant to s. 401.451 which contain
210 orders not to resuscitate and the documentation and reporting
211 requirements for handling such requests.

212 Section 7. Paragraph (a) of subsection (3) of section
213 401.45, Florida Statutes, is amended to read:

214 401.45 Denial of emergency treatment; civil liability.—

215 (3) (a) Resuscitation or other forms of medical intervention
216 may be withheld or withdrawn from a patient by an emergency
217 medical technician, a ~~or~~ paramedic, or another health care
218 professional if evidence of an order not to resuscitate by the
219 patient's physician or physician assistant or a patient-directed
220 doctor's order (PDDO) form executed pursuant to s. 401.451 which
221 contains an order not to resuscitate is presented to the
222 emergency medical technician, ~~or~~ paramedic, or other health care
223 professional. To be valid, an order not to resuscitate or not to
224 perform other medical intervention, ~~to be valid,~~ must be on the
225 form adopted by rule of the department. The form must be signed
226 by the patient's physician or physician assistant and by the
227 patient or, if the patient is incapacitated, the patient's
228 health care surrogate or proxy as provided in chapter 765,
229 court-appointed guardian as provided in chapter 744, or attorney
230 in fact under a durable power of attorney as provided in chapter
231 709; however, a physician assistant may not sign a patient-
232 directed doctor's order form executed pursuant to s. 401.451

22-00439-24

2024390__

233 which contains an order not to resuscitate. The court-appointed
234 guardian or attorney in fact must have been delegated authority
235 to make health care decisions on behalf of the patient.

236 Section 8. Section 401.451, Florida Statutes, is created to
237 read:

238 401.451 Patient-Directed Doctor's Order Program.—

239 (1) PATIENT-DIRECTED DOCTOR'S ORDER FORM.—A patient-
240 directed doctor's order (PDDO) must be on a form adopted by
241 department rule which must include the statutory requirements
242 specified in this section and must be executed as required by
243 this section.

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

250 (b) A PDDO form must be signed by the patient's physician.
251 The form must contain a certification by the physician signing
252 the PDDO form that the physician consulted with the patient
253 signing the form or, if the patient is incapable of making
254 health care decisions for himself or herself or is
255 incapacitated, consulted with the patient's health care
256 surrogate, proxy, court-appointed guardian, or attorney in fact
257 authorized to execute a PDDO form on behalf of the patient as
258 provided in paragraph (c). The form must also include
259 information about the patient's care goals and preferences
260 selected as reflected on the PDDO form, specifically relating to
261 the use of and the effect of removal or refusal of life-

22-00439-24

2024390__

262 sustaining medical treatment. The physician signing the PDDO
263 form must further indicate the medical circumstance justifying
264 the execution of the PDDO.

265 (c) A PDDO form must also be signed by the patient or, if
266 the patient is incapable of making health care decisions for
267 himself or herself or is incapacitated, the patient's health
268 care surrogate or proxy as provided in chapter 765, court-
269 appointed guardian as provided in chapter 744, or attorney in
270 fact as provided in chapter 709. If a PDDO form is signed by a
271 health care surrogate, proxy, court-appointed guardian, or
272 attorney in fact, the patient's physician must certify the basis
273 for the authority of the appropriate individual to execute the
274 PDDO form on behalf of the patient, including compliance with
275 chapter 765, chapter 744, or chapter 709.

276 (d) The execution of a PDDO form by the patient
277 automatically revokes any PDDO forms previously executed by the
278 patient.

279 (e) A patient's health care surrogate, proxy, court-
280 appointed guardian, or attorney in fact authorized to execute a
281 PDDO form on behalf of a patient as provided in paragraph (c)
282 may subsequently revoke a PDDO form for a patient, unless a
283 valid advance directive or prior PDDO form executed by the
284 patient expressly forbids changes by a surrogate, proxy,
285 guardian, or attorney in fact.

286 (f) An individual acting in good faith as a surrogate,
287 proxy, court-appointed guardian, or attorney in fact who
288 executes a PDDO form on behalf of an incapacitated patient in
289 accordance with this section and rules adopted by the department
290 is not subject to criminal prosecution or civil liability for

22-00439-24

2024390__

291 executing the PDDO form.

292 (g) If a family member of the patient, the health care
293 facility providing services to the patient, or the patient's
294 physician who may reasonably be expected to be affected by the
295 patient's PDDO form directives believes that directives executed
296 by the patient's legal representative are in conflict with the
297 patient's prior expressed desires regarding end-of-life care,
298 the family member, facility, or physician may seek expedited
299 judicial intervention pursuant to the Florida Probate Rules if:

300 1. The PDDO form regarding the patient's wishes regarding
301 life-sustaining treatment is ambiguous or the patient has
302 changed his or her mind after execution of the advance directive
303 or PDDO form;

304 2. The PDDO form was executed by a surrogate, proxy, court-
305 appointed guardian, or attorney in fact authorized to execute a
306 PDDO form on behalf of a patient as provided in paragraph (c)
307 and the PDDO form is not in accord with the patient's known
308 desires or with chapter 765, chapter 744, or chapter 709;

309 3. The PDDO form was executed by a surrogate, proxy, court-
310 appointed guardian, or attorney in fact authorized to execute a
311 PDDO form on behalf of a patient as provided in paragraph (c)
312 and the surrogate, proxy, court-appointed guardian, or attorney
313 in fact was improperly designated or appointed, or the
314 designation of the surrogate, proxy, court-appointed guardian,
315 or attorney in fact is no longer effective or has been removed;

316 4. The surrogate, proxy, court-appointed guardian, or
317 attorney in fact who executed the PDDO form on behalf of the
318 patient as provided in paragraph (c) has failed to discharge his
319 or her duties, or incapacity or illness renders him or her

22-00439-24

2024390__

320 incapable of discharging those duties;

321 5. The PDDO was executed by a surrogate, proxy, court-
322 appointed guardian, or attorney in fact authorized to execute a
323 PDDO form on behalf of a patient as provided in paragraph (c)
324 who has abused his or her powers; or

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

327 (h) A PDDO form may not include a directive regarding
328 hydration or the preselection of any decision or directive. A
329 PDDO form must be voluntarily executed by the patient or, if the
330 patient is incapacitated, the patient's legal representative,
331 and all directives included in the form must be made by the
332 patient or, if the patient is incapacitated, the patient's legal
333 representative at the time of signing the form. A PDDO form is
334 not valid and may not be included in a patient's medical records
335 or submitted to the database as provided in subsection (10)
336 unless the form:

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

339 2. Includes the signatures of the patient and the patient's
340 examining physician or, if the patient is incapacitated, the
341 patient's legal representative and the patient's examining
342 physician. The PDDO form may be executed only after the
343 examining physician consults with the patient or the patient's
344 legal representative, as appropriate;

345 3. Prominently states that completion of a PDDO form is
346 voluntary, that the execution or use of a PDDO form may not be
347 required as a condition for medical treatment, and that a PDDO
348 form may not be given effect if the patient is conscious and

22-00439-24

2024390__

349 competent to make health care decisions;

350 4. Prominently provides in a conspicuous location on the
351 form a space for the patient's examining physician to attest
352 that, in his or her clinical judgment and with good faith, at
353 the time the PDDO form is completed and signed, the patient has
354 the ability to make and communicate health care decisions or, if
355 the patient is incapacitated, that the patient's legal
356 representative has such ability;

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

362 6. Identifies the medical condition or conditions, provided
363 by the patient's examining physician, that necessitate the PDDO
364 form.

365 (2) DUTIES OF THE DEPARTMENT.—The department shall do all
366 of the following:

367 (a) Adopt rules to implement and administer the PDDO
368 program.

369 (b) Prescribe a standardized PDDO form.

370 (c) Provide the PDDO form in an electronic format on the
371 department's website and prominently state on the website the
372 requirements for a PDDO form as specified under paragraph

373 (3) (a).

374 (d) Consult with health care professional licensing groups,
375 provider advocacy groups, medical ethicists, and other
376 appropriate stakeholders on the development of rules and forms
377 to implement and administer the PDDO program.

22-00439-24

2024390__

378 (e) Recommend a uniform method of identifying persons who
379 have executed a PDDO form and providing health care providers
380 with contact information regarding the person's primary health
381 care provider.

382 (f) Oversee the education of health care providers licensed
383 by the department regarding implementation of the PDDO program.

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

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

389 (a) Emergency medical service personnel, health care
390 providers, physicians, and health care facilities, absent actual
391 notice of revocation or termination of a PDDO form, may comply
392 with the orders on a person's PDDO form, without regard to
393 whether the PDDO ordering provider is on the medical staff of
394 the treating health care facility. If the PDDO-ordering provider
395 is not on the medical staff of the treating health care
396 facility, the PDDO form must be reviewed by the treating health
397 care professional at the receiving facility with the patient or
398 the patient's health care surrogate, proxy, court-appointed
399 guardian, or attorney in fact authorized to execute a PDDO form
400 on behalf of a patient as provided in paragraph (1)(c) and made
401 into a medical order at the receiving facility, unless the PDDO
402 form is replaced or voided as provided in this act.

403 (b) A PDDO form from another state, absent actual notice of
404 revocation or termination, is presumed valid and is effective in
405 this state and must be complied with to the same extent as a
406 PDDO form executed in this state.

22-00439-24

2024390__

407 (c) Any licensee, physician, medical director, or emergency
408 medical technician or paramedic who acts in good faith on a PDDO
409 is not subject to criminal prosecution or civil liability, and
410 has not engaged in negligent or unprofessional conduct, as a
411 result of carrying out the directives of the PDDO made in
412 accordance with this section and rules adopted by the
413 department.

414 (4) PATIENT TRANSFER; PDDO FORM REVIEW REQUIRED.—If a
415 patient whose goals and preferences for care have been entered
416 in a valid PDDO form is transferred from one health care
417 facility or level of care to another, the health care facility
418 or level of care initiating the transfer must communicate the
419 existence of the PDDO form to the receiving facility or level of
420 care before the transfer. Upon the patient's transfer, the
421 treating health care provider at the receiving facility or level
422 of care must review the PDDO form with the patient or, if the
423 patient is incapacitated, the patient's health care surrogate,
424 proxy, court-appointed guardian, or attorney in fact.

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

431 (a) A living will.

432 (b) A health care power of attorney.

433 (c) A PDDO form for a specific medical condition or
434 treatment.

435 (d) An order not to resuscitate.

22-00439-24

2024390__

436 (6) PDDO FORM NOT A PREREQUISITE.—A PDDO form may not be a
437 prerequisite for receiving medical services or for admission to
438 a health care facility. A health care facility or health care
439 provider may not require an individual to complete, revise, or
440 revoke a PDDO form as a condition of receiving medical services
441 or treatment or as a condition of admission. The execution,
442 revision, or revocation of a PDDO form must be a voluntary
443 decision of the patient or, if the patient is incapacitated, the
444 patient's legal representative.

445 (7) REVOCATION OF A PDDO FORM.—

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

448 1. A signed, dated writing;

449 2. The physical cancellation or destruction of the PDDO
450 form by the patient or by another in the patient's presence and
451 at the patient's direction;

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

453 4. A subsequently executed PDDO form or advance directive
454 that is materially different from a previously executed PDDO
455 form or advance directive.

456 (b) A surrogate, proxy, court-appointed guardian, or
457 attorney in fact authorized to execute a PDDO form on behalf of
458 a patient as provided in paragraph (1)(c) who created a PDDO
459 form for a patient may revoke a PDDO form at any time in a
460 writing signed by such surrogate, proxy, court-appointed
461 guardian, or attorney in fact.

462 (c) Any revocation of a PDDO form shall be promptly
463 communicated to the patient's primary health care provider,
464 primary physician, any health care facility at which the patient

22-00439-24

2024390__

465 is receiving care, and, if applicable, the Agency for Health
466 Care Administration for purposes of updating the database. A
467 health care professional, surrogate, proxy, court-appointed
468 guardian, or attorney in fact who is informed of the revocation
469 of a PDDO form shall promptly communicate the fact of the
470 revocation to the patient's primary care physician, the current
471 supervising health care professional, and any health care
472 facility at which the patient is receiving care, to the extent
473 known to the surrogate, proxy, court-appointed guardian, or
474 attorney in fact.

475 (d) Upon revocation, a PDDO form is void. A PDDO form may
476 be revoked only in its entirety. A partial revocation of a PDDO
477 form renders the entirety of the PDDO form void.

478 (8) INSURANCE NOT AFFECTED.—The presence or absence of a
479 PDDO form does not affect, impair, or modify a contract of life
480 or health insurance or an annuity to which an individual is a
481 party and may not serve as the basis for a delay in issuing or
482 refusing to issue a policy of life or health insurance or an
483 annuity or for an increase or decrease in premiums charged to
484 the individual.

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

488 (10) DATABASE.—The Agency for Health Care Administration
489 shall create and maintain a database for the storage of PDDO
490 forms, which shall be stored solely at the option of the patient
491 in electronic form by the department.

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

22-00439-24

2024390__

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

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

499 429.255 Use of personnel; emergency care.—

500 (4) Facility staff may withhold or withdraw cardiopulmonary
501 resuscitation or the use of an automated external defibrillator
502 if presented with an order not to resuscitate executed pursuant
503 to s. 401.45 or a patient-directed doctor's order (PDDO) form
504 executed pursuant to s. 401.451 which contains an order not to
505 resuscitate. The agency shall adopt rules providing for the
506 implementation of such an order or PDDO form ~~orders~~. Facility
507 staff and facilities are ~~may not be~~ subject to criminal
508 prosecution or civil liability, and are not ~~nor be~~ considered to
509 have engaged in negligent or unprofessional conduct, for
510 withholding or withdrawing cardiopulmonary resuscitation or the
511 use of an automated external defibrillator pursuant to such an
512 order or PDDO form and rules adopted by the agency. The absence
513 of an order not to resuscitate executed pursuant to s. 401.45 or
514 a PDDO form executed pursuant to s. 401.451 which contains an
515 order not to resuscitate does not preclude a physician from
516 withholding or withdrawing cardiopulmonary resuscitation or the
517 use of an automated external defibrillator as otherwise
518 authorized ~~permitted~~ by law.

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

521 429.73 Rules and standards relating to adult family-care
522 homes.—

22-00439-24

2024390__

523 (3) The agency shall adopt rules providing for the
524 implementation of orders not to resuscitate and patient-directed
525 doctor's order (PDDO) forms executed pursuant to s. 401.451
526 which contain orders not to resuscitate. The provider may
527 withhold or withdraw cardiopulmonary resuscitation if presented
528 with an order not to resuscitate executed pursuant to s. 401.45
529 or a PDDO form executed pursuant to s. 401.451 which contains an
530 order not to resuscitate. The provider is ~~shall~~ not ~~be~~ subject
531 to criminal prosecution or civil liability, and is not ~~nor be~~
532 considered to have engaged in negligent or unprofessional
533 conduct, for withholding or withdrawing cardiopulmonary
534 resuscitation pursuant to such an order or PDDO form and
535 applicable rules.

536 Section 11. Present subsections (7) and (8) of section
537 456.072, Florida Statutes, are redesignated as subsections (8)
538 and (9), respectively, and a new subsection (7) is added to that
539 section, to read:

540 456.072 Grounds for discipline; penalties; enforcement.—

541 (7) A licensee may withhold or withdraw cardiopulmonary
542 resuscitation or the use of an automated external defibrillator
543 if presented with an order not to resuscitate executed pursuant
544 to s. 401.45 or a patient-directed doctor's order (PDDO) form
545 executed pursuant to s. 401.451 which contains an order not to
546 resuscitate. The department shall adopt rules providing for the
547 implementation of such an order or PDDO form. A licensee is not
548 subject to criminal prosecution or civil liability, and is not
549 considered to have engaged in negligent or unprofessional
550 conduct, for withholding or withdrawing cardiopulmonary
551 resuscitation or the use of an automated external defibrillator

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552 if presented with such an order or PDDO form. The absence of
553 such an order or PDDO form does not preclude a licensee from
554 withholding or withdrawing cardiopulmonary resuscitation or the
555 use of an automated external defibrillator as otherwise
556 authorized by law.

557 Section 12. Paragraph (c) of subsection (1) of section
558 765.205, Florida Statutes, is amended to read:

559 765.205 Responsibility of the surrogate.—

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

563 (c) Provide written consent using an appropriate form
564 whenever consent is required, including a physician's order not
565 to resuscitate or a patient-directed doctor's order (PDDO) form
566 executed pursuant to s. 401.451 which contains an order not to
567 resuscitate.

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