

**By** the Committee on Fiscal Policy; the Appropriations Committee on Criminal and Civil Justice; 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, 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 upon certain circumstances;  
23      requiring the Criminal Justice Standards and Training  
24      Commission to require by rule that law enforcement  
25      officers receive instruction on the policies and  
26      procedures for administering a lethality assessment as  
27      part of basic recruit training or required instruction  
28      for continued employment; prohibiting a law  
29      enforcement officer from administering a lethality

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30 assessment if he or she has not received specified  
31 training; requiring that basic recruit training  
32 programs and continuing training or education  
33 requirements incorporate such training, and that all  
34 law enforcement officers successfully complete such  
35 training, by a specified date; requiring law  
36 enforcement agencies to place officers' certification  
37 on inactive status if they fail to timely complete the  
38 required training; providing that such officers'  
39 certification remains inactive until they complete the  
40 training and their employing agency notifies the  
41 commission of such completion; requiring law  
42 enforcement officers administering a lethality  
43 assessment to ask a victim specified questions;  
44 requiring law enforcement officers to advise the  
45 victim of the results of the lethality assessment and  
46 refer the victim to certain domestic violence centers  
47 if certain conditions are met; requiring law  
48 enforcement officers to document in the written police  
49 report a victim's refusal or inability to provide  
50 information necessary for the lethality assessment;  
51 prohibiting law enforcement officers from disclosing  
52 in certain statements and reports the domestic  
53 violence center to which the victim was referred;  
54 requiring that written police reports for domestic  
55 violence incidents include the results of the  
56 lethality assessment, if one was administered; making  
57 technical changes; reenacting s. 39.906, F.S.,  
58 relating to referral to domestic violence centers and

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59 notice of rights, to incorporate the amendment made to  
60 s. 741.29, F.S., in a reference thereto; providing an  
61 effective date.  
62

63 Be It Enacted by the Legislature of the State of Florida:  
64

65 Section 1. Section 741.29, Florida Statutes, is amended to  
66 read:

67 741.29 Domestic violence; investigation of incidents;  
68 notice to victims of legal rights and remedies; reporting.—

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

71 (a) Assist the victim to obtain medical treatment if such  
72 is required as a result of the alleged incident to which the  
73 officer responds; ~~Any law enforcement officer who investigates~~  
74 ~~an alleged incident of domestic violence shall~~

75 (b) Advise the victim of such violence that there is a  
76 domestic violence center from which the victim may receive  
77 services; ~~—~~

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

82 ~~(d) The law enforcement officer shall~~ Give the victim  
83 immediate notice of the legal rights and remedies available on a  
84 standard form developed and distributed by the department. As  
85 necessary, the department shall revise the Legal Rights and  
86 Remedies Notice to Victims to include a general summary of s.  
87 741.30 using simple English as well as Spanish, and shall

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88 distribute the notice as a model form to be used by all law  
89 enforcement agencies throughout this ~~the~~ state. The notice must  
90 ~~shall~~ include:

91 1.(a) The resource listing, including telephone number, for  
92 the area domestic violence center designated by the Department  
93 of Children and Families; and

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

95  
96 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may  
97 ask the state attorney to file a criminal complaint.  
98 You also have the right to go to court and file a  
99 petition requesting an injunction for protection from  
100 domestic violence which may include, but need not be  
101 limited to, provisions which restrain the abuser from  
102 further acts of abuse; direct the abuser to leave your  
103 household; prevent the abuser from entering your  
104 residence, school, business, or place of employment;  
105 award you custody of your minor child or children; and  
106 direct the abuser to pay support to you and the minor  
107 children if the abuser has a legal obligation to do  
108 so."

109  
110 (2) The department shall consult with the Department of  
111 Children and Families and at least one domestic violence  
112 advocacy organization and may consult with the Florida Sheriffs  
113 Association, the Florida Police Chiefs Association, and the  
114 Florida Partnership to End Domestic Violence to develop the  
115 policies, procedures, and training necessary for implementation  
116 of a statewide evidence-based lethality assessment. Such

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117 policies, procedures, and training must establish how to  
118 determine whether a victim and aggressor are intimate partners  
119 and establish a statewide process for referring a victim to a  
120 certified domestic violence center. By January 1, 2025, the  
121 department must adopt a statewide lethality assessment form that  
122 includes all the information in paragraph (c). Training on how  
123 to administer a lethality assessment and the approved lethality  
124 assessment form must be accessible to a law enforcement officer  
125 in an online format.

126 (a) The department must monitor evidence-based standards  
127 relating to administering a lethality assessment or the  
128 lethality assessment form. If the department identifies changes  
129 in such evidence-based standards, the department shall submit a  
130 report to the President of the Senate and the Speaker of the  
131 House of Representatives which must include the current policies  
132 and procedures for administering a lethality assessment, any  
133 proposed statutory changes necessary for statewide  
134 implementation, and any proposed changes to the lethality  
135 assessment or the lethality assessment form to maintain  
136 compliance with evidence-based standards.

137 (b) The Criminal Justice Standards and Training Commission  
138 shall require by rule that all law enforcement officers receive  
139 instruction on the policies and procedures for administering a  
140 lethality assessment as part of basic recruit training or as  
141 part of the required instruction for continued employment. A law  
142 enforcement officer may not administer a lethality assessment to  
143 a victim if the officer has not received training on  
144 administering a lethality assessment. All of the following  
145 requirements for training on administering a lethality

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146 assessment must be met by October 1, 2026:

147 1. Commission-approved basic recruit training programs  
148 required by s. 943.13(9) and continuing training or education  
149 required by s. 943.135 must incorporate the training required by  
150 this subsection.

151 2. All law enforcement officers must successfully complete  
152 the training required by this subsection, including officers who  
153 received an exemption from completing the commission-approved  
154 basic recruit training program under s. 943.131, as part of  
155 their basic recruit training or the continued training or  
156 education required under s. 943.135(1), as applicable. An  
157 officer's employing agency must place the officer's  
158 certification on inactive status if the officer fails to  
159 complete the training required under this subsection. The  
160 officer's certification will remain inactive until the officer  
161 completes the training and the officer's employing agency  
162 notifies the commission that he or she has completed the  
163 training.

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

167 1. Did the aggressor ever use a weapon against you or  
168 threaten you with a weapon?

169 2. Did the aggressor ever threaten to kill you or your  
170 children?

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

172 4. Has the aggressor ever choked you or attempted to choke  
173 you?

174 5. Does the aggressor have a gun or could the aggressor

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175 easily obtain a gun?

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

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

180 8. Is the aggressor unemployed?

181 9. To the best of your knowledge, has the aggressor ever  
182 attempted suicide?

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

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

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

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

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

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

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

200 (e) If a victim does not, or is unable to, provide  
201 information to a law enforcement officer sufficient to allow the  
202 law enforcement officer to administer a lethality assessment,  
203 the law enforcement officer must document the lack of a

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204 lethality assessment in the written police report required in  
205 subsection (3) and refer the victim to the nearest locally  
206 certified domestic violence center.

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

210 (3)~~(2)~~ When a law enforcement officer investigates an  
211 allegation that an incident of domestic violence has occurred,  
212 the officer shall handle the incident pursuant to the arrest  
213 policy provided in s. 901.15(7), and as developed in accordance  
214 with subsections (4), (5), and (6) ~~(3), (4), and (5)~~. Regardless  
215 of whether or not an arrest is made, the officer shall make a  
216 written police report that is complete and clearly indicates the  
217 alleged offense was an incident of domestic violence. Such  
218 report must ~~shall~~ be given to the officer's supervisor and filed  
219 with the law enforcement agency in a manner that will permit  
220 data on domestic violence cases to be compiled. Such report must  
221 include all of the following:

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

223 (b) If a law enforcement officer decides not to make an  
224 arrest or decides to arrest two or more parties, ~~the officer~~  
225 ~~shall include in the report~~ the grounds for not arresting anyone  
226 or for arresting two or more parties.

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

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

231  
232 Whenever possible, the law enforcement officer shall obtain a

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233 written statement from the victim and witnesses concerning the  
234 alleged domestic violence. The officer shall submit the report  
235 to the supervisor or other person to whom the employer's rules  
236 or policies require reports of similar allegations of criminal  
237 activity to be made. The law enforcement agency shall, without  
238 charge, send a copy of the initial police report, as well as any  
239 subsequent, supplemental, or related report, which excludes  
240 victim/witness statements or other materials that are part of an  
241 active criminal investigation and are exempt from disclosure  
242 under chapter 119, to the nearest locally certified domestic  
243 violence center within 24 hours after the agency's receipt of  
244 the report. The report furnished to the domestic violence center  
245 must include a narrative description of the domestic violence  
246 incident.

247 (4)~~(3)~~ Whenever a law enforcement officer determines upon  
248 probable cause that an act of domestic violence has been  
249 committed within the jurisdiction the officer may arrest the  
250 person or persons suspected of its commission and charge such  
251 person or persons with the appropriate crime. The decision to  
252 arrest and charge shall not require consent of the victim or  
253 consideration of the relationship of the parties.

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

257 (b) If a law enforcement officer has probable cause to  
258 believe that two or more persons have committed a misdemeanor or  
259 felony, or if two or more persons make complaints to the  
260 officer, the officer must ~~shall~~ try to determine who was the  
261 primary aggressor. Arrest is the preferred response only with

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262 respect to the primary aggressor and not the preferred response  
263 with respect to a person who acts in a reasonable manner to  
264 protect or defend oneself or another family or household member  
265 from domestic violence.

266 (6)~~(5)~~ A ~~No~~ law enforcement officer may not ~~shall~~ be held  
267 liable, in any civil action, for an arrest based on probable  
268 cause, enforcement in good faith of a court order, or service of  
269 process in good faith under this chapter arising from an alleged  
270 incident of domestic violence brought by any party to the  
271 incident.

272 (7)~~(6)~~ A person who willfully violates a condition of  
273 pretrial release provided in s. 903.047, when the original  
274 arrest was for an act of domestic violence as defined in s.  
275 741.28, commits a misdemeanor of the first degree, punishable as  
276 provided in s. 775.082 or s. 775.083, and shall be held in  
277 custody until his or her first appearance.

278 Section 2. For the purpose of incorporating the amendment  
279 made by this act to section 741.29, Florida Statutes, in a  
280 reference thereto, section 39.906, Florida Statutes, is  
281 reenacted to read:

282 39.906 Referral to centers and notice of rights.—Any law  
283 enforcement officer who investigates an alleged incident of  
284 domestic violence shall advise the victim of such violence that  
285 there is a domestic violence center from which the victim may  
286 receive services. The law enforcement officer shall give the  
287 victim immediate notice of the legal rights and remedies  
288 available in accordance with the provisions of s. 741.29.

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