

By Senator Book

35-00489C-24

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1                   A bill to be entitled  
2       An act relating to domestic violence investigations;  
3       providing a short title; amending s. 741.29, F.S.;  
4       requiring law enforcement officers to complete a  
5       lethality assessment form when investigating alleged  
6       incidents of domestic violence; providing requirements  
7       for completing the form; requiring the Department of  
8       Law Enforcement to approve a statewide lethality  
9       assessment form; providing requirements for the form;  
10      requiring the department to consult with specified  
11      entities on the policies, procedures, and training  
12      necessary to implement the use of the form; providing  
13      minimum requirements for such policies, procedures,  
14      and training; prohibiting law enforcement officers  
15      from using the form if they have not received certain  
16      training; making technical changes; providing an  
17      effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21       Section 1. This act may be cited as the "Gabby Petito Act."

22       Section 2. Present subsections (3) through (6) of section  
23 741.29, Florida Statutes, are redesignated as subsections (4)  
24 through (7), respectively, a new subsection (3) is added to that  
25 section, and subsection (2) of that section is amended, to read:

26       741.29 Domestic violence; investigation of incidents;  
27 notice to victims of legal rights and remedies; reporting.-

28       (2) When a law enforcement officer investigates an alleged  
29 ~~allegation that an~~ incident of domestic violence ~~has occurred,~~

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30 the officer shall handle the incident pursuant to the arrest  
31 policy provided in s. 901.15(7), and as developed in accordance  
32 with subsections ~~(3),~~ (4), ~~and~~ (5), and (6). Regardless of  
33 whether ~~or not~~ an arrest is made, the officer shall make a  
34 written police report that is complete and clearly indicates the  
35 alleged offense was an incident of domestic violence. Such  
36 report must ~~shall~~ be given to the officer's supervisor and filed  
37 with the law enforcement agency in a manner that will allow  
38 ~~permit~~ data on domestic violence cases to be compiled. Such  
39 report must include all of the following information:

40 (a) A description of physical injuries observed, if any.

41 (b) If a law enforcement officer decides not to make an  
42 arrest or decides to arrest two or more parties, ~~the officer~~  
43 ~~shall include in the report~~ the grounds for not arresting anyone  
44 or for arresting two or more parties.

45 (c) A statement that ~~which~~ indicates that a copy of the  
46 legal rights and remedies notice was given to the victim.

47  
48 Whenever possible, the law enforcement officer shall obtain a  
49 written statement from the victim and witnesses concerning the  
50 alleged domestic violence and. ~~The officer shall~~ submit the  
51 report to the supervisor or other person to whom the employer's  
52 rules or policies require reports of similar allegations of  
53 criminal activity ~~to~~ be made. The law enforcement agency shall,  
54 without charge, send a copy of the initial police report, as  
55 well as any subsequent, supplemental, or related report, which  
56 excludes victim/witness statements or other materials that are  
57 part of an active criminal investigation and are exempt from  
58 disclosure under chapter 119, to the nearest locally certified

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59 domestic violence center within 24 hours after the agency's  
60 receipt of the report. The report furnished to the domestic  
61 violence center must include a narrative description of the  
62 domestic violence incident.

63 (3) (a) When a law enforcement officer investigates an  
64 alleged incident of domestic violence, the officer shall  
65 complete a lethality assessment form to evaluate the likelihood  
66 of serious injury or death. The personal identifying information  
67 of the offender and the results of the lethality assessment must  
68 be given to the officer's supervisor and filed with the law  
69 enforcement agency in a manner that will allow data on domestic  
70 violence cases to be compiled.

71 (b) The Department of Law Enforcement shall do all of the  
72 following:

73 1. Approve a statewide lethality assessment form. The form  
74 must be an evidence-based assessment that has been reviewed and  
75 approved by the United States Department of Justice's Office on  
76 Violence Against Women.

77 2. Consult with the Department of Children and Families and  
78 at least one domestic violence advocacy organization to develop  
79 the policies, procedures, and training necessary to implement  
80 the use of the lethality assessment form.

81 3. Consult with the Florida Sheriffs Association and the  
82 Florida Police Chiefs Association to determine the best  
83 practices for compiling and using the data described in  
84 paragraph (a) in a manner that will best assist law enforcement  
85 officers who regularly respond to or investigate crimes of  
86 domestic violence.

87 (c) Each law enforcement officer who regularly responds to

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88 or investigates crimes of domestic violence must be trained on  
89 the policies and procedures for completing the form. A law  
90 enforcement officer may complete a lethality assessment form  
91 with a victim only after receiving such training.

92 Section 3. This act shall take effect July 1, 2024.