

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Berman offered the following:

Amendment

Remove lines 751-807 and insert:

ammunition by allowing law enforcement officers or a family or household member to obtain a court order when there is demonstrated evidence that a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.

(2) The purpose and intent of s. 790.401, Florida Statutes, is to reduce deaths and injuries as a result of certain individuals' use of firearms while respecting constitutional rights by providing a judicial procedure for law

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14 enforcement officers to obtain a court order temporarily
15 restricting a person's access to firearms and ammunition. The
16 process established by s. 790.401, Florida Statutes, is intended
17 to apply only to situations in which the person poses a
18 significant danger of harming himself or herself or others by
19 possessing a firearm or ammunition and to include standards and
20 safeguards to protect the rights of respondents and due process
21 of law.

22 Section 14. Section 790.401, Florida Statutes, may be
23 cited as "The Risk Protection Order Act."

24 Section 15. Section 790.401, Florida Statutes, is created
25 to read:

26 790.401 Risk protection orders.-

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

28 (a) "Family or household member" has the same meaning as
29 provided in s. 741.28. The term includes a person who:

30 1. Has a biological or legal parent-child relationship
31 with the respondent, including stepparents and stepchildren and
32 grandparents and grandchildren.

33 2. Is acting or has acted as the respondent's legal
34 guardian.

35 (b) "Petitioner" means a law enforcement officer or a law
36 enforcement agency that petitions a court for a risk protection
37 order under this section.

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38 (c) "Respondent" means the individual who is identified as
39 the respondent in a petition filed under this section.

40 (d) "Risk protection order" means a temporary ex parte
41 order or a final order granted under this section.

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

44 (a) A petition for a risk protection order may be filed by
45 a law enforcement officer or law enforcement agency or a family
46 or household member.

47 (b) An action under this section must be filed in the
48 county where the petitioner's law enforcement office is located,
49 the county where the respondent resides, or the county where the
50 family or household member resides.

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

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

55 (e) A petition must:

56 1. Allege that the respondent poses a significant danger
57 of causing personal injury to himself or herself or others by
58 having a firearm or any ammunition in his or her custody or
59 control or by purchasing, possessing, or receiving a firearm or
60 any ammunition, and must be accompanied by an affidavit made
61 under oath stating the specific statements, actions, or facts

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62 that give rise to a reasonable fear of significant dangerous
63 acts by the respondent;

64 2. Identify the quantities, types, and locations of all
65 firearms and ammunition the petitioner believes to be in the
66 respondent's current ownership, possession, custody, or control;
67 and

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

71 (f) If the petition is filed by filed by a law enforcement
72 officer or law enforcement agency, the petitioner must make a
73 good faith effort to provide

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