

By Senator Berman

31-00069-21

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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 an individual who has a biological or legal
5 parent-child relationship with, who is a legal
6 guardian of, or who is a spouse or sibling of a
7 respondent; conforming provisions to changes made by
8 the act; 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 a respondent, including a
20 stepparent-stepchild relationship and a grandparent-grandchild
21 relationship; an individual who is the legal guardian of a
22 respondent; an individual who is the spouse of a respondent; or
23 a sibling of a respondent who ~~that~~ petitions a court for a risk
24 protection order under this section.

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

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

29 (b) An action under this section must be filed in the

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30 county where:

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

34 2. The petitioner resides, if the petitioner is not a law
35 enforcement officer or a law enforcement agency; or

36 3. the county where The respondent resides.

37 (c) A ~~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 the address as being where the appropriate law
42 enforcement agency is located, if the petitioner is a law
43 enforcement officer or a law enforcement agency, or the address
44 where the petitioner resides, if the petitioner is not a law
45 enforcement officer or a law enforcement agency.

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