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LEGISLATIVE ACTION

Senate

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House

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Senator Gibson moved the following:

**Senate Amendment to Amendment (318628)**

Delete lines 462 - 974

and insert:

(a) "Petitioner" means a law enforcement officer, a law enforcement agency, or a family or household member that petitions a court for a risk protection order under this section. As used in this paragraph, the term "family or household member" has the same meaning as provided in s. 741.28 and includes a person who:

1. Has a biological or legal parent-child relationship with



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12 the respondent, including stepparents and stepchildren and  
13 grandparents and grandchildren; and

14 2. Is acting or has acted as the respondent's legal  
15 guardian.

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

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

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

22 (a) A petition for a risk protection order may be filed by  
23 a law enforcement officer, a law enforcement agency, or a family  
24 or household member.

25 (b) An action under this section must be filed in the  
26 county where the petitioner is located or the county where the  
27 respondent resides.

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

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

32 (e) A petition must:

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



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41       2. Identify the quantities, types, and locations of all  
42 firearms and ammunition the petitioner believes to be in the  
43 respondent's current ownership, possession, custody, or control;  
44 and

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

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

59       (g) If the petitioner is a law enforcement officer or a law  
60 enforcement agency, the petitioner must list the address of  
61 record on the petition as being where the appropriate law  
62 enforcement agency is located. If the petitioner is a family or  
63 household member, the petitioner must list the address of his or  
64 her residential address unless he or she has a reasonable fear  
65 that including his or her residential address might result in  
66 harm to himself or herself or to a person living at that  
67 address, and if so, the petitioner may list a post office box  
68 address.

69       (h) A court or a public agency may not charge fees for



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70 filing or for service of process to a petitioner seeking relief  
71 under this section and must provide the necessary number of  
72 certified copies, forms, and instructional brochures free of  
73 charge.

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

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

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

79 (a) Upon receipt of a petition, the court must order a  
80 hearing to be held no later than 14 days after the date of the  
81 order and must issue a notice of hearing to the respondent for  
82 the same.

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

87 2. The court may, as provided in subsection (4), issue a  
88 temporary ex parte risk protection order pending the hearing  
89 ordered under this subsection. Such temporary ex parte order  
90 must be served concurrently with the notice of hearing and  
91 petition as provided in subsection (5).

92 3. The court may conduct a hearing by telephone pursuant to  
93 a local court rule to reasonably accommodate a disability or  
94 exceptional circumstances. The court must receive assurances of  
95 the petitioner's identity before conducting a telephonic  
96 hearing.

97 (b) Upon notice and a hearing on the matter, if the court  
98 finds by clear and convincing evidence that the respondent poses



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99 a significant danger of causing personal injury to himself or  
100 herself or others by having in his or her custody or control, or  
101 by purchasing, possessing, or receiving, a firearm or any  
102 ammunition, the court must issue a risk protection order for a  
103 period that it deems appropriate, up to and including but not  
104 exceeding 12 months.

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

108 1. A recent act or threat of violence by the respondent  
109 against himself or herself or others, whether or not such  
110 violence or threat of violence involves a firearm.

111 2. An act or threat of violence by the respondent within  
112 the past 12 months, including, but not limited to, acts or  
113 threats of violence by the respondent against himself or herself  
114 or others.

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

117 4. A violation by the respondent of a risk protection order  
118 or a no contact order issued under s. 741.30, s. 784.046, or s.  
119 784.0485.

120 5. A previous or existing risk protection order issued  
121 against the respondent.

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

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



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

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

132       10. The recurring use of, or threat to use, physical force  
133 by the respondent against another person or the respondent  
134 stalking another person.

135       11. Whether the respondent, in this state or any other  
136 state, has been arrested for, convicted of, had adjudication  
137 withheld on, or pled nolo contendere to a crime involving  
138 violence or a threat of violence.

139       12. Corroborated evidence of the abuse of controlled  
140 substances or alcohol by the respondent.

141       13. Evidence of recent acquisition of firearms or  
142 ammunition by the respondent.

143       14. Any relevant information from family and household  
144 members concerning the respondent.

145       15. Witness testimony, taken while the witness is under  
146 oath, relating to the matter before the court.

147       (d) A person, including an officer of the court, who offers  
148 evidence or recommendations relating to the cause of action  
149 either must present the evidence or recommendations in writing  
150 to the court with copies to each party and his or her attorney,  
151 if one is retained, or must present the evidence under oath at a  
152 hearing at which all parties are present.

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

156       (f) During the hearing, the court must consider whether a



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157 mental health evaluation or chemical dependency evaluation is  
158 appropriate and, if such determination is made, may order such  
159 evaluations, if appropriate.

160 (g) A risk protection order must include all of the  
161 following:

162 1. A statement of the grounds supporting the issuance of  
163 the order;

164 2. The date the order was issued;

165 3. The date the order ends;

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

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

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

172 7. The following statement:

173  
174 "To the subject of this protection order: This order will last  
175 until the date noted above. If you have not done so already, you  
176 must surrender immediately to the (insert name of local law  
177 enforcement agency) all firearms and ammunition that you own in  
178 your custody, control, or possession and any license to carry a  
179 concealed weapon or firearm issued to you under s. 790.06,  
180 Florida Statutes. You may not have in your custody or control,  
181 or purchase, possess, receive, or attempt to purchase or  
182 receive, a firearm or ammunition while this order is in effect.  
183 You have the right to request one hearing to vacate this order,  
184 starting after the date of the issuance of this order, and to  
185 request another hearing after every extension of the order, if



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186 any. You may seek the advice of an attorney as to any matter  
187 connected with this order.”

188  
189 (h) If the court issues a risk protection order, the court  
190 must inform the respondent that he or she is entitled to request  
191 a hearing to vacate the order in the manner provided by  
192 subsection (6). The court shall provide the respondent with a  
193 form to request a hearing to vacate.

194 (i) If the court denies the petitioner’s request for a risk  
195 protection order, the court must state the particular reasons  
196 for the denial.

197 (4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—

198 (a) A petitioner may request that a temporary ex parte risk  
199 protection order be issued before a hearing for a risk  
200 protection order, without notice to the respondent, by including  
201 in the petition detailed allegations based on personal knowledge  
202 that the respondent poses a significant danger of causing  
203 personal injury to himself or herself or others in the near  
204 future by having in his or her custody or control, or by  
205 purchasing, possessing, or receiving, a firearm or ammunition.

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

210 (c) If a court finds there is reasonable cause to believe  
211 that the respondent poses a significant danger of causing  
212 personal injury to himself or herself or others in the near  
213 future by having in his or her custody or control, or by  
214 purchasing, possessing, or receiving, a firearm or ammunition,





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215 the court must issue a temporary ex parte risk protection order.

216 (d) The court must hold a temporary ex parte risk  
217 protection order hearing in person or by telephone on the day  
218 the petition is filed or on the business day immediately  
219 following the day the petition is filed.

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

222 1. A statement of the grounds asserted for the order;

223 2. The date the order was issued;

224 3. The address of the court in which any responsive  
225 pleading may be filed;

226 4. The date and time of the scheduled hearing;

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

229 6. The following statement:

230  
231 "To the subject of this protection order: This order is valid  
232 until the date noted above. You are required to surrender all  
233 firearms and ammunition that you own in your custody, control,  
234 or possession. You may not have in your custody or control, or  
235 purchase, possess, receive, or attempt to purchase or receive, a  
236 firearm or ammunition while this order is in effect. You must  
237 surrender immediately to the (insert name of local law  
238 enforcement agency) all firearms and ammunition in your custody,  
239 control, or possession and any license to carry a concealed  
240 weapon or firearm issued to you under s. 790.06, Florida  
241 Statutes. A hearing will be held on the date and at the time  
242 noted above to determine if a risk protection order should be  
243 issued. Failure to appear at that hearing may result in a court



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244 issuing an order against you which is valid for 1 year. You may  
245 seek the advice of an attorney as to any matter connected with  
246 this order."

247  
248 (f) A temporary ex parte risk protection order ends upon  
249 the hearing on the risk protection order.

250 (g) A temporary ex parte risk protection order must be  
251 served by a law enforcement officer in the same manner as  
252 provided for in subsection (5) for service of the notice of  
253 hearing and petition and must be served concurrently with the  
254 notice of hearing and petition.

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

258 (5) SERVICE.—

259 (a) The clerk of the court shall furnish a copy of the  
260 notice of hearing, petition, and temporary ex parte risk  
261 protection order or risk protection order, as applicable, to the  
262 sheriff of the county where the respondent resides or can be  
263 found, who shall serve it upon the respondent as soon thereafter  
264 as possible on any day of the week and at any time of the day or  
265 night. When requested by the sheriff, the clerk of the court may  
266 transmit a facsimile copy of a temporary ex parte risk  
267 protection order or a risk protection order that has been  
268 certified by the clerk of the court, and this facsimile copy may  
269 be served in the same manner as a certified copy. Upon receiving  
270 a facsimile copy, the sheriff must verify receipt with the  
271 sender before attempting to serve it upon the respondent. The  
272 clerk of the court shall be responsible for furnishing to the



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273 sheriff information on the respondent's physical description and  
274 location. Notwithstanding any other provision of law to the  
275 contrary, the chief judge of each circuit, in consultation with  
276 the appropriate sheriff, may authorize a law enforcement agency  
277 within the jurisdiction to effect service. A law enforcement  
278 agency effecting service pursuant to this section shall use  
279 service and verification procedures consistent with those of the  
280 sheriff. Service under this section takes precedence over the  
281 service of other documents, unless the other documents are of a  
282 similar emergency nature.

283 (b) All orders issued, changed, continued, extended, or  
284 vacated after the original service of documents specified in  
285 paragraph (a) must be certified by the clerk of the court and  
286 delivered to the parties at the time of the entry of the order.  
287 The parties may acknowledge receipt of such order in writing on  
288 the face of the original order. If a party fails or refuses to  
289 acknowledge the receipt of a certified copy of an order, the  
290 clerk shall note on the original order that service was  
291 effected. If delivery at the hearing is not possible, the clerk  
292 shall mail certified copies of the order to the parties at the  
293 last known address of each party. Service by mail is complete  
294 upon mailing. When an order is served pursuant to this  
295 subsection, the clerk shall prepare a written certification to  
296 be placed in the court file specifying the time, date, and  
297 method of service and shall notify the sheriff.

298 (6) TERMINATION AND EXTENSION OF ORDERS.—

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



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302 and may request another hearing after every extension of the  
303 order, if any.

304 1. Upon receipt of the request for a hearing to vacate a  
305 risk protection order, the court shall set a date for a hearing.  
306 Notice of the request must be served on the petitioner in  
307 accordance with subsection (5). The hearing must occur no sooner  
308 than 14 days and no later than 30 days after the date of service  
309 of the request upon the petitioner.

310 2. The respondent shall have the burden of proving by clear  
311 and convincing evidence that the respondent does not pose a  
312 significant danger of causing personal injury to himself or  
313 herself or others by having in his or her custody or control,  
314 purchasing, possessing, or receiving a firearm or ammunition.  
315 The court may consider any relevant evidence, including evidence  
316 of the considerations listed in paragraph (3)(c).

317 3. If the court finds after the hearing that the respondent  
318 has met his or her burden of proof, the court must vacate the  
319 order.

320 4. The law enforcement agency holding any firearm or  
321 ammunition or license to carry a concealed weapon or firearm  
322 that has been surrendered pursuant to this section shall be  
323 notified of the court order to vacate the risk protection order.

324 (b) The court must notify the petitioner of the impending  
325 end of a risk protection order. Notice must be received by the  
326 petitioner at least 30 days before the date the order ends.

327 (c) The petitioner may, by motion, request an extension of  
328 a risk protection order at any time within 30 days before the  
329 end of the order.

330 1. Upon receipt of the motion to extend, the court shall



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331 order that a hearing be held no later than 14 days after the  
332 date the order is issued and shall schedule such hearing.

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

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

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

341 3. If the court finds by clear and convincing evidence that  
342 the requirements for issuance of a risk protection order as  
343 provided in subsection (3) continue to be met, the court must  
344 extend the order. However, if, after notice, the motion for  
345 extension is uncontested and no modification of the order is  
346 sought, the order may be extended on the basis of a motion or  
347 affidavit stating that there has been no material change in  
348 relevant circumstances since entry of the order and stating the  
349 reason for the requested extension.

350 4. The court may extend a risk protection order for a  
351 period that it deems appropriate, up to and including but not  
352 exceeding 12 months, subject to an order to vacate as provided  
353 in paragraph (a) or to another extension order by the court.

354 (7) SURRENDER OF FIREARMS AND AMMUNITION.—

355 (a) Upon issuance of a risk protection order under this  
356 section, including a temporary ex parte risk protection order,  
357 the court shall order the respondent to surrender to the local  
358 law enforcement agency all firearms and ammunition owned by the  
359 respondent in the respondent's custody, control, or possession



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360 except as provided in subsection (9), and any license to carry a  
361 concealed weapon or firearm issued under s. 790.06.

362 (b) The law enforcement officer serving a risk protection  
363 order under this section, including a temporary ex parte risk  
364 protection order, shall request that the respondent immediately  
365 surrender all firearms and ammunition owned by the respondent in  
366 his or her custody, control, or possession and any license to  
367 carry a concealed weapon or firearm issued under s. 790.06. The  
368 law enforcement officer shall take possession of all firearms  
369 and ammunition owned by the respondent which are surrendered.  
370 Alternatively, if personal service by a law enforcement officer  
371 is not possible or is not required because the respondent was  
372 present at the risk protection order hearing, the respondent  
373 must surrender any firearms, ammunition, and license to carry a  
374 concealed weapon or firearm owned by the respondent in a safe  
375 manner to the control of the local law enforcement agency  
376 immediately after being served with the order by service or  
377 immediately after the hearing at which the respondent was  
378 present. Notwithstanding ss. 933.02 and 933.18, a law  
379 enforcement officer may seek a search warrant from a court of  
380 competent jurisdiction to conduct a search for firearms or  
381 ammunition owned by the respondent if the officer has probable  
382 cause to believe that there are firearms or ammunition owned by  
383 the respondent in the respondent's custody, control, or  
384 possession which have not been surrendered.

385 (c) At the time of surrender, a law enforcement officer  
386 taking possession of a firearm, any ammunition, or a license to  
387 carry a concealed weapon or firearm owned by the respondent  
388 shall issue a receipt identifying all firearms and the quantity



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389 and type of ammunition that have been surrendered and shall  
390 provide a copy of the receipt to the respondent. Within 72 hours  
391 after service of the order, the law enforcement officer serving  
392 the order shall file the original receipt with the court and  
393 shall ensure that his or her law enforcement agency retains a  
394 copy of the receipt.

395 (d) Notwithstanding ss. 933.02 and 933.18, upon the sworn  
396 statement or testimony of any person alleging that the  
397 respondent has failed to comply with the surrender of firearms  
398 or ammunition that he or she owns as required by an order issued  
399 under this section, the court shall determine whether probable  
400 cause exists to believe that the respondent has failed to  
401 surrender all firearms or ammunition that he or she owns in his  
402 or her custody, control, or possession. If the court finds that  
403 probable cause exists, the court must issue a warrant describing  
404 the firearms or ammunition and authorizing a search of the  
405 locations where the firearms or ammunition owned by the  
406 respondent are reasonably believed to be found and the seizure  
407 of any firearms or ammunition discovered pursuant to such  
408 search.

409 (e) If a person other than the respondent claims title to  
410 any firearms or ammunition surrendered pursuant to this section  
411 and he or she is determined by the law enforcement agency to be  
412 the lawful owner of the firearm or ammunition, the firearm or  
413 ammunition shall be returned to him or her, if:

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

417 2. The firearm or ammunition is not otherwise unlawfully



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418 possessed by the owner.

419 (f) Upon the issuance of a risk protection order, the court  
420 shall order a new hearing date and require the respondent to  
421 appear no later than 3 business days after the issuance of the  
422 order. The court shall require proof that the respondent has  
423 surrendered any firearms or ammunition in his or her custody,  
424 control, or possession. The court may cancel the hearing upon a  
425 satisfactory showing that the respondent is in compliance with  
426 the order.

427 (g) All law enforcement agencies must develop policies and  
428 procedures by January 1, 2019, regarding the acceptance,  
429 storage, and return of firearms, ammunition, or licenses  
430 required to be surrendered under this section.

431 (8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

432 (a) If a risk protection order is vacated or ends without  
433 extension, a law enforcement agency holding a firearm or any  
434 ammunition that has been surrendered or seized pursuant to this  
435 section must return such surrendered firearm or ammunition  
436 requested by a respondent only after confirming through a  
437 background check that the respondent is currently eligible to  
438 own or possess firearms and ammunition under federal and state  
439 law and after confirming with the court that the risk protection  
440 order has been vacated or has ended without extension.

441 (b) If a risk protection order is vacated or ends without  
442 extension, the Department of Agriculture and Consumer Services,  
443 if it has suspended a license to carry a concealed weapon or  
444 firearm pursuant to this section, must reinstate such license  
445 only after confirming that the respondent is currently eligible  
446 to have a license to carry a concealed weapon or firearm





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447 pursuant to s. 790.06.

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

451 (d) Any firearm and ammunition surrendered by a respondent  
452 pursuant to subsection (7) which remains unclaimed by the lawful  
453 owner after an order to vacate the risk protection order shall  
454 be disposed of in accordance with the law enforcement agency's  
455 policies and procedures for the disposal of firearms in police  
456 custody.

457 (9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may  
458 elect to transfer all firearms and ammunition that have been  
459 surrendered to or seized by a local law enforcement agency  
460 pursuant to subsection (7) to another person who is willing to  
461 receive the respondent's firearms and ammunition. The law  
462 enforcement agency may allow such a transfer only if it is  
463 determined that the chosen recipient:

464 (a) Currently is eligible to own or possess a firearm and  
465 ammunition under federal and state law after confirmation  
466 through a background check;

467 (b) Attests to storing the firearms and ammunition in a  
468 manner such that the respondent does not have access to or  
469 control of the firearms and ammunition until the risk protection  
470 order against the respondent is vacated or ends without  
471 extension; and

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

475 (10) REPORTING OF ORDERS.—



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

480 (b) Within 24 hours after issuance, the clerk of the court  
481 shall forward a copy of an order issued under this section to  
482 the appropriate law enforcement agency specified in the order.  
483 Upon receipt of the copy of the order, the law enforcement  
484 agency shall enter the order into the Florida Crime Information  
485 Center and National Crime Information Center. The order must  
486 remain in each system for the period stated in the order, and  
487 the law enforcement agency may only remove an order from the  
488 systems which has ended or been vacated. Entry of the order into  
489 the Florida Crime Information Center and National Crime  
490 Information Center constitutes notice to all law enforcement  
491 agencies of the existence of the order. The order is fully  
492 enforceable in any county in this state.

493 (c) The issuing court shall, within 3 business days after  
494 issuance of a risk protection order or temporary ex parte risk  
495 protection order, forward all available identifying information  
496 concerning the respondent, along with the date of order  
497 issuance, to the Department of Agriculture and Consumer  
498 Services. Upon receipt of the information, the department shall  
499 determine if the respondent has a license to carry a concealed  
500 weapon or firearm. If the respondent does have a license to  
501 carry a concealed weapon or firearm, the department must  
502 immediately suspend the license.

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



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505 vacate, forward a copy of the order to the Department of  
506 Agriculture and Consumer Services and the appropriate law  
507 enforcement agency specified in the order to vacate. Upon  
508 receipt of the order, the law enforcement agency shall promptly  
509 remove the order from any computer-based system in which it was  
510 entered pursuant to paragraph (b).

511 (11) PENALTIES.—

512 (a) A person who makes a false statement, which he or she  
513 does not believe to be true, under oath in a hearing under this  
514 section in regard to any material matter commits a felony of the  
515 third degree, punishable as provided in s. 775.082, s. 775.083,  
516 or s. 775.084.

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

523 (12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section  
524 does not affect the ability of a law enforcement officer to  
525 remove a firearm or ammunition or license to carry a concealed  
526 weapon or concealed firearm from any person or to conduct any  
527 search and seizure for firearms or ammunition pursuant to other  
528 lawful authority.

529 (13) LIABILITY.—Except as provided in subsection (8) or  
530 subsection (11), this section does not impose criminal or civil  
531 liability on any person or entity for acts or omissions related  
532 to obtaining a risk protection order or temporary ex parte risk  
533 protection order, including, but not limited to, providing



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534 notice to the petitioner and any known third party that may be  
535 at risk of