

By the Committee on Criminal Justice; and Senator Grall

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1 A bill to be entitled
2 An act relating to lethality assessments; amending s.
3 741.29, F.S.; requiring law enforcement officers who
4 investigate an alleged incident of domestic violence
5 to administer a lethality assessment under certain
6 circumstances; requiring the Department of Law
7 Enforcement to consult with specified entities to
8 develop and implement a statewide lethality
9 assessment; requiring that training on administering
10 lethality assessments be available to law enforcement
11 officers in an online format; requiring law
12 enforcement officers administering a lethality
13 assessment to ask a victim specified questions;
14 requiring certain law enforcement officers to be
15 trained in administering lethality assessments by a
16 specified date; prohibiting law enforcement officers
17 from administering a lethality assessment if they have
18 not completed lethality assessment training; requiring
19 law enforcement officers to advise the victim of the
20 results of the lethality assessment and refer the
21 victim to certain domestic violence centers if certain
22 conditions are met; requiring law enforcement officers
23 to document in the written police report a victim's
24 refusal or inability to provide information necessary
25 for the lethality assessment; prohibiting law
26 enforcement officers from disclosing in certain
27 statements and reports the domestic violence center to
28 which the victim was referred; requiring that written
29 police reports for domestic violence incidents include

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30 the results of the lethality assessment, if one was
31 administered; making technical changes; reenacting s.
32 39.906, F.S., relating to referral to domestic
33 violence centers and notice of rights, to incorporate
34 the amendment made to s. 741.29, F.S., in a reference
35 thereto; providing an effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Section 741.29, Florida Statutes, is amended to
40 read:

41 741.29 Domestic violence; investigation of incidents;
42 notice to victims of legal rights and remedies; reporting.—

43 (1) Any law enforcement officer who investigates an alleged
44 incident of domestic violence shall:

45 (a) Assist the victim to obtain medical treatment if such
46 is required as a result of the alleged incident to which the
47 officer responds;— ~~Any law enforcement officer who investigates~~
48 ~~an alleged incident of domestic violence shall~~

49 (b) Advise the victim of such violence that there is a
50 domestic violence center from which the victim may receive
51 services;—

52 (c) Administer a lethality assessment consistent with the
53 requirements established in subsection (2) if the allegation of
54 domestic violence is against an intimate partner, regardless of
55 whether an arrest is made; and

56 (d) The law enforcement officer shall Give the victim
57 immediate notice of the legal rights and remedies available on a
58 standard form developed and distributed by the department. As

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59 necessary, the department shall revise the Legal Rights and
60 Remedies Notice to Victims to include a general summary of s.
61 741.30 using simple English as well as Spanish, and shall
62 distribute the notice as a model form to be used by all law
63 enforcement agencies throughout this ~~the~~ state. The notice must
64 ~~shall~~ include:

65 1.~~(a)~~ The resource listing, including telephone number, for
66 the area domestic violence center designated by the Department
67 of Children and Families; and

68 2.~~(b)~~ A copy of the following statement:

69
70 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may
71 ask the state attorney to file a criminal complaint.
72 You also have the right to go to court and file a
73 petition requesting an injunction for protection from
74 domestic violence which may include, but need not be
75 limited to, provisions which restrain the abuser from
76 further acts of abuse; direct the abuser to leave your
77 household; prevent the abuser from entering your
78 residence, school, business, or place of employment;
79 award you custody of your minor child or children; and
80 direct the abuser to pay support to you and the minor
81 children if the abuser has a legal obligation to do
82 so."

83
84 (2) The department shall consult with the Department of
85 Children and Families and at least one domestic violence
86 advocacy organization to develop the policies, procedures, and
87 training necessary for implementation of a statewide evidence-

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88 based lethality assessment. Training on how to administer a
89 lethality assessment must be accessible to a law enforcement
90 officer in an online format.

91 (a) To administer a lethality assessment, a law enforcement
92 officer shall ask the victim, in the same or similar wording and
93 in the same order, all of the following questions:

94 1. Did the aggressor ever use a weapon against you or
95 threaten you with a weapon?

96 2. Did the aggressor ever threaten to kill you or your
97 children?

98 3. Do you believe the aggressor will try to kill you?

99 4. Has the aggressor ever choked you or attempted to choke
100 you?

101 5. Does the aggressor have a gun or could the aggressor
102 easily obtain a gun?

103 6. Is the aggressor violently or constantly jealous, or
104 does the aggressor control most of your daily activities?

105 7. Did you leave or separate from the aggressor after you
106 were living together or married?

107 8. Is the aggressor unemployed?

108 9. To the best of your knowledge, has the aggressor ever
109 attempted suicide?

110 10. Do you have a child whom the aggressor believes is not
111 the aggressor's biological child?

112 11. Has the aggressor ever followed, spied on, or left
113 threatening messages for you?

114 12. Is there anything else that worries you about your
115 safety and, if so, what worries you?

116 (b) By July 1, 2025, all law enforcement officers who

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117 respond to or investigate crimes of domestic violence must be
118 trained on the policies and procedures for administering a
119 lethality assessment. A law enforcement officer may not
120 administer a lethality assessment to a victim if the officer has
121 not received training on administering a lethality assessment. A
122 law enforcement officer shall advise the victim of the results
123 of the assessment and refer the victim to the nearest locally
124 certified domestic violence center if:

125 1. The victim answers affirmatively to any of the questions
126 provided in subparagraphs (a)1.-4.;

127 2. The victim answers negatively to the questions provided
128 in subparagraphs (a)1.-4., but affirmatively to at least four of
129 the questions provided in subparagraphs (a)5.-11.; or

130 3. As a result of the victim's response to subparagraph
131 (a)12., the law enforcement officer believes the victim is in a
132 potentially lethal situation.

133 (c) If a victim does not, or is unable to, provide
134 information to a law enforcement officer sufficient to allow the
135 law enforcement officer to administer a lethality assessment,
136 the law enforcement officer must document the lack of a
137 lethality assessment in the written police report required in
138 subsection (3) and refer the victim to the nearest locally
139 certified domestic violence center.

140 (d) A law enforcement officer may not include in a probable
141 cause statement, written police report, or incident report the
142 domestic violence center to which a victim was referred.

143 (3)~~(2)~~ When a law enforcement officer investigates an
144 allegation that an incident of domestic violence has occurred,
145 the officer shall handle the incident pursuant to the arrest

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146 policy provided in s. 901.15(7), and as developed in accordance
147 with subsections (4) ~~(3)~~, (5) ~~(4)~~, and (6) ~~(5)~~. Regardless of
148 whether ~~or not~~ an arrest is made, the officer shall make a
149 written police report that is complete and clearly indicates the
150 alleged offense was an incident of domestic violence. Such
151 report must ~~shall~~ be given to the officer's supervisor and filed
152 with the law enforcement agency in a manner that will permit
153 data on domestic violence cases to be compiled. Such report must
154 include all of the following:

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

156 (b) If a law enforcement officer decides not to make an
157 arrest or decides to arrest two or more parties, ~~the officer~~
158 ~~shall include in the report~~ the grounds for not arresting anyone
159 or for arresting two or more parties.

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

162 (d) The results of a lethality assessment, if one was
163 administered pursuant to paragraph (1)(c).

164
165 Whenever possible, the law enforcement officer shall obtain a
166 written statement from the victim and witnesses concerning the
167 alleged domestic violence. The officer shall submit the report
168 to the supervisor or other person to whom the employer's rules
169 or policies require reports of similar allegations of criminal
170 activity to be made. The law enforcement agency shall, without
171 charge, send a copy of the initial police report, as well as any
172 subsequent, supplemental, or related report, which excludes
173 victim/witness statements or other materials that are part of an
174 active criminal investigation and are exempt from disclosure

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175 under chapter 119, to the nearest locally certified domestic
176 violence center within 24 hours after the agency's receipt of
177 the report. The report furnished to the domestic violence center
178 must include a narrative description of the domestic violence
179 incident.

180 (4)~~(3)~~ Whenever a law enforcement officer determines upon
181 probable cause that an act of domestic violence has been
182 committed within the jurisdiction the officer may arrest the
183 person or persons suspected of its commission and charge such
184 person or persons with the appropriate crime. The decision to
185 arrest and charge shall not require consent of the victim or
186 consideration of the relationship of the parties.

187 (5) (a)~~(4) (a)~~ When complaints are received from two or more
188 parties, the officers shall evaluate each complaint separately
189 to determine whether there is probable cause for arrest.

190 (b) If a law enforcement officer has probable cause to
191 believe that two or more persons have committed a misdemeanor or
192 felony, or if two or more persons make complaints to the
193 officer, the officer must ~~shall~~ try to determine who was the
194 primary aggressor. Arrest is the preferred response only with
195 respect to the primary aggressor and not the preferred response
196 with respect to a person who acts in a reasonable manner to
197 protect or defend oneself or another family or household member
198 from domestic violence.

199 (6)~~(5)~~ A ~~No~~ law enforcement officer may not ~~shall~~ be held
200 liable, in any civil action, for an arrest based on probable
201 cause, enforcement in good faith of a court order, or service of
202 process in good faith under this chapter arising from an alleged
203 incident of domestic violence brought by any party to the

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204 incident.

205 (7)~~(6)~~ A person who willfully violates a condition of
206 pretrial release provided in s. 903.047, when the original
207 arrest was for an act of domestic violence as defined in s.
208 741.28, commits a misdemeanor of the first degree, punishable as
209 provided in s. 775.082 or s. 775.083, and shall be held in
210 custody until his or her first appearance.

211 Section 2. For the purpose of incorporating the amendment
212 made by this act to section 741.29, Florida Statutes, in a
213 reference thereto, section 39.906, Florida Statutes, is
214 reenacted to read:

215 39.906 Referral to centers and notice of rights.—Any law
216 enforcement officer who investigates an alleged incident of
217 domestic violence shall advise the victim of such violence that
218 there is a domestic violence center from which the victim may
219 receive services. The law enforcement officer shall give the
220 victim immediate notice of the legal rights and remedies
221 available in accordance with the provisions of s. 741.29.

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