

FOR CONSIDERATION By the Committee on Education

581-03941A-19

20197106pb

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

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

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

15 790.401 Risk protection orders.—

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

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

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

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

28 (b) An action under this section must be filed in the
 29 county where:

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

33 2. The residence of the petitioner is located, if the
34 petitioner is not a law enforcement officer or a law enforcement
35 agency; or

36 3. ~~the county where~~ The respondent resides.

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

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

46 Section 2. This act shall take effect July 1, 2019.