

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 2022-31

IN RE: RISK PROTECTION ORDERS

**ORDER AUTHORIZING THE PENSACOLA POLICE DEPARTMENT
TO EFFECT SERVICE OF RISK PROTECTION ORDERS AND
RELATED DOCUMENTS**

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, section 790.401, Florida Statutes, provides a cause of action authorizing law enforcement officers to seek a risk protection order (“RPO”) from the court to temporarily prevent individuals who are at a high risk of harming themselves or others from accessing firearms and ammunition; and

WHEREAS, the Sheriff in each county in the circuit has statutory responsibility to serve process in RPO cases; and

WHEREAS, section 790.401(5)(a), Florida Statutes, provides that the Chief Judge of each circuit, in consultation with the appropriate Sheriff, may authorize law enforcement agencies within the Chief Judge’s jurisdiction to effect service of RPOs and related documents;

NOW, THEREFORE, I, John L. Miller, having satisfied the statutory prerequisites, and pursuant to the authority of the Chief Judge, under section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215(b), do hereby

ORDER the following:

1. The Pensacola Police Department, and its individually sworn officers, are authorized to effect service of any petitions, notices of hearings, Temporary *Ex Parte* Risk Protection Orders (“TRPO”), and RPOs, as detailed in sections 790.401(5)(a) and 790.401(6)(c)1.b., Florida Statutes. The Pensacola Police Department must use service and verification procedures consistent with those of the Escambia County Sheriff’s Office.
2. The law enforcement agency that petitions the court for the RPO is the agency responsible for effecting service of the applicable petitions, notices, and orders upon the respondent.

3. The Escambia County Clerk and Comptroller's Office shall forward certified copies of the pertinent orders, notices of hearing, and copies of the petitions to the petitioning law enforcement agency to effect service upon the respondent.
4. The Pensacola Police Department must develop and employ policies and procedures regarding the acceptance, storage, and return of firearms, ammunition, and licenses required to be surrendered under section 790.401(7), Florida Statutes.
5. The petitioning law enforcement agency shall ensure that the law enforcement officer who serves a TRPO or a final RPO immediately secures the surrender of all firearms and ammunition owned by the respondent and any license held by the respondent to carry a concealed weapon or firearm issued under section 790.06, Florida Statutes. At the time of the surrender, the law enforcement officer taking possession of any of the aforementioned items shall issue a receipt that identifies all firearms, the quantity and type of ammunition surrendered, and any surrendered license. The law enforcement officer shall provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer from the petitioning agency must file the original receipt with the court and the law enforcement agency must retain a copy of the receipt.
6. The petitioning law enforcement agency is responsible for accepting and properly storing the respondent's property surrendered pursuant to the TRPO and RPO, as applicable.
7. The petitioning law enforcement agency shall be responsible for entering the pertinent order into the required databases, including the Florida Crime Information Center and the National Crime Information Center, pursuant to section 790.401(10)(b), Florida Statutes.
8. If the respondent requests the return of his surrendered property, a RPO is vacated or ends without extension, and all criteria are met pursuant to section 790.401(8)(a), Florida Statutes, the petitioning law enforcement agency must provide notice to any family or household member of the respondent before the return of any surrendered firearm(s) and ammunition to the respondent, pursuant to section 790.401(8)(c), Florida Statutes.

This Order shall become effective September 10, 2022.

DONE and ORDERED in Chambers at Pensacola, Escambia County, Florida, this 31 day of August, 2022.

//s// **JOHN L. MILLER**
JOHN L. MILLER
CHIEF JUDGE

Copies furnished to:

All Judges, First Judicial Circuit

Honorable Ginger Madden, State Attorney, First Judicial Circuit

Honorable Bruce Miller, Public Defender, First Judicial Circuit

Honorable Pam Childers, Clerk of Court & Comptroller, Escambia County

Sheriff Chip Simmons, Escambia County Sheriff's Office

Chief Eric Randell, Pensacola Police Department

Robin Wright, Trial Court Administrator, First Judicial Circuit

Kasey Watson, Public Information Officer, First Judicial Circuit

Escambia Santa Rosa Bar Association for publication