

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; requiring
22 law enforcement officers to document in the written
23 police report a victim's refusal or inability to
24 provide information necessary for the lethality
25 assessment; prohibiting law enforcement officers from

26 disclosing in certain statements and reports the
 27 domestic violence center to which the victim was
 28 referred; requiring that written police reports for
 29 domestic violence incidents include the results of the
 30 lethality assessment, if one was administered; making
 31 technical changes; reenacting s. 39.906, F.S.,
 32 relating to referral to domestic violence centers and
 33 notice of rights, to incorporate the amendment made to
 34 s. 741.29, F.S., in a reference thereto; providing an
 35 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
 44 alleged 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
 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,
 66 for the area domestic violence center designated by the
 67 Department 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-
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
92 enforcement officer shall ask the victim, in the same or similar
93 wording and 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 violent or constantly jealous?

104 7. Does the aggressor control most of your daily
 105 activities?

106 8. Does the aggressor reside in the same household with
 107 you?

108 9. Is the aggressor employed?

109 10. To the best of your knowledge, has the aggressor ever
 110 attempted suicide?

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

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

115 (b) By July 1, 2025, all law enforcement officers who
 116 respond to or investigate crimes of domestic violence must be
 117 trained on the policies and procedures for administering a
 118 lethality assessment. A law enforcement officer may not
 119 administer a lethality assessment to a victim if the officer has
 120 not received training on administering a lethality assessment. A
 121 law enforcement officer shall advise the victim of the results
 122 of the assessment and refer the victim to the nearest locally
 123 certified domestic violence center.

124 (c) If a victim does not, or is unable to, provide
 125 information to a law enforcement officer sufficient to allow the

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126 law enforcement officer to administer a lethality assessment,
127 the law enforcement officer must document the lack of a
128 lethality assessment in the written police report required in
129 subsection (3) and refer the victim to the nearest locally
130 certified domestic violence center.

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

135 (3)-(2) When a law enforcement officer investigates an
136 allegation that an incident of domestic violence has occurred,
137 the officer shall handle the incident pursuant to the arrest
138 policy provided in s. 901.15(7), and as developed in accordance
139 with subsections (4) - (3), (5) - (4), and (6) - (5). Regardless of
140 whether ~~or not~~ an arrest is made, the officer shall make a
141 written police report that is complete and clearly indicates the
142 alleged offense was an incident of domestic violence. Such
143 report must ~~shall~~ be given to the officer's supervisor and filed
144 with the law enforcement agency in a manner that will permit
145 data on domestic violence cases to be compiled. Such report must
146 include all of the following:

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

148 (b) If a law enforcement officer decides not to make an
149 arrest or decides to arrest two or more parties, ~~the officer~~
150 ~~shall include in the report~~ the grounds for not arresting anyone

151 or for arresting two or more parties.

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

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

156
 157 Whenever possible, the law enforcement officer shall obtain a
 158 written statement from the victim and witnesses concerning the
 159 alleged domestic violence. The officer shall submit the report
 160 to the supervisor or other person to whom the employer's rules
 161 or policies require reports of similar allegations of criminal
 162 activity to be made. The law enforcement agency shall, without
 163 charge, send a copy of the initial police report, as well as any
 164 subsequent, supplemental, or related report, which excludes
 165 victim/witness statements or other materials that are part of an
 166 active criminal investigation and are exempt from disclosure
 167 under chapter 119, to the nearest locally certified domestic
 168 violence center within 24 hours after the agency's receipt of
 169 the report. The report furnished to the domestic violence center
 170 must include a narrative description of the domestic violence
 171 incident.

172 (4)~~(3)~~ Whenever a law enforcement officer determines upon
 173 probable cause that an act of domestic violence has been
 174 committed within the jurisdiction the officer may arrest the
 175 person or persons suspected of its commission and charge such

176 person or persons with the appropriate crime. The decision to
 177 arrest and charge shall not require consent of the victim or
 178 consideration of the relationship of the parties.

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

182 (b) If a law enforcement officer has probable cause to
 183 believe that two or more persons have committed a misdemeanor or
 184 felony, or if two or more persons make complaints to the
 185 officer, the officer must ~~shall~~ try to determine who was the
 186 primary aggressor. Arrest is the preferred response only with
 187 respect to the primary aggressor and not the preferred response
 188 with respect to a person who acts in a reasonable manner to
 189 protect or defend oneself or another family or household member
 190 from domestic violence.

191 (6) ~~(5)~~ A ~~No~~ law enforcement officer may not ~~shall~~ be held
 192 liable, in any civil action, for an arrest based on probable
 193 cause, enforcement in good faith of a court order, or service of
 194 process in good faith under this chapter arising from an alleged
 195 incident of domestic violence brought by any party to the
 196 incident.

197 (7) ~~(6)~~ A person who willfully violates a condition of
 198 pretrial release provided in s. 903.047, when the original
 199 arrest was for an act of domestic violence as defined in s.
 200 741.28, commits a misdemeanor of the first degree, punishable as

201 provided in s. 775.082 or s. 775.083, and shall be held in
202 custody until his or her first appearance.

203 Section 2. For the purpose of incorporating the amendment
204 made by this act to section 741.29, Florida Statutes, in a
205 reference thereto, section 39.906, Florida Statutes, is
206 reenacted to read:

207 39.906 Referral to centers and notice of rights.—Any law
208 enforcement officer who investigates an alleged incident of
209 domestic violence shall advise the victim of such violence that
210 there is a domestic violence center from which the victim may
211 receive services. The law enforcement officer shall give the
212 victim immediate notice of the legal rights and remedies
213 available in accordance with the provisions of s. 741.29.

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