

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 certain policies, procedures,
10 and training for specified purposes; requiring the
11 department to adopt a specified form by a date
12 certain; requiring that training on administering
13 lethality assessments and the adopted form be
14 available to law enforcement officers in an online
15 format; requiring certain law enforcement officers to
16 be trained in administering lethality assessments by a
17 specified date; prohibiting law enforcement officers
18 from administering a lethality assessment without the
19 required training; prohibiting law enforcement
20 officers from administering a lethality assessment if
21 they have not completed lethality assessment training;
22 requiring law enforcement officers administering a
23 lethality assessment to ask a victim specified
24 questions; requiring law enforcement officers to
25 advise the victim of the results of the lethality

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

42

43 Be It Enacted by the Legislature of the State of Florida:

44

45 Section 1. Section 741.29, Florida Statutes, is amended to
 46 read:

47 741.29 Domestic violence; investigation of incidents;
 48 notice to victims of legal rights and remedies; reporting.—

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

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

55 (b) Advise the victim of such violence that there is a
 56 domestic violence center from which the victim may receive
 57 services; ~~and~~

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

62 (d) ~~The law enforcement officer shall~~ Give the victim
 63 immediate notice of the legal rights and remedies available on a
 64 standard form developed and distributed by the department. As
 65 necessary, the department shall revise the Legal Rights and
 66 Remedies Notice to Victims to include a general summary of s.
 67 741.30 using simple English as well as Spanish, and shall
 68 distribute the notice as a model form to be used by all law
 69 enforcement agencies throughout this ~~the~~ state. The notice must
 70 ~~shall~~ include:

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

74 2.(b) A copy of the following statement:
 75

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

89
 90 (2) The department shall consult with the Department of
 91 Children and Families and at least one domestic violence
 92 advocacy organization to develop the policies, procedures, and
 93 training necessary for implementation of a statewide evidence-
 94 based lethality assessment. Such policies, procedures, and
 95 training must provide how to determine if a victim and an
 96 aggressor are intimate partners and must establish a statewide
 97 process for referring a victim to a certified domestic violence
 98 center. By January 1, 2025, the department must adopt a
 99 statewide lethality assessment form that includes all of the
 100 information in paragraph (b). Training on how to administer a

101 lethality assessment and the adopted lethality assessment form
102 must be accessible to a law enforcement officer in an online
103 format.

104 (a) By October 1, 2026, all law enforcement officers who
105 respond to or investigate crimes of domestic violence must be
106 trained on the policies and procedures for administering a
107 lethality assessment. A law enforcement officer may not
108 administer a lethality assessment to a victim if the officer has
109 not received training on administering a lethality assessment.

110 (b) To administer a lethality assessment, a law
111 enforcement officer shall ask the victim, in the same or similar
112 wording and in the same order, all of the following questions:

113 1. Did the aggressor ever use a weapon against you or
114 threaten you with a weapon?

115 2. Did the aggressor ever threaten to kill you or your
116 children?

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

118 4. Has the aggressor ever choked you or attempted to choke
119 you?

120 5. Does the aggressor have a gun or could the aggressor
121 easily obtain a gun?

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

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

- 126 8. Is the aggressor unemployed?
- 127 9. To the best of your knowledge, has the aggressor ever
128 attempted suicide?
- 129 10. Do you have a child whom the aggressor believes is not
130 the aggressor's biological child?
- 131 11. Has the aggressor ever followed, spied on, or left
132 threatening messages for you?
- 133 12. Is there anything else that worries you about your
134 safety and, if so, what worries you?
- 135 (c) A law enforcement officer shall advise a victim of the
136 results of the lethality assessment and refer the victim to the
137 nearest locally certified domestic violence center if:
- 138 1. The victim answers affirmatively to any of the
139 questions in subparagraphs (a)1.-4.;
- 140 2. The victim answers negatively to the questions in
141 subparagraphs (a)1.-4., but affirmatively to at least four of
142 the questions in subparagraphs (a)5.-11.; or
- 143 3. As a result of the victim's response to subparagraph
144 (a)12., the law enforcement officer believes the victim is in a
145 potentially lethal situation.
- 146 (d) If a victim does not, or is unable to, provide
147 information to a law enforcement officer sufficient to allow the
148 law enforcement officer to administer a lethality assessment,
149 the law enforcement officer must document the lack of a
150 lethality assessment in the written police report required in

151 subsection (3) and refer the victim to the nearest locally
 152 certified domestic violence center.

153 (e) A law enforcement officer may not include in a
 154 probable cause statement, written police report, or incident
 155 report the domestic violence center to which a victim was
 156 referred.

157 (3)-(2) When a law enforcement officer investigates an
 158 allegation that an incident of domestic violence has occurred,
 159 the officer shall handle the incident pursuant to the arrest
 160 policy provided in s. 901.15(7), and as developed in accordance
 161 with subsections (4) -(3), (5) -(4), and (6) -(5). Regardless of
 162 whether ~~or not~~ an arrest is made, the officer shall make a
 163 written police report that is complete and clearly indicates the
 164 alleged offense was an incident of domestic violence. Such
 165 report ~~must~~ shall be given to the officer's supervisor and filed
 166 with the law enforcement agency in a manner that will permit
 167 data on domestic violence cases to be compiled. Such report must
 168 include all of the following:

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

170 (b) If a law enforcement officer decides not to make an
 171 arrest or decides to arrest two or more parties, ~~the officer~~
 172 ~~shall include in the report~~ the grounds for not arresting anyone
 173 or for arresting two or more parties.

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

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

178
179 Whenever possible, the law enforcement officer shall obtain a
180 written statement from the victim and witnesses concerning the
181 alleged domestic violence. The officer shall submit the report
182 to the supervisor or other person to whom the employer's rules
183 or policies require reports of similar allegations of criminal
184 activity to be made. The law enforcement agency shall, without
185 charge, send a copy of the initial police report, as well as any
186 subsequent, supplemental, or related report, which excludes
187 victim/witness statements or other materials that are part of an
188 active criminal investigation and are exempt from disclosure
189 under chapter 119, to the nearest locally certified domestic
190 violence center within 24 hours after the agency's receipt of
191 the report. The report furnished to the domestic violence center
192 must include a narrative description of the domestic violence
193 incident.

194 (4)~~(3)~~ Whenever a law enforcement officer determines upon
195 probable cause that an act of domestic violence has been
196 committed within the jurisdiction the officer may arrest the
197 person or persons suspected of its commission and charge such
198 person or persons with the appropriate crime. The decision to
199 arrest and charge shall not require consent of the victim or
200 consideration of the relationship of the parties.

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

204 (b) If a law enforcement officer has probable cause to
 205 believe that two or more persons have committed a misdemeanor or
 206 felony, or if two or more persons make complaints to the
 207 officer, the officer must ~~shall~~ try to determine who was the
 208 primary aggressor. Arrest is the preferred response only with
 209 respect to the primary aggressor and not the preferred response
 210 with respect to a person who acts in a reasonable manner to
 211 protect or defend oneself or another family or household member
 212 from domestic violence.

213 (6) ~~(5)~~ A ~~No~~ law enforcement officer may not ~~shall~~ be held
 214 liable, in any civil action, for an arrest based on probable
 215 cause, enforcement in good faith of a court order, or service of
 216 process in good faith under this chapter arising from an alleged
 217 incident of domestic violence brought by any party to the
 218 incident.

219 (7) ~~(6)~~ A person who willfully violates a condition of
 220 pretrial release provided in s. 903.047, when the original
 221 arrest was for an act of domestic violence as defined in s.
 222 741.28, commits a misdemeanor of the first degree, punishable as
 223 provided in s. 775.082 or s. 775.083, and shall be held in
 224 custody until his or her first appearance.

225 Section 2. For the purpose of incorporating the amendment

CS/HB 729

2024

226 | made by this act to section 741.29, Florida Statutes, in a
227 | reference thereto, section 39.906, Florida Statutes, is
228 | reenacted to read:

229 | 39.906 Referral to centers and notice of rights.—Any law
230 | enforcement officer who investigates an alleged incident of
231 | domestic violence shall advise the victim of such violence that
232 | there is a domestic violence center from which the victim may
233 | receive services. The law enforcement officer shall give the
234 | victim immediate notice of the legal rights and remedies
235 | available in accordance with the provisions of s. 741.29.

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