

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO:
26-11
SUPERSEDES 23-17 AMENDED

IN RE: MENTAL HEALTH – RISK PROTECTION ORDERS

WHEREAS, it is the intent of the legislature under section 790.401, Florida Statutes (“The Risk Protection Order Act”), to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms or ammunition;

WHEREAS, a judicial procedure has been created under The Risk Protection Order Act that allows law enforcement officers or agencies to obtain a court order temporarily restricting a person’s access to firearms and ammunition in situations where that person poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition;

WHEREAS, it is critical to adopt local procedures that will respect and protect the constitutional rights of respondents and due process of law;

WHEREAS, it is necessary in the Eighteenth Circuit for the efficient administration of justice to adopt policies and procedures for the handling of petitions filed under The Risk Protection Order Act, including filing requirements, service on court personnel, and the manner and procedure for scheduling the various hearings provided under The Risk Protection Order Act; and

WHEREAS, pursuant to Florida Rule of General Practice and Judicial Administration 2.215(b), the Chief Judge is charged with ensuring the efficient and proper administration of all courts within the Circuit;

IT IS ORDERED:

- I. A Petition for Risk Protection Order may be filed by a law enforcement officer or law enforcement agency in the county where the petitioner’s law enforcement office is located or the county where the respondent resides. The Petition shall be in compliance with section 790.401(2)(e)-(g), Florida Statutes.
- II. A petitioner may include in the Petition for Risk Protection Order a request for a Temporary Ex Parte Risk Protection Order pursuant to section 790.401(4). Any such request shall be in compliance with section 790.401(4)(a).
- III. Petitions for Risk Protection Order shall be assigned to the Mental Health Division in both Brevard County and Seminole County, and shall be assigned an “MH” case number.

- IV. The Brevard County Sheriff's Office and the Seminole County Sheriff's Office are authorized to file Petitions for Risk Protection Order on behalf of any law enforcement agencies within their respective jurisdictions and with whom a Risk Protection Order filing agreement has been entered. The entry of such an agreement does not preclude any law enforcement officer or agency from filing a Petition for Risk Protection Order on its own behalf.
- V. **IN BREVARD COUNTY ONLY:** All Petitions for Risk Protection Order shall be filed electronically via the statewide e-filing portal. Approved forms for use in Brevard County can be found at <http://flcourts18.org/rpo>. A Petition for Risk Protection Order filed in Brevard County shall include BrevardRPO@flcourts18.org and BrevardDCR@flcourts18.org in the service list. Upon filing, the following shall occur:
- A. A Petition for Risk Protection Order that includes a request for a Temporary Ex Parte Risk Protection Order shall be presented to the presiding judge as soon as possible when filed. The presiding judge shall review the Petition and hold a Temporary Ex Parte Risk Protection Order hearing on the day the Petition is filed or on the business day immediately following the day the Petition is filed. The hearing shall be conducted by telephone or other electronic means, unless the presiding judge has specifically directed an in-person hearing. The temporary hearing need not be recorded.
- B. The presiding judge shall be assigned on a rotating basis from among the judges assigned to handle Mental Health cases. The administrative judge for the Mental Health Division shall maintain the rotation schedule and notify the clerk of the scheduled rotation.
- VI. **IN SEMINOLE COUNTY ONLY:** All Petitions for Risk Protection Order shall be filed electronically via the statewide e-filing portal. Approved forms for use in Seminole County can be found at <http://flcourts18.org/rpo>. Petitions for Risk Protection Order filed in Seminole County shall include SeminoleRPO@flcourts18.org and SeminoleDCR@flcourts18.org in the service list. Upon filing, the following shall occur:
- A. If a Petition for Risk Protection Order filed in Seminole County on a weekday includes a request for Temporary Ex Parte Risk Protection Order, it shall be presented to the business duty judge either on the day the petition is filed or the following day. The business duty judge shall review the petition and hold a Temporary Ex Parte Risk Protection Order hearing pursuant to section 790.401(4)(d). If it is impossible or impractical to have the hearing before the business duty judge, the petitioner may seek review and an ex parte hearing before the after-hours duty judge, Chief Judge, or any other judge.
- B. If a Petition for Risk Protection Order filed in Seminole County after close of business day on Friday and before opening of business day on Monday includes a request for Temporary Ex Parte Risk Protection Order, it shall be presented to the after-hours duty judge. The after-hours duty judge shall review the petition and hold a Temporary Ex Parte Risk Protection Order hearing pursuant to section 790.401(4)(d). If it is impossible or impractical to have the hearing before the after-hours duty judge, the petitioner may seek review and an ex parte hearing before the Chief Judge or any other judge. The Temporary Ex Parte Risk Protection Order hearing may be in person or by telephone, at the discretion of the judge holding the hearing, and need not be recorded.

- VII. All other hearings under section 790.401, including compliance hearings, final hearings, and hearings on a request to vacate or extend a Risk Protection Order, shall be heard in the Mental Health Division and shall be recorded.
- VIII. Nothing in this Administrative Order shall be deemed to conflict with or otherwise modify the rights, responsibilities, and obligations of petitioners, respondents, the Clerk of Court, Sheriff, or the Court as provided in the Risk Protection Order Act.

DONE AND ORDERED this 17th day of February, 2026.



MELANIE CHASE
CHIEF JUDGE

Distribution:

All Circuit and County Court Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)
County Attorney (Brevard and Seminole Counties)