

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Criminal Justice Committee

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BILL: CS/SB 2036

INTRODUCER: Criminal Justice Committee and Senator Lawson

SUBJECT: Inmate Death Notification

DATE: April 23, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This bill requires that the Department of Corrections (DOC) have a rule for notifying the person designated by an inmate of the inmate's death and providing for the person to be sent written contact information.

This bill amends section 944.09 of the Florida Statutes.

**II. Present Situation:**

Chapter 33-602.112, F.A.C., requires DOC to immediately notify "the person designated by the inmate to receive notice of his death" of an inmate's death. The rule further provides that "the chaplain will normally be responsible for giving or arranging such notice."

In addition to the above rule, DOC has implemented procedure number 602.031, entitled "Inmate Deaths," which provides, in part:

- “(1) Upon the death of an inmate while in the custody of the department:
  - (a) The warden or duty warden will ensure immediate notification of the following as appropriate:
    - 4. the person designated by the inmate to receive notice of his/her death; (The chaplain will normally be responsible for giving or arranging such notice.)”

Thus, when an inmate dies, a chaplain verbally notifies the person designated by the inmate to receive notice of his/her death. No written notice is given. According to DOC, if the death is not

a natural death, the notified person is informed that the death is suspicious and that it is being investigated by the Inspector General.

DOC reports that information concerning who to notify in case of the inmate's death is obtained from the inmate as part of in-processing when he or she is incarcerated. There has been an average of 241 inmate deaths per year over the past 4 years.

There are no statutes relating to notification of an inmate's death.

### **III. Effect of Proposed Changes:**

This bill amends s. 944.09, F.S., by adding a requirement for DOC to adopt rules relating to notice of the death of an inmate. The rules must require the correctional facility in which an inmate dies to contact the person designated by the inmate to receive notification of his or her death and: (1) give notice of the inmate's death; and (2) provide written information that will assist the person in contacting DOC concerning matters relating to the inmate's death.

DOC rules already provide for the designated person to be notified. The bill will require DOC to also provide the written contact information.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

DOC estimates that the mailing of written information would cost \$100 annually.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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