



FLORIDA

FINAL RISK PROTECTION ORDERS

A GUIDE TO THE PROCESS



Bloomberg American Health Initiative

Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.

FLORIDA

Final Risk Protection Order Process

Authorized petitioners/complainants in Florida include:

- Law enforcement

FILE AN RPO PETITION

File a petition with the court describing why the respondent poses a significant danger of causing personal injury to self or others by purchasing, possessing, receiving, or having control of a firearm or ammunition.

SERVE THE RESPONDENT

The clerk of the court forwards a copy of the RPO petition and notice of RPO hearing to law enforcement for service upon the respondent.

FINAL RPO HEARING

A hearing is held within 14 days of the filing of the RPO petition. The court enters a final RPO upon clear and convincing evidence the respondent poses a significant danger of causing personal injury to self or others by having in their custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.

FINAL RPO ISSUED

If the respondent is present at the hearing, they are served the final RPO while in court.

If the respondent is not present at the hearing, law enforcement serves the respondent with a copy of the RPO as soon as possible.

RPO is in effect for up to 12 months.

COMPLY WITH RPO, DISPOSESS FIREARMS

If the respondent is present at the hearing, they turnover all firearms and ammunition and any license to carry a concealed weapon or firearm to a local law enforcement agency immediately after the hearing.

If the respondent is not present at the hearing, the law enforcement officer serving the order takes possession of all firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm held by the respondent.

The law enforcement officer issues the respondent a receipt for the firearms, ammunition, and license surrendered and files a copy with the court.

UPDATE BACKGROUND CHECK SYSTEM

The clerk of the court enters a temporary RPO into the uniform case reporting system and forwards a copy of the RPO to law enforcement who enters the order into the Florida Crime Information Center and National Crime Information Center.

The FL Department of Agriculture and Consumer Services immediately suspends the respondent's license to carry a concealed weapon or firearm if the respondent has one.

TERMINATE OR RENEW RPO

The respondent may submit one written request for a hearing to vacate an RPO and may request another hearing after every extension, if any, of the RPO.

The petitioner may request a hearing to extend an RPO for up to 12 months.

UPDATE BACKGROUND CHECK SYSTEM

Upon expiration or termination/vacation of an RPO, law enforcement promptly removes the final RPO from any computer-based system in which it was entered.

RETURN FIREARMS

Law enforcement returns to the respondent any surrendered firearms, ammunition, or license to carry a concealed weapon after confirming that the respondent is lawfully permitted to own or possess firearms and ammunition.

The FL Department of Agriculture and Consumer Services reinstate any license to carry a concealed weapon after confirming the respondent is eligible.