

**Risk Protection Order with Temporary Ex Parte Risk Protection Order  
and/or Risk Protection Order  
Florida Statute 790.401**

**LAW ENFORCEMENT**

- Files the petition and affidavit with the clerk in the county where the agency is located or the county where the respondent resides. [790.401(2)(a)]
- The petition and affidavit must allege specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent, and that the Respondent poses a significant danger of injury to himself/herself or others by having in his/her control, or by purchasing, possessing, or receiving, a firearm or ammunition. [790.401(2)(e)]
- Makes a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. Notice must include referrals to appropriate resources. The petitioner must attest to this in the petition. [790.401(2)(f)]. Notice will not be given until after the hearing for the Temporary Ex Parte Risk Protection Order.

**CLERK**

- Immediately enters the case from the petition. There is no filing fee. [790.401(2)(h)]
- Dockets the petition which assigns the court date within 14 days. [790.401(3)(a)]
- Showcase e-mails the petition to the UFC e-mail.

**JUDGE/JA**

- Holds a temporary ex parte risk protection order hearing in person or by telephone on the day it is filed or the business day immediately following the day it is filed. [790.401(4)(d)]
- If a temporary ex parte risk protection order is issued the order must include the date and time of the scheduled 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. The ex parte risk protection order will be available in Showcase for the judge to prepare.
- If a temporary ex parte risk protection order is DENIED because there is no immediate threat/need but 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. The orders will be available in Showcase for the judge to prepare.

## **CLERK**

- Within 24 hours after issuance, docket the order. We will docket it immediately. [790.401(10)(a)]
- Showcase will immediately e-mail the order to the sheriff.
- Showcase will immediately e-mail the order to the Department of Agriculture and Consumer Services. [790.401(10)(c)]
- Showcase will generate the Notice of Hearing. [790.401(3)(a)]
- The clerk will prepare a service packet that includes certified copies of the notice of hearing, petition, and temporary ex parte risk protection order. The service packet will be e-mailed to CCSO or mailed to the sheriff of the county where the respondent resides or can be found. [790.401(3)(a) & 790.401(5)(a)]

## **LAW ENFORCEMENT**

- CCSO verifies that the service packet came from [CourtService@collierclerk.com](mailto:CourtService@collierclerk.com). [790.401(5)(a)]
- As soon thereafter as possible on any day of the week and at any time of the day or night, serve the notice of hearing, petition, and temporary ex parte risk protection order.
- Immediately law enforcement takes possession of any firearms, ammunition and licenses.
- Provide a receipt to respondent and file the receipt at the Clerk's office within 72 hours.

## **JUDGE/JA**

- Hold the risk protection hearing.(within 14 days of the order) [790.401(3)(a)]
- If the Court issues a risk protection order, the order will be available in Showcase.
- If the Court issues a risk protection order, the court must inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection (6). [790.401(3)(h)]

- Set a surrender compliance hearing no later than 3 business days after the issuance of the order. [790.401(7)(f)]

## **CLERK**

- Provide certified copies to the respondent in the courtroom. Have respondent sign the order and clerk will fill out the certification. If the respondent is not in the courtroom, mail the order to the last known address. [790.401(5)(b)]
- Within 24 hours after issuance, docket the order. We will docket it immediately. [790.401(10)(a)]
- Showcase will immediately e-mail the order to the sheriff.
- Showcase will immediately e-mail the order to the Department of Agriculture and Consumer Services. [790.401(10)(c)]

## **LAW ENFORCEMENT**

- Upon receipt of the order, enter the order into the Florida Crime Information Center and National Crime Information Center. [790.401(10)(b)]