

## Advance Directives

An advance directive is a written document or series of forms. You sign it to make it binding. The document indicates your choices about medical treatment. In the document, you can also name someone to make decisions about your medical treatment if you are unable to make these decisions or choices yourself. By completing the appropriate advance directives, you can predetermine end-of-life decisions about your future medical care in a legally sound way.

An advance directive is purely optional. All health care facilities such as hospitals that accept federal funding are required by law to ask if you have one and offer you the appropriate information and documents to sign one, if you so choose. Of course, the fact that you are reading this puts you one step ahead of the game.

You should consider an advance directive if any of the following are true:

- You want to be sure your voice is heard when you can no longer speak.
- You want to be sure that your wishes are respected and followed in the event that you are unable to make medical decisions for yourself.
- You want to be sure that, if you fall victim to a cardiac arrest after you have suffered with a long-term, end-stage medical condition, cardiopulmonary resuscitation (CPR) or other heroic measures will not be performed.
- No doctor or health care provider can force you to complete an advance directive.

Two types of advance directives are generally completed: a living will and a medical power of attorney (also referred to as designation of a health care surrogate or health care proxy).

**Living will:** This written statement tells health care providers what type of life-prolonging treatments or procedures to perform if you have a terminal condition or are in a persistent vegetative state. Living wills should not be confused with a regular will. A living will only deals with and addresses issues regarding your medical care while you are still living.

**Medical power of attorney (or designation of a health care surrogate):** This legal document allows you to select any person to make medical decisions for you if you should become temporarily or even permanently unable to make those decisions for yourself. This person is also referred to as your attorney-in-fact, but it is not necessary for them to be a lawyer.

- **Do not resuscitate (DNR):** Your doctor discusses this form or document with you, and it tells health care providers and emergency personnel that if your heart stops beating (cardiac arrest) or if you stop breathing (respiratory arrest) that they are not to attempt to revive you by any means. **A DNR is not the same as a living will. This center will not honor the DNR aspect of your advance directive.** In an emergency, we will act to employ all life saving measures while you are under our care and arrangements will be made for your transfer to a hospital that will follow your Power of Attorney.

- A lawyer may be helpful with the completion of these matters, but one is not required.
- You can designate information regarding organ donation in most advance directive documents.
- You can withdraw or revoke your advance directive at any time you choose.
- The laws regarding advance directives vary from state to state. If you plan to spend an extended period of time in another state, complete the necessary papers for that state regarding your medical wishes. Legal experts agree, however, that most states will honor an out-of-state advance directive if it meets legal requirements in the state that it was executed.
- Give copies of your advance directive to as many people as you can.

### INTRODUCTION TO YOUR FLORIDA ADVANCE DIRECTIVE

A packet is available that contains a legal document that protects your right to refuse medical treatment you do not want, or to request treatment you do want, in the event you lose the ability to make decisions yourself. You may complete Part One, Part Two, or both, depending on your advance planning needs. You must complete Part Three.

**Part One.** The Florida Designation of Health Care Surrogate lets you name a competent adult to make decisions about your medical care, including decisions about life-prolonging procedures, if you can no longer speak for yourself. The designation of health care surrogate is especially useful because it appoints someone to speak for you any time you are unable to make your own medical decisions, not only at the end of life.

Your health care surrogate's powers go into effect when your doctor determines that you are physically or mentally unable to communicate a willful and knowing health care decision.

**Part Two.** The Florida Living Will lets you state your wishes about health care in the event that you are in a persistent vegetative state, have an end-stage condition or develop a terminal condition. Your living will goes into effect when your physician determines that you have one of these conditions and can no longer make your own health care decisions.

Your living will also allows you to express your organ donation wishes.

**Part Three** contains the signature and witness provisions so that your document will be effective.

This form does not expressly address mental illness. If you would like to make advance care plans regarding mental illness, you should talk to your physician and an attorney about a durable power of attorney tailored to your needs. However, unless your Designation of Health Care Surrogate expressly states otherwise, your health care surrogate presumptively may make health care decisions regarding mental health treatment.

**Note:** These documents will be legally binding only if the person completing them is a competent adult (at least 18 years old).

**You can access these forms at <http://www.caringinfo.org/files/public/ad/Florida.pdf> or you can get a copy of the packet from the facility. You can also call 1-800-658-8898 for information on advance directives.**

# FLORIDA

## Advance Directive

### Planning for Important Health Care Decisions

*Caring Connections*  
1731 King St., Suite 100, Alexandria, VA 22314  
[www.caringinfo.org](http://www.caringinfo.org)  
800/658-8898

Caring Connections, a program of the National Hospice and Palliative Care Organization (NHPCO), is a national consumer engagement initiative to improve care at the end of life.

#### **It's About How You LIVE**

*It's About How You LIVE* is a national community engagement campaign encouraging individuals to make informed decisions about end-of-life care and services. The campaign encourages people to:

- Learn about options for end-of-life services and care
- Implement plans to ensure wishes are honored
- Voice decisions to family, friends and health care providers
- Engage in personal or community efforts to improve end-of-life care

**Note:** The following is not a substitute for legal advice. While Caring Connections updates the following information and form to keep them up-to-date, changes in the underlying law can affect how the form will operate in the event you lose the ability to make decisions for yourself. If you have any questions about how the form will help ensure your wishes are carried out, or if your wishes do not seem to fit with the form, you may wish to talk to your health care provider or an attorney with experience in drafting advance directives.

## Using these Materials

### BEFORE YOU BEGIN

1. Check to be sure that you have the materials for each state in which you may receive health care.
2. These materials include:
  - Instructions for preparing your advance directive, please read all the instructions.
  - Your state-specific advance directive forms, which are the pages with the gray instruction bar on the left side.

### ACTION STEPS

1. You may want to photocopy or print a second set of these forms before you start so you will have a clean copy if you need to start over.
2. When you begin to fill out the forms, refer to the gray instruction bars — they will guide you through the process.
3. Talk with your family, friends, and physicians about your advance directive. Be sure the person you appoint to make decisions on your behalf understands your wishes.
4. Once the form is completed and signed, photocopy the form and give it to the person you have appointed to make decisions on your behalf, your family, friends, health care providers and/or faith leaders so that the form is available in the event of an emergency.
5. You may also want to save a copy of your form in an online personal health records application, program, or service that allows you to share your medical documents with your physicians, family, and others who you want to take an active role in your advance care planning.

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**Part Two.** The **Florida Living Will** lets you state your wishes about health care in the event that you are in a persistent vegetative state, have an end-stage condition or develop a terminal condition. Your living will goes into effect when your physician determines that you have one of these conditions and can no longer make your own health care decisions.

Your living will also allows you to express your organ donation wishes.

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This form does not expressly address mental illness. If you would like to make advance care plans regarding mental illness, you should talk to your physician and an attorney about a durable power of attorney tailored to your needs. However, unless your Designation of Health Care Surrogate expressly states otherwise, your health care surrogate presumptively may make health care decisions regarding mental health treatment.

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## Completing Your Florida Advance Directive

### Whom should I appoint as my surrogate?

Your surrogate is the person you appoint to make decisions about your health care if you become unable to make those decisions yourself. Your surrogate may be a family member or a close friend whom you trust to make serious decisions. The person you name as your surrogate should clearly understand your wishes and be willing to accept the responsibility of making health care decisions for you.

You can appoint a second person as your alternate surrogate. The alternate will step in if the first person you name as a surrogate is unable, unwilling, or unavailable to act for you.

### How do I make my Florida Advance Directive legal?

The law requires that you sign your Advance Directive in the presence of two adult witnesses, who must also sign the document. If you are physically unable to sign, you may have someone sign for you in your presence and at your direction and in the presence of your two witnesses.

Your surrogate and alternate surrogate cannot act as witnesses to this document. At least one of your witnesses must not be your spouse or a blood relative.

*Note: You do not need to notarize your Florida Advance Directive.*

### Should I add personal instructions to my Florida Advance Directive?

One of the strongest reasons for naming a surrogate is to have someone who can respond flexibly as your medical situation changes and deal with situations that you did not foresee. If you add instructions to this document it may help your surrogate carry out your wishes, but be careful that you do not unintentionally restrict your surrogate's power to act in your best interest. In any event, be sure to talk with your surrogate about your future medical care and describe what you consider to be an acceptable "quality of life."

### What if I change my mind?

You can always revoke your *Florida Advance Directive*. State law permits you to revoke your document in the following ways:

1. through a signed and dated writing showing your intent to revoke;
2. by physically destroying the original, or having someone destroy it for you in your presence at your direction;
3. by orally expressing your intent to revoke; or
4. by executing a new Advance Directive that supersedes the older document.

You should notify your health care provider and surrogate(s) to ensure that your revocation is effective.

If you name your spouse as your surrogate and you are divorced or your marriage is subsequently annulled, your spouse's powers as surrogate will be automatically revoked. If you would like your spouse's powers to continue in the event of a divorce or annulment, you can state this in the "Additional Instructions" section on page 2 of the form by adding an instruction such as, "The authority of my surrogate shall not be revoked by divorce or annulment of our marriage."

**What other facts should I know?**

If you would like to give your surrogate the authority to refuse life-prolonging treatment for you in the event that you become terminally ill and incompetent while you are pregnant, you must add an instruction such as, "My surrogate has the authority to order the withholding or withdrawal of life-prolonging treatment, even if I am pregnant," under the "Additional Instructions" section on page 2 of the form.

Also, unless you expressly state otherwise under the "Additional Instructions" section, your health care surrogate, if you appoint one, does not have authority to authorize abortion, sterilization, electroshock therapy, psychosurgery, experimental treatments, or voluntary admission to a mental health facility.

**FLORIDA ADVANCE DIRECTIVE – PAGE 1 OF 5**

INSTRUCTIONS

PRINT YOUR NAME

PRINT THE NAME,  
HOME ADDRESS  
AND TELEPHONE  
NUMBER OF YOUR  
SURROGATE

PRINT THE NAME,  
HOME ADDRESS  
AND TELEPHONE  
NUMBER OF YOUR  
ALTERNATE  
SURROGATE

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Hospice and  
Palliative Care  
Organization.  
2012 Revised.

**Part One. Designation of Health Care Surrogate**

Name: \_\_\_\_\_  
(Last) (First) (Middle Initial)

In the event that I have been determined to be incapacitated to provide informed consent for medical treatment and surgical and diagnostic procedures, I wish to designate as my surrogate for health care decisions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

If my surrogate is unwilling or unable to perform his or her duties, I wish to designate as my alternate surrogate:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

I fully understand that this designation will permit my designee to make health care decisions and to provide, withhold, or withdraw consent on my behalf; to apply for public benefits to defray the cost of health care; and to authorize my admission to or transfer from a health care facility.

When making health care decisions for me, my health care surrogate should think about what action would be consistent with past conversations we have had, my treatment preferences as expressed in Part Two (if I have filled out Part Two), my religious and other beliefs and values, and how I have handled medical and other important issues in the past. If what I would decide is still unclear, then my health care surrogate should make decisions for me that my health care surrogate believes are in my best interest, considering the benefits, burdens, and risks of my current circumstances and treatment options.





INSTRUCTIONS

PRINT THE DATE

PRINT YOUR NAME

INITIAL EACH THAT APPLIES

**Part Two. Declaration**

Declaration made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
(day) (month) (year)

I, \_\_\_\_\_,  
willfully and voluntarily make known my desire that my dying not be  
artificially prolonged under the circumstances set forth below, and I do  
hereby declare that:

If at any time I am incapacitated and

(initial all that apply)

\_\_\_\_\_ I have a terminal condition, or

\_\_\_\_\_ I have an end-stage condition, or

\_\_\_\_\_ I am in a persistent vegetative state

and if my attending or treating physician and another consulting physician  
have determined that there is no reasonable medical probability of my  
recovery from such condition, I direct that life-prolonging procedures be  
withheld or withdrawn when the application of such procedures would  
serve only to prolong artificially the process of dying, and that I be  
permitted to die naturally with only the administration of medication or  
the performance of any medical procedure deemed necessary to provide  
me with comfort care or to alleviate pain.

It is my intention that this declaration be honored by my family and  
physician as the final expression of my legal right to refuse medical or  
surgical treatment and to accept the consequences for such refusal.

My failure to designate a health care surrogate in Part One shall not  
invalidate this declaration.

FLORIDA ADVANCE DIRECTIVE - PAGE 4 OF 5

ORGAN DONATION (OPTIONAL)

INITIAL ONLY ONE OF THE FOUR OPTIONS

IF YOU HAVE ALREADY ARRANGED TO DONATE YOUR ORGANS TO A SPECIFIC DONEE, INITIAL THIS OPTION, AND INDICATE THE DETAILS OF YOUR ARRANGEMENT HERE

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ORGAN DONATION (OPTIONAL)

I hereby make this anatomical gift, if medically acceptable, to take effect on death. The words and marks below indicate my desires:

I give (initial one choice below):

\_\_\_\_\_ any needed organs, tissues, or eyes for the purpose of transplantation, therapy, medical research, or education;

\_\_\_\_\_ only the following organs, tissues, or eyes for the purpose of transplantation, therapy, medical research, or education:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ my body for anatomical study if needed. Limitations or special wishes, if any:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ I have already arranged to donate  
\_\_\_\_\_ Any needed organs, tissues, or eyes,  
\_\_\_\_\_ The following organs, tissues, or eyes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

to the following donee: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Zip Code: \_\_\_\_\_

**FLORIDA ADVANCE DIRECTIVE - PAGE 5 OF 5**

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**Part Three. Execution**

PRINT YOUR NAME

I, \_\_\_\_\_  
understand the full impact of this declaration, and I am emotionally and  
mentally competent to make this declaration. I further affirm that this  
designation is not being made as a condition of treatment or admission  
to a health care facility.

SIGN AND DATE  
THE DOCUMENT

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

TWO WITNESSES  
MUST SIGN AND  
PRINT THEIR  
ADDRESSES

Witness 1:

Signed: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Witness 2:

Signed: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

OPTIONAL

PRINT THE NAMES  
AND ADDRESSES OF  
THOSE WHO YOU  
WANT TO KEEP  
COPIES OF THIS  
DOCUMENT

(Optional) I will notify and send a copy of this document to the following  
persons other than my surrogate, so they may know who my surrogate  
is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

## You Have Filled Out Your Health Care Directive, Now What?

1. Your *Florida Advance Directive* is an important legal document. Keep the original signed document in a secure but accessible place. Do not put the original document in a safe deposit box or any other security box that would keep others from having access to it.
2. Give photocopies of the signed original to your surrogate and alternate surrogate, doctor(s), family, close friends, clergy, and anyone else who might become involved in your health care. If you enter a nursing home or hospital, have photocopies of your document placed in your medical records.
3. Be sure to talk to your surrogate(s), doctor(s), clergy, family, and friends about your wishes concerning medical treatment. Discuss your wishes with them often, particularly if your medical condition changes.
4. You may also want to save a copy of your form in an online personal health records application, program, or service that allows you to share your medical documents with your physicians, family, and others who you want to take an active role in your advance care planning.
5. If you want to make changes to your documents after they have been signed and witnessed, you must complete a new document.
6. Remember, you can always revoke your Florida document.
7. Be aware that your Florida document will not be effective in the event of a medical emergency. Ambulance and hospital emergency department personnel are required to provide cardiopulmonary resuscitation (CPR) unless they are given a separate directive that states otherwise. These directives called "prehospital medical care directives" or "do not resuscitate orders" are designed for people whose poor health gives them little chance of benefiting from CPR. These directives instruct ambulance and hospital emergency personnel not to attempt CPR if your heart or breathing should stop.

Currently not all states have laws authorizing these orders. We suggest you speak to your physician if you are interested in obtaining one. **Caring Connections does not distribute these forms.**