HB 365 2024

A bill to be entitled

An act relating to representation by counsel in hearings on petitions for risk protection orders; amending s. 790.401, F.S.; providing that a respondent may be represented by counsel; providing for appointment of counsel for an indigent respondent; providing an effective date.

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

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Section 1. Paragraph (a) of subsection (3) of section 790.401, Florida Statutes, is amended to read:

790.401 Risk protection orders.-

- (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.-
- (a) Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same.
- 1. The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5).
- 2. The court may, as provided in subsection (4), issue a temporary ex parte risk protection order pending the hearing ordered under this subsection. Such temporary ex parte order

Page 1 of 2

CODING: Words stricken are deletions; words underlined are additions.

HB 365 2024

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

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- 3. The court may conduct a hearing by telephone pursuant to a local court rule to reasonably accommodate a disability or exceptional circumstances. The court must receive assurances of the petitioner's identity before conducting a telephonic hearing.
- 4. The respondent may be represented by counsel. If the respondent is indigent and desires representation, counsel shall be appointed as provided in s. 27.40.
  - Section 2. This act shall take effect July 1, 2024.