

By Senator Berman

26-00061-23

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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, for purposes of determining standing for  
8       the filing of a petition for a risk protection order;  
9       conforming provisions to changes made by the act;  
10      providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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

17       790.401 Risk protection orders.—

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

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

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

29       (a) A petition for a risk protection order may be filed by

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30 a petitioner ~~law enforcement officer or law enforcement agency~~.

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

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

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

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

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

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

48 Section 2. This act shall take effect July 1, 2023.