

1                   A bill to be entitled  
 2           An act relating to notification of next of kin; providing  
 3           a short title; creating s. 960.046, F.S.; requiring law  
 4           enforcement agencies to notify the next of kin of  
 5           decedents whose deaths occur in certain circumstances;  
 6           prescribing procedures to be followed with respect to such  
 7           notification; requiring disciplinary action against  
 8           officers who fail to make a required notification or who  
 9           fail to follow specified procedures for making such  
 10          notification; providing for notice of available victim  
 11          advocate and chaplain services; providing an effective  
 12          date.

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

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

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

20           960.046 Deceased person's next of kin; contact  
 21           requirements.--

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

- 29        (a) Verifiable documentation of the decedent's identity;  
 30        (b) Reason to believe that the decedent's death is unknown  
 31 to the next of kin; and  
 32        (c) Reason to believe that the decedent's death was a  
 33 result of:  
 34            1. Criminal activity;  
 35            2. An accident;  
 36            3. Suicide;  
 37            4. A suspicious or unusual circumstance; or  
 38            5. Use of a controlled substance or poison.  
 39        (2) The following requirements apply with respect to  
 40 notifications of next of kin under this section:  
 41            (a) Each attempt at notification must be documented in  
 42 writing, according to procedures established by the law  
 43 enforcement agency making the notification.  
 44            (b) Notification of the decedent's next of kin must be  
 45 accomplished promptly in such a manner as to cause the least  
 46 discomfort possible to the person being notified.  
 47            (c) Notification of the decedent's next of kin may be made  
 48 only after approval of a supervisor or homicide detective  
 49 designated by the law enforcement agency for such purpose.  
 50            (d) Notification must be made in person by a law  
 51 enforcement officer assigned to investigate the cause of the  
 52 decedent's death or by a supervisor designated by the law  
 53 enforcement agency for such purpose.  
 54            (e) Each law enforcement agency is responsible for  
 55 disciplining an employee who fails to comply with this section.  
 56            (f) If the decedent's next of kin was not notified within

57 a reasonable time as required in this section, the designated  
58 supervisor or homicide detective of the responsible law  
59 enforcement agency shall provide a written explanation of the  
60 failure to the next of kin, along with a statement of the  
61 disciplinary action taken against the officer who failed to  
62 provide such notification.

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

65 (3) If the decedent's next of kin is not within the  
66 jurisdiction in which death occurred or the body was found, the  
67 law enforcement agency responsible for making the notification  
68 shall forward notice of the decedent's death to a law  
69 enforcement agency having jurisdiction over where the next of  
70 kin is located. The notice shall be accompanied by a request for  
71 that agency to contact the next of kin immediately, provide them  
72 with any information about victim advocate and chaplain services  
73 supplied under subsection (4), and give written notification to  
74 the requesting law enforcement agency as to how and when the  
75 notification has been done. If the requesting agency has not  
76 heard from the notifying agency within 24 hours, it shall follow  
77 up with a telephone call.

78 (4) If the decedent's next of kin are within the  
79 jurisdiction in which death occurred or the body was found, the  
80 law enforcement agency notifying the next of kin shall, if  
81 victim advocate and chaplain services are available, provide  
82 information to those being notified on how the decedent's next  
83 of kin may use such services. If the decedent's next of kin are  
84 not within the jurisdiction in which death occurred or the body

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85 | was found, the law enforcement agency forwarding information  
86 | under subsection (3) shall, if victim advocate and chaplain  
87 | services are available to the decedent's next of kin in the  
88 | jurisdiction in which death occurred or the body was found,  
89 | include information on how the decedent's next of kin may use  
90 | such services.

91 | Section 3. This act shall take effect July 1, 2006.