



254124

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2023	.	
	.	
	.	
	.	

---

The Committee on Appropriations (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 48 and 49

insert:

Section 1. 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



254124

11 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,  
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.(c)~~ 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  
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.

54  
55 ===== T I T L E   A M E N D M E N T =====

56 And the title is amended as follows:

57       Delete lines 2 - 7

58 and insert:

59       An act relating to deceased individuals; providing a  
60       short title; amending s. 960.001, F.S.; requiring law  
61       enforcement agencies to provide certain information  
62       during the investigation of the death of a minor;  
63       providing an exception; amending s. 497.055, F.S.;;  
64       revising a definition; providing construction;  
65       providing an effective