

CHAPTER 2023-109

Committee Substitute for Committee Substitute for House Bill No. 233

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 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States Armed Forces, United States Reserve Forces, or National Guard;

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

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

5.(e) A parent;

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

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

8.(h) A grandparent; or

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

(b) In addition, the term legally authorized person may include, if no family member exists or is available from paragraph (a), the guardian of the

dead person at the time of death; the personal representative of the deceased; the attorney in fact of the dead person at the time of death; the health surrogate of the dead person at the time of death; a public health officer; the medical examiner, county commission, or administrator acting under part II of chapter 406 or other public administrator; a representative of a nursing home or other health care institution in charge of final disposition; or a friend or other person not listed in this subsection who is willing to assume the responsibility as the legally authorized person. Where there is a person in any priority class listed in this subsection, the funeral establishment shall rely upon the authorization of any one legally authorized person of that class if that person represents that she or he is not aware of any objection to the cremation of the deceased's human remains by others in the same class of the person making the representation or of any person in a higher priority class.

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

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

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

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Florida Commission on Offender Review, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

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

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

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

a. The contact information for the primary contact, if known, for the particular investigation, and if more than one law enforcement agency is

involved in the investigation, the contact information for at least one of the secondary law enforcement agencies involved in the investigation.

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

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

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

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

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

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

Approved by the Governor May 22, 2023.

Filed in Office Secretary of State May 22, 2023.