

By Senator Burton

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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 an  
45 opioid to the patient in a medical emergency situation is not  
46 civilly or criminally liable for failing to act in accordance  
47 with the directive unless the act or omission was the result of  
48 a provider's gross negligence or willful misconduct. For  
49 purposes of this paragraph, the term "medical emergency  
50 situation" means an acute injury or illness that poses an  
51 immediate risk to a person's life or long-term health.

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