



**Marjory Stoneman Douglas High School  
Public Safety Act - Risk Protection Order**

# RISK PROTECTION ORDERS

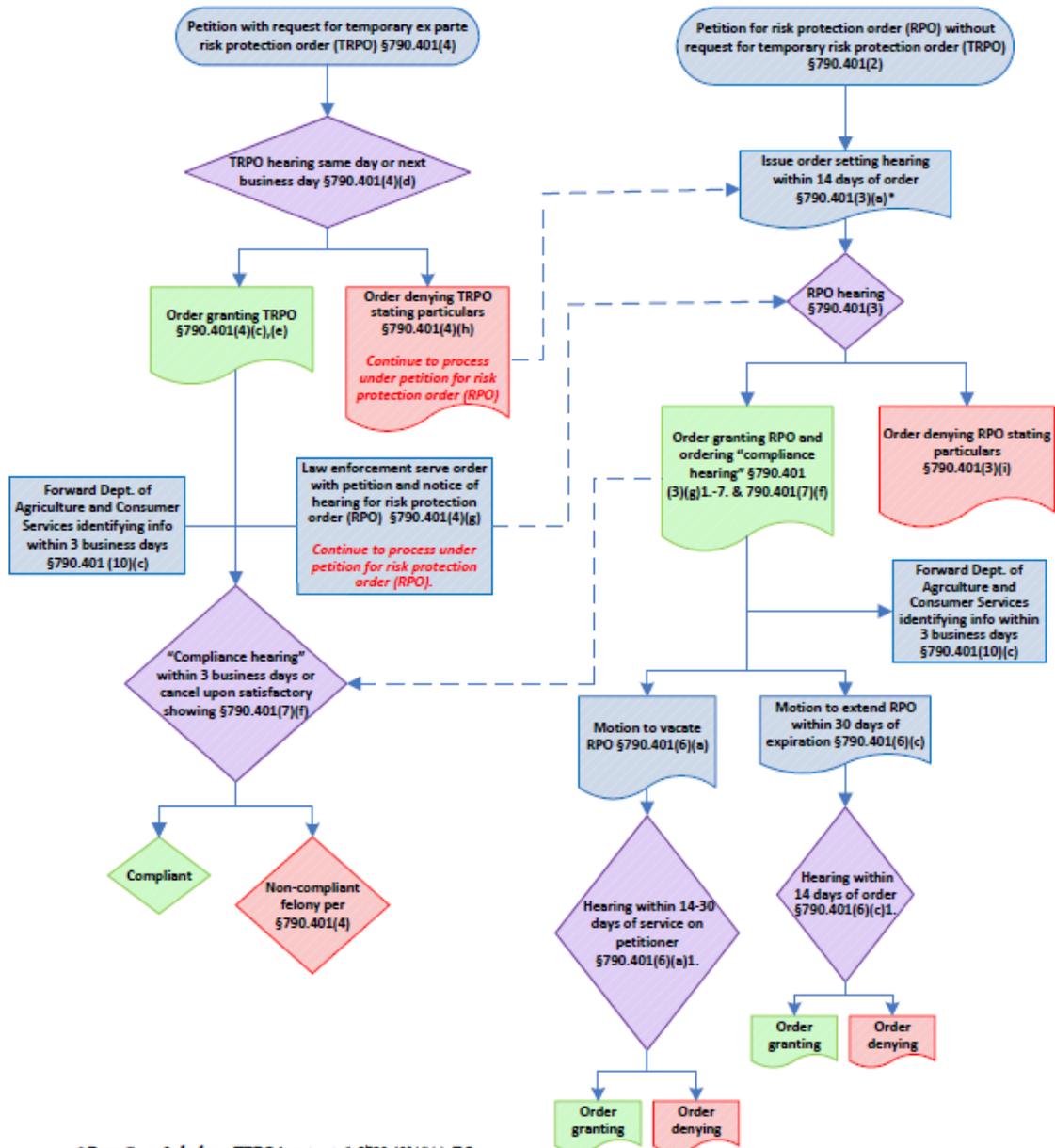
## INTRODUCTION

In 2018, the Florida Legislature created The Risk Protection Order Act. (Section 790.401, Florida Statutes). The statute seeks to reduce deaths and injuries by restricting persons who are at a high risk of harming themselves or others from having access to firearms or ammunition. This is accomplished by allowing law enforcement officers or agencies to obtain a court order when there is evidence that a person poses a significant danger to himself or herself or others. This significant danger may be the result of a mental health crisis or evidenced by violent behavior or any other factor enumerated in s. 790.401(3)(c). While the process established under s. 790.401, is intended to restrict the use of firearms by persons posing a danger to themselves or to others, it also includes standards and safeguards to protect the constitutional rights of those persons and to ensure due process of law.

Under The Risk Protection Order Act, only law enforcement officers or agencies may file a petition for a risk protection order.

# RISK PROTECTION ORDERS-GENERAL CASE PROCESS FLOW CHART

## Risk Protection Orders - General Case Process



\* Regardless of whether a TRPO is requested, §790.401(4)(c), F.S., provides that "If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition, the court must issue a temporary ex parte risk protection order."

## HOW IS A RISK PROTECTION ORDER OBTAINED?

- A law enforcement officer or agency files a petition for a risk protection order in the county where the law enforcement office is located or where the respondent resides. The circuit court has jurisdiction over the proceedings.
- If the court finds reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having access to firearms or ammunition, the court will issue a temporary ex parte risk protection order.
- Any temporary ex parte risk protection order issued by the court pending the hearing must be served on respondent with the notice of hearing and petition.
- Upon the hearing, the court may issue a risk protection order for a period up to 12 months, if the court finds, by clear and convincing evidence, that the respondent poses a significant danger of causing personal injury to himself or herself or others through access to firearms or ammunition.

(For full procedure, please refer to s. 790.401 (2)-(6))

## COMMUNITY RESOURCE LIST - MARION COUNTY

The information below is for general information purposes only and does not imply an endorsement by the Marion County Clerk of Court and Comptroller of the providers or the services. While we endeavor to keep the information current and correct, we make no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability, or availability with respect to the information and/or services offered by the providers in this directory.

Marion County Sheriff Crisis Intervention Services - <http://www.marionso.com/victim-services>

NAMI Marion County - <http://namiocala.org/crisis-contacts-links/>

Mental Health Association of Central Florida - <https://www.mhacf.org/community-crisis-suicide-services/>

College of Central Florida - <https://www.cf.edu/go/assistance/special-programs/suicide-prevention/suicide-hotlines>

Meridian - <https://www.mbhci.org/>

The Centers - <https://www.thecenters.us/>

The Vines - <https://thevineshospital.com/>

Arnette House Inc. - <https://arnettehouse.org/>

United Way of Marion County - <https://www.uwmc.org/211>

Perspective Integrated Treatment & Sober Living - <http://perspectives2.com/>

The Refuge - [https://www.therefuge-ahealingplace.com/?utm\\_source=Yext&utm\\_medium=organic&utm\\_campaign=listing&utm\\_term=brand](https://www.therefuge-ahealingplace.com/?utm_source=Yext&utm_medium=organic&utm_campaign=listing&utm_term=brand)

The Guest House Ocala - <https://www.theguesthouseocala.com/>

The Phoenix House - <https://www.phoenixhouse.org/locations/florida/phoenix-house-citra-center/>