

By Senator Berman

31-00011A-20

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1                                   A bill to be entitled  
 2       An act relating to risk protection orders; amending s.  
 3       790.401, F.S.; redefining the term "petitioner" to  
 4       include an individual who has a biological or legal  
 5       parent-child relationship with, who is a legal  
 6       guardian of, or who is a spouse or sibling of a  
 7       respondent; conforming provisions to changes made by  
 8       the act; providing an effective date.

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

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 12           Section 1. Paragraph (a) of subsection (1) and paragraphs  
 13       (a), (b), (c), and (g) of subsection (2) of section 790.401,  
 14       Florida Statutes, are amended to read:

15           790.401 Risk protection orders.—

16           (1) DEFINITIONS.—As used in this section, the term:

17           (a) "Petitioner" means a law enforcement officer; ~~or~~ a law  
 18       enforcement agency; an individual who has a biological or legal  
 19       parent-child relationship with the respondent, including a  
 20       stepparent-stepchild relationship and a grandparent-grandchild  
 21       relationship; an individual who is the legal guardian of a  
 22       respondent; an individual who is the spouse of a respondent; or  
 23       a sibling of a respondent who ~~that~~ petitions a court for a risk  
 24       protection order under this section.

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

27           (a) A petition for a risk protection order may be filed by  
 28       a petitioner ~~law enforcement officer or law enforcement agency.~~

29           (b) An action under this section must be filed in the

31-00011A-20

2020114\_\_

30 county where:

31 1. The petitioner's law enforcement office is located, if  
32 the petitioner is a law enforcement officer or a law enforcement  
33 agency;

34 2. The petitioner resides, if the petitioner is not a law  
35 enforcement officer or a law enforcement agency; or

36 3. the county where The respondent resides.

37 (c) ~~A~~ Such petition for a risk protection order does not  
38 require the petitioner or the respondent ~~either party~~ to be  
39 represented by an attorney.

40 (g) The ~~petitioner must list the~~ address of record on the  
41 petition must be the address as being where the appropriate law  
42 enforcement agency is located, if the petitioner is a law  
43 enforcement officer or a law enforcement agency, or must be  
44 where the petitioner resides, if the petitioner is not a law  
45 enforcement officer or a law enforcement agency.

46 Section 2. This act shall take effect July 1, 2020.