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CS/CS/HB 233, Engrossed 1

2023 Legislature

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An act relating to deceased individuals; providing a short title; amending s. 497.055, F.S.; revising a definition; providing construction; amending s. 960.001, F.S.; defining the term "next of kin"; requiring law enforcement agencies to provide certain information during the investigation of the death of a minor; providing an exception; providing construction; providing an effective date.

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

Section 1. This act may be cited as "Curtis' Law."

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

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

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

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

2. (b) The person designated by the decedent as authorized to direct disposition pursuant to Pub. L. No. 109-163, s. 564, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died while in military service as described in 10

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26 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States
 27 Armed Forces, United States Reserve Forces, or National Guard;
 28 ~~3.(e) The surviving spouse, unless the spouse has been~~
 29 ~~arrested for committing against the deceased an act of domestic~~
 30 ~~violence as defined in s. 741.28 that resulted in or contributed~~
 31 ~~to the death of the deceased;~~
 32 4.(d) A son or daughter who is 18 years of age or older;
 33 5.(e) A parent;
 34 6.(f) A brother or sister who is 18 years of age or older;
 35 7.(g) A grandchild who is 18 years of age or older;
 36 8.(h) A grandparent; or
 37 9.(i) Any person in the next degree of kinship.
 38 (b) In addition, the term legally authorized person may
 39 include, if no family member exists or is available from
 40 paragraph (a), the guardian of the dead person at the time of
 41 death; the personal representative of the deceased; the attorney
 42 in fact of the dead person at the time of death; the health
 43 surrogate of the dead person at the time of death; a public
 44 health officer; the medical examiner, county commission, or
 45 administrator acting under part II of chapter 406 or other
 46 public administrator; a representative of a nursing home or
 47 other health care institution in charge of final disposition; or
 48 a friend or other person not listed in this subsection who is
 49 willing to assume the responsibility as the legally authorized
 50 person. Where there is a person in any priority class listed in

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51 | this subsection, the funeral establishment shall rely upon the
 52 | authorization of any one legally authorized person of that class
 53 | if that person represents that she or he is not aware of any
 54 | objection to the cremation of the deceased's human remains by
 55 | others in the same class of the person making the representation
 56 | or of any person in a higher priority class.

57 |
 58 | No person who has been arrested for committing against the
 59 | deceased an act of domestic violence as defined in s. 741.28, or
 60 | any act that resulted in or contributed to the death of the
 61 | deceased shall be accorded any legally recognizable interest
 62 | under this section consistent with s. 732.802.

63 | Section 3. Paragraph (v) is added to subsection (1) of
 64 | section 960.001, Florida Statutes, to read:

65 | 960.001 Guidelines for fair treatment of victims and
 66 | witnesses in the criminal justice and juvenile justice systems.—

67 | (1) The Department of Legal Affairs, the state attorneys,
 68 | the Department of Corrections, the Department of Juvenile
 69 | Justice, the Florida Commission on Offender Review, the State
 70 | Courts Administrator and circuit court administrators, the
 71 | Department of Law Enforcement, and every sheriff's department,
 72 | police department, or other law enforcement agency as defined in
 73 | s. 943.10(4) shall develop and implement guidelines for the use
 74 | of their respective agencies, which guidelines are consistent
 75 | with the purposes of this act and s. 16(b), Art. I of the State

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76 Constitution and are designed to implement s. 16(b), Art. I of
 77 the State Constitution and to achieve the following objectives:

78 (v) Information concerning an investigation into the death
 79 of a minor.-

80 1. For purposes of this paragraph, "next of kin" includes
 81 "family," "guardian," "next of kin," and "parent" as those terms
 82 are defined in s. 39.01.

83 2. During the investigation of the death of a minor, the
 84 law enforcement agency that initiates or bears the primary
 85 responsibility for the investigation must provide the minor's
 86 next of kin with all of the following information:

87 a. The contact information for the primary contact, if
 88 known, for the particular investigation, and if more than one
 89 law enforcement agency is involved in the investigation, the
 90 contact information for at least one of the secondary law
 91 enforcement agencies involved in the investigation.

92 b. The case number for the investigation, if applicable.

93 c. A list of the minor's personal effects that were found
 94 on or with the minor and information on how the minor's next of
 95 kin can collect such personal effects. A law enforcement agency
 96 may withhold the information in this sub-subparagraph if
 97 providing the information would jeopardize or otherwise
 98 interfere with an active investigation.

99 d. Information regarding the status of the investigation,
 100 at the discretion of the law enforcement agency.

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101 3. This paragraph does not require a law enforcement
102 agency to provide any of the information under this paragraph if
103 doing so would jeopardize or otherwise interfere with an active
104 investigation.

105 4. This paragraph does not require a law enforcement
106 agency to provide investigative records generated during its
107 investigation to a minor's next of kin for inspection.

108 Section 4. This act shall take effect July 1, 2023.