

## **SENATE BILL SUMMARY**

Prepared by the Division of Legislative Information for the Senate Bill **AS ORIGINALLY FILED**. For more detail, see Senate Bill Analyses, if available, prepared by the Senate's professional committee staff.

SB 540

### Health Care Representatives/Surrogates by Senator Fasano

Creates the "Florida Health Care Representative Act."  
Revises and conforms language to include "health care representative" - a competent adult designated by a principal to make health care decisions or to receive health information, or both, on behalf of a principal without the necessity for a determination of incapacity.

Provides responsibilities of a health care representative including, but not limited to, the authority to act for the principal, provide written consent, if deemed necessary, to not resuscitate, and the authority to apply for public benefits, such as Medicare and Medicaid.

Provides that an existing advance directive made prior to October 1, 2009, shall be in effect as executed, provided it was legally effective when written.

Provides that a health care decision may be challenged by a family member, health care facility, attending physician, or other interested person by seeking expedited judicial intervention if the challenger believes the surrogate, health care representative, or proxy has abused his or her powers or the representative has not kept the principal informed of matters performed on their behalf.

Provides that a separate health care representative may be designated by the principal to consent to mental health treatment if the principal is determined by a court to be incompetent. (See bill for details)