

By Senator Gibson

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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 orders; providing for
16 ex parte orders in certain circumstances; providing
17 for service of orders; providing for termination or
18 renewal of an order; providing for the surrender and
19 storage of firearms after issuance of such an order;
20 requiring law enforcement agencies to develop certain
21 policies and procedures by a certain date; providing
22 for return of firearms upon termination of an order;
23 requiring the reporting of such an order to specified
24 agencies; requiring the termination of a license to
25 carry a concealed weapon or firearm that is held by a
26 person subject to such an order; prohibiting a person
27 from knowingly filing a petition for such an order
28 which contains materially false or misleading
29 statements; providing criminal penalties; prohibiting

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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."

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59 Section 3. Section 790.401, Florida Statutes, is created to
60 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 with
66 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 is created
77 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 of
86 causing personal injury to self or others by having a firearm in
87 his or her custody or control or by potentially purchasing,

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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. 784.046, or
97 s. 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

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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 clerks of court
129 shall make available the standardized forms, instructions, and
130 informational brochures required by subsection (14).

131 (h) Fees for filing or service of process may not be
132 charged by a court or any public agency to petitioners seeking
133 relief under this section. Petitioners shall be provided the
134 necessary number of certified copies, forms, and instructional
135 brochures free of charge.

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

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

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

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

145 1. The court may schedule a hearing by telephone pursuant

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

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

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

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

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

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175 preponderance of the evidence that the respondent poses a
176 significant danger of causing personal injury to self or others
177 by having in his or her custody or control, purchasing,
178 possessing, or receiving a firearm, the court shall issue a risk
179 protection order for a period that it deems appropriate, up to
180 and including, but not exceeding, 12 months.

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. An act or threat of violence by the respondent within
188 the past 12 months, including, but not limited to, acts or
189 threats of violence by the respondent against self or others.

190 3. A recurring mental health issue of the respondent.

191 4. A violation by the respondent of a protection order or a
192 no contact order issued under s. 741.30, s. 784.046, or s.
193 784.0485.

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

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

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

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

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

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204 10. The recurring use of, or threat to use, physical force
205 by the respondent against another person, or the respondent
206 stalking another person.

207 11. An arrest, a plea of guilty or no contest, or a
208 conviction of the respondent for a violent misdemeanor or felony
209 offense.

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 injunction
223 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 all of the
228 following:

229 1. A statement of the grounds supporting the issuance of
230 the order.

231 2. The date and time the order was issued.

232 3. The date and time the order expires.

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233 4. Whether a mental health evaluation or chemical
234 dependency evaluation of the respondent is required.

235 5. The address of the court in which any responsive
236 pleading should be filed.

237 6. Instructions for relinquishment of firearms under
238 subsection (8).

239 7. The following statement:

240
241 "To the subject of this protection order: This order will last
242 until the date and time noted above. If you have not done so
243 already, you must surrender immediately to the (insert name of
244 local law enforcement agency) all firearms in your custody,
245 control, or possession and any license to carry a concealed
246 weapon or firearm issued to you under s. 790.06, Florida
247 Statutes. You may not have in your custody or control, or
248 purchase, possess, receive, or attempt to purchase or receive, a
249 firearm while this order is in effect. You have the right to
250 request one hearing to terminate this order, starting after the
251 date of the issuance of this order and another hearing after
252 ever renewal of the order, if any. 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 denies the petitioner's request for a risk
261 protection order, the court shall state the particular reasons

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262 for the 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 risk protection order
289 should be issued under this section.

290 (f) An ex parte risk protection order must include all of

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291 the following:

292 1. A statement of the grounds asserted for the order.

293 2. The date and time the order was issued.

294 3. The date and time the order expires.

295 4. The address of the court in which any responsive
296 pleading should be filed.

297 5. The date and time of the scheduled hearing.

298 6. A description of the requirements for surrender of
299 firearms under subsection (8).

300 7. The following statement:

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

317

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

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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 denies the petitioner's request for an ex
326 parte risk protection order, the court shall state the
327 particular reasons 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

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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. 784.046, or s. 784.0485, except any summons must be
367 essentially in the following form:

368
369 In the Court of the State of Florida for the
370 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

376 . ., (year), at a.m./p.m., and respond to the

377 petition. If you fail to respond, a risk protection order may be

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

391
 392 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, starting after the date of the issuance of the order
 406 and another hearing after ever renewal of the order, if any.

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

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

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

422 (b) The court must notify the petitioner of the impending
423 expiration of a risk protection order. Notice must be received
424 by the petitioner 105 calendar days before the date the order
425 expires.

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

430 1. Upon receipt of the motion to renew, the court shall
431 order that a hearing be held not later than 14 days after the
432 date the order is issued.

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

435 b. The respondent shall be personally served in the same

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436 manner prescribed by subparagraphs (3) (a) 2. and 3.

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

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

450 4. The renewal of a risk protection order has a duration of
451 1 year, subject to termination as provided in paragraph (a) or
452 further renewal by order of the court.

453 (8) SURRENDER OF FIREARMS.—

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

460 (b) The law enforcement officer serving any risk protection
461 order under this section, including an ex parte risk protection
462 order, shall request that the respondent immediately surrender
463 all firearms in his or her custody, control, or possession and
464 any license to carry a concealed weapon or firearm issued under

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465 s. 790.06, and conduct any search permitted by law for such
466 firearms. The law enforcement officer shall take possession of
467 all firearms belonging to the respondent that are surrendered,
468 in plain sight, or discovered pursuant to a lawful search.
469 Alternatively, if personal service by a law enforcement officer
470 is not possible, or not required because the respondent was
471 present at the risk protection order hearing, the respondent
472 shall surrender the firearms in a safe manner to the control of
473 the local law enforcement agency within 48 hours of being served
474 with the order by alternate service or within 48 hours of the
475 hearing at which the respondent was present.

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

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

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494 search.

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

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

504 2. The firearm is not otherwise unlawfully possessed by the
505 owner.

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

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

518 (9) RETURN AND DISPOSAL OF FIREARMS.—

519 (a) If a risk protection order is terminated or expires
520 without renewal, a law enforcement agency holding any firearm
521 that has been surrendered pursuant to this section shall return
522 any surrendered firearm requested by a respondent only after

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523 confirming, through a background check, that the respondent is
524 currently eligible to own or possess firearms under federal and
525 state law and after confirming with the court that the risk
526 protection order has terminated or has expired without renewal.

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

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

535 (10) REPORTING OF ORDERS.—

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

540 (b) The clerk of the court shall forward a copy of an order
541 issued under this section the same day such order is issued to
542 the appropriate law enforcement agency specified in the order.
543 Upon receipt of the copy of the order, the law enforcement
544 agency shall enter the order into the National Instant Criminal
545 Background Check System, any other federal or state computer-
546 based systems used by law enforcement or others to identify
547 prohibited purchasers of firearms, and any computer-based
548 criminal intelligence information system available in this state
549 used by law enforcement agencies to list outstanding warrants.
550 The order must remain in each system for the period stated in
551 the order, and the law enforcement agency shall only expunge

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552 orders from the systems that have expired or terminated. Entry
553 into the computer-based criminal intelligence information system
554 constitutes notice to all law enforcement agencies of the
555 existence of the order. The order is fully enforceable in any
556 county in the state.

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

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

575 (11) PENALTIES.—

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

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

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

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

597 (12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section
598 does not affect the ability of a law enforcement officer to
599 remove a firearm or license to carry a concealed weapon or
600 firearm from any person or conduct any search and seizure for
601 firearms pursuant to other lawful authority.

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

609 (14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.—

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

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

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

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

636 4. The risk protection order form must include, in a
637 conspicuous location, notice of criminal penalties resulting
638 from violation of the order, and the following statement: "You

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639 have the sole responsibility to avoid or refrain from violating
640 this order's provisions. Only the court can change the order and
641 only upon written application."

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

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

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

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

666 (e) The Office of the State Courts Administrator shall
667 update the instructions, brochures, standard petition and risk

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668 protection order forms, and court staff handbook as necessary,
669 including when changes in the law make an update necessary.

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