

By Senator Siplin

19-290-07

1 A bill to be entitled

2 An act relating to notification of next of kin;

3 providing a short title; creating s. 960.046,

4 F.S.; requiring law enforcement agencies to

5 notify the next of kin of decedents whose death

6 occurs in certain circumstances; prescribing

7 procedures to be followed with respect to such

8 notification; requiring disciplinary action

9 against officers who fail to make a required

10 notification or who fail to follow specified

11 procedures for making such notification;

12 providing an effective date.

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

16 Section 1. This act may be cited as the Pardo-Arambul
17 Act.

18 Section 2. Section 960.046, Florida Statutes, is
19 created to read:

20 960.046 Next of kin of deceased person; requirements
21 of law enforcement agency.--

22 (1) In addition to any other requirement imposed by
23 law when the death of a human being occurs, the county,
24 municipal, or state law enforcement agency in the jurisdiction
25 in which the death occurred or the body was found shall, upon
26 preliminary determination of the cause of death, contact the
27 next of kin of the decedent when there is:

28 (a) Verifiable documentation of the decedent's
29 identity;

30 (b) Reason to believe that the decedent's death is
31 unknown to the next of kin; and

1 (c) Reason to believe that the decedent's death was
2 the result of:

3 1. Criminal activity;

4 2. An accident;

5 3. Suicide;

6 4. A suspicious or unusual circumstance; or

7 5. Use of a controlled substance or poison.

8 (2) The following requirements apply with respect to
9 notifications of next of kin under this section:

10 (a) Each attempt at notification must be documented in
11 writing, according to procedures established by the law
12 enforcement agency making the notification.

13 (b) Notification of the decedent's next of kin must be
14 accomplished promptly in such a manner as to cause the least
15 discomfort possible to the person being notified.

16 (c) Notification of the decedent's next of kin may be
17 made only after approval of a supervisor or homicide detective
18 designated by the law enforcement agency for such purpose.

19 (d) Notification must be made in person by a law
20 enforcement officer assigned to investigate the cause of the
21 decedent's death or by a supervisor designated by the law
22 enforcement agency for such purpose.

23 (e) A law enforcement agency shall take disciplinary
24 action against a law enforcement officer who fails to comply
25 with this section. The disciplinary action must be documented.

26 (f) If the next of kin of the decedent was not
27 notified within a reasonable time as required in this section,
28 the designated supervisor of the responsible law enforcement
29 officer shall provide a written explanation of the failure to
30 notify the next of kin, along with a statement of the

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1 disciplinary action taken against the officer who failed to
2 provide such notification.

3 (g) A law enforcement agency may establish additional
4 procedures to implement this section.

5 (3) If the decedent's next of kin is not within the
6 jurisdiction in which death occurred or the body was found,
7 the law enforcement agency that is responsible for making the
8 notification shall forward notice of the decedent's death to
9 the law enforcement agency having jurisdiction in the area in
10 which the next of kin resides. The notice must be accompanied
11 by a request for that agency to contact the next of kin
12 immediately and to notify the requesting law enforcement
13 agency by facsimile or e-mail when that has been done. If the
14 agency does not send documentation, the requesting agency
15 shall follow up with a telephone call. Advocate services, if
16 applicable, shall be made available to the families of the
17 deceased.

18 Section 3. This act shall take effect July 1, 2007.

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21 SENATE SUMMARY

22 Creates the Pardo-Arambul Act. Requires law enforcement
23 agencies to notify the next of kin of decedents whose
24 death occurs in certain circumstances. Prescribes
25 procedures to be followed with respect to such
26 notification. Requires disciplinary action against
27 officers who fail to make a required notification or who
28 fail to follow specified procedures for making such
29 notification.
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