

**By** the Committees on Appropriations; and Commerce and Tourism;  
and Senators Jones and Davis

576-03804A-23

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1                                   A bill to be entitled  
2       An act relating to deceased individuals; providing a  
3       short title; amending s. 960.001, F.S.; requiring law  
4       enforcement agencies to provide certain information  
5       during the investigation of the death of a minor;  
6       providing an exception; providing construction;  
7       amending s. 497.005, F.S.; revising the definition of  
8       the term "legally authorized person"; providing an  
9       effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13       Section 1. This act may be cited as "Curtis' Law."

14       Section 2. Paragraph (v) is added to subsection (1) of  
15 section 960.001, Florida Statutes, to read:

16       960.001 Guidelines for fair treatment of victims and  
17 witnesses in the criminal justice and juvenile justice systems.-

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

29       (v) Information concerning an investigation into the death

576-03804A-23

2023490c2

30 of a minor.—

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

35 a. The contact information for the primary contact, if  
36 known, for the particular investigation, as well as the contact  
37 information for each law enforcement agency involved in the  
38 investigation.

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

40 c. A list of the minor's personal effects that were found  
41 on or with the minor and information on how the minor's next of  
42 kin can collect such personal effects.

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

45 2. A law enforcement agency may not provide any of the  
46 information under this paragraph if doing so would jeopardize or  
47 otherwise interfere with an active investigation.

48 3. This paragraph does not require a law enforcement agency  
49 to provide investigative records generated during its  
50 investigation to a minor's next of kin for inspection.

51 Section 3. Subsection (43) of section 497.005, Florida  
52 Statutes, is amended to read:

53 497.005 Definitions.—As used in this chapter, the term:

54 (43) "Legally authorized person" means:

55 (a) ~~7~~ In the priority listed:

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

58 2. ~~(b)~~ The person designated by the decedent as authorized

576-03804A-23

2023490c2

59 to direct disposition pursuant to Pub. L. No. 109-163, s. 564,  
60 as listed on the decedent's United States Department of Defense  
61 Record of Emergency Data, DD Form 93, or its successor form, if  
62 the decedent died while in military service as described in 10  
63 U.S.C. s. 1481(a)(1)-(8) in any branch of the United States  
64 Armed Forces, United States Reserve Forces, or National Guard;

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

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

70 5.(e) A parent;

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

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

73 8.(h) A grandparent; or

74 9.(i) Any person in the next degree of kinship; ~~or-~~

75 (b) ~~In addition, the term may include,~~ If no family member  
76 listed in paragraph (a) exists or is available, the guardian of  
77 the dead person at the time of death; the personal  
78 representative of the deceased; the attorney in fact of the dead  
79 person at the time of death; the health surrogate of the dead  
80 person at the time of death; a public health officer; the  
81 medical examiner, county commission, or administrator acting  
82 under part II of chapter 406 or other public administrator; a  
83 representative of a nursing home or other health care  
84 institution in charge of final disposition; or a friend or other  
85 person not listed in this subsection who is willing to assume  
86 the responsibility as the legally authorized person. Where there  
87 is a person in any priority class listed in this subsection, the

576-03804A-23

2023490c2

88 funeral establishment shall rely upon the authorization of any  
89 one legally authorized person of that class if that person  
90 represents that she or he is not aware of any objection to the  
91 cremation of the deceased's human remains by others in the same  
92 class of the person making the representation or of any person  
93 in a higher priority class.

94  
95 Consistent with s. 732.802, the term "legally authorized person"  
96 does not include a person who has been arrested for committing  
97 an act of domestic violence as defined in s. 741.28 against the  
98 decedent or any act that resulted in or contributed to the death  
99 of the decedent.

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