

September 26, 2019

NOTICE OF RULE DEVELOPMENT

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.112

RULE TITLE: Inmate Death Notification Process

PURPOSE AND EFFECT: Rulemaking is necessary to clarify when the Office of Inspector General must be notified of an inmate's death and to remove language regarding the responsibility of Classification staff to collect and file an inmate's death certificate in the inmate's paper and electronic records.

SUBJECT AREA TO BE ADDRESSED: Inmate death notification process

RULEMAKING AUTHORITY: 944.09 F.S.

LAW IMPLEMENTED: 406.50, 406.53, 944.09 F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Vazquez, 501 South Calhoun Street, Tallahassee, Florida 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.112 Inmate Death Notification Process.

(1) Notice of Death. Upon the death of an inmate while in the custody of the department:

(a) The institution shall immediately notify:

1. The person designated by the inmate to receive notice of his death, which will typically be provided by the chaplain; the chaplain will normally be responsible for giving or arranging such notice;

2. The Office of the Inspector General on-call supervisor duty officer via the emergency action center if the death occurred under suspicious circumstances or is the result of unnatural causes;

~~3. The local institution inspector;~~

~~3.4. The Office of Health Services;~~

~~4.5. Any authorized organ donor organization that ~~which~~ has received prior approval from the deceased for~~

removal and donation of organs;

~~5.6. The nearest consulate of a foreign national's country in~~ ~~in~~ the case of the death of a foreign national, ~~the nearest consulate of that national's country;~~ and

~~6.7. The district medical examiner of the district in which the death occurred if the death~~ appears to be ~~is~~ the result of natural causes.

(b) The Office of the Inspector General shall immediately notify:

1. The Florida Department of Law Enforcement;

~~2.1. The district medical examiner of the district in which the death occurred if the death occurred under suspicious circumstances or~~ appears to be ~~is~~ the result of unnatural causes; and

~~3.2. The State Attorney of the judicial circuit in which the death~~ occurred. ~~occurred;~~ and

~~3. The Florida Department of Law Enforcement.~~

(c) No change.

(2) Custody and Disposition of the Body.

(a) through (b) No change.

(c) The body may be claimed by any relative or friend of the deceased. ~~deceased or~~ by a representative of a fraternal organization of which the deceased was a member. ~~member~~ or by the Anatomical Board at the University of Florida Health Science Center, provided that the Anatomical Board may not claim the body of any military dischargee described in Section 406.53, F.S. If competing claims to the body are received, they shall be honored in the following order:

1. through 8. No change.

(3) If the body of the deceased inmate is not claimed as outlined in paragraph (2)(c), disposal shall be by burial or cremation, as determined by the warden or his or her designee, based on cost considerations and available space, locally or at the department's designated cemetery, and whether the deceased inmate is entitled to burial in a national cemetery as a veteran of the armed forces. The warden or his or her designee shall make a reasonable effort, including contacting the county veterans service office or regional office of the United States Department of Veterans Affairs, to determine if the deceased inmate is entitled to burial in a national cemetery as a veteran of the armed forces. When cremation is the option selected for disposal, the institution or facility shall:

(a) Ensure that cremation is not prohibited by the tenets of the faith preference of the deceased inmate; and-

(b) No change.

~~(4) In all cases of inmate death, the warden shall furnish to the Bureau of Classification and Central Records a copy of the death certificate obtained from the appropriate authority in the county in which the death occurred. In cases where an inquest is held, the warden shall insure that a copy of the coroner's report is furnished to the Bureau of Classification and Central Records.~~

Rulemaking Specific Authority 944.09 FS. Law Implemented 406.50, 406.53, 944.09 FS. History—New 10-8-76, Amended 9-24-81, Formerly 33-3.09, Amended 6-2-88, 2-18-90, 2-12-97, Formerly 33-3.009, 33-401.301, Amended 3-25-02, 9-9-03, 2-15-06,_____.