

Court: Supreme Court of Florida
Topic: Civil Rights, Constitutional Law, Government Law, Health Law
Title: [BUSH v. SCHIAVO](#)
Date: 09/23/04
Case Number: SC04-925
Summary: A law passed by the Legislature, which allows the Governor to prevent the withholding of nutrition and hydration from a person in a vegetative state, is unconstitutional on its face as an unlawful delegation of legislative authority and as a violation of the right to privacy:

Theresa Schiavo had been in a persistent vegetative state since 1990. The Second District Court of Florida allowed for the removal of her nutrition and hydration tube on Oct. 15, 2003. On Oct. 21, 2003, the Florida Legislature enacted chapter 2003-418, and Governor Jeb Bush signed the Act into law, issuing executive order No. 03-201 to stay the continued withholding of nutrition and hydration from Theresa.

Michael Schiavo, Theresa's husband and guardian, challenged the Act in circuit court, and the circuit court ruled in his favor, finding the Act unconstitutional. The Florida Supreme Court affirmed.