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Risk Protection Orders in Florida

When a person with access to firearms is in crisis and making threats or behaving in a manner that creates a risk of harm to self or others, consider filing for a Risk Protection Order (RPO), which is a civil court order that temporarily prohibits a person from possessing or purchasing firearms.

- Only law enforcement officers may file an RPO petition.
- An RPO will require an individual to temporarily surrender any guns in their possession and prohibit them from purchasing guns.
- An RPO may be issued for up to one year.

RPOs are temporary and are a civil process distinct from arrests and prosecutions, mental health commitments, and other civil or criminal restraining orders. An RPO may be requested on its own or alongside another type of intervention.

RPOs may be an appropriate intervention in the following circumstances:

- Threats of self harm/suicide
- Threats of harm to others, including domestic/family violence
- Threats of mass harm, including school shootings

If there is evidence that an individual “poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition” consider filing a petition for an RPO.

- A petition must also state “the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts” by the individual and identify the firearms the individual is believed to possess.
- When the petition is filed, the court will schedule a hearing within 14 days and require notice to the individual.

An officer may also request that a **temporary *ex parte* RPO** be issued immediately without prior notice to the individual if there is “personal knowledge 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. A temporary *ex parte* order may only last until the hearing on the final order.

The court will consider any of the following in determining whether to issue an RPO:

- Recent act or threat of violence against self or others (regardless of whether it involves a firearm)
- Act or threat of violence within the past 12 months
- Evidence of the individual being seriously mentally ill or having recurring mental health issues
- Issuance and any violations of a previous RPO
- Violation of a no contact order
- Previous conviction for a crime that constitutes domestic violence
- Use or threatened use of weapons against self or others
- Unlawful or reckless use, display, or brandishing of a firearm
- Recurring use of, or threat to use, physical force against another person or stalking
- Previous arrest for or conviction of a crime involving violence or a threat of violence
- Corroborated evidence of abuse of controlled substances or alcohol
- Evidence of recent acquisition of firearms or ammunition

The court may consider any relevant information from family and household members and take witness testimony under oath. During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation is appropriate.

A law enforcement officer serving an RPO should request that all firearms and ammunition be immediately surrendered to the officer.

To effectuate safe service of RPOs and relinquishment of firearms:

- Conduct a threat assessment prior to service, including coordinating with the individual's family/friends when appropriate to identify the safest options for service.
- Clearly explain the terms of the RPO, including what the individual must do to comply and that noncompliance is a crime.
- Provide a receipt for any guns surrendered.

Warrants:

A law enforcement officer may seek a search warrant to conduct a search for firearms or ammunition owned by the individual if the officer has probable cause to believe that they have not surrendered all firearms or ammunition in their custody, control, or possession.