

**IN THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2020-048  
(Supersedes Administrative Order S-2018-023)**

**RISK PROTECTION ORDERS**

Section 790.401, Florida Statutes, provides a cause of action authorizing law enforcement officers to seek a risk protection order from the court to temporarily prevent persons who are at high risk of harming themselves or others from accessing firearms when there is demonstrated evidence that a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior. This statutory provision authorizes temporary ex parte orders under certain circumstances requiring the surrender of all firearms and ammunition.

Administrative Order S-2020-047 established Probate, Guardianship, Mental Health and Trust Division "N" as a new division to handle all actions under section 790.401, Florida Statutes. It is necessary for the proper and efficient administration of justice to update the administrative provisions for assigning and processing of petitions seeking a risk protection order in light of this new division.

By 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(b)(2), it is ORDERED:

**1. Allocation of Cases**

The Clerk of the Circuit Court will assign all petitions and other documents filed under section 790.401, Florida Statutes, to Probate, Guardianship, Mental Health and Trust Division "N."

**2. Review of Petitions**

The assigned division judge will review all petitions and other documents filed between 8:00 a.m. and 4:59 p.m. on non-holiday weekdays. The duty judge will review temporary ex parte petitions filed at and after 5:00 p.m. on non-holiday weekdays and temporary ex parte petitions filed on weekends and holidays.

**3. Service**

In accordance with section 790.401(5), Florida Statutes, any sworn law enforcement officer in Hillsborough County may effect service of the petition, notice of hearing, and temporary ex parte risk protection order or risk protection

order, as applicable. A law enforcement agency effecting service must use service and verification procedures consistent with those of the Hillsborough County Sheriff's Office.

**4. Hearings**

All hearings will be scheduled in the assigned division except when a petition for a temporary ex parte risk protection order is reviewed by the duty judge. In accordance with section 790.401(4)(d), Florida Statutes, a hearing on a petition for a temporary ex parte risk protection order will be conducted in person or by telephone on the day the temporary ex parte petition is filed or on the next business day immediately following the day the petition is filed. In accordance with section 790.401(3)(a), Florida Statutes, upon the filing of a petition for (final) risk protection order, a hearing will be held no later than 14 days after the date the order setting a hearing is entered.

**5. Reassignment of Cases**

On December 31, 2020, all risk protection order cases in Probate, Guardianship, Mental Health and Trust Division "M" – both open and closed cases – will be reassigned to Probate, Guardianship, Mental Health and Trust Division "N."

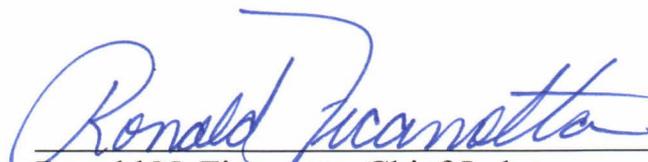
**6. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order S-2018-023 (*Risk Protection Orders*).

**7. Effective Date**

Except as otherwise provided in this administrative order, this administrative order is effective January 1, 2021.

ENTERED on October 7, 2020.

  
Ronald N. Ficarrota, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court  
Copy to: All Judges  
Hillsborough County Bar Association

Chad Chronister, Sheriff of Hillsborough County  
Brian Dugan, Chief, Tampa Police Department  
Kenneth R. Albano, Chief, Temple Terrace Police Department  
Edward Duncan, Chief, Plant City Police Department  
Christopher L. Daniel, Chief, USF Police Department  
Charles Vasquez, Chief, TIA Police Department