

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  
 41 appropriations; providing an 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;~~-~~

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

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. For the 2024-2025 fiscal year, one full-time  
237 equivalent position with associated salary rate of 41,108 is  
238 authorized and the sums of \$76,427 in recurring funds and  
239 \$66,167 in nonrecurring funds from the Criminal Justice  
240 Standards and Training Trust Fund are appropriated to the  
241 Department of Law Enforcement for the purpose of implementing  
242 this act.

243       Section 4. This act shall take effect July 1, 2024.