

Advance directives is the general term used to describe those documents that provide instructions to caregivers and professionals, and provide a legal means for your business to be carried out and decisions to be made for you in the event of your incapacity.

FINANCIAL TOOLS

Durable Power of Attorney (Chapter 709 Florida Statutes): A document in which an individual (principal) designates another (attorney in fact) to act on his or her behalf with regard to a wide range of transactions, especially financial transactions. As long as its durability is clearly stated, Florida law allows the attorney in fact to continue to act on behalf of the principal even after the principal's incapacity. A principal **MUST** have capacity to sign the Durable Power of Attorney. Note: Effective October 1, 2011, significant changes were made to Florida's Durable Power of Attorney laws. Forms found on the internet or at office supply stores may not be valid if they do not meet the specific requirements set forth under the new laws. Please contact your attorney for more information.

Trust (Chapter 736 Florida Statutes): A right to use or get the benefit of property or money that is held by one person (trustee) for the benefit of another (beneficiary). The trustee continues to manage the trust property even after a beneficiary has been determined to be incapacitated.

HEALTH CARE TOOLS

Health Care Surrogate (Chapter 765 Florida Statutes): The individual (surrogate) designated by an individual (principal) to make health care decisions for him or her in the event of incapacity.

Health Care Proxy (Chapter 765 Florida Statutes): The individual designated by Florida law to make healthcare decisions for an individual in the event of the individual's incapacity.

Living Will (Chapter 765 Florida Statutes): A document announcing an individual's intent and wish regarding the health care he or she would like to receive or would like withdrawn in the event the individual should be found to have an end stage condition, terminal condition, or to be in a permanent vegetative state.

Do Not Resuscitate Order (Chapter 401 Florida Statutes): A medical order instructing paramedics, EMS, and other medical personnel not to resuscitate an individual in the event of cardiac or respiratory arrest.

Anatomical Gift (Chapter 765 Florida Statutes): The individual provides for the donation of his or her body, organs, or tissue upon his or her death.

GUARDIANSHIP

Designation of Pre-Need Guardian (Florida Statute § 744.3045): An individual's written declaration naming another to serve as his or her guardian in the event of his or her incapacity.

Guardianship (Chapter 744 Florida Statutes): A guardianship is an extraordinary legal procedure in which a court appoints someone to assist a ward in the event of the ward's incapacity. A guardianship is usually instituted because there are none of the other planning tools discussed above available.