

CS/SB 768 – Duties and Prohibited Acts Associated with Death (Identical CS/HB 1653)

This bill amends s. 406.12, F.S., stating the following (new language in bold): “It is the duty of any person in the district where a death occurs, including all municipalities and unincorporated and federal areas, who becomes aware of the death of any person occurring under the circumstances described in s. 406.11, F.S., to report such death and circumstances forthwith to the district medical examiner **or to a law enforcement agency having jurisdiction over the location.**” Currently, it is stated that “any person who knowingly fails or refuses to report such death and circumstances, who refuses to make available prior medical or other information pertinent to the death investigation, or who, without an order from the office of the district medical examiner, willfully touches, removes, or disturbs the body, clothing, or any article upon or near the body, with the intent to alter the evidence or circumstances surrounding the death” commits a 1st degree misdemeanor. This bill amends that language, where “any person who knowingly fails or refuses to report such death and circumstances...or who refuses to make available prior medical or other information pertinent to the death investigation” remains a 1st degree misdemeanor. An **unranked, 3rd degree felony (Level 1 by default)** is now added for the remainder of the statutory language with slight changes to the language (new language in bold): “**Any person who, with the intent to conceal such death or to alter the evidence or circumstances surrounding such death...or...without an order from the office of the district medical examiner, willfully touches, removes, or disturbs the body, clothing, or any article upon or near the body.**”

Per FDLE, in FY 22-23, there were 9 arrests under s. 406.12, F.S., 9 guilty/convicted charges, and 2 adjudications withheld.

In FY 22-23, the incarceration rate for a Level 1, 3rd degree felony was 9.5%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: Senate & House