

By Senator Siplin

19-188A-06

1 A bill to be entitled
2 An act relating to notification of next of kin;
3 creating s. 960.046, F.S.; requiring law
4 enforcement agencies to notify the next of kin
5 of decedents whose death occurs in certain
6 circumstances; prescribing procedures to be
7 followed with respect to such notification;
8 requiring disciplinary action against officers
9 who fail to make a required notification or who
10 fail to follow specified procedures for making
11 such notification; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. This act may be cited as the Pardo-Arambul
16 Act.

17 Section 2. Section 960.046, Florida Statutes, is
18 created to read:

19 960.046 Contact next of kin of deceased human being;
20 requirements of law enforcement agency.--

21 (1) In addition to any other requirement imposed by
22 law when the death of a human being occurs, the county,
23 municipal, or state law enforcement agency in the jurisdiction
24 in which the death occurred or the body was found, upon
25 preliminary determination of the cause of death, shall contact
26 the next of kin of the decedent when:

27 (a) Verifiable documentation of identity exists and
28 there is reason to believe that the decedent's death is
29 unknown to the next of kin; and

30 (b) There is reason to believe that the decedent's
31 death was the result of:

1 1. Criminal activity;
2 2. An accident;
3 3. Suicide;
4 4. A suspicious or unusual circumstance; or
5 5. Use of a controlled substance or poison.
6 (2) The following requirements apply with respect to
7 notifications of next of kin under this section:
8 (a) Each attempt at notification must be documented in
9 writing, according to procedures established by the law
10 enforcement agency making the notification.
11 (b) Notification of the decedent's next of kin must be
12 accomplished promptly in such a manner as to cause the least
13 discomfort possible to the person being notified.
14 (c) Notification of the decedent's next of kin may be
15 made only after approval of a supervisor or homicide detective
16 designated by the law enforcement agency for such purpose.
17 (d) Notification must be made in person by a law
18 enforcement officer assigned to investigate the cause of the
19 decedent's death or by a supervisor designated by the law
20 enforcement agency for such purpose.
21 (e) Each law enforcement agency is responsible for
22 disciplining a law enforcement officer who fails to comply
23 with this section. Disciplinary action must be documented.
24 (f) If the next of kin of the decedent was not
25 notified within a reasonable time as required in this section,
26 the designated supervisor of the responsible law enforcement
27 agency shall provide a written explanation of the failure to
28 notify the next of kin, along with a statement of the
29 disciplinary action taken against the officer who failed to
30 provide such notification.
31

1 (g) A law enforcement agency may establish additional
2 procedures to implement this section.

3 (3) If the decedent's next of kin is not within the
4 jurisdiction in which death occurred or the body was found,
5 the law enforcement agency responsible for making the
6 notification shall forward notice of the decedent's death to
7 the law enforcement agency of the jurisdiction in which the
8 next of kin is located. The notice must be accompanied by a
9 request for that agency to contact the next of kin immediately
10 and to notify the requesting law enforcement agency in written
11 documentation by facsimile or e-mail when that has been done.
12 If the agency does not send documentation, the requesting
13 agency shall follow up with a telephone call. Advocate
14 services, if applicable, shall be made available to the
15 families of the deceased.

16 Section 3. This act shall take effect July 1, 2006.

17
18 *****

19 SENATE SUMMARY

20 Creates the Pardo-Arambul Act. Requires law enforcement
21 agencies to notify the next of kin of decedents whose
22 death occurs in certain circumstances. Prescribes
23 procedures to be followed with respect to such
24 notification. Requires disciplinary action against
25 officers who fail to make a required notification or who
26 fail to follow specified procedures for making such
27 notification.
28
29
30
31