

By 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 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

29-00672-24

2024638\_\_

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 alleged  
44 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

29-00672-24

2024638\_\_

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, for  
66 the area domestic violence center designated by the Department  
67 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-

29-00672-24

2024638\_\_

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 enforcement  
92 officer shall ask the victim, in the same or similar wording and  
93 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 violently 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

29-00672-24

2024638\_\_

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  
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 probable  
132 cause statement, written police report, or incident report the  
133 domestic violence center to which a victim was referred.

134 (3)~~(2)~~ When a law enforcement officer investigates an  
135 allegation that an incident of domestic violence has occurred,  
136 the officer shall handle the incident pursuant to the arrest  
137 policy provided in s. 901.15(7), and as developed in accordance  
138 with subsections (4) ~~(3)~~, (5) ~~(4)~~, and (6) ~~(5)~~. Regardless of  
139 whether ~~or not~~ an arrest is made, the officer shall make a  
140 written police report that is complete and clearly indicates the  
141 alleged offense was an incident of domestic violence. Such  
142 report must ~~shall~~ be given to the officer's supervisor and filed  
143 with the law enforcement agency in a manner that will permit  
144 data on domestic violence cases to be compiled. Such report must  
145 include all of the following:

29-00672-24

2024638\_\_

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

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

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

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

155  
156 Whenever possible, the law enforcement officer shall obtain a  
157 written statement from the victim and witnesses concerning the  
158 alleged domestic violence. The officer shall submit the report  
159 to the supervisor or other person to whom the employer's rules  
160 or policies require reports of similar allegations of criminal  
161 activity to be made. The law enforcement agency shall, without  
162 charge, send a copy of the initial police report, as well as any  
163 subsequent, supplemental, or related report, which excludes  
164 victim/witness statements or other materials that are part of an  
165 active criminal investigation and are exempt from disclosure  
166 under chapter 119, to the nearest locally certified domestic  
167 violence center within 24 hours after the agency's receipt of  
168 the report. The report furnished to the domestic violence center  
169 must include a narrative description of the domestic violence  
170 incident.

171 (4) ~~(3)~~ Whenever a law enforcement officer determines upon  
172 probable cause that an act of domestic violence has been  
173 committed within the jurisdiction the officer may arrest the  
174 person or persons suspected of its commission and charge such

29-00672-24

2024638\_\_

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

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

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

190 (6) (5) ~~A~~ ~~No~~ law enforcement officer may not ~~shall~~ be held  
191 liable, in any civil action, for an arrest based on probable  
192 cause, enforcement in good faith of a court order, or service of  
193 process in good faith under this chapter arising from an alleged  
194 incident of domestic violence brought by any party to the  
195 incident.

196 (7) (6) A person who willfully violates a condition of  
197 pretrial release provided in s. 903.047, when the original  
198 arrest was for an act of domestic violence as defined in s.  
199 741.28, commits a misdemeanor of the first degree, punishable as  
200 provided in s. 775.082 or s. 775.083, and shall be held in  
201 custody until his or her first appearance.

202 Section 2. For the purpose of incorporating the amendment  
203 made by this act to section 741.29, Florida Statutes, in a

29-00672-24

2024638\_\_

204 reference thereto, section 39.906, Florida Statutes, is  
205 reenacted to read:

206       39.906 Referral to centers and notice of rights.—Any law  
207 enforcement officer who investigates an alleged incident of  
208 domestic violence shall advise the victim of such violence that  
209 there is a domestic violence center from which the victim may  
210 receive services. The law enforcement officer shall give the  
211 victim immediate notice of the legal rights and remedies  
212 available in accordance with the provisions of s. 741.29.

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