

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER 6.012

IN RE: PROCEDURES FOR
RISK PROTECTION ORDERS

WHEREAS, the Marjory Stoneman Douglas High School Public Safety Act was enacted on March 9, 2018, thereby creating section 790.401, Florida Statutes, “The Risk Protection Order Act,” and

WHEREAS, the intention behind the Risk Protection Order Act is to prevent individuals who are at a high risk of harming themselves or others from accessing firearms and/or ammunition by allowing law enforcement to obtain a court order temporarily restricting a person’s access to firearms and/or ammunition; and

WHEREAS, for consistency within the circuit, establishing procedures is necessary; and

WHEREAS, to improve the administration of justice within the Sixteenth Judicial Circuit, pursuant to the power vested in the Chief Judge under Article V, section 2(d), Florida Constitution, Section 43.26, Florida Statutes and Florida Rule of Judicial Administration 2.215,

IT IS THEREFORE ORDERED THAT

1. All petitions for Risk Protection Orders (RPOs) must comply with the requirements set forth in section 790.401, Florida Statutes.
2. All RPO petitions and accompanying documents must be in substantial compliance with the RPO forms approved by the Office of the State Court Administrator and/or the Florida Supreme Court and available on the Sixteenth Judicial Circuit’s website at www.keyscourts.net.
3. RPO petitions and accompanying documents can only be filed by a law enforcement officer or a law enforcement agency. All initial filings, as well as subsequent documents and pleadings in an RPO case are to be filed with the Monroe County Clerk of Court in the appropriate geographic location.

4. There are different procedures for submitting an RPO during regular business hours versus after-hours, specifically weekends and holidays.
5. Requests for RPOs filed during regular business hours will be reviewed by the presiding Probate, Guardianship and Mental Health Division judge or the duty judge, if appropriate. If a temporary RPO is requested, an ex parte hearing will be scheduled and heard either the day the petition is filed or the next business day.
6. Requests for RPOs after regular business hours, specifically on weekends and holidays, should only be submitted to the Court when law enforcement has a good faith belief that lives could be in danger unless a temporary RPO is considered by the Court expeditiously. In those exigent circumstances, the following procedures shall be in effect.
 - a. All temporary RPO hearings will be heard at First Appearances at either the Monroe County Detention Center on Stock Island or the Plantation Key Courthouse, depending on the location of the duty judge.
 - b. A law enforcement officer shall notify Monroe County Sheriff's Office dispatch that he/she will be filing a petition for a temporary RPO. Dispatch will notify the duty judge and the appropriate duty clerk based on the duty judges' location, immediately. The duty judge will communicate with the law enforcement officer to determine the best method to receive the petition and supporting documentation.
 - c. The duty clerk shall be present the following day at First Appearances to open the case and prepare the documents for service if a temporary RPO is granted.
 - d. The judge has the discretion to conduct the hearing by telephone, depending on the location of the law enforcement officer.
 - e. If a temporary RPO is granted, the duty judge shall include a date/time for the compliance hearing within three (3) business days and a date/time for a final hearing within fourteen (14) business days. These hearings will be set in front of the presiding Probate, Guardianship and Mental Health Division judge. The clerk's office shall notify the presiding judge's office the next business day that a compliance hearing and final hearing has been set on his/her calendar.
 - f. If a temporary RPO is granted and the law enforcement officer is not physically present at the location of the hearing, the duty clerk will fax or email the order to the law enforcement officer for service. The law

enforcement officer shall notify the duty clerk immediately upon receipt of the order that transmission was successful.

7. The Monroe County Sheriff's Office is the primary agency for service of RPOs for respondents who reside in or can be located in Monroe County. However, the Sheriff of Monroe County is authorized and empowered to grant authority to the Key West Police Department (KWPD) to effect service of any RPO of which the KWPD is the petitioner and of which the respondent resides in or can be located within the jurisdiction of the KWPD. The KWPD shall use service and verification procedures consistent with those of the Sheriff and with section 790.401, Florida Statutes.
8. Section 790.401, Florida Statutes requires that the Court notify the petitioner of the impending termination of an RPO at least thirty (30) days before the date the order ends. In order to accomplish this, the following actions are required:
 - a. Each law enforcement officer or agency that files a petition for an RPO must also file a designation of email address with the Clerk of Court with the initial petition.
 - b. The court will ensure that a procedure is established in each geographic location within the circuit to send notice to the petitioner via email at the RPO address provided by each law enforcement agency.
9. The procedures described herein are effective on the date of execution below.

DONE AND ORDERED at Key West, Monroe County, Florida this 13th day of August, 2018.



Mark Jones
Chief Judge