

By Senator Wright

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1 A bill to be entitled
2 An act relating to representation by counsel in
3 hearings on petitions for risk protection orders;
4 amending s. 790.401, F.S.; authorizing a respondent to
5 be represented by counsel in such a hearing; requiring
6 the appointment of counsel for an indigent respondent;
7 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 to
29 a local court rule to reasonably accommodate a disability or

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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 must
35 be appointed as provided in s. 27.40.

36 Section 2. This act shall take effect July 1, 2022.