

Florida Living Will

Governed by Fla. Stat. §§ 765.301–765.309 (Health Care Advance Directives)

Declaration made this _____ day of _____, 20____, 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

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medical probability of my recovery from such condition, I direct that life-prolonging procedures be withheld or withdrawn when the application of such procedures would serve only to prolong artificially the process of dying, and that I be permitted to die naturally with only the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.

In the event that I have been determined to be unable to provide express and informed consent regarding the withholding, withdrawal, or continuation of life-prolonging procedures, I wish to designate, as my surrogate to carry out the provisions of this declaration:

Name:

Address:

City:

State:

Zip:

Phone:

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Additional Instructions (optional):

(Signed):

Witness:

Witness:

Street Address:

Street Address:

City, State & Zip:

City, State & Zip:

Phone:

Phone:

The principal's failure to designate a surrogate shall not invalidate the living will.

FLORIDA LIVING WILL: INFORMATION AND GUIDANCE

Florida law recognizes the fundamental right of every competent adult to make decisions about their own medical care, including the right to accept or refuse medical treatment. The following questions and answers address the Florida Living Will and related health care advance directives governed by Chapter 765 of the Florida Statutes.

What Is a Living Will?

A Living Will is a written advance directive in which a competent adult states their wishes regarding life-prolonging medical procedures. It instructs physicians and health care facilities on whether to provide, withhold, or withdraw life-prolonging treatment if the declarant becomes incapacitated and is diagnosed with a terminal condition, an end-stage condition, or is determined to be in a persistent vegetative state. Florida Statutes Section 765.303 provides a suggested form for a Living Will, though the law does not require use of a specific form as long as the document clearly expresses the declarant's intent regarding life-prolonging procedures.

What Is the Difference Between a Living Will and a Legal Will?

A Living Will (also called a health care advance directive) addresses medical decisions made during the declarant's lifetime when they are incapacitated. It does not dispose of property or appoint a personal representative of an estate. A legal will — formally a Last Will and Testament — takes effect only upon death and governs distribution of the decedent's estate, appointment of a personal representative, and revocation of prior testamentary instruments.

How Do I Make My Florida Living Will Legally Effective?

Under Florida law (Fla. Stat. § 765.302), a Living Will must be signed by the declarant in the presence of two subscribing witnesses. At least one of those witnesses must not be a spouse or blood relative of the declarant. If the declarant is physically unable to sign, one witness may sign on the declarant's behalf, in the declarant's presence and at the declarant's express direction. Florida will also recognize a Living Will executed in another state, provided it complied with the laws of that state or with the laws of Florida at the time of execution.

What Should I Do After Signing My Living Will?

Once executed, it is the declarant's responsibility to notify their primary physician of the Living Will's existence (Fla. Stat. § 765.302(2)). You should provide a copy to your physician and to any health care facility where you receive treatment so the document can be placed in your official medical records and accessed without delay in an emergency.

What Is a Health Care Surrogate?

Any competent adult may separately designate a Health Care Surrogate — a trusted individual authorized to make all health care decisions on the principal's behalf during any period of incapacity. The surrogate must consult with appropriate health care providers and make decisions consistent with what the principal would have made under the same circumstances. If the principal's specific wishes are not known, the surrogate may act in the principal's best interests. The suggested form for designating a Health Care Surrogate is provided in Florida Statutes Section 765.203.

How Do I Designate a Health Care Surrogate?

A Designation of Health Care Surrogate must be a written document signed by the principal in the presence of two subscribing witnesses, at least one of whom is neither the principal's spouse nor a blood relative. The person designated as surrogate may not serve as one of the witnesses to the execution of the document.

Can I Name an Alternate Health Care Surrogate?

Yes. The principal may expressly designate an Alternate Surrogate who will assume the surrogate's duties if the primary surrogate is unwilling or unable to act. If the principal cannot physically sign the designation, they

may direct another person to sign on their behalf in the presence of the required witnesses. An exact copy of the completed designation must be provided to the Health Care Surrogate. Unless a specific expiration date is stated, the designation remains in effect until revoked.

Can I Revoke My Living Will or Surrogate Designation?

Both documents may be revoked at any time by the declarant. Revocation may be accomplished by: (1) a signed and dated written letter of revocation; (2) physically canceling or destroying the original document; (3) an oral statement of intent to revoke communicated to the attending physician or health care facility; or (4) executing a later document that is materially different from the prior one. It is essential to notify the attending physician and any health care facility holding a copy that the document has been revoked, so they can update their records.

When Should I Seek Legal Advice?

This document is provided for general informational purposes only and is not a substitute for qualified legal counsel tailored to your individual circumstances. If you have questions about your specific situation, consult a licensed Florida attorney. To locate an attorney, contact The Florida Bar Lawyer Referral Service at 1-800-342-8011, or the local lawyer referral service or legal aid office in your area.