

Florida Legislative History

---

Professor Rebecca S. Trammell  
rtrammel@law.stetson.edu

---

---

---

---

---

---

---

---

Florida Legislative History

- > Legislative history varies from state to state  
<http://www.law.indiana.edu/lawlibrary/research/guides/statelegislative/index.shtml>
- > Generally look for the same documents that are relevant to federal legislative history
- > Florida provides more documentation than many states
  - > Bill
  - > Staff Analysis (Committee Hearings & Reports)
  - > House and Senate Debates
  - > Governor Veto or Remarks

---

---

---

---

---

---

---

---

3 Pieces for Florida Legislative History

- Code
  - Florida Statutes
  - Lexis or Westlaw Statutes
- Session Law
  - Laws of Florida
  - Online
- Bill Number
  - Laws of Florida
  - Online

---

---

---

---

---

---

---

---

### Where do I start?

- > Begin with the codified statute  
765.1105 – Health Care Directives
- > Print
  - > Florida Statutes or West or Lexis Florida Annotated Statutes
- > Online
  - > [Florida Online Sunshine](#)

---

---

---

---

---

---

---

---

### Statutory History Information – Session Laws

Search Year: 2008 2009

The 2008 Florida Statutes

Title XLIX  
CIVIL RIGHTS      Chapter 365  
HEALTH CARE ADVANCE DIRECTIVES      View Entire Chapter

765.1105 Transfer of a patient.

(1) A health care provider or facility that refuses to comply with a patient's advance directive, or the treatment decision of his or her surrogate, shall make reasonable efforts to transfer the patient to another health care provider or facility that will comply with the directive or treatment decision. This chapter does not require a health care provider or facility to consent to any act which is contrary to the provider's or facility's moral or ethical beliefs, if the patient:

(a) is not in an emergency condition; and

(b) has received written information upon admission informing the patient of the policies of the health care provider or facility regarding such moral or ethical beliefs.

(2) A health care provider or facility that is unwilling to carry out the wishes of the patient or the treatment decision of his or her surrogate because of moral or ethical beliefs must within 7 days either:

(a) transfer the patient to another health care provider or facility; The health care provider or facility shall pay the costs for transporting the patient to another health care provider or facility; or

(b) if the patient has not been transferred, carry out the wishes of the patient or the patient's surrogate, unless the provisions of s. 765.105 apply.

History—s. 4, ch. 92-199, s. 11, ch. 94-183, s. 1148, ch. 97-102, s. 30, ch. 99-331

Note.—Former s. 765.308.

---

---

---

---

---

---

---

---

### Statutory History – Fl. 765.1105

- > ch. 92-199 § 4 – § 765.1105 **first enacted** in 1992 by chapter 199, section 4 of the *Laws of Florida*
- > ch. 94-183 § 11 - § 765.1105 **amended** in 1994 by chapter 183, section 11 of the *Laws of Florida*
- > ch. 97-102 § 1148 - § 765.1105 **amended** in 1997 by chapter 102, section 1148 of the *Laws of Florida*
- > ch. 99-331 § 30 - § 765.1105 **amended** in 1999 by, chapter 331, section 30 of the *Laws of Florida*

---

---

---

---

---

---

---

---

### Session Law 99-331

- > Print – *Laws of Florida* (1822 – current)
- > Online – [Laws of Florida](#) (1997 – current)

---

---

---

---

---

---

---

---

### Laws of Florida 99-331

CHAPTER 99-331  
 Committee Substitute for  
 Committee Substitute for Senate Bill No. 2228

An act relating to end-of-life care; providing legislative findings; authorizing the Secretary of Health to develop and implement demonstration projects; requiring reports; requesting the Chancellor of the State University System to convene a working group; amending ss. 385.1041, 400.142, 400.4255, 400.487, 400.6095, 400.621, F.S.; authorizing personnel of hospital emergency services, long-term care facilities, assisted living facilities, home health agencies, hospices, and adult family-care homes to withhold or withdraw cardiopulmonary resuscitation pursuant to an order not to resuscitate; providing for rules; providing certain protection from prosecution and liability; amending s. 401.45, F.S.; revising authority of emergency medical technicians and paramedics to withhold or withdraw resuscitation or life-prolonging techniques; directing the Department of Health to develop a standardized do not resuscitate identification system; authorizing a fee; providing for rules; amending ss. 455.604, 458.319, 459.008, F.S.; providing that courses on end-of-life care will fulfill certain education requirements; amending s. 732.912, F.S.; revising

---

---

---

---

---

---

---

---

### Laws of Florida 99-331 § 30

each such examination must be documented in the patient's medical record and signed by each examining physician before life-prolonging procedures may be withheld or withdrawn.

Section 30. Section 765.308, Florida Statutes, is renumbered as section 765.1105, Florida Statutes, and amended to read:

~~765.1105~~ 765.308 Transfer of a patient.—

(1) A health care provider or facility that refuses to comply with a patient's advance directive, the declaration of a patient, or the treatment decision of his or her surrogate, shall make reasonable efforts to transfer the patient to another health care provider or facility that will comply with the directive, declaration, or treatment decision. This chapter does not require a health care provider or facility to commit any act which is contrary to the provider's or facility's moral or ethical beliefs concerning life-prolonging procedures, if the patient:

- (a) Is not in an emergency condition; and
- (b) Has received written information upon admission informing the patient of the policies of the health care provider or facility regarding such moral or ethical beliefs.

(2) A health care provider or facility that is unwilling to carry out the

---

---

---

---

---

---

---

---



### Staff Analysis and more!

- ▶ For legislative information prior to 1988 contact Archives in Tallahassee
  - ▶ Florida State Archives (850) 487-2073
- ▶ For legislative information from 1989 to 1997 contact Archives in Tallahassee or a Florida Law Library
- ▶ Online beginning in 1998
  - ▶ [Florida Senate web page](#)
  - ▶ [Florida House web page](#)

---

---

---

---

---

---

---

---

---

---

---

---

Start here to find Florida legislative history - Select year & enter bill number

---

---

---

---

---

---

---

---

---

---

---

---

Notice all the legislative history resources provided - Bill Text - Amendments - Staff Analysis - Similar bills

---

---

---

---

---

---

---

---

---

---

---

---

### Ask Questions

Gulfport Reference Desk  
727-562-7821

Tampa Reference Desk  
813-228-6625 ext. 7540

Toll-free - 866-391-3221

E-mail: [lawrefgp@law.stetson.edu](mailto:lawrefgp@law.stetson.edu)

Contact information for individual librarians is  
available on the library's web page



---

---

---

---

---

---

---

---