
INTRODUCTION TO YOUR FLORIDA ADVANCE DIRECTIVE

This packet contains two legal documents that protect 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:

1. The Florida Designation of Health Care Surrogate lets you name someone to make decisions about your medical care—including decisions about life support—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.

2. The Florida Living Will lets you state your wishes about medical care in the event that you have an end-stage condition, become persistently vegetative, or develop a terminal condition and can no longer make your own medical decisions. A second doctor must agree with your attending physician's opinion of your medical condition.

Partnership for Caring recommends that you complete both of these documents to best ensure that you receive the medical care you want when you can no longer speak for yourself.

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

COMPLETING YOUR FLORIDA DESIGNATION OF HEALTH CARE SURROGATE

Whom should I appoint as my surrogate?

A surrogate is the person you appoint to make decisions about your medical care if you become unable to make those decisions yourself. Your surrogate can 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 medical decisions for you.

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

How do I make my Florida Designation of Health Care Surrogate legal?

The law requires that you sign your Designation of Health Care Surrogate in the presence of two adult witnesses, who must also sign the document. If you are physically unable to sign, you may have another person sign for you in your presence and in the presence of the two witnesses. The persons you appoint as your surrogate and alter-

nate 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 Designation of Health Care Surrogate.

Should I add personal instructions to my Florida Designation of Health Care Surrogate?

Partnership for Caring advises you not to add instructions to this document. 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, you might unintentionally restrict your surrogate's power to act in your best interest.

Instead, we urge you to talk with your surrogate about your future medical care, and to describe what you consider to be an acceptable "quality of life." If you want to record your wishes about specific treatments or conditions, you should use your Florida Living Will.

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THE FLORIDA DESIGNATION OF HEALTH CARE SURROGATE (CONTINUED)

What if I change my mind?

You can always revoke your Florida Designation of Health Care Surrogate if you no longer want your designated surrogate(s) to make decisions on your behalf. 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;
3. by orally expressing your intent to revoke; or
4. by executing a new Designation of Health Care Surrogate that supercedes the older document.

What other facts should I know?

If you would like to give your surrogate the authority to refuse life-sustaining 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-sustaining treatment even if I am pregnant,” under “Additional instructions.”

How do I make my Florida Living Will legal?

The law requires that you sign your Living Will in the presence of two adult witnesses, who must also sign the document. If you are physically unable to sign, you may instruct one of the witnesses to sign the document for you in your presence. At least one of your witnesses must not be your spouse or a blood relative.

Note: You do not need to notarize your Florida Living Will.

Can I add personal instructions to my Living Will?

Yes. You can add personal instructions in the part of the document called “Additional instructions.” For example, you may want to refuse specific treatments by adding a statement such as, “I especially do not want cardiopulmonary resuscitation, a respirator, artificial nutrition and hydration, or antibiotics.” You may also want to emphasize pain control by adding instructions such as, “I want to receive as much pain medication as necessary to ensure my comfort, even if it may hasten my death.”

If you have appointed a surrogate and you want to add personal instructions to your Living Will, it is a good idea to write a statement such as, “Any questions about how to interpret or when to apply my Living Will are to be decided by my surrogate.”

It is important to learn about the kinds of life-sustaining treatment you might receive. Consult your doctor or order the Partnership for Caring booklet, “Advance Directives and End-of-Life Decisions.”

What if I change my mind?

You can revoke your Florida Living Will any time you feel the document no longer reflects your wishes. State law permits you to revoke your Living Will 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;
- 3.** by orally expressing your intent to revoke; **or**

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COMPLETING YOUR FLORIDA LIVING WILL (CONTINUED)

4. by executing a new Living Will that supersedes the older document.

What other facts should I know?

You may appoint a surrogate in your Living Will to make decisions on your behalf. Unlike a surrogate appointed in your Designation of Health Care Surrogate, a surrogate appointed through your Living Will may only act when you are unable to make treatment decisions and have an end-stage condition, or are in a terminal condition; or are in a persistent vegetative state. To avoid confusion, you should appoint the same person to act as your surrogate in both Florida documents.

AFTER YOU HAVE COMPLETED YOUR DOCUMENTS

- 1.** Your Florida Living Will and Florida Designation of Health Care Surrogate are important legal documents. Keep the original signed documents in a secure but accessible place. Do not put the original forms in a safe deposit box or any other security box that would keep others from having access to them.
- 2.** Give photocopies of the signed originals to your surrogate and alternate surrogate, to your 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 documents placed in your medical records.
- 3.** Be sure to talk to your surrogate (and alternate), your doctor(s), clergy, and family and friends about your wishes concerning medical treatment. Discuss your wishes with them often, particularly if your medical condition changes.
- 4.** If you want to make changes to your documents after they have been signed and witnessed, you must complete new documents.
- 5.** Remember, you can always revoke one or both of your Florida documents.

6. Be aware that your documents will not be effective in the event of a medical emergency. Ambulance personnel are required to provide cardiopulmonary resuscitation (CPR) unless they are given a separate order that states otherwise. These orders, commonly called “nonhospital do-not-resuscitate orders,” are designed for people whose poor health gives them little chance of benefiting from CPR. These orders must be signed by your physician and instruct ambulance personnel not to attempt CPR if your heart or breathing should stop. Currently not all states have laws authorizing nonhospital do-not-resuscitate orders. Partnership for Caring does not distribute these forms. We suggest you speak to your physician if you would like to receive an actual nonhospital DNR form.

If you would like more information about this topic contact Partnership for Caring or consult the Partnership for Caring booklet “Cardiopulmonary Resuscitation, Do-Not-Resuscitate Orders and End-Of-Life Decisions.”

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