

Amendment No. 10

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Duran offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 505 and 506, insert:

6 Section 8. Section 790.401, Florida Statutes, is created
7 to read:

8 790.401 Risk protection orders.-

9 (1) DEFINITIONS.-As used in this section, the term:

10 (a) "Petitioner" means a law enforcement officer or a law
11 enforcement agency who petitions a court for a risk protection
12 order under this section.

13 (b) "Respondent" means the individual who is identified as
14 the respondent in a petition filed under this section.

15 (c) "Risk protection order" means a temporary ex parte
16 order or a final order granted under this section.

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17 (2) PETITION FOR A RISK PROTECTION ORDER.—There is created
18 an action known as a petition for a risk protection order.

19 (a) A petition for a risk protection order may be filed by
20 a law enforcement officer or law enforcement agency.

21 (b) An action under this section must be filed in the
22 county where the petitioner's law enforcement office is located
23 or the county where the respondent resides.

24 (c) Such petition for a risk protection order does not
25 require either party to be represented by an attorney.

26 (d) Notwithstanding any other law, attorney fees may not
27 be awarded in any proceeding under this section.

28 (e) A petition must:

29 1. Allege that the respondent poses a significant danger
30 of causing personal injury to himself or herself or others by
31 having a firearm or any ammunition in his or her custody or
32 control or by potentially purchasing, possessing, or receiving a
33 firearm or any ammunition, and must be accompanied by an
34 affidavit made under oath stating the specific statements,
35 actions, or facts that give rise to a reasonable fear of
36 significant dangerous acts by the respondent;

37 2. Identify the quantities, types, and locations of all
38 firearms and ammunition the petitioner believes to be in the
39 respondent's current ownership, possession, custody, or control;
40 and

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41 3. Identify whether there is a known existing protection
42 order governing the respondent under s. 741.30, s. 784.046, or
43 s. 784.0485, or under any other applicable statute.

44 (f) The petitioner must make a good faith effort to
45 provide notice to a family or household member of the respondent
46 and to any known third party who may be at risk of violence. The
47 notice must state that the petitioner intends to petition the
48 court for a risk protection order or has already done so, and
49 must include referrals to appropriate resources, including
50 mental health, domestic violence, and counseling resources. The
51 petitioner must attest in the petition to having provided such
52 notice or must attest to the steps that will be taken to provide
53 such notice.

54 (g) A petitioner must list the address of record on the
55 petition as being where the appropriate law enforcement agency
56 is located.

57 (h) A court or a public agency may not charge fees for
58 filing or for service of process to a petitioner seeking relief
59 under this section and must provide the necessary number of
60 certified copies, forms, and instructional brochures free of
61 charge.

62 (i) A person is not required to post a bond to obtain
63 relief in any proceeding under this section.

64 (j) The circuit courts of this state have jurisdiction
65 over proceedings under this section.

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66 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

67 (a) Upon receipt of a petition, the court must order a
68 hearing to be held no later than 14 days after the date of the
69 order and must issue a notice of hearing to the respondent for
70 the same.

71 1. The clerk of the court shall cause a copy of the notice
72 of hearing and petition to be forwarded on or before the next
73 business day to the appropriate law enforcement agency for
74 service upon the respondent as provided in subsection (5).

75 2. The court may, as provided in subsection (4), issue a
76 temporary ex parte risk protection order pending the hearing
77 ordered under this subsection. Such temporary ex parte order
78 must be served concurrently with the notice of hearing and
79 petition as provided in subsection (5).

80 3. The court may conduct a hearing by telephone pursuant
81 to a local court rule to reasonably accommodate a disability or
82 exceptional circumstances. The court must receive assurances of
83 the petitioner's identity before conducting a telephonic
84 hearing.

85 (b) Upon notice and a hearing on the matter, if the court
86 finds by clear and convincing evidence that the respondent poses
87 a significant danger of causing personal injury to himself or
88 herself or others by having in his or her custody or control, or
89 by purchasing, possessing, or receiving, a firearm or any
90 ammunition, the court must issue a risk protection order for a

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91 period that it deems appropriate, up to and including but not
92 exceeding 12 months.

93 (c) In determining whether grounds for a risk protection
94 order exist, the court may consider any relevant evidence,
95 including, but not limited to, any of the following:

96 1. A recent act or threat of violence by the respondent
97 against himself or herself or others, whether or not such
98 violence or threat of violence involves a firearm.

99 2. An act or threat of violence by the respondent within
100 the past 12 months, including, but not limited to, acts or
101 threats of violence by the respondent against himself or herself
102 or others.

103 3. Evidence of the respondent being seriously mentally ill
104 or having recurring mental health issues.

105 4. A violation by the respondent of a protection order or
106 a no contact order issued under s. 741.30, s. 784.046, or s.
107 784.0485.

108 5. A previous or existing risk protection order issued
109 against the respondent.

110 6. A violation of a previous or existing risk protection
111 order issued against the respondent.

112 7. Whether the respondent, in this state or any other
113 state, has been convicted of, had adjudication withheld on, or
114 pled nolo contendere to a crime that constitutes domestic
115 violence as defined in s. 741.28.

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116 8. The respondent's ownership of, access to, or intent to
117 possess firearms or ammunition.

118 9. The unlawful or reckless use, display, or brandishing
119 of a firearm by the respondent.

120 10. The recurring use of, or threat to use, physical force
121 by the respondent against another person, or the respondent
122 stalking another person.

123 11. Whether the respondent, in this state or any other
124 state, has been arrested, convicted of, had adjudication
125 withheld on, or pled nolo contendere to a crime involving
126 violence or a threat of violence.

127 12. Corroborated evidence of the abuse of controlled
128 substances or alcohol by the respondent.

129 13. Evidence of recent acquisition of firearms or
130 ammunition by the respondent.

131 14. Any relevant information from family and household
132 members concerning the respondent.

133 (d) A person, including an officer of the court, who
134 offers evidence or recommendations relating to the cause of
135 action must either present the evidence or recommendations in
136 writing to the court with copies to each party and their
137 attorney, if one is retained, or must present the evidence under
138 oath at a hearing at which all parties are present.

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139 (e) In a hearing under this section, the rules of evidence
140 apply to the same extent as in a domestic violence injunction
141 proceeding under s. 741.30.

142 (f) During the hearing, the court must consider whether a
143 mental health evaluation or chemical dependency evaluation is
144 appropriate and, if such determination is made, may order such
145 evaluations, if appropriate.

146 (g) A risk protection order must include all of the
147 following:

148 1. A statement of the grounds supporting the issuance of
149 the order;

150 2. The date the order was issued;

151 3. The date the order ends;

152 4. Whether a mental health evaluation or chemical
153 dependency evaluation of the respondent is required;

154 5. The address of the court in which any responsive
155 pleading should be filed;

156 6. A description of the requirements for the surrender of
157 firearms and ammunition under subsection (7); and

158 7. The following statement:

159
160 "To the subject of this protection order: This order will last
161 until the date noted above. If you have not done so already, you
162 must surrender immediately to the (insert name of local law
163 enforcement agency) all firearms and ammunition in your custody,

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164 control, or possession and any license to carry a concealed
165 weapon or firearm issued to you under s. 790.06, Florida
166 Statutes. You may not have in your custody or control, or
167 purchase, possess, receive, or attempt to purchase or receive, a
168 firearm or ammunition while this order is in effect. You have
169 the right to request one hearing to vacate this order, starting
170 after the date of the issuance of this order, and to request
171 another hearing after every extension of the order, if any. You
172 may seek the advice of an attorney as to any matter connected
173 with this order."

174
175 (h) If the court issues a risk protection order, the court
176 must inform the respondent that he or she is entitled to request
177 a hearing to vacate the order in the manner provided by
178 subsection (6). The court shall provide the respondent with a
179 form to request a hearing to vacate.

180 (i) If the court denies the petitioner's request for a
181 risk protection order, the court must state the particular
182 reasons for the denial.

183 (4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.-

184 (a) A petitioner may request that a temporary ex parte
185 risk protection order be issued before a hearing for a risk
186 protection order, without notice to the respondent, by including
187 in the petition detailed allegations based on personal knowledge
188 that the respondent poses a significant danger of causing

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189 personal injury to himself or herself or others in the near
190 future by having in his or her custody or control, or by
191 purchasing, possessing, or receiving a firearm or ammunition.

192 (b) In considering whether to issue a temporary ex parte
193 risk protection order under this section, the court shall
194 consider all relevant evidence, including the evidence described
195 in paragraph (3) (c).

196 (c) If a court finds there is reasonable cause to believe
197 that the respondent poses a significant danger of causing
198 personal injury to himself or herself or others in the near
199 future by having in his or her custody or control, or by
200 purchasing, possessing, or receiving a firearm or ammunition,
201 the court must issue a temporary ex parte risk protection order.

202 (d) The court must hold a temporary ex parte risk
203 protection order hearing in person or by telephone on the day
204 the petition is filed or on the business day immediately
205 following the day the petition is filed.

206 (e) A temporary ex parte risk protection order must
207 include all of the following:

- 208 1. A statement of the grounds asserted for the order;
- 209 2. The date the order was issued;
- 210 3. The address of the court in which any responsive
211 pleading may be filed;
- 212 4. The date and time of the scheduled hearing;

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213 5. A description of the requirements for surrender of
214 firearms and ammunition under subsection (7); and

215 6. The following statement:
216

217 "To the subject of this protection order: This order is valid
218 until the date noted above. You are required to surrender all
219 firearms and ammunition in your custody, control, or possession.
220 You may not have in your custody or control, or purchase,
221 possess, receive, or attempt to purchase or receive, a firearm
222 or ammunition while this order is in effect. You must surrender
223 immediately to the (insert name of local law enforcement agency)
224 all firearms and ammunition in your custody, control, or
225 possession and any license to carry a concealed weapon or
226 firearm issued to you under s. 790.06, Florida Statutes. A
227 hearing will be held on the date and at the time noted above to
228 determine if a risk protection order should be issued. Failure
229 to appear at that hearing may result in a court ruling on an
230 order against you which is valid for 1 year. You may seek the
231 advice of an attorney as to any matter connected with this
232 order."
233

234 (f) A temporary ex parte risk protection order ends upon
235 the hearing on the risk protection order.

236 (g) A temporary ex parte risk protection order must be
237 served by a law enforcement officer in the same manner as

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238 provided for in subsection (5) for service of the notice of
239 hearing and petition and must be served concurrently with the
240 notice of hearing and petition.

241 (h) If the court denies the petitioner's request for a
242 temporary ex parte risk protection order, the court must state
243 the particular reasons for the denial.

244 (5) SERVICE.—

245 (a) The clerk of the court shall furnish a copy of the
246 notice of hearing, petition, and temporary ex parte risk
247 protection order or risk protection order, as applicable, to the
248 sheriff of the county where the respondent resides or can be
249 found, who shall serve it upon the respondent as soon thereafter
250 as possible on any day of the week and at any time of the day or
251 night. When requested by the sheriff, the clerk of the court may
252 transmit a facsimile copy of a temporary ex parte risk
253 protection order or a risk protection order that has been
254 certified by the clerk of the court, and this facsimile copy may
255 be served in the same manner as a certified copy. Upon receiving
256 a facsimile copy, the sheriff must verify receipt with the
257 sender before attempting to serve it upon the respondent. The
258 clerk of the court shall be responsible for furnishing to the
259 sheriff information on the respondent's physical description and
260 location. Notwithstanding any other provision of law to the
261 contrary, the chief judge of each circuit, in consultation with
262 the appropriate sheriff, may authorize a law enforcement agency

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263 within the jurisdiction to effect service. A law enforcement
264 agency effecting service pursuant to this section shall use
265 service and verification procedures consistent with those of the
266 sheriff. Service under this section takes precedence over the
267 service of other documents, unless the other documents are of a
268 similar emergency nature.

269 (b) All orders issued, changed, continued, extended, or
270 vacated after the original service of documents specified in
271 paragraph (a) must be certified by the clerk of the court and
272 delivered to the parties at the time of the entry of the order.
273 The parties may acknowledge receipt of such order in writing on
274 the face of the original order. In the event a party fails or
275 refuses to acknowledge the receipt of a certified copy of an
276 order, the clerk shall note on the original order that service
277 was effected. If delivery at the hearing is not possible, the
278 clerk shall mail certified copies of the order to the parties at
279 the last known address of each party. Service by mail is
280 complete upon mailing. When an order is served pursuant to this
281 subsection, the clerk shall prepare a written certification to
282 be placed in the court file specifying the time, date, and
283 method of service and shall notify the sheriff.

284 (6) TERMINATION AND EXTENSION OF ORDERS.-

285 (a) The respondent may submit one written request for a
286 hearing to vacate a risk protection order issued under this
287 section, starting after the date of the issuance of the order,

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288 and may request another hearing after every extension of the
289 order, if any.

290 1. Upon receipt of the request for a hearing to vacate a
291 risk protection order, the court shall set a date for a hearing.
292 Notice of the request must be served on the petitioner in
293 accordance with subsection (5). The hearing must occur no sooner
294 than 14 days and no later than 30 days after the date of service
295 of the request upon the petitioner.

296 2. The respondent shall have the burden of proving by
297 clear and convincing evidence that the respondent does not pose
298 a significant danger of causing personal injury to himself or
299 herself or others by having in his or her custody or control,
300 purchasing, possessing, or receiving a firearm or ammunition.
301 The court may consider any relevant evidence, including evidence
302 of the considerations listed in paragraph (3) (c).

303 3. If the court finds after the hearing that the
304 respondent has met his or her burden of proof, the court must
305 vacate the order.

306 4. The law enforcement agency holding any firearm or
307 ammunition that has been surrendered pursuant to this section
308 shall be notified of the court order to vacate the risk
309 protection order.

310 (b) The court must notify the petitioner of the impending
311 end of a risk protection order. Notice must be received by the
312 petitioner 30 calendar days before the date the order ends.

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313 (c) The petitioner may, by motion, request an extension of
314 a risk protection order at any time within 30 calendar days
315 before the end of the order.

316 1. Upon receipt of the motion to extend, the court shall
317 order that a hearing be held no later than 14 days after the
318 date the order is issued and shall schedule such hearing.

319 a. The court may schedule a hearing by telephone in the
320 manner provided by subparagraph (3) (a) 3.

321 b. The respondent must be personally served in the same
322 manner provided by subsection (5).

323 2. In determining whether to extend a risk protection
324 order issued under this section, the court may consider all
325 relevant evidence, including evidence of the considerations
326 listed in paragraph (3) (c).

327 3. If the court finds by clear and convincing evidence
328 that the requirements for issuance of a risk protection order as
329 provided in subsection (3) continue to be met, the court must
330 extend the order. However, if, after notice, the motion for
331 extension is uncontested and no modification of the order is
332 sought, the order may be extended on the basis of a motion or
333 affidavit stating that there has been no material change in
334 relevant circumstances since entry of the order and stating the
335 reason for the requested extension.

336 4. The court may extend a risk protection order for a
337 period that it deems appropriate, up to and including but not

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338 exceeding 12 months, subject to an order to vacate as provided
339 in paragraph (a) or to another extension order by the court.

340 (7) SURRENDER OF FIREARMS AND AMMUNITION.-

341 (a) Upon issuance of a risk protection order under this
342 section, including a temporary ex parte risk protection order,
343 the court shall order the respondent to surrender to the local
344 law enforcement agency all firearms and ammunition in the
345 respondent's custody, control, or possession except as provided
346 in subsection (9), and any license to carry a concealed weapon
347 or firearm issued under s. 790.06.

348 (b) The law enforcement officer serving a risk protection
349 order under this section, including a temporary ex parte risk
350 protection order, shall request that the respondent immediately
351 surrender all firearms and ammunition in his or her custody,
352 control, or possession and any license to carry a concealed
353 weapon or firearm issued under s. 790.06, and shall conduct a
354 search authorized by law for such firearms and ammunition. The
355 law enforcement officer shall take possession of all firearms
356 and ammunition belonging to the respondent which are
357 surrendered, in plain sight, or discovered pursuant to a lawful
358 search. Alternatively, if personal service by a law enforcement
359 officer is not possible or is not required because the
360 respondent was present at the risk protection order hearing, the
361 respondent shall surrender the firearms and ammunition in a safe
362 manner to the control of the local law enforcement agency

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363 immediately after being served with the order by service or
364 immediately after the hearing at which the respondent was
365 present.

366 (c) At the time of surrender, a law enforcement officer
367 taking possession of a firearm, any ammunition, or a license to
368 carry a concealed weapon or firearm shall issue a receipt
369 identifying all firearms and the quantity and type of ammunition
370 that have been surrendered and shall provide a copy of the
371 receipt to the respondent. Within 72 hours after service of the
372 order, the law enforcement officer serving the order shall file
373 the original receipt with the court and shall ensure that his or
374 her law enforcement agency retains a copy of the receipt.

375 (d) Notwithstanding ss. 933.02 and 933.18, upon the sworn
376 statement or testimony of any person alleging that the
377 respondent has failed to comply with the surrender of firearms
378 or ammunition as required by an order issued under this section,
379 the court shall determine whether probable cause exists to
380 believe that the respondent has failed to surrender all firearms
381 or ammunition in his or her custody, control, or possession. If
382 the court finds that probable cause exists, the court must issue
383 a warrant describing the firearms or ammunition and authorizing
384 a search of the locations where the firearms or ammunition are
385 reasonably believed to be found and the seizure of any firearms
386 or ammunition discovered pursuant to such search.

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387 (e) If a person other than the respondent claims title to
388 any firearms or ammunition surrendered pursuant to this section,
389 and he or she is determined by the law enforcement agency to be
390 the lawful owner of the firearm or ammunition, the firearm or
391 ammunition shall be returned to him or her, provided that:

392 1. The lawful owner agrees to store the firearm or
393 ammunition in a manner such that the respondent does not have
394 access to or control of the firearm or ammunition.

395 2. The firearm or ammunition is not otherwise unlawfully
396 possessed by the owner.

397 (f) Upon the issuance of a risk protection order, the
398 court shall order a new hearing date and require the respondent
399 to appear no later than 3 business days after the issuance of
400 the order. The court shall require proof that the respondent has
401 surrendered any firearms or ammunition in his or her custody,
402 control, or possession. The court may cancel the hearing upon a
403 satisfactory showing that the respondent is in compliance with
404 the order.

405 (g) All law enforcement agencies must develop policies and
406 procedures by January 1, 2019, regarding the acceptance,
407 storage, and return of firearms or ammunition required to be
408 surrendered under this section.

409 (8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.-

410 (a) If a risk protection order is vacated or ends without
411 extension, a law enforcement agency holding a firearm or any

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412 ammunition that has been surrendered or seized pursuant to this
413 section must return such surrendered firearm or ammunition
414 requested by a respondent only after confirming through a
415 background check that the respondent is currently eligible to
416 own or possess firearms and ammunition under federal and state
417 law and after confirming with the court that the risk protection
418 order has been vacated or has ended without extension.

419 (b) If a risk protection order is vacated or ends without
420 extension, the Department of Agriculture and Consumer Services,
421 if it has suspended a license to carry a concealed weapon or
422 firearm pursuant to this section, must reinstate such license
423 only after confirming that the respondent is currently eligible
424 to have a license to carry a concealed weapon or firearm
425 pursuant to s. 790.06.

426 (c) A law enforcement agency must provide notice to any
427 family or household members of the respondent before the return
428 of any surrendered firearm and ammunition.

429 (d) Any firearm and ammunition surrendered by a respondent
430 pursuant to subsection (7) which remains unclaimed by the lawful
431 owner after an order to vacate the risk protection order shall
432 be disposed of in accordance with the law enforcement agency's
433 policies and procedures for the disposal of firearms in police
434 custody.

435 (9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may
436 elect to transfer all firearms and ammunition that have been

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437 surrendered to or seized by a local law enforcement agency
438 pursuant to subsection (7) to another person who is willing to
439 receive the respondent's firearms and ammunition. The law
440 enforcement agency may allow such a transfer only if it is
441 determined that the chosen recipient:

442 (a) Currently is eligible to own or possess a firearm and
443 ammunition under federal and state law after confirmation
444 through a background check;

445 (b) Attests to storing the firearms and ammunition in a
446 manner such that the respondent does not have access to or
447 control of the firearms and ammunition until the risk protection
448 order against the respondent is vacated or ends without
449 extension; and

450 (c) Attests not to transfer the firearms or ammunition
451 back to the respondent until the risk protection order against
452 the respondent is vacated or ends without extension.

453 (10) REPORTING OF ORDERS.-

454 (a) Within 24 hours after issuance, the clerk of the court
455 shall enter any risk protection order or temporary ex parte risk
456 protection order issued under this section into the uniform case
457 reporting system.

458 (b) Within 24 hours after issuance, the clerk of the court
459 shall forward a copy of an order issued under this section to
460 the appropriate law enforcement agency specified in the order.
461 Upon receipt of the copy of the order, the law enforcement

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462 agency shall enter the order into the National Instant Criminal
463 Background Check System, any other federal or state computer-
464 based systems used by law enforcement agencies or others to
465 identify prohibited purchasers of firearms or ammunition, and
466 into any computer-based criminal intelligence information system
467 available in this state used by law enforcement agencies to list
468 outstanding warrants. The order must remain in each system for
469 the period stated in the order, and the law enforcement agency
470 shall only remove orders from the systems that have ended or
471 been vacated. Entry into the Florida Crime Information Center
472 and National Crime Information Center constitutes notice to all
473 law enforcement agencies of the existence of the order. The
474 order is fully enforceable in any county in this state.

475 (c) The issuing court shall, within 3 business days after
476 issuance of a risk protection order or temporary ex parte risk
477 protection order, forward all available identifying information
478 concerning the respondent, along with the date of order
479 issuance, to the Department of Agriculture and Consumer
480 Services. Upon receipt of the information, the department shall
481 determine if the respondent has a license to carry a concealed
482 weapon or firearm. If the respondent does have a license to
483 carry a concealed weapon or firearm, the department must
484 immediately suspend the license.

485 (d) If a risk protection order is vacated before its end
486 date, the clerk of the court shall, on the day of the order to

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487 vacate, forward a copy of the order to the Department of
488 Agriculture and Consumer Services and the appropriate law
489 enforcement agency specified in the order to vacate. Upon
490 receipt of the order, the law enforcement agency shall promptly
491 remove the order from any computer-based system in which it was
492 entered pursuant to paragraph (b).

493 (11) PENALTIES.—

494 (a) A person who files a petition under this section
495 knowing the information in such petition is materially false, or
496 files with the intent to harass the respondent, commits a
497 misdemeanor of the first degree, punishable as provided in s.
498 775.082 or s. 775.083.

499 (b) A person who has in his or her custody or control a
500 firearm or any ammunition or who purchases, possesses, or
501 receives a firearm or any ammunition with knowledge that he or
502 she is prohibited from doing so by an order issued under this
503 section commits a felony of the third degree, punishable as
504 provided in s. 775.082, s. 775.083, or s. 775.084.

505 (12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section
506 does not affect the ability of a law enforcement officer to
507 remove a firearm or ammunition or license to carry a concealed
508 weapon or concealed firearm from any person or to conduct any
509 search and seizure for firearms or ammunition pursuant to other
510 lawful authority.

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511 (13) LIABILITY.—Except as provided in subsection (10),
512 this section does not impose criminal or civil liability on any
513 person or entity for acts or omissions related to obtaining a
514 risk protection order or temporary ex parte risk protection
515 order, including, but not limited to, providing notice to the
516 petitioner, a family or household member of the respondent, and
517 any known third party who may be at risk of violence or failure
518 to provide such notice, or reporting, declining to report,
519 investigating, declining to investigate, filing, or declining to
520 file, a petition under this section.

521 (14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.—

522 (a) The Office of the State Courts Administrator shall
523 develop and prepare instructions and informational brochures,
524 standard petitions and risk protection order forms, and a court
525 staff handbook on the risk protection order process. The
526 standard petition and order forms must be used after January 1,
527 2019, for all petitions filed and orders issued pursuant to this
528 section. The office shall determine the significant non-English-
529 speaking or limited English-speaking populations in the state
530 and prepare the instructions and informational brochures,
531 standard petitions and risk protection order forms in these
532 languages. The instructions, brochures, forms, and handbook must
533 be prepared in consultation with interested persons, including
534 representatives of gun violence prevention groups, judges, and

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535 law enforcement personnel. Materials must be based on best
536 practices and must be available online to the public.

537 1. The instructions must be designed to assist petitioners
538 in completing the petition and must include a sample of a
539 standard petition and order for protection forms.

540 2. The instructions and standard petition must include a
541 means for the petitioner to identify, with only layman's
542 knowledge, the firearms or ammunition the respondent may own,
543 possess, receive, or have in his or her custody or control. The
544 instructions must provide pictures of types of firearms and
545 ammunition that the petitioner may choose from to identify the
546 relevant firearms or ammunition, or must provide an equivalent
547 means to allow petitioners to identify firearms or ammunition
548 without requiring specific or technical knowledge regarding the
549 firearms or ammunition.

550 3. The informational brochure must describe the use of and
551 the process for obtaining, extending, and vacating a risk
552 protection order under this section, and must provide relevant
553 forms.

554 4. The risk protection order form must include, in a
555 conspicuous location, notice of criminal penalties resulting
556 from violation of the order, and the following statement: "You
557 have the sole responsibility to avoid or refrain from violating
558 this order's provisions. Only the court can change the order and
559 only upon written request."

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560 5. The court staff handbook must allow for the addition of
561 a community resource list by the clerk of the court.

562 (b) Any clerk of court may create a community resource
563 list of crisis intervention, mental health, substance abuse,
564 interpreter, counseling, and other relevant resources serving
565 the county in which the court is located. The court may make the
566 community resource list available as part of or in addition to
567 the informational brochures described in paragraph (a).

568 (c) The Office of the State Courts Administrator shall
569 distribute a master copy of the petition and order forms,
570 instructions, and informational brochures to the clerks of
571 court. Distribution of all documents shall, at a minimum, be in
572 an electronic format or formats accessible to all courts and
573 clerks of court in the state.

574 (d) Within 90 days of receipt of the master copy from the
575 Office of the State Courts Administrator, the clerk of the court
576 shall make available the standardized forms, instructions, and
577 informational brochures required by this subsection.

578 (e) The Office of the State Courts Administrator shall
579 update the instructions, brochures, standard petition and risk
580 protection order forms, and court staff handbook as necessary,
581 including when changes in the law make an update necessary.

582 -----
583 -----
584 -----

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T I T L E A M E N D M E N T

Remove line 35 and insert:

terminology; creating s. 790.401, F.S.; providing definitions; creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition; providing requirements for petitions for such orders; providing duties for courts and clerks of court; prohibiting fees for the filing of or service of process of such petitions; providing for jurisdiction for such petitions; requiring hearings on petitions within a specified period; providing service requirements; providing grounds that may be considered in determining whether to grant such a petition; providing requirements for proceedings; providing requirements for risk protection orders; requiring the court to inform a respondent of his or her right to request a certain hearing; authorizing temporary ex parte orders under certain circumstances; providing requirements for petitions for such ex parte orders; providing for service of orders; providing for the termination or extension of an order; providing for the surrender and storage of firearms and ammunition after issuance of a risk protection order; requiring law enforcement agencies to develop certain policies and procedures by a certain date; providing for

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610 return of firearms and ammunition upon the vacating or end
611 without the extension of an order under certain
612 circumstances; authorizing a respondent to elect to
613 transfer all firearms and ammunition surrendered or seized
614 by a law enforcement agency to another person under certain
615 circumstances; requiring an issuing court to forward
616 specified information concerning a respondent to the
617 department; requiring the department to suspend a license
618 to carry a concealed weapon or firearm which is held by a
619 person subject to such an order; prohibiting a person from
620 knowingly filing a petition for such an order which
621 contains materially false or misleading information;
622 providing criminal penalties; prohibiting violations of
623 such an order; providing criminal penalties; providing
624 construction; providing that the risk protection order
625 provisions do not create liability for certain acts or
626 omissions; requiring the Office of the State Courts
627 Administrator to develop and distribute certain
628 instructional and informational material; creating s.
629 790.0656, F.S.; requiring law

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