

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER 2018- 20
(Supersedes Administrative Order 2018-005)

IN RE: RISK PROTECTION ORDERS

WHEREAS, on March 9, 2018, Governor Rick Scott signed into law the “Marjory Stoneman Douglas High School Public Safety Act,” which, among other things, created section 790.401, Florida Statutes, titled “Risk protection orders”;

WHEREAS, that statute created Risk Protection Orders (RPOs), which allows law enforcement officers and agencies to petition to a circuit court to order that a violent or mentally ill individual immediately surrender any firearms or ammunition in his or her possession and from purchasing firearms or ammunition;

WHEREAS, this statute also required the Office of the State Courts Administrator to develop and prepare the necessary forms to be used statewide by January 1, 2019;

WHEREAS, on April 4, 2018, Administrative Order 2018-005 was implemented to adopt the necessary procedures, forms, and judicial assignments for Risk Protection Orders, which were codified by the “Marjory Stoneman Douglas High School Public Safety Act,” in section 790.401, Florida Statutes, and is need of updating and revision; and

WHEREAS, in accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215.

It is hereby **ORDERED**:

Judicial Assignments. Any petitions filed by law enforcement seeking an RPO will be assigned to the judge who handles that county’s mental health docket. For current assignments, refer to the General Assignment Order, which is available on Court Administration’s website: http://www.jud3.flcourts.org/General_Assignment_Orders.html.

Forms for Seeking RPOs. The Office of the State Courts Administrator (OSCA) will be providing standard petitions and forms by December 31, 2018, which must be used beginning on January 1, 2019, according to section 790.401(14), Florida Statutes. As soon as those standard petitions and forms are received from OSCA, they will be distributed to all affected parties and used in the Third Judicial Circuit.

Submission of Petitions Seeking RPOs. All petitions seeking a risk protection order shall be filed with the appropriate Clerk of the Court and also sent to RPO@jud3.flcourts.org. The petition and supporting documents (including any witness statements) must be in PDF format. All subsequent documents relating to the RPO case (including RPO receipts and third-party transfer documents) must also be filed with the appropriate Clerk of the Court and sent to RPO@jud3.flcourts.org. The subject line of each email must include "RPO" and the county in which the RPO is being filed.

Emergency Basis. The statute provides that the court must consider petitions seeking a temporary risk protection order on the day the petition is filed or the next business day. However, if exigent circumstances warrant immediate and emergency consideration of a petition seeking a temporary *ex parte* risk protection order during non-business hours, law enforcement shall submit the petition and supporting documents to RPO@jud3.flcourts.org with the word "EMERGENCY" in the subject line and attempt to contact the assigned judge and then the duty judge for immediate review. Please use discretion in determining whether an RPO demands immediate attention (e.g., if the respondent has been separated from the firearms due to arrest or Baker Act, the RPO is not likely an emergency). The Petitioner, law enforcement, must file the petition and its supporting documents with the appropriate Clerk of the Court on the next business day.

Hearings. All hearings regarding RPOs, including compliance hearings and hearings to determine whether a final risk protection order should be entered, shall be set within the time limits of the statute and when convenient for the assigned judge. If a recurring time has been set by the assigned judge, it will be reflected on the Master Calendar, available at http://www.jud3.flcourts.org/Calendar_Master.html.

DONE in Columbia County, Florida, on December 11, 2018.



WESLEY R. DOUGLAS, CHIEF JUDGE

ORIGINAL: Clerk of Court, Columbia County

COPIES TO: Circuit and County Judges, Third Judicial Circuit
Clerks of Court, Third Judicial Circuit
Sheriff Offices in the Third Judicial Circuit
Chiefs of Police in the Third Judicial Circuit

Court Administration, Carrina Cooper