

1                   A bill to be entitled  
2           An act relating to hearings on petitions for risk  
3           protections orders; amending s. 790.401, F.S.;  
4           providing that a respondent is entitled to counsel;  
5           providing for appointment of counsel for an indigent  
6           respondent; providing for a jury trial if requested by  
7           respondent; providing an effective date.  
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9   Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Paragraph (a) of subsection (3) of section  
12   790.401, Florida Statutes, is amended to read:

13           790.401 Risk protection orders.—

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

15           (a) Upon receipt of a petition, the court must order a  
16   hearing to be held no later than 14 days after the date of the  
17   order and must issue a notice of hearing to the respondent for  
18   the same.

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

23           2. The court may, as provided in subsection (4), issue a  
24   temporary ex parte risk protection order pending the hearing  
25   ordered under this subsection. Such temporary ex parte order

26 | must be served concurrently with the notice of hearing and  
27 | petition as provided in subsection (5).

28 |       3. The court may conduct a hearing by telephone pursuant  
29 | to a local court rule to reasonably accommodate a disability or  
30 | exceptional circumstances. The court must receive assurances of  
31 | the petitioner's identity before conducting a telephonic  
32 | hearing.

33 |       4. The respondent may be represented by counsel. If the  
34 | respondent is indigent and desires representation, counsel shall  
35 | be appointed as provided in s. 27.40.

36 |       5. The respondent shall, if requested, receive a jury  
37 | trial for the grant or extension of an order, other than a  
38 | temporary ex parte order, under this section. If a jury trial is  
39 | requested, the court shall impanel a jury of 12 persons to make  
40 | the findings required for such a hearing.

41 |       Section 2. This act shall take effect July 1, 2021.