

## AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF *Leon*

BEFORE ME this day personally appeared John K. Stargel, who, upon being duly cautioned and sworn, deposes and states:

1. My name is John K. Stargel and I am a member of the Florida House of Representatives, having been elected to the House in 2002.

2. I am presently a member of the House Committees on Finance and Tax, Insurance, Business Regulation, Education K-20, the Select Committee on Florida's Economic Future, the Joint Legislative Auditing Committee and the Select Committee on Constitutional Amendments.

3. On October 21, 2003, I introduced House Bill 35-E (HB 35-E) in the Florida House of Representatives. A true and correct copy of the bill, as subsequently amended, engrossed and enrolled is attached hereto as Exhibit "A."

4. HB-35E prospectively adds procedural protections to the lives of certain incompetent residents of Florida reflecting the Legislature's dissatisfaction with the effect of the previous law.

5. HB-35E was not filed to question the courts decisions or the propriety or authority of the determination of how chapter 765 and the constitutional right to privacy applied to Terri Schiavo's or other individual's situations at the time of prior court orders authorizing withholding of nutrition and hydration.

6. HB-35E adds important new procedural protections to the right to life of Terri Schiavo and other incompetent or disabled citizens whose deaths by dehydration or

starvation had been judicially ordered or approved in disputed cases as of October 15, 2003. Specifically, the law authorizes the Governor, if he is not satisfied that the patient desired such a death, to save the life of persons described in the bill who would otherwise have died before the legislature convenes in its next regular session. These protections were not previously provided by law.

7. The regulation of health care decision making as informed by the constitutional right to privacy is a complex area that I believe particularly requires legislative action. In fact, the rights of Terri Schiavo, and the responsibilities of her guardian with respect to life-prolonging treatment have been repeatedly altered by legislation enacted after the court's February, 2000, order to withdraw nutrition and hydration. *See* chs. 2000-295, 2001-277, Laws of Florida.

8. I filed this legislation because I had questioned whether laws as previously written provided the judiciary sufficient direction to address potential conflicts on the part of an incompetent patient's guardian and contrary testimony on the part of the patient's family. As an additional layer of protection for such vulnerable citizens, we have now authorized the Governor to consider such critical issues in appropriate cases.

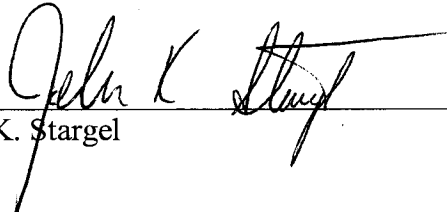
10. There is a serious question as to whether Mrs. Schiavo has been afforded the constitutional protections to which she is due and this bill was passed to enable the Governor to act to ensure, beyond a reasonable doubt, the protection of the civil rights of citizens such as Mrs. Schiavo through those provisions.

11. Voting for HB-35E constituted an act honoring my oath to support and defend the Constitutions of the United States and the State of Florida, particularly as

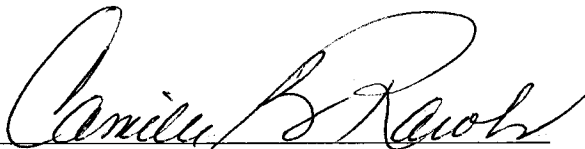
those foundational covenants protect the right to life.

FURTHER AFFIANT SAYETH NOT.

State of Florida  
County of Leon

  
\_\_\_\_\_  
John K. Stargel

Sworn to and subscribed before me by John K. Stargel, who is personally known  
to me, this 11<sup>th</sup> day of December, 2003.

  
\_\_\_\_\_  
Notary Public



ENROLLED  
 HB 0035E, Engrossed 1

2003 Legislature

A bill to be entitled

An act relating to the authority for the Governor to issue a one-time stay; authorizing the Governor to issue a one-time stay to prevent the withholding of nutrition and hydration under certain circumstances; providing for expiration of the stay; authorizing the Governor to lift the stay at any time; providing that a person is not civilly liable and is not subject to regulatory or disciplinary sanctions for taking an action in compliance with any such stay; providing for the chief judge of the circuit court to appoint a guardian ad litem; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The Governor shall have the authority to issue a one-time stay to prevent the withholding of nutrition and hydration from a patient if, as of October 15, 2003:

(a) That patient has no written advance directive;

(b) The court has found that patient to be in a persistent vegetative state;

(c) That patient has had nutrition and hydration withheld;  
and

(d) A member of that patient's family has challenged the withholding of nutrition and hydration.

(2) The Governor's authority to issue the stay expires 15 days after the effective date of this act, and the expiration of that authority does not impact the validity or the effect of any stay issued pursuant to this act. The Governor may lift the stay authorized under this act at any time. A person may not be held

ENROLLED

HB 0035E, Engrossed 1

2003 Legislature

civilly liable and is not subject to regulatory or disciplinary sanctions for taking any action to comply with a stay issued by the Governor pursuant to this act.

(3) Upon the issuance of a stay, the chief judge of the circuit court shall appoint a guardian ad litem for the patient to make recommendations to the Governor and the court.

Section 2. This act shall take effect upon becoming a law.