

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senator Grall

604-03137-24

2024638c2

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, and
8 authorizing the department to consult with other
9 specified entities, to develop certain policies,
10 procedures, and training necessary for the
11 implementation of a statewide evidence-based lethality
12 assessment; requiring such policies, procedures, and
13 training to establish how to determine whether a
14 victim and aggressor are intimate partners and
15 establish a statewide process for referring a victim
16 to a certified domestic violence center; requiring the
17 department to adopt a statewide lethality assessment
18 form by a specified date; requiring that training on
19 administering lethality assessments be available to
20 law enforcement officers in an online format;
21 requiring the department to submit a specified report
22 to the Legislature by a specified date; requiring
23 certain law enforcement officers to be trained on the
24 policies and procedures for administering a lethality
25 assessment; prohibiting a law enforcement officer from
26 administering a lethality assessment if he or she has
27 not received specified training; requiring law
28 enforcement officers administering a lethality
29 assessment to ask a victim specified questions;

604-03137-24

2024638c2

30 requiring law enforcement officers to advise the
31 victim of the results of the lethality assessment and
32 refer the victim to certain domestic violence centers
33 if certain conditions are met; requiring law
34 enforcement officers to document in the written police
35 report a victim's refusal or inability to provide
36 information necessary for the lethality assessment;
37 prohibiting law enforcement officers from disclosing
38 in certain statements and reports the domestic
39 violence center to which the victim was referred;
40 requiring that written police reports for domestic
41 violence incidents include the results of the
42 lethality assessment, if one was administered; making
43 technical changes; reenacting s. 39.906, F.S.,
44 relating to referral to domestic violence centers and
45 notice of rights, to incorporate the amendment made to
46 s. 741.29, F.S., in a reference thereto; providing an
47 effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Section 741.29, Florida Statutes, is amended to
52 read:

53 741.29 Domestic violence; investigation of incidents;
54 notice to victims of legal rights and remedies; reporting.—

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

57 (a) Assist the victim to obtain medical treatment if such
58 is required as a result of the alleged incident to which the

604-03137-24

2024638c2

59 officer responds; ~~Any law enforcement officer who investigates~~
60 ~~an alleged incident of domestic violence shall~~

61 (b) Advise the victim of such violence that there is a
62 domestic violence center from which the victim may receive
63 services; ~~and~~

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

68 (d) ~~The law enforcement officer shall~~ Give the victim
69 immediate notice of the legal rights and remedies available on a
70 standard form developed and distributed by the department. As
71 necessary, the department shall revise the Legal Rights and
72 Remedies Notice to Victims to include a general summary of s.
73 741.30 using simple English as well as Spanish, and shall
74 distribute the notice as a model form to be used by all law
75 enforcement agencies throughout this ~~the~~ state. The notice must
76 ~~shall~~ include:

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

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

81
82 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may
83 ask the state attorney to file a criminal complaint.
84 You also have the right to go to court and file a
85 petition requesting an injunction for protection from
86 domestic violence which may include, but need not be
87 limited to, provisions which restrain the abuser from

604-03137-24

2024638c2

88 further acts of abuse; direct the abuser to leave your
89 household; prevent the abuser from entering your
90 residence, school, business, or place of employment;
91 award you custody of your minor child or children; and
92 direct the abuser to pay support to you and the minor
93 children if the abuser has a legal obligation to do
94 so.”

95
96 (2) The department shall consult with the Department of
97 Children and Families and at least one domestic violence
98 advocacy organization and may consult with the Florida Sheriffs
99 Association, the Florida Police Chiefs Association, and the
100 Florida Partnership to End Domestic Violence to develop the
101 policies, procedures, and training necessary for implementation
102 of a statewide evidence-based lethality assessment. Such
103 policies, procedures, and training must establish how to
104 determine whether a victim and aggressor are intimate partners
105 and establish a statewide process for referring a victim to a
106 certified domestic violence center. By January 1, 2025, the
107 department must adopt a statewide lethality assessment form that
108 includes all the information in paragraph (c). Training on how
109 to administer a lethality assessment and the approved lethality
110 assessment form must be accessible to a law enforcement officer
111 in an online format.

112 (a) By January 1, 2025, and annually thereafter, the
113 department shall submit a report to the President of the Senate
114 and the Speaker of the House of Representatives which must
115 include the current policies and procedures for administering a
116 lethality assessment, any proposed statutory changes necessary

604-03137-24

2024638c2

117 for statewide implementation, and any proposed changes to the
118 lethality assessment or the lethality assessment form to
119 maintain compliance with evidence-based standards.

120 (b) By October 1, 2026, all law enforcement officers who
121 respond to or investigate crimes of domestic violence must be
122 trained on the policies and procedures for administering a
123 lethality assessment. A law enforcement officer may not
124 administer a lethality assessment to a victim if the officer has
125 not received training on administering a lethality assessment.

126 (c) To administer a lethality assessment, a law enforcement
127 officer shall ask the victim, in the same or similar wording and
128 in the same order, all of the following questions:

129 1. Did the aggressor ever use a weapon against you or
130 threaten you with a weapon?

131 2. Did the aggressor ever threaten to kill you or your
132 children?

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

134 4. Has the aggressor ever choked you or attempted to choke
135 you?

136 5. Does the aggressor have a gun or could the aggressor
137 easily obtain a gun?

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

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

142 8. Is the aggressor unemployed?

143 9. To the best of your knowledge, has the aggressor ever
144 attempted suicide?

145 10. Do you have a child whom the aggressor believes is not

604-03137-24

2024638c2

146 the aggressor's biological child?

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

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

151 (d) A law enforcement officer shall advise a victim of the
152 results of the assessment and refer the victim to the nearest
153 locally certified domestic violence center if:

154 1. The victim answers affirmatively to any of the questions
155 provided in subparagraphs (c)1.-4.;

156 2. The victim answers negatively to the questions provided
157 in subparagraphs (c)1.-4., but affirmatively to at least four of
158 the questions provided in subparagraphs (c)5.-11.; or

159 3. As a result of the victim's response to subparagraph
160 (c)12., the law enforcement officer believes the victim is in a
161 potentially lethal situation.

162 (e) If a victim does not, or is unable to, provide
163 information to a law enforcement officer sufficient to allow the
164 law enforcement officer to administer a lethality assessment,
165 the law enforcement officer must document the lack of a
166 lethality assessment in the written police report required in
167 subsection (3) and refer the victim to the nearest locally
168 certified domestic violence center.

169 (f) A law enforcement officer may not include in a probable
170 cause statement, written police report, or incident report the
171 domestic violence center to which a victim was referred.

172 (3)~~(2)~~ When a law enforcement officer investigates an
173 allegation that an incident of domestic violence has occurred,
174 the officer shall handle the incident pursuant to the arrest

604-03137-24

2024638c2

175 policy provided in s. 901.15(7), and as developed in accordance
176 with subsections (4), (5), and (6) ~~(3), (4), and (5)~~. Regardless
177 of whether ~~or not~~ an arrest is made, the officer shall make a
178 written police report that is complete and clearly indicates the
179 alleged offense was an incident of domestic violence. Such
180 report must ~~shall~~ be given to the officer's supervisor and filed
181 with the law enforcement agency in a manner that will permit
182 data on domestic violence cases to be compiled. Such report must
183 include all of the following:

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

185 (b) If a law enforcement officer decides not to make an
186 arrest or decides to arrest two or more parties, ~~the officer~~
187 ~~shall include in the report~~ the grounds for not arresting anyone
188 or for arresting two or more parties.

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

191 (d) A notation of the score of a lethality assessment, if
192 one was administered pursuant to paragraph (1)(c).

193
194 Whenever possible, the law enforcement officer shall obtain a
195 written statement from the victim and witnesses concerning the
196 alleged domestic violence. The officer shall submit the report
197 to the supervisor or other person to whom the employer's rules
198 or policies require reports of similar allegations of criminal
199 activity to be made. The law enforcement agency shall, without
200 charge, send a copy of the initial police report, as well as any
201 subsequent, supplemental, or related report, which excludes
202 victim/witness statements or other materials that are part of an
203 active criminal investigation and are exempt from disclosure

604-03137-24

2024638c2

204 under chapter 119, to the nearest locally certified domestic
205 violence center within 24 hours after the agency's receipt of
206 the report. The report furnished to the domestic violence center
207 must include a narrative description of the domestic violence
208 incident.

209 (4)~~(3)~~ Whenever a law enforcement officer determines upon
210 probable cause that an act of domestic violence has been
211 committed within the jurisdiction the officer may arrest the
212 person or persons suspected of its commission and charge such
213 person or persons with the appropriate crime. The decision to
214 arrest and charge shall not require consent of the victim or
215 consideration of the relationship of the parties.

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

219 (b) If a law enforcement officer has probable cause to
220 believe that two or more persons have committed a misdemeanor or
221 felony, or if two or more persons make complaints to the
222 officer, the officer must ~~shall~~ try to determine who was the
223 primary aggressor. Arrest is the preferred response only with
224 respect to the primary aggressor and not the preferred response
225 with respect to a person who acts in a reasonable manner to
226 protect or defend oneself or another family or household member
227 from domestic violence.

228 (6)~~(5)~~ A ~~No~~ law enforcement officer may not ~~shall~~ be held
229 liable, in any civil action, for an arrest based on probable
230 cause, enforcement in good faith of a court order, or service of
231 process in good faith under this chapter arising from an alleged
232 incident of domestic violence brought by any party to the

604-03137-24

2024638c2

233 incident.

234 (7)~~(6)~~ A person who willfully violates a condition of
235 pretrial release provided in s. 903.047, when the original
236 arrest was for an act of domestic violence as defined in s.
237 741.28, commits a misdemeanor of the first degree, punishable as
238 provided in s. 775.082 or s. 775.083, and shall be held in
239 custody until his or her first appearance.

240 Section 2. For the purpose of incorporating the amendment
241 made by this act to section 741.29, Florida Statutes, in a
242 reference thereto, section 39.906, Florida Statutes, is
243 reenacted to read:

244 39.906 Referral to centers and notice of rights.—Any law
245 enforcement officer who investigates an alleged incident of
246 domestic violence shall advise the victim of such violence that
247 there is a domestic violence center from which the victim may
248 receive services. The law enforcement officer shall give the
249 victim immediate notice of the legal rights and remedies
250 available in accordance with the provisions of s. 741.29.

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