

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 6.312-10/2020\*

IN RE: RISK PROTECTION ORDERS

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Florida Statute section 790.401 sets forth the procedures from filing to disposition of Petitions for Risk Protection Order. Internal processes are to be implemented to effectuate the court's obligations under the statute.

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. A Petition for Risk Protection Order ("RPO") or a Petition for an Ex Parte Temporary Risk Protection Order ("TRPO") filed by a law enforcement agency under section 790.401 may be electronically filed at any time or paper filed at any branch of the Clerk and Comptroller's office during normal business hours. Normal business hours means from 8:00 a.m.-4:00 p.m. Monday through Friday except court holidays. The Petitioner should include all relevant information including arrest history or related case information that involves the Respondent. Requests for search warrants for violations of Florida Statute section 790.401 are to be made to the Division "T" judge during normal business hours and to the duty judge outside of normal business hours.
2. The Clerk and Comptroller shall assign all RPOs and TRPOs to a probate/guardianship division using the case type "RP" and assign the case to Division "CHJD". The RPO and TRPO, while assigned to Division "CHJD" will be heard by the judge assigned to the Mental Health Division "T". All hearings on RPOs and TRPOs will be heard at the Gun Club Courthouse.
3. Upon receipt of an RPO or TRPO filed during regular business hours, the Clerk and Comptroller will immediately notify the judge assigned to Division "T" and forward the petition and all necessary documents and information to the Division "T" judge, via the designated electronic email account for a prompt ruling or decision by the judge. In the event the judge assigned to the Mental Health Division "T" is unavailable, the Division "T" alternate will hear the TRPO or RPO. In the event the alternate is unavailable, the Duty Judge will hear the TRPO or RPO.
4. For RPO's and TRPO's electronically filed outside of normal business hours **when the following day is a business day**, the Clerk and Comptroller will retrieve the filings from the

queue on the next business day and immediately forward to the judge assigned to Division “T” for prompt ruling or decision.

5. **If law enforcement has good faith belief that lives could be in danger unless a TRPO and or RPO is considered by the Court on a weekend or holiday, law enforcement must e-file the TRPO/RPO. The Clerk’s Office will process the filing on weekends or holidays between the hours of 6am until 11am and the matter will be heard by the first appearance judge on the same day it is processed. In the event the filing is received before 11a.m. but after the first appearance judge has left the building, the Court Clerk shall email the first appearance judge and advise him or her of the filing. Filings received after 11 a.m. will be processed and heard the following day. The first appearance judge will schedule any follow up hearings on the Division “T” calendar.**
6. Three day compliance hearings will be scheduled on regular business days before the Division “T” judge.
7. A law enforcement officer may appear by phone for the TRPO hearing.
8. Florida Statute § 790.401(5)(a) provides that the Chief Judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the Chief Judge’s jurisdiction to effect service of the RPO and TRPO. The undersigned Chief Judge has consulted with the Sheriff of Palm Beach County with regard to which law enforcement agencies within Palm Beach County have received the training necessary to effectively serve RPOs and TRPOs. The following agencies are hereby authorized to serve RPOs and TRPOs.
  1. The City of Atlantis Police Dept.
  2. The City of Boca Raton Police Dept.
  3. The City of Boynton Beach Police Dept.
  4. The City of Delray Beach Police Dept.
  5. The Florida Atlantic University Police Dept.
  6. The City of Greenacres Police Dept.
  7. The Town of Gulf Stream Police Dept.
  8. The Town of Highland Beach Police Dept.
  9. The Town of Juno Beach Police Dept.
  10. The Town of Jupiter Police Dept.
  11. The Jupiter Inlet Colony Police Dept.
  12. The Town of Lake Clarke Shores Police Dept.
  13. The Town of Lantana Police Dept.
  14. The Town of Manalapan Police Dept.
  15. The Village of North Palm Beach Police Dept.
  16. The Town of Ocean Ridge Police Dept.
  17. The Town of Palm Beach Police Dept.
  18. The City of Palm Beach Gardens Police Dept.
  19. The Town of Palm Beach Shores Police Dept.
  20. The Village of Palm Springs Police Dept.
  21. The City of Riviera Beach Police Dept.
  22. The School Board of Palm Beach County Police Dept.
  23. The Town of South Palm Beach Police Dept.
  24. The Village of Tequesta Police Dept.
  25. The City of West Palm Beach Police Dept.
9. The Clerk and Comptroller’s office will forward a certified copy of the order and a copy of the law enforcement agency’s petition to the petitioning agency for service. If the petitioning agency is not one of the agencies listed in paragraph 8, then the Clerk and Comptroller’s office will forward a certified copy of the order and a copy of the petition to the Palm Beach County Sheriff’s Office for service.
10. The Clerk and Comptroller’s office shall be responsible for notifying the Department of Agriculture and Consumer Services at RPO@FreshFromFlorida.com of the issuance of the

RPO or TRPO within three business days after the entry of the order.

11. Upon the filing by law enforcement of the background information checklist created by the Palm Beach County Sheriff's Office, which includes information from the Clerk's Comprehensive Case Information System ("CCIS"), the Clerk and Comptroller's office will forward the checklist to the presiding judge.
12. Court Administration, through its criminal case manager, will screen for cases pending in the Fifteenth Judicial Circuit wherein the Respondent is a party. In the event there is an active case wherein the Respondent is a party, the criminal case manager will notify the judge presiding over the active case, as well as any divisional case manager, of the newly filed TRPO/RPO.

**DONE** and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 28<sup>th</sup> day of October, 2020.

A handwritten signature in black ink that reads "Krista Marx". The signature is written in a cursive, flowing style.

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Krista Marx  
Chief Judge

\*supersedes admin. order 6.312-3/2019