

FLORIDA

# TEMPORARY RISK PROTECTION ORDERS

A GUIDE TO THE PROCESS



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# FLORIDA

## Temporary Risk Protection Order Process

### Authorized petitioners/complainants in Florida include:

- Law enforcement

### FILE AN RPO PETITION

File a petition with the court requesting the issuance of a temporary RPO and describing why the respondent poses a significant danger of causing personal injury to self or others in the near future by purchasing, possessing, receiving, or having control of a firearm or ammunition.

### COURT ASSESSES RPO PETITION

On the day the petition is filed or on the next business day, the Circuit Court decides whether to issue a temporary RPO and sets a final RPO hearing to be held within 14 days of the petition being filed.

### TEMPORARY RPO ISSUED

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

### TEMPORARY RPO NOT ISSUED

Law enforcement serves respondent with a copy of the RPO petition and the notice of Final RPO Hearing. Proceed to Final RPO Hearing.

### COMPLY WITH TEMPORARY RPO, DISPOSSESS FIREARMS

The law enforcement officer serving the order takes possession of all firearms and ammunition and any license to carry a concealed weapon or firearm.

The law enforcement officer issues the respondent a receipt for the firearms, ammunition, and license turned over 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 who will immediately suspend the respondent's license to carry a concealed weapon or firearm if the respondent has one.

### FINAL RPO HEARING

The petitioner must prove, by clear and convincing evidence, that 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.

Background check system is updated.

### FINAL RPO NOT ISSUED

If the court does not issue a final RPO, 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 and 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.

Background check system is updated.

**The RPO process ends.**

### TERMINATE OR RENEW RPO

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

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

### UPDATE BACKGROUND CHECK SYSTEM

Upon expiration or termination/vacation of a final 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.