

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Michael offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 12 and 13, insert:

5 Section 2. Subsection (43) of section 497.005, Florida
6 Statutes, is amended to read:

7 497.005 Definitions.—As used in this chapter, the term:

8 (43) (a) "Legally authorized person" means, in the priority
9 listed:

10 1.(a) The decedent, when written inter vivos
11 authorizations and directions are provided by the decedent;

12 2.(b) The person designated by the decedent as authorized
13 to direct disposition pursuant to Pub. L. No. 109-163, s. 564,

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14 as listed on the decedent's United States Department of Defense
15 Record of Emergency Data, DD Form 93, or its successor form, if
16 the decedent died while in military service as described in 10
17 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States
18 Armed Forces, United States Reserve Forces, or National Guard;

19 ~~3.(e) The surviving spouse, unless the spouse has been~~
20 ~~arrested for committing against the deceased an act of domestic~~
21 ~~violence as defined in s. 741.28 that resulted in or contributed~~
22 ~~to the death of the deceased;~~

23 4.(d) A son or daughter who is 18 years of age or older;

24 5.(e) A parent;

25 6.(f) A brother or sister who is 18 years of age or older;

26 7.(g) A grandchild who is 18 years of age or older;

27 8.(h) A grandparent; or

28 9.(i) Any person in the next degree of kinship.

29 (b) In addition, the term legally authorized person may
30 include, if no family member exists or is available from
31 paragraph (a), the guardian of the dead person at the time of
32 death; the personal representative of the deceased; the attorney
33 in fact of the dead person at the time of death; the health
34 surrogate of the dead person at the time of death; a public
35 health officer; the medical examiner, county commission, or
36 administrator acting under part II of chapter 406 or other
37 public administrator; a representative of a nursing home or
38 other health care institution in charge of final disposition; or

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39 a friend or other person not listed in this subsection who is
 40 willing to assume the responsibility as the legally authorized
 41 person. Where there is a person in any priority class listed in
 42 this subsection, the funeral establishment shall rely upon the
 43 authorization of any one legally authorized person of that class
 44 if that person represents that she or he is not aware of any
 45 objection to the cremation of the deceased's human remains by
 46 others in the same class of the person making the representation
 47 or of any person in a higher priority class.

48
 49 No person who has been arrested for committing against the
 50 deceased an act of domestic violence as defined in s. 741.28, or
 51 any act that resulted in or contributed to the death of the
 52 deceased shall be accorded any legally recognizable interest
 53 under this section consistent with s. 732.802.

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56 **T I T L E A M E N D M E N T**

57 Remove lines 2-3 and insert:

58 An act relating to deceased individuals; providing a
 59 short title; amending s. 497.055, F.S.; revising a
 60 definition; providing construction; amending s.
 61 960.001, F.S.;

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