

1 A bill to be entitled
2 An act relating to risk protection orders; providing
3 intent; providing a short title; creating s. 790.401,
4 F.S.; providing definitions; authorizing risk
5 protection orders to prevent persons who are at high
6 risk of harming themselves or others from accessing
7 firearms; providing requirements for petitions for
8 such orders; providing duties for courts and clerks of
9 court; prohibiting fees for filing of such petitions;
10 providing for jurisdiction for such petitions;
11 requiring hearings on petitions within a specified
12 period; providing for service; providing grounds that
13 may be considered in determining whether to grant such
14 a petition; providing requirements for proceedings;
15 providing requirements for such an orders; providing
16 for ex parte orders in certain circumstances;
17 providing for service of orders; providing for
18 termination or renewal of an order; providing for the
19 surrender and storage of firearms after issuance of
20 such an order; requiring law enforcement agencies to
21 develop certain policies and procedures by a certain
22 date; providing for return of firearms upon
23 termination of an order; requiring the reporting of
24 such an order to specified agencies; requiring the
25 termination of a license to carry a concealed weapon

26 | or firearm that is held be a person subject to such an
 27 | order; prohibiting filing a petition for such an order
 28 | knowingly containing materially false or misleading
 29 | statements; providing criminal penalties; prohibiting
 30 | violations of such an order; providing criminal
 31 | penalties; prohibiting persons convicted of violating
 32 | such an order from possessing a firearm for a
 33 | specified period; providing construction; providing
 34 | that provisions do not create liability for certain
 35 | acts or omissions; requiring development and
 36 | distribution of certain instructional and
 37 | informational material; providing an effective date.

38 |
 39 | Be It Enacted by the Legislature of the State of Florida:

40 |
 41 | Section 1. (1) This act is designed to temporarily prevent
 42 | individuals who are at high risk of harming themselves or others
 43 | from accessing firearms by allowing family, household members,
 44 | and law enforcement to obtain a court order when there is
 45 | demonstrated evidence that the person poses a significant
 46 | danger, including danger as a result of a dangerous mental
 47 | health crisis or violent behavior.

48 | (2) The purpose and intent of this act is to reduce gun
 49 | deaths and injuries, while respecting constitutional rights, by
 50 | providing a court procedure for family, household members, and

51 law enforcement to obtain an order temporarily restricting a
52 person's access to firearms. Court orders are intended to be
53 limited to situations in which the person poses a significant
54 danger of harming himself or herself or others by possessing a
55 firearm, and include standards and safeguards to protect the
56 rights of respondents and due process of law.

57 Section 2. This act may be cited as "The Risk Protection
58 Order Act."

59 Section 3. Section 790.401, Florida Statutes, is created
60 to read:

61 790.401 Risk protection orders.-

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

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

65 1. Has a biological or legal parent-child relationship
66 with the respondent, including stepparents and stepchildren and
67 grandparents and grandchildren.

68 2. Is acting or has acted as the respondent's legal
69 guardian.

70 (b) "Petitioner" means the individual who petitions for an
71 order under this section.

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

74 (d) "Risk protection order" means an ex parte temporary
75 order or a final order granted under this section.

76 (2) PETITION FOR A RISK PROTECTION ORDER.—There shall
 77 exist an action known as a petition for a risk protection order.

78 (a) A petition for a risk protection order may be filed by
 79 a family or household member of the respondent or a law
 80 enforcement officer or agency.

81 (b) An action under this section must be filed in the
 82 county where the petitioner resides or the county where the
 83 respondent resides.

84 (c) A petition must:

85 1. Allege that the respondent poses a significant danger
 86 of causing personal injury to self or others by having a firearm
 87 in his or her custody or control or by potentially purchasing,
 88 possessing, or receiving a firearm, and be accompanied by an
 89 affidavit made under oath stating the specific statements,
 90 actions, or facts that give rise to a reasonable fear of future
 91 dangerous acts by the respondent.

92 2. Identify the numbers, types, and locations of any
 93 firearms the petitioner believes to be in the respondent's
 94 current ownership, possession, custody, or control.

95 3. Identify whether there is a known existing protection
 96 order governing the respondent under s. 741.30, s. 784.06, or s.
 97 784.0485 or under any other applicable statute.

98 4. Identify whether there is a pending lawsuit, complaint,
 99 petition, or other action between the parties to the petition
 100 under the laws of this state.

101 (d) The clerk of court shall verify the terms of any
102 existing order governing the parties. The court may not delay
103 granting relief because of the existence of a pending action
104 between the parties or the necessity of verifying the terms of
105 an existing order. A petition for a risk protection order may be
106 granted whether or not there is a pending action between the
107 parties.

108 (e) If the petitioner is a law enforcement officer or
109 agency, the petitioner shall make a good faith effort to provide
110 notice to a family or household member of the respondent and to
111 any known third party who may be at risk of violence. The notice
112 must state that the petitioner intends to petition the court for
113 a risk protection order or has already done so, and include
114 referrals to appropriate resources, including mental health,
115 domestic violence, and counseling resources. The petitioner must
116 attest in the petition to having provided such notice, or attest
117 to the steps that will be taken to provide such notice.

118 (f) If the petition states that disclosure of the
119 petitioner's address would risk harm to the petitioner or any
120 member of the petitioner's family or household, the petitioner's
121 address may be omitted from all documents filed with the court.
122 If the petitioner has not disclosed an address under this
123 subsection, the petitioner must designate an alternative address
124 at which the respondent may serve notice of any motions. If the
125 petitioner is a law enforcement officer or agency, the address

126 of record must be that of the law enforcement agency.

127 (g) Within 90 days of receipt of the master copy from the
128 Office of the State Courts Administrator, all court clerk's
129 offices shall make available the standardized forms,
130 instructions, and informational brochures required by subsection
131 (14).

132 (h) No fees for filing or service of process may be
133 charged by a court or any public agency to petitioners seeking
134 relief under this section. Petitioners shall be provided the
135 necessary number of certified copies, forms, and instructional
136 brochures free of charge.

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

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

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

142 (a) Upon receipt of the petition, the court shall order a
143 hearing to be held not later than 14 days after the date of the
144 order and issue a notice of hearing to the respondent for the
145 same.

146 1. The court may schedule a hearing by telephone pursuant
147 to local court rule, to reasonably accommodate a disability, or
148 in exceptional circumstances to protect a petitioner from
149 potential harm. The court shall require assurances of the
150 petitioner's identity before conducting a telephonic hearing.

151 2. The court clerk shall cause a copy of the notice of
152 hearing and petition to be forwarded on or before the next
153 business day to the appropriate law enforcement agency for
154 service upon the respondent.

155 3. Personal service of the notice of hearing and petition
156 shall be made upon the respondent by a law enforcement officer
157 not less than 5 business days before the hearing. Service under
158 this section takes precedence over the service of other
159 documents, unless the other documents are of a similar emergency
160 nature. If timely personal service cannot be made, the court
161 shall set a new hearing date and shall either require additional
162 attempts at obtaining personal service or permit service by
163 publication or mail as provided in subsection (6). The court
164 shall not require more than two attempts at obtaining personal
165 service and shall permit service by publication or mail after
166 two attempts at obtaining personal service unless the petitioner
167 requests additional time to attempt personal service. If the
168 court issues an order permitting service by publication or mail,
169 the court shall set the hearing date not later than 24 days
170 after the date the order issues.

171 4. The court may, as provided in subsection (4), issue an
172 ex parte risk protection order pending the hearing ordered under
173 this subsection. Such ex parte order must be served concurrently
174 with the notice of hearing and petition.

175 (b) Upon hearing the matter, if the court finds by a

176 preponderance of the evidence that the respondent poses a
177 significant danger of causing personal injury to self or others
178 by having in his or her custody or control, purchasing,
179 possessing, or receiving a firearm, the court shall issue a risk
180 protection order for a period of 1 year.

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

184 1. A recent act or threat of violence by the respondent
185 against self or others, whether or not such violence or threat
186 of violence involves a firearm.

187 2. A pattern of acts or threats of violence by the
188 respondent within the past 12 months, including, but not limited
189 to, acts or threats of violence by the respondent against self
190 or others.

191 3. Any dangerous mental health issues of the respondent.

192 4. A violation by the respondent of a protection order or
193 a no-contact order issued under s. 741.30, s. 784.06, or s.
194 784.0485.

195 5. A previous or existing risk protection order issued
196 against the respondent.

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

199 7. A conviction of the respondent for a crime that
200 constitutes domestic violence as defined in s. 741.28.

201 8. The respondent's ownership, access to, or intent to
202 possess firearms.

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

205 10. The history of use, attempted use, or threatened use
206 of physical force by the respondent against another person, or
207 the respondent's history of stalking another person.

208 11. Any prior arrest of the respondent for a felony
209 offense or violent crime.

210 12. Corroborated evidence of the abuse of controlled
211 substances or alcohol by the respondent.

212 13. Evidence of recent acquisition of firearms by the
213 respondent.

214 (d) The court may:

215 1. Examine under oath the petitioner, the respondent, and
216 any witnesses they may produce, or, in lieu of examination,
217 consider sworn affidavits of the petitioner, the respondent, and
218 any witnesses they may produce.

219 2. Ensure that a reasonable search has been conducted for
220 criminal history records related to the respondent.

221 (e) In a hearing under this section, the rules of evidence
222 apply to the same extent as in a domestic violence protection
223 order proceeding under s. 741.30.

224 (f) During the hearing, the court shall consider whether a
225 mental health evaluation or chemical dependency evaluation is

226 appropriate, and may order such evaluation if appropriate.
 227 (g) A risk protection order must include:
 228 1. A statement of the grounds supporting the issuance of
 229 the order.
 230 2. The date and time the order was issued.
 231 3. The date and time the order expires.
 232 4. Whether a mental health evaluation or chemical
 233 dependency evaluation of the respondent is required.
 234 5. The address of the court in which any responsive
 235 pleading should be filed.
 236 6. Instructions for relinquishment of firearms under
 237 subsection (8).
 238 7. The following statement:
 239
 240 "To the subject of this protection order: This order will
 241 last until the date and time noted above. If you have not
 242 done so already, you must surrender to the (insert name of
 243 local law enforcement agency) all firearms in your custody,
 244 control, or possession and any license to carry a concealed
 245 weapon or firearm issued to you under s. 790.06, Florida
 246 Statutes, immediately. You may not have in your custody or
 247 control, purchase, possess, receive, or attempt to purchase
 248 or receive, a firearm while this order is in effect. You
 249 have the right to request one hearing to terminate this
 250 order every 12-month period that this order is in effect,

251 starting after the date of this order and continuing
252 through any renewals. You may seek the advice of an
253 attorney as to any matter connected with this order."

254
255 (h) When the court issues a risk protection order, the
256 court shall inform the respondent that he or she is entitled to
257 request termination of the order in the manner prescribed by
258 subsection (7). The court shall provide the respondent with a
259 form to request a termination hearing.

260 (i) If the court declines to issue a risk protection
261 order, the court shall state the particular reasons for the
262 court's denial.

263 (4) EX PARTE RISK PROTECTION ORDERS.-

264 (a) A petitioner may request that an ex parte risk
265 protection order be issued before a hearing for a risk
266 protection order, without notice to the respondent, by including
267 in the petition detailed allegations based on personal knowledge
268 that the respondent poses a significant danger of causing
269 personal injury to self or others in the near future by having
270 in his or her custody or control, purchasing, possessing, or
271 receiving a firearm.

272 (b) In considering whether to issue an ex parte risk
273 protection order under this section, the court shall consider
274 all relevant evidence, including the evidence described in
275 paragraph (3) (c).

276 (c) If a court finds there is reasonable cause to believe
277 that the respondent poses a significant danger of causing
278 personal injury to self or others in the near future by having
279 in his or her custody or control, purchasing, possessing, or
280 receiving a firearm, the court shall issue an ex parte risk
281 protection order.

282 (d) The court shall hold an ex parte risk protection order
283 hearing in person or by telephone on the day the petition is
284 filed or on the business day immediately following the day the
285 petition is filed.

286 (e) In accordance with paragraph (3) (a), the court shall
287 schedule a hearing within 14 days of the issuance of an ex parte
288 risk protection order to determine if a 1-year risk protection
289 order should be issued under this section.

290 (f) An ex parte risk protection order shall include:
291 1. A statement of the grounds asserted for the order.
292 2. The date and time the order was issued.
293 3. The date and time the order expires.
294 4. The address of the court in which any responsive
295 pleading should be filed.
296 5. The date and time of the scheduled hearing;
297 6. A description of the requirements for surrender of
298 firearms under subsection (8).
299 7. The following statement:
300

301 "To the subject of this protection order: This order is
302 valid until the date and time noted above. You are required
303 to surrender all firearms in your custody, control, or
304 possession. You may not have in your custody or control,
305 purchase, possess, receive, or attempt to purchase or
306 receive, a firearm while this order is in effect. You must
307 surrender to the (insert name of local law enforcement
308 agency) all firearms in your custody, control, or
309 possession and any license to carry a concealed weapon or
310 firearm issued to you under s. 790.06, Florida Statutes,
311 immediately. A hearing will be held on the date and at the
312 time noted above to determine if a risk protection order
313 should be issued. Failure to appear at that hearing may
314 result in a court making an order against you that is valid
315 for 1 year. You may seek the advice of an attorney as to
316 any matter connected with this order."

317
318 (g) An ex parte risk protection order issued expires upon
319 the hearing on the risk protection order.

320 (h) An ex parte risk protection order shall be served by a
321 law enforcement officer in the same manner as provided for in
322 subsection (3) for service of the notice of hearing and petition
323 and shall be served concurrently with the notice of hearing and
324 petition.

325 (i) If the court declines to issue an ex parte risk

326 protection order, the court shall state the particular reasons
327 for the court's denial.

328 (5) SERVICE OF RISK PROTECTION ORDERS.—

329 (a) A risk protection order issued under subsection (3)
330 must be personally served upon the respondent, except as
331 otherwise provided in this section.

332 (b) The law enforcement agency with jurisdiction in the
333 area in which the respondent resides shall serve the respondent
334 personally, unless the petitioner elects to have the respondent
335 served by a private party.

336 (c) If service by a law enforcement agency is to be used,
337 the clerk of the court shall cause a copy of the order issued
338 under this section to be forwarded on or before the next
339 business day to the law enforcement agency specified in the
340 order for service upon the respondent. Service of an order
341 issued under this section takes precedence over the service of
342 other documents, unless the other documents are of a similar
343 emergency nature.

344 (d) If the law enforcement agency cannot complete service
345 upon the respondent within 10 days, the law enforcement agency
346 shall notify the petitioner. The petitioner shall provide
347 information sufficient to permit such notification.

348 (e) If an order entered by the court recites that the
349 respondent appeared in person before the court, the necessity
350 for further service is waived and proof of service of that order

351 is not necessary.

352 (f) If the court previously entered an order allowing
353 service of the notice of hearing and petition, or an ex parte
354 risk protection order, by publication or mail under subsection
355 (6), or if the court finds there are now grounds to allow such
356 alternate service, the court may permit service by publication
357 or mail of the risk protection order issued under this section
358 as provided in subsection (6). The court order must state
359 whether the court permitted service by publication or service by
360 mail.

361 (g) Returns of service under this section must be made in
362 accordance with the applicable court rules.

363 (6) SERVICE BY PUBLICATION OR MAIL.-

364 (a) The court may order service by publication or service
365 by mail under the circumstances permitted for such service in s.
366 741.30, s. 784.06, or s. 784.0485, except any summons must be
367 essentially in the following form:

369 In the court of the state of Florida for
370 the county of

371, Petitioner

372 vs. No.

373, Respondent

374 The state of Florida to (respondent):

375 You are hereby summoned to appear on the day of . .

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

376, (year), at a.m./p.m., and respond
 377 to the petition. If you fail to respond, a risk protection
 378 order may be issued against you pursuant to the Risk
 379 Protection Order Act, s. 790.401, Florida Statutes, for 1
 380 year after the date you are required to appear. (An ex
 381 parte risk protection order has been issued against you,
 382 restraining you from having in your custody or control,
 383 purchasing, possessing, or receiving any firearms. You must
 384 surrender to the (insert name of local law enforcement
 385 agency) all firearms in your custody, control, or
 386 possession and any license to carry a concealed weapon or
 387 firearm issued to you under s. 790.06, Florida Statutes,
 388 within 48 hours. A copy of the notice of hearing, petition,
 389 and ex parte risk protection order has been filed with the
 390 clerk of this court.) (A copy of the notice of hearing and
 391 petition has been filed with the clerk of this court.)

392
 393 Petitioner

394 (b) If the court orders service by publication or mail for
 395 notice of a risk protection order hearing, it shall also reissue
 396 the ex parte risk protection order, if issued, to expire on the
 397 date of the risk protection order hearing.

398 (c) Following completion of service by publication or by
 399 mail for notice of a risk protection order hearing, if the
 400 respondent fails to appear at the hearing, the court may issue a

401 risk protection order as provided in subsection (3).

402 (7) TERMINATION AND RENEWAL OF ORDERS.—

403 (a) The respondent may submit one written request for a
404 hearing to terminate a risk protection order issued under this
405 section every 12-month period that the order is in effect,
406 starting after the date of the order and continuing through any
407 renewals.

408 1. Upon receipt of the request for a hearing to terminate
409 a risk protection order, the court shall set a date for a
410 hearing. Notice of the request must be served on the petitioner
411 in accordance with chapter 48. The hearing shall occur no sooner
412 than 14 days and no later than 30 days after the date of service
413 of the request upon the petitioner.

414 2. The respondent shall have the burden of proving by a
415 preponderance of the evidence that the respondent does not pose
416 a significant danger of causing personal injury to self or
417 others by having in his or her custody or control, purchasing,
418 possessing, or receiving a firearm. The court may consider any
419 relevant evidence, including evidence of the considerations
420 listed in paragraph (3)(c).

421 3. If the court finds after the hearing that the
422 respondent has met his or her burden, the court shall terminate
423 the order.

424 (b) The court must notify the petitioner of the impending
425 expiration of a risk protection order. Notice must be received

426 by the petitioner 105 calendar days before the date the order
427 expires.

428 (c) A family or household member of a respondent or a law
429 enforcement officer or agency may by motion request a renewal of
430 a risk protection order at any time within 105 calendar days
431 before the expiration of the order.

432 1. Upon receipt of the motion to renew, the court shall
433 order that a hearing be held not later than 14 days after the
434 date the order issues.

435 a. The court may schedule a hearing by telephone in the
436 manner prescribed by subparagraph (3) (a)1.

437 b. The respondent shall be personally served in the same
438 manner prescribed by subparagraphs (3) (a)2. and 3.

439 2. In determining whether to renew a risk protection order
440 issued under this section, the court shall consider all relevant
441 evidence presented by the petitioner and follow the same
442 procedure as provided in subsection (3).

443 3. If the court finds by a preponderance of the evidence
444 that the requirements for issuance of a risk protection order as
445 provided in subsection (3) continue to be met, the court shall
446 renew the order. However, if, after notice, the motion for
447 renewal is uncontested and the petitioner seeks no modification
448 of the order, the order may be renewed on the basis of the
449 petitioner's motion or affidavit stating that there has been no
450 material change in relevant circumstances since entry of the

451 order and stating the reason for the requested renewal.

452 4. The renewal of a risk protection order has a duration
453 of 1 year, subject to termination as provided in paragraph (a)
454 or further renewal by order of the court.

455 (8) SURRENDER OF FIREARMS.—

456 (a) Upon issuance of any risk protection order under this
457 section, including an ex parte risk protection order, the court
458 shall order the respondent to surrender to the local law
459 enforcement agency all firearms in the respondent's custody,
460 control, or possession and any license to carry a concealed
461 weapon or firearm issued under s. 790.06.

462 (b) The law enforcement officer serving any risk
463 protection order under this section, including an ex parte risk
464 protection order, shall request that the respondent immediately
465 surrender all firearms in his or her custody, control, or
466 possession and any license to carry a concealed weapon or
467 firearm issued under s. 790.06, and conduct any search permitted
468 by law for such firearms. The law enforcement officer shall take
469 possession of all firearms belonging to the respondent that are
470 surrendered, in plain sight, or discovered pursuant to a lawful
471 search. Alternatively, if personal service by a law enforcement
472 officer is not possible, or not required because the respondent
473 was present at the risk protection order hearing, the respondent
474 shall surrender the firearms in a safe manner to the control of
475 the local law enforcement agency within 48 hours of being served

476 with the order by alternate service or within 48 hours of the
477 hearing at which the respondent was present.

478 (c) At the time of surrender, a law enforcement officer
479 taking possession of a firearm or license to carry a concealed
480 weapon or firearm shall issue a receipt identifying all firearms
481 that have been surrendered and provide a copy of the receipt to
482 the respondent. Within 72 hours after service of the order, the
483 officer serving the order shall file the original receipt with
484 the court and shall ensure that his or her law enforcement
485 agency retains a copy of the receipt.

486 (d) Upon the sworn statement or testimony of the
487 petitioner or of any law enforcement officer alleging that the
488 respondent has failed to comply with the surrender of firearms
489 as required by an order issued under this section, the court
490 shall determine whether probable cause exists to believe that
491 the respondent has failed to surrender all firearms in his or
492 her possession, custody, or control. If probable cause exists,
493 the court shall issue a warrant describing the firearms and
494 authorizing a search of the locations where the firearms are
495 reasonably believed to be and the seizure of any firearms
496 discovered pursuant to such search.

497 (e) If a person other than the respondent claims title to
498 any firearms surrendered pursuant to this section, and he or she
499 is determined by the law enforcement agency to be the lawful
500 owner of the firearm, the firearm shall be returned to him or

501 her, provided that:

502 1. The firearm is removed from the respondent's custody,
503 control, or possession and the lawful owner agrees to store the
504 firearm in a manner such that the respondent does not have
505 access to or control of the firearm.

506 2. The firearm is not otherwise unlawfully possessed by
507 the owner.

508 (f) Upon the issuance of a 1-year risk protection order,
509 the court shall order a new hearing date and require the
510 respondent to appear not later than 3 business days from the
511 issuance of the order. The court shall require a showing that
512 the person subject to the order has surrendered any firearms in
513 his or her custody, control, or possession. The court may
514 dismiss the hearing upon a satisfactory showing that the
515 respondent is in compliance with the order.

516 (g) All law enforcement agencies must develop policies and
517 procedures by June 1, 2019, regarding the acceptance, storage,
518 and return of firearms required to be surrendered under this
519 section.

520 (9) RETURN AND DISPOSAL OF FIREARMS.-

521 (a) If a risk protection order is terminated or expires
522 without renewal, a law enforcement agency holding any firearm
523 that has been surrendered pursuant to this section shall return
524 any surrendered firearm requested by a respondent only after
525 confirming, through a background check, that the respondent is

526 currently eligible to own or possess firearms under federal and
527 state law and after confirming with the court that the risk
528 protection order has terminated or has expired without renewal.

529 (b) A law enforcement agency must, if requested, provide
530 prior notice of the return of a firearm to a respondent to
531 family or household members of the respondent.

532 (c) Any firearm surrendered by a respondent pursuant to
533 subsection (8) that remains unclaimed by the lawful owner shall
534 be disposed of in accordance with the law enforcement agency's
535 policies and procedures for the disposal of firearms in police
536 custody.

537 (10) REPORTING OF ORDERS.—

538 (a) The clerk of the court shall enter any risk protection
539 order or ex parte risk protection order issued under this
540 section into the uniform case reporting system on the same day
541 such order is issued.

542 (b) The clerk of the court shall forward a copy of an
543 order issued under this section the same day such order is
544 issued to the appropriate law enforcement agency specified in
545 the order. Upon receipt of the copy of the order, the law
546 enforcement agency shall enter the order into the national
547 instant criminal background check system, any other federal or
548 state computer-based systems used by law enforcement or others
549 to identify prohibited purchasers of firearms, and any computer-
550 based criminal intelligence information system available in this

551 state used by law enforcement agencies to list outstanding
552 warrants. The order must remain in each system for the period
553 stated in the order, and the law enforcement agency shall only
554 expunge orders from the systems that have expired or terminated.
555 Entry into the computer-based criminal intelligence information
556 system constitutes notice to all law enforcement agencies of the
557 existence of the order. The order is fully enforceable in any
558 county in the state.

559 (c) The issuing court shall, within 3 business days after
560 issuance of a risk protection order or ex parte risk protection
561 order, forward a copy of the respondent's driver license or
562 identification card, or comparable information, along with the
563 date of order issuance, to the Department of Agriculture and
564 Consumer Services. Upon receipt of the information, the
565 department shall determine if the respondent has a license to
566 carry a concealed weapon or firearm. If the respondent does have
567 a license to carry a concealed weapon or firearm, the department
568 shall immediately revoke the license.

569 (d) If a risk protection order is terminated before its
570 expiration date, the clerk of the court shall forward the same
571 day a copy of the termination order to the Department of
572 Agriculture and Consumer Services and the appropriate law
573 enforcement agency specified in the termination order. Upon
574 receipt of the order, the law enforcement agency shall promptly
575 remove the order from any computer-based system in which it was

576 entered pursuant to paragraph (b).

577 (11) PENALTIES.—

578 (a) Any person who files a petition under this section
579 knowing the information in such petition to be materially false,
580 or with intent to harass the respondent commits a misdemeanor of
581 the first degree, punishable as provided in s. 775.082 or s.
582 775.083.

583 (b)1.a Except as provided in sub-subparagraph b., a person
584 who has in his or her custody or control a firearm or purchases,
585 possesses, or receives a firearm with knowledge that he or she
586 is prohibited from doing so by an order issued under this
587 section commits a misdemeanor of the first degree, punishable as
588 provided in s. 775.082 or s. 775.083.

589 b. If a person has two or more previous convictions for
590 violating an order issued under this section, the person commits
591 a felony of the third degree punishable as provided in s.
592 775.082, s. 775.083, or s. 775.084.

593 2. A person who is convicted of an offense under this
594 paragraph is prohibited from having a firearm in his or her
595 custody or control or purchasing, possessing, or receiving, or
596 attempting to purchase or receive a firearm for a period of 5
597 years after the date the existing order under this section
598 expires.

599 (12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section
600 does not affect the ability of a law enforcement officer to

601 remove a firearm or license to carry a concealed weapon or
602 firearm from any person or conduct any search and seizure for
603 firearms pursuant to other lawful authority.

604 (13) LIABILITY.—Except as provided in subsection (11),
605 this section does not impose criminal or civil liability on any
606 person or entity for acts or omissions related to obtaining a
607 risk protection order or ex parte risk protection, including,
608 but not limited to, reporting, declining to report,
609 investigating, declining to investigate, filing, or declining to
610 file a petition under this section.

611 (14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.—

612 (a) The Office of the State Courts Administrator shall
613 develop and prepare instructions and informational brochures,
614 standard petitions and risk protection order forms, and a court
615 staff handbook on the risk protection order process. The
616 standard petition and order forms must be used after June 1,
617 2019, for all petitions filed and orders issued under this
618 section. The instructions, brochures, forms, and handbook shall
619 be prepared in consultation with interested persons, including
620 representatives of gun violence prevention groups, judges, and
621 law enforcement personnel. Materials must be based on best
622 practices and available electronically online to the public.

623 1. The instructions must be designed to assist petitioners
624 in completing the petition, and must include a sample of a
625 standard petition and order for protection forms.

626 2. The instructions and standard petition must include a
627 means for the petitioner to identify, with only lay knowledge,
628 the firearms the respondent may own, possesses, receive, or have
629 in his or her custody or control. The instructions must provide
630 pictures of types of firearms that the petitioner may choose
631 from to identify the relevant firearms, or an equivalent means
632 to allow petitioners to identify firearms without requiring
633 specific or technical knowledge regarding the firearms.

634 3. The informational brochure must describe the use of and
635 the process for obtaining, modifying, and terminating a risk
636 protection order under this section, and provide relevant forms.

637 4. The risk protection order form must include, in a
638 conspicuous location, notice of criminal penalties resulting
639 from violation of the order, and the following statement: "You
640 have the sole responsibility to avoid or refrain from violating
641 this order's provisions. Only the court can change the order and
642 only upon written application."

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

645 (b) All court clerks may create a community resource list
646 of crisis intervention, mental health, substance abuse,
647 interpreter, counseling, and other relevant resources serving
648 the county in which the court is located. The court may make the
649 community resource list available as part of or in addition to
650 the informational brochures described in paragraph (a).

651 (c) The Office of the State Courts Administrator shall
652 distribute a master copy of the petition and order forms,
653 instructions, and informational brochures to all court clerks.
654 Distribution of all documents shall, at a minimum, be in an
655 electronic format or formats accessible to all courts and court
656 clerks in the state.

657 (d) The Office of the State Courts Administrator shall
658 determine the significant non-English-speaking or limited
659 English-speaking populations in the state. The office shall then
660 arrange for translation of the instructions and informational
661 brochures required by this section, which shall contain a sample
662 of the standard petition and order for protection forms, into
663 the languages spoken by those significant non-English-speaking
664 populations and shall distribute a master copy of the translated
665 instructions and informational brochures to all court clerks by
666 December 1, 2018.

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

671 Section 4. This act shall take effect July 1, 2018.