§ 35:109. Living will, 10 Florida Jur Forms Legal & Bus. § 35:109

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Florida Jur Forms Legal and Business
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Estate Planning
Chapter 35. Wills
IV. Will Drafting Generally
   B. Forms
   1. Will Preparation and Ancillary Forms

Summary Correlation Table

§ 35:109. Living will

LIVING WILL

Declaration made on [date of declaration], I, [name of declarant], 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medical probability of my recovery from such condition, I direct that life-prolonging procedures be withheld or withdrawn when the application of such procedures would serve only to artificially prolong the process of dying, and that I be permitted to die naturally with only the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: [name of surrogate]
Address: [street address]
[name of city], [name of state]
Zip Code: [zip code]
Phone: [telephone number of surrogate]
I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Additional Instructions [specification of further instructions]

[Name of declarant]
[Address of witness 1]
[Name of witness 1]

[Address of witness 2]
[Name of witness 2]

Notes

Drafter's Notes

This form is adapted from the form found in The Life Prolonging Procedure Act of Florida §§ 765.302 to 765.310, Fla. Stat. A living will need not conform to this one in order to be effective. § 765.303, Fla. Stat. A living will must be signed in the presence of two subscribing witnesses, one of whom is neither a spouse nor a blood relative of the principal. § 765.302, Fla. Stat. It is the principal's responsibility to notify his or her physician of the existence of a living will, but if the principal is physically or mentally incapacitated upon admittance to a health care facility then any other person may notify the physician of the living will. § 765.302, Fla. Stat. It is advisable, therefore, that the principal inform family members or close friends that he or she has executed a living will.

For the statutory form for designation of a health care surrogate, see § 21:26.

For a form of durable power of attorney designating a health care agent, see § 35:113.

The suggested form of living will set forth in § 765.303, Fla. Stat. was amended by Chapter 99-331, Laws of Florida, effective October 1, 1999, to include end-stage condition and persistent vegetative state as reasons for not artificially prolonging the process of dying.