

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2019-12-Civ

**ADMINISTRATIVE ORDER GOVERNING PETITIONS FOR RISK
PROTECTION ORDERS PURSUANT TO SECTION 790.401, FLA. STAT.**

(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(c) On March 9, 2018, Governor Rick Scott signed into law Senate Bill 7026, also known as the Marjory Stoneman Douglas High School Public Safety Act, which, among other things, enacted section 790.401, Florida Statutes, and amended certain provisions of Florida’s Baker Act.

(d) Section 790.401, Florida Statutes, as enacted by the Florida Legislature, permits law enforcement agencies and officers to file a petition with the Circuit Court for the issuance of a Risk Protection Order. The statute requires the Clerk of the Court and the petitioning party to provide certain information to the Court.

(e) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

I. Duties of the Clerk of the Court, Section 790.401, Florida Statutes

(1) Upon receipt of a newly-filed petition for risk protection order, the Clerk of the Court shall conduct a search of its records to determine if the respondent:

- a. has had prior, or is currently involved in, any mental health or Baker Act cases;

- b. was or currently is a Respondent in an action for a Risk Protection Order;
- c. was or currently is the subject of a no contact order issued in an action for stalking, domestic, sexual, or dating violence under sections 741.30, 784.046, or 784.0485, Florida Statutes; or
- d. was or currently is a defendant in a criminal action, including misdemeanor, felony, or traffic infraction cases.

(2) After conducting the searches set out above, the Clerk of the Court shall immediately file with the Court a certificate of compliance listing the case number(s) of the related case(s) found or certifying no prior or pending cases could be found after a diligent search. The Clerk of the Court shall utilize the “Certificate of Compliance” form attached hereto as Attachment “A.”

(3) Upon receipt of a newly-filed petition for a risk protection order, the Clerk of the Court shall inform the Court of the filing by sending a notification to RPO@17th.flcourts.org, which shall include the case number.

(4) All petitions for risk protection orders shall be designated RPO by the Clerk of the Court and assigned to judicial divisions as directed by the Chief Judge or designee.

(5) Upon issuance of an order required to be served pursuant to section 790.401(5)(a), Florida Statutes, the Clerk of the Court shall forward a certified copy of the order and a copy of the law enforcement agency’s petition to the petitioning law enforcement agency or the Broward Sheriff’s Office, as applicable, for service by such agency.

(6) The Clerk of the Court shall, within three (3) business days after the issuance of a temporary *ex parte* or final risk protection order, forward a copy of the order and all available identifying information concerning the respondent to the Florida Department of Agriculture and Consumer Affairs.

II. Duties of the Petitioner, Section 790.401, Florida Statutes

(1) In determining whether grounds exist for the issuance of a risk protection order, including a temporary *ex parte* risk protection order, the court may consider any relevant evidence, including evidence relating to factors set forth in section 790.401(3)(c), Florida Statutes. Prior to filing a petition for a risk protection order,

including a request for an *ex parte* risk protection order, the petitioning agency shall conduct a search of law enforcement databases to determine whether the respondent:

- a. has, within the past twelve (12) months, committed an act or threat of violence against himself/herself or others;
- b. has or has had in the past, serious or recurring mental health issues;
- c. was or currently is, a respondent in an action for a risk protection order and whether he/she violated a prior risk protection order;
- d. was or currently is, the subject of a no contact order issued under sections 741.30, 784.046, or 784.0485, Florida Statutes;
- e. has used or has threatened to use, a weapon against himself/herself or others;
- f. has unlawfully or recklessly displayed or brandished a firearm;
- g. has threatened physical force against or stalked another person;
- h. in this State, or any other State, was arrested, convicted, had adjudication withheld or pled nolo contendere to a crime involving violence or a threat of violence;
- i. has a history of abusing alcohol or controlled substances; and
- j. recently acquired a firearm or ammunition.

(2) If the petitioning law enforcement agency discovers any of the above information or other relevant evidence during its search of law enforcement databases, the petitioning agency shall file such information with the Clerk of the Court, unless already included in its' petition.

(3) All petitions for a risk protection order shall:

- a. allege the respondent poses a significant danger of causing personal injury to himself/herself or others by having a firearm or ammunition in his/her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition;

- b. be accompanied by an affidavit, based on *personal knowledge*, setting forth the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;
- c. identify the quantities, types, and location of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control, or the attempts by the petitioning agency to identify and investigate whether the respondent owns, controls, or possesses firearms or ammunition; and
- d. identify whether there is a known existing protection order governing the respondent under sections 741.30, 784.046, or 784.0485, Florida Statutes, or under any other applicable statute.

(4) The petitioning agency shall attach to its petition a physical description and location of the respondent. The law enforcement agency shall use a form that is substantially similar to Attachment "B."

(5) In order to permit the Court to comply with its statutory duties to timely hold hearings and issues orders in risk protection cases, the petitioning party shall send an email notification to the Court at RPO@17th.flcourts.org upon the filing of a petition and motion for extend a risk protection order.

(6) Upon service of any paper required to be served under section 790.401(5)(a), Florida Statutes, the law enforcement agency effecting service shall file a return of service with the Clerk of the Court as prescribed by the Florida Rules of Civil Procedure.

(7) Within seventy-two (72) hours of service of a temporary *ex parte* or final risk protection order, the law enforcement officer or agency taking possession of any firearm or ammunition owned by the respondent, or a license to carry a concealed weapon or firearm issued under section 790.06, Florida Statutes, shall issue a receipt identifying all firearms and the quantity and type of ammunition that has been surrendered, and any concealed weapons license surrendered, and shall file said receipt with the Clerk of the Court.

III. General Provisions

(1) The Clerk of the Court, any law enforcement agency or officer located within Broward County, and the judicial officers and staff of the Seventeenth Judicial

Circuit, may communicate via electronic means as prescribed by the Florida Rules of Judicial Administration on any matter relating to notification of petitions for risk protection orders or service of risk protection orders.

(2) All law enforcement agencies filing petitions for risk protection orders pursuant to section 790.401, Florida Statutes, shall provide the Clerk of the Court and Court Administration Office of the General Counsel an email address for communications pertaining to service and notification of petitions for risk protection orders. The email address shall be provided to the Court's designated risk protection order email address at RPO@17th.flcourts.org, and to the Clerk of the Court designated risk protection order email address at RPO@browardclerk.org.

(3) When requested by a law enforcement agency authorized to effect service under section 790.401, Florida Statutes, the Clerk of the Court may transmit to the petitioning agency via email, facsimile or other electronic transmission permitted under the Florida Rules of Judicial Administration, a copy of any pleading or order required to be served under section 790.401, Florida Statutes.

(4) Pursuant to section 790.401(14), the standard petition and risk protection order forms, attached to this Administrative Order as Composite Exhibit "C", are to be used for all risk protection order proceedings.

(5) Upon the filing of a petition for a temporary *ex parte* risk protection order, the court must conduct an *ex parte* hearing on the day the petition is filed or on the next business day. Unless ordered otherwise by the assigned division judge, all *ex parte* hearings contemplated under section 790.401, Florida Statutes shall be conducted by telephonic conference. All *ex parte* hearings will be scheduled by the Court and it shall be the responsibility of the petitioning party to make the affiant or affiants of the petition available for a telephonic conference call as prescribed by the Court. Upon notification of the date and time for the *ex parte* hearing, the petitioning law enforcement agency shall provide the assigned division judge with conference call-in information or a direct telephone number.

(6) Three (3) day compliance hearings relating to the surrender of firearms or ammunition may be conducted by telephone, in person or as otherwise ordered by the presiding judge. The Court may cancel the three (3) day compliance hearing based on the filing of an affidavit demonstrating that the respondent is in compliance with the *ex parte* or final order.

(7) The petitioning agency and the Clerk of the Court shall comply with the requirements of Florida Rules of Judicial Administration pertaining to the confidentiality of court records, including the filing by the petitioning agency of appropriate notices of filing confidential information. In cases involving a juvenile respondent, the Court will strive to balance a juvenile's right to privacy against public safety. In order to effect service of process under section 790.401, Florida Statutes, a juvenile respondent shall be identified by full name.

(8) If a petitioner obtains a final risk protection order, the risk protection order will expire on the date listed in the final order. The petitioner may, by motion, request an extension of a final risk protection order at any time within thirty (30) days before the expiration of the order. This paragraph shall serve as the court's notice to petitioner pursuant section 790.401(6)(b), Florida Statutes.

This Administrative Order supersedes and vacates Administrative Order 2018-46-Civ.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 6th day of February, 2019.

/s/Jack Tuter
Jack Tuter, Chief Judge

Attachment "A"

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

Petitioner,

v.

Case Number: RPO

Judge:

Respondent.

_____ /

**CLERK'S CERTIFICATE OF COMPLIANCE PURSUANT TO
ADMINISTRATIVE ORDER GOVERNING RISK PROTECTION ORDER**

I HEREBY certify that pursuant to the Court's Administrative Order Governing Petitions for Risk Protection Orders Pursuant to Section 790.401, Fla. Stat., the Clerk has conducted a search for all previous and currently pending cases involving the Respondent.

Listed below are all of the aforementioned cases involving the Respondent:

After a diligent search and inquiry of the Clerk's records, there are no previous or currently pending cases involving the Respondent.

Brenda D. Forman

By _____

ATTACHMENT "B"

RESPONDENT DESCRIPTION INFORMATION

ATTENTION LAW ENFORCEMENT OFFICERS, PLEASE REMOVE THIS SHEET PRIOR TO SERVICE. PLEASE DO NOT GIVE THIS SHEET TO THE RESPONDENT.

SECTION I: RESPONDENT'S NAME

Respondent's Full Name: _____

Nickname/Alias: _____

SECTION II: PHYSICAL DESCRIPTION:

Race: _____ Sex: _____ Date of Birth: _____ Age: _____

Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Other Marks/Scars/Tattoos: _____

SECTION III: RESPONDENTS CURRENT ADDRESS

Address: _____ City: _____ State: _____ Zip: _____

Phone No: _____

Work Address: _____ City: _____ State: _____ Zip: _____

Hangouts: _____

SECTION IV: RESPONDENT'S CLOSE RELATIVES

Name: _____ Relationship: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone No: _____

SECTION V: LICENSE/VEHICLE INFORMATION DRIVER LICENSE

State: _____ Number: _____

SECTION VI: LETHALITY ASSESSMENT (Indicate yes, no, or unknown. If yes, add details.)

Does Respondent have any weapons? _____

Does Respondent have a drug problem? _____

Does Respondent have an alcohol problem? _____

Does Respondent have children in his/her care? _____

Is the Respondent wanted by police? _____

Does Respondent have a criminal record? _____

Is the Respondent expecting this Order? _____

PLEASE ATTACH A PHOTOGRAPH OF RESPONDENT IF YOU HAVE ONE

Attachment "C" (composite)

INSTRUCTIONS FOR FILING A PETITION FOR A RISK PROTECTION ORDER (With or Without Requesting a Temporary Ex Parte Risk Protection Order)

Who may file this form?

This petition must be filed by either a law enforcement officer or a law enforcement agency through an employee or person authorized to file the petition on their behalf (the "Petitioner"). No one other than law enforcement may file a petition for a risk protection order. It is not necessary for the Petitioner to be an attorney.

When should this form be used?

This form should be used in situations when there is evidence that a person (the "Respondent") poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition.

This form can be used to request a court order that will require the Respondent to 1) surrender to law enforcement all firearms, ammunition, and any license to carry a concealed weapon or firearm in their possession, custody or control; and 2) be prohibited from purchasing, attempting to purchase, receiving, or possessing any firearms or ammunition for a specified period of time, up to one year.

The Petitioner may also use this form to request a temporary ex parte risk protection order. A temporary ex parte risk protection order may be issued without notice to the Respondent upon a showing that the Respondent poses a significant danger of causing personal injury to himself or herself or others in the near future. Such an order is in effect only until the hearing on the petition for a final risk protection order at which time the Respondent will have received notice and an opportunity to participate in the hearing.

If the Petitioner requests a temporary ex parte risk protection order, there are two additional requirements that are not otherwise required for a petition for a final risk protection order: 1) the sworn facts that demonstrate that Respondent poses a significant danger of causing injury must be *based on personal knowledge*; and 2) the sworn facts must demonstrate that the danger may occur *in the near future*.

If issued, a temporary ex parte risk protection order 1) will require the Respondent to immediately surrender all firearms and ammunition in the Respondent's custody, control, or possession and any license to carry a concealed weapon or firearm issued to the Respondent under section 790.06, Florida Statutes, and 2) will temporarily prohibit the Respondent from purchasing, attempting to purchase, receiving, or possessing a firearm or ammunition.

Where must this form be filed?

This petition must be filed in the clerk's office for the circuit court 1) in the county where the Petitioner's law enforcement office is located or 2) in the county where the Respondent resides.

What must be shown?

The petition and accompanying affidavit(s) must provide facts that give rise to a reasonable fear that Respondent poses a significant danger of causing personal injury to themselves/others by having a firearm or ammunition in their custody, control, or possession. The burden of persuasion for a temporary ex parte risk protection order is “reasonable cause.” The burden of persuasion for a final risk protection order is “clear and convincing evidence.”

As much of the Respondent’s identifying and demographic information as possible must be included in the appropriate spaces in Section II.

Other important instructions:

Depending on the facts and circumstances, the Petitioner may either file a petition only for a final risk protection order, or file a petition for a final risk protection order with a request for a temporary ex parte risk protection order. The Petitioner should indicate immediately under the title whether the Petitioner **does** or does **not** request a temporary ex parte risk protection order.

Pursuant to section 790.401(2)(h), Florida Statutes, there are no fees for filing a petition.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

Respondent

PETITION FOR RISK PROTECTION ORDER

(With or Without Request for Temporary Ex Parte Risk Protection Order)

This petition **DOES** or **DOES NOT** request a Temporary Ex Parte Risk Protection Order.

SECTION I. PETITIONER

Petitioner must be a law enforcement officer or a law enforcement agency.

1. Petitioner's full legal name or name of petitioning agency: _____
2. Petitioner's office/agency is located at *{street address, city, state, and zip code}*:

3. Petitioner's telephone number for 24 hour accessibility: _____

SECTION II. RESPONDENT *{Petitioner is to fill out as much information as possible.}*

1. Respondent's full legal name: _____
2. Respondent's address: *{street address, city, state, and zip code}*

3. Identifying information of Respondent:

Race: _____ Gender Expression: Male Female Other

Date of Birth: _____

Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____

4. Distinguishing marks or scars: _____
5. Vehicle: *{make/model}* _____ Color: _____ Tag #: _____
6. Other names Respondent goes by: *{aliases or nicknames}* _____

7. Respondent's email address: _____
8. Respondent's telephone number: _____
9. Respondent's Driver's License number: _____
10. Respondent's attorney's name, address, and telephone number: _____
11. Is Respondent in jail? Yes No
 If yes, date of arrest _____ Jail #: _____ Cell #: _____
12. Is Respondent a juvenile? Yes No

SECTION III. BASIS FOR PETITION

In support of this petition, the undersigned Law Enforcement Officer/Agency alleges:

1. Respondent poses a significant danger of causing personal injury to themselves or others by having a firearm or any ammunition in their custody or control or by purchasing, possessing, or receiving a firearm or any ammunition.

Respondent poses a significant danger of causing personal injury to themselves or others in the near future. [Required for a Temporary Ex Parte Risk Protection Order.]

2. An affidavit (or affidavits) alleging specific facts that give rise to a reasonable fear of significant dangerous acts by the Respondent is attached to this petition as Exhibit A and is incorporated by reference. {If a temporary risk protection order is requested, facts supporting the allegation that Respondent poses a significant danger of causing personal injury to themselves or others **IN THE NEAR FUTURE** must be provided from someone with **PERSONAL KNOWLEDGE** of those facts. }
3. The quantities, types, and locations of all firearms and ammunition the Petitioner believes to be in the Respondent's ownership, possession, custody, or control are listed below and/or on the attached Exhibit B.

Quantity: _____ Type: _____ Location: _____

Quantity: _____ Type: _____ Location: _____

Quantity: _____ Type: _____ Location: _____

Respondent was issued was not issued a concealed weapon/firearms license.

See attached Exhibit B for firearms and/or ammunition.

4. Petitioner is aware is not aware of an existing protection order governing the Respondent under s. 741.30, s. 784.046, or s. 784.0485, Florida Statutes, or under any other applicable statute. If aware, list the existing protection order case number(s) and attach a copy, if available. _____.

5. Relevant evidence for the Court's consideration is detailed in the attached affidavit(s) that demonstrates the Respondent:

was involved in a recent act or threat of violence against themselves or others;

engaged in an act or threat of violence, including but not limited to acts or threats of violence against themselves, within the past 12 months;

may be seriously mentally ill or may have recurring mental health issues;

has violated a risk protection order or no contact order issued under section(s) 741.30, 784.046, or 784.0485, Florida Statutes;

is the subject of a previous or existing risk protection order;

has violated a previous or existing risk protection order;

has been convicted of, had adjudication withheld on, or pled *nolo contendere* in Florida or in any other state to a crime that constitutes domestic violence as defined in s. 741.28, Florida Statutes;

has used, or threatened to use, against themselves or others, any weapons;

has unlawfully or recklessly used, displayed, or brandished a firearm;

has used, or threatened to use on a recurring basis, physical force against another person or has stalked another person;

has been arrested for, convicted of, had adjudication withheld, or pled *nolo contendere* to a crime involving violence or a threat of violence in Florida or in any other state;

has abused or is abusing controlled substances or alcohol;

has recently acquired firearms or ammunition;

is required to possess firearm(s) and/or ammunition in the scope and duties of their occupation;

has been the subject of proceedings under the Baker Act or Marchman Act;

other (Additional relevant information may be included as attached exhibits. This may include reports or conclusions from a threat assessment team.).

SECTION IV. NOTICE

Petitioner has made a good faith effort to provide notice to a family or household member of the Respondent and to any known third party who may be at risk of violence in compliance with s. 790.401(2)(f), Florida Statutes; or

Petitioner will take the following steps to provide notice as required by s. 790.401(2)(f), Florida Statutes.

SECTION V. [TEMPORARY] RISK PROTECTION ORDERS

For the foregoing reasons, Petitioner requests the Court to:

enter a Temporary Risk Protection Order.

schedule a hearing to be held within 14 days of the date of the order to determine if a Final Risk Protection Order should be entered.

Respectfully submitted this ____ day of _____, 20____.

Signature of Petitioner

Name of person filing petition

Law Enforcement Agency

Service address

Email address

Telephone Number

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

_____,
Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

_____,
Respondent

**TEMPORARY EX PARTE RISK PROTECTION ORDER
AND NOTICE OF FURTHER PROCEEDINGS**

THIS CAUSE came before the Court upon a Petition for a Risk Protection Order including a request for a Temporary Ex Parte Risk Protection Order. The Court having reviewed the petition, considered all relevant evidence presented, and being otherwise fully advised in the premises, the request for a Temporary Ex Parte Risk Protection Order is hereby **GRANTED**.

NOTICE OF HEARING

The hearing on the petition for a Final Risk Protection Order will be held in Courtroom _____, in the court facility located at _____ on _____, 20____, at _____ A.M./P.M. At this hearing, the Court will determine if a final risk protection order should be issued.

SECTION I. EVIDENCE AND FINDINGS

The Court has received evidence that:

_____ the Respondent engaged in a recent act or threat of violence against themselves or others;

_____ the Respondent engaged in an act or threat of violence, including but not limited to acts or threats of violence against themselves, within the past 12 months;

_____ the Respondent may be seriously mentally ill or may have recurring mental health issues;

_____ the Respondent has violated a risk protection order or no contact order issued under section(s) 741.30, 784.046, or 784.0485, Florida Statutes;

_____ the Respondent is the subject of a previous or existing risk protection order;

_____ the Respondent has violated a previous or existing risk protection order;

_____ the Respondent has been convicted of, had adjudication withheld on, or pled *nolo contendere* in Florida or in any other state to a crime that constitutes domestic violence as defined in s. 741.28, Florida Statutes;

_____ the Respondent has used, or threatened to use, against themselves or others, any weapons;

_____ the Respondent has unlawfully or recklessly used, displayed, or brandished a firearm;

_____ the Respondent has used, or threatened to use on a recurring basis, physical force against another person or has stalked another person;

_____ the Respondent has been arrested for, convicted of, had adjudication withheld, or pled *nolo contendere* to a crime involving violence or a threat of violence in Florida or in any other state;

_____ the Respondent, based on corroborated evidence, has abused or is abusing controlled substances or alcohol;

_____ the Respondent has recently acquired firearms or ammunition;

In addition, the Court has:

_____ considered all relevant information from family and household members concerning the Respondent;

_____ received witness testimony while the witness was under oath concerning the present matter; and

_____ considered other relevant evidence as follows:

Based on these facts, the Court finds there is reasonable cause to believe Respondent poses a significant danger of causing personal injury to themselves or others in the near future by having in their custody or control any firearm or ammunition, or by purchasing, possessing, or receiving, a firearm or ammunition.

SECTION II. ORDERED AND AJUDGED

RESPONDENT IS HEREBY ORDERED TO SURRENDER TO THE LAW ENFORCEMENT OFFICER SERVING THIS ORDER ALL FIREARMS AND AMMUNITION THAT THEY OWN OR HAVE IN THEIR CUSTODY, CONTROL, OR POSSESSION AND ANY LICENSE TO CARRY A CONCEALED WEAPON OR A CONCEALED FIREARM ISSUED UNDER S. 790.06, FLORIDA STATUTES.

A person who has in their custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that they are prohibited from doing so by court order commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Respondent has the sole responsibility to refrain from violating this order. Only the court can change the order and only upon written request.

To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition that you own in your custody, control, or possession. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You must surrender immediately to the _____ (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under section 790.06, Florida Statutes. A hearing will be held on the date and at the time noted above to determine if a final risk protection order should be issued. Failure to appear at that hearing may result in a court issuing an order against you which is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order.

Additional provisions applicable to this order, if any: _____

NOTICE OF COMPLIANCE HEARING

Petitioner and Respondent are ORDERED to appear for a hearing at which the Respondent will be required to prove compliance with this Order, to be held in Courtroom _____, in the court facility located at _____ on

_____, 20____, at _____ A.M./P.M. A law enforcement officer taking possession of any firearm or ammunition owned by the Respondent or a license to carry a concealed weapon or firearm held by the Respondent shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered. Law enforcement shall file the original receipt with the Court. The Court may cancel the hearing upon a satisfactory showing that the Respondent is in compliance with the order.

Respondent and/or Respondent's attorney may file any responsive pleadings in this cause with the Clerk of the Circuit Court located at _____.

DONE AND ORDERED at _____, Florida, this ____ day of _____, 20____.

Judge

I CERTIFY the foregoing is a true copy of the original order as it appears on file in the office of the clerk of the circuit court of [name of county], Florida, and that I have furnished copies of this order as indicated below.

By: _____
{Deputy Clerk or Judicial Assistant}

Copies furnished to:

Petitioner (or his or her attorney):

____ by email

____ by hand-delivery in open court (Petitioner acknowledged receipt in writing on the face of the original order – see below.)

____ by certification by clerk (Petitioner failed or refused to acknowledge receipt of a certified copy.)

____ by mail to last known address

ACKNOWLEDGMENT

I, [name of petitioner], acknowledge receipt of a certified copy of this Temporary Ex Parte Risk Protection Order and Notice of Further Proceedings.

[Name of petitioner]

Respondent:

____ copy forwarded to law enforcement for personal service

Department of Agriculture and Consumer Services

____ by email

____ U.S. mail

Section 790.401, Florida Statutes, does not require the court to record a hearing on a petition for a risk protection order; however, any party may arrange for a court reporter to record the hearing and to prepare a written transcript of the hearing at that party's expense. Arrangements for a court reporter must be made in advance. In the event of an appeal, the appealing party will be required to provide the court with a written transcript of what was said at the hearing.

Respondent has a responsibility to keep the court informed, in writing, of any change of address. Failure to do so may jeopardize Respondent's rights.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 20140, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

_____,
Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

_____,
Respondent

**ORDER DENYING PETITION FOR A
TEMPORARY EX PARTE RISK PROTECTION ORDER AND SETTING A HEARING
FOR A FINAL RISK PROTECTION ORDER**

THIS CAUSE came before the Court upon a Petition for a Final Risk Protection Order including a request for a Temporary Ex Parte Risk Protection Order. The Court, having considered the petition, testimony, record, applicable law, and being otherwise fully advised in the premises, makes the following findings and rulings:

The request for a Temporary Ex Parte Risk Protection Order is hereby **DENIED**.

The specific facts or findings for said denial are as follows:

It is therefore **ORDERED and ADJUDGED** that Petitioner's request for a temporary ex parte risk protection order is **DENIED** without prejudice for Petitioner to provide evidence at the hearing for a final risk protection order or to file a subsequent petition for a temporary ex parte risk protection order against the Respondent herein.

NOTICE OF HEARING

The Final Risk Protection Order Hearing will be held in Courtroom _____, in the court facility located at _____ on _____ 20____, at _____ A.M./P.M. At this hearing, the Court will determine if a final risk protection order should be issued.

DONE AND ORDERED at _____, Florida, this _____ day of _____, 20____.

Judge

I CERTIFY the foregoing is a true copy of the original order as it appears on file in the office of the Clerk of the Circuit Court of _____ County, Florida, and that I have furnished copies of this order as indicated below.

By: _____
{Deputy Clerk or Judicial Assistant}

Copies furnished to:

Petitioner (or his or her attorney):

____ by email

____ by hand-delivery in open court (Petitioner acknowledged receipt in writing on the face of the original order – see below.)

____ by certification by clerk (Petitioner failed or refused to acknowledge receipt of a certified copy.)

____ by mail to last known address

ACKNOWLEDGMENT

I, *[name of petitioner]*, acknowledge receipt of a certified copy of this Order Denying Petition for a Temporary Ex Parte Risk Protection Order and Setting a Hearing for a Final Risk Protection Order.

[Name of petitioner]

Respondent (or his or her attorney):

____ copy forwarded to law enforcement for personal service

Section 790.401, Florida Statutes, does not require the court to record a hearing on a petition for a risk protection order; however, any party may arrange for a court reporter to record the hearing and to prepare a written transcript of the hearing at that party's expense. Arrangements for a court

reporter must be made in advance. In the event of an appeal, the appealing party will be required to provide the court with a written transcript of what was said at the hearing.

Respondent has a responsibility to keep the court informed, in writing, of any change of address. Failure to do so may jeopardize Respondent's rights.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 20140, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

_____,
Petitioner,

CASE NO.: RPO _____
JUDGE: _____

v.

_____,
Respondent.
_____ /

ORDER ON COMPLIANCE PURSUANT TO F.S. 790.401(7)(f)

THIS CAUSE, having come before the Court on the Compliance Hearing held pursuant to Florida Statute 790.401(7)(f), and the Court having considered

- sworn testimony and argument of counsel,
- the return of service and attached affidavits submitted by the Petitioner,

and having been otherwise fully advised in the premises, finds as follows:

1.

- The Petitioner duly served the Respondent with the Risk Protection Petition, Temporary Order, and Notice of Final Hearing
- The Respondent was not lawfully served with the Risk Protection Petition, Temporary Order, and Notice of Final Hearing as follows:

2.

- The Petitioner requested that the Respondent immediately surrender all firearms, concealed weapons permits, and ammunition in his/her custody, control or possession and
- Respondent advised they did not have any firearms
- Respondent refused to surrender all firearms
- Respondent surrendered all firearms and the Petitioner has submitted all relevant property receipts
- Other outcome as follows:

3.

- The Petitioner requested the Respondent consent to a search of his/her residence, vehicle and person for firearms and ammunition and
- The Respondent denied the request
- The Respondent granted the request and NO firearms or ammunition were located
- The request was granted, a search was conducted, firearms/ammunition/permit(s) were recovered, and Petitioner has submitted all relevant property receipts
- A search was not yet conducted as the Order was served at a location other than the residence of the Respondent.
- The Petitioner executed a search warrant on the Respondent's residence/vehicles/person, firearms and/or ammunition were recovered, and the Petitioner has submitted all relevant property receipts, OR
- The Petitioner executed a search warrant on the Respondent's residence/vehicle/person and NO firearms or ammunition were recovered.

Based on the foregoing, the Court deems the parties

- compliant with the requirements of F.S. 790.401(7)(f), and hereby cancels any further *Compliance* hearings scheduled in the above-referenced matter.
- non-compliant with the requirements of F.S. 790.401(7)(f), as follows:

DONE AND ORDERED in Broward County, Florida, this ____ day of _____, 2018.

CIRCUIT COURT JUDGE

Copies furnished:

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

_____,
Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

_____,
Respondent

FINAL RISK PROTECTION ORDER
[AND NOTICE OF HEARING]

A Petition for a Risk Protection Order under Section 790.401, Florida Statutes, and other papers filed in this court have been reviewed. The Court has jurisdiction of the parties and subject matter.

SECTION I. HEARING

The cause came before the Court for a hearing to determine whether a Final Risk Protection Order should be _____ issued _____ modified _____ extended.

The Final Hearing was attended by:

_____ Petitioner _____ Petitioner's Counsel

_____ Respondent _____ Respondent's Counsel

SECTION II. EVIDENCE and FINDINGS

On {date} _____, a notice of this hearing was served upon the Respondent together with a copy of the Petition For Risk Protection Order and any other relevant papers, and if issued, a Temporary Risk Protection Order. Service was within the time required by Florida law and the Respondent was given an opportunity to be heard.

The Court has received evidence that:

_____ the Respondent engaged in a recent act or threat of violence against themselves or others;

_____ the Respondent engaged in an act or threat of violence, including but not limited to acts or threats of violence against themselves, within the past 12 months;

_____ the Respondent may be seriously mentally ill or may have recurring mental health issues;

_____ the Respondent has violated a risk protection order or no contact order issued under section(s) 741.30, 784.046, or 784.0485, Florida Statutes;

_____ the Respondent is the subject of a previous or existing risk protection order;

_____ the Respondent has violated a previous or existing risk protection order;

_____ the Respondent has been convicted of, had adjudication withheld on, or pled *nolo contendere* in Florida or in any other state to a crime that constitutes domestic violence as defined in s. 741.28, Florida Statutes;

_____ the Respondent has used, or threatened to use, against themselves or others, any weapons;

_____ the Respondent has unlawfully or recklessly used, displayed, or brandished a firearm;

_____ the Respondent has used, or threatened to use on a recurring basis, physical force against another person or has stalked another person;

_____ the Respondent has been arrested for, convicted of, had adjudication withheld, or pled *nolo contendere* to a crime involving violence or a threat of violence in Florida or in any other state;

_____ the Respondent, based on corroborated evidence, has abused or is abusing controlled substances or alcohol;

_____ the Respondent has recently acquired firearms or ammunition;

In addition the Court has:

_____ considered all relevant information from family and household members concerning the Respondent;

_____ accepted an agreed stipulation from the parties agreeing to entry of the risk protection order;

_____ received witness testimony while the witness was under oath concerning the present matter; and

_____ considered other relevant evidence as follows:

Based on these facts, the Court finds, by clear and convincing evidence, that Respondent poses a significant danger of causing personal injury to themselves or others by having in their custody or control any firearm or ammunition, or by purchasing, possessing, or receiving a firearm or ammunition.

SECTION III. ORDERED and ADJUDGED

RESPONDENT IS HEREBY ORDERED TO SURRENDER IMMEDIATELY TO LAW ENFORCEMENT ALL FIREARMS AND AMMUNITION THAT THEY OWN OR HAVE IN THEIR CUSTODY, CONTROL, OR POSSESSION AND ANY LICENSE TO CARRY A CONCEALED WEAPON OR FIREARM ISSUED UNDER S. 790.06, FLORIDA STATUTES. RESPONDENT MAY NOT HAVE IN THEIR CUSTODY OR CONTROL, OR PURCHASE, POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE, A FIREARM OR AMMUNITION WHILE THIS ORDER IS IN EFFECT.

A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that they are prohibited from doing so by court order commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Respondent has the sole responsibility to refrain from violating this order. Only a judge can change the order and only upon written request.

Additional provisions applicable to this order, if any: _____

SECTION IV. COMPLIANCE HEARING

_____ The court has received a stipulation/agreement of compliance from the parties or has received evidence proving that the Respondent has surrendered all firearms, ammunition, and/or

any license issued under s. 790.06, Florida Statutes, making it unnecessary to schedule a three-day compliance hearing on the issue.

(or)

_____ The Respondent has been ordered to surrender all firearms, ammunition and any license issued under s. 790.06, Florida Statutes; however, there has not been a satisfactory showing at this time that they are in full compliance with that order. Therefore, it is further ordered that the matter be set for an evidentiary hearing.

NOTICE OF COMPLIANCE HEARING

Petitioner and Respondent shall appear for a hearing at which the Respondent will be required to prove compliance, to be held in Courtroom _____, in the court facility located at _____ on _____, 20____, at _____ A.M./P.M. A law enforcement officer taking possession of any firearm or ammunition owned by the Respondent, or a license to carry a concealed weapon or firearm held by the Respondent, shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered. Law enforcement shall file the original receipt with the Court. The Court may cancel the compliance hearing upon a satisfactory showing the Respondent is in compliance with this order.

SECTION V. EVALUATIONS

Pursuant to s. 790.041, Florida Statutes, the court has considered whether a mental health evaluation or a chemical dependency evaluation is appropriate. Based on the facts established at this hearing, the court finds:

_____ such an evaluation is not required at this time.

(or)

_____ the evidence supports a requirement that the Respondent obtain, from a licensed mental health professional or licensed facility:

_____ a mental health evaluation.

_____ a chemical dependency evaluation.

Therefore, the court now orders such evaluation(s). Respondent shall, within _____ days of the date of this order, obtain such evaluation(s) and file evidence of compliance with the court and serve a copy on Petitioner.

SECTION VI. EXPIRATION/EXTENSION/VACATION

THIS FINAL RISK PROTECTION ORDER shall be in effect until _____, 20____, unless extended or vacated, pursuant to section 790.401, Florida Statutes.

Petitioner is hereby noticed that this Final Risk Protection Order will last until the date noted above. The Petitioner may, by motion, request an extension of this order at any

time within 30 days before the end of the order.

To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you must surrender immediately to the _____ (insert name of local law enforcement agency) all firearms and ammunition that you own in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under section 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order.

Respondent and/or Respondent's attorney may file a written request to vacate this order pursuant to s. 790.401(6), Florida Statutes, with the Clerk of the Circuit Court located at

_____.

DONE AND ORDERED at _____, Florida, this ____ day of _____, 20____.

Judge

Copies furnished to:

Petitioner (or his or her attorney):

____ by email

____ by hand-delivery in open court (Petitioner acknowledged receipt in writing on the face of the original order – see below.)

____ by certification by clerk (Petitioner failed or refused to acknowledge receipt of a certified copy.)

____ by mail to last known address

ACKNOWLEDGMENT

I, [name of petitioner], acknowledge receipt of a certified copy of this Final Risk Protection Order [and Notice of Hearing].

[Name of petitioner]

Respondent (or his or her attorney):

____ by email

____ by hand-delivery in open court (Respondent acknowledged receipt in writing on the face of the original order – see below.)

____ by certification by clerk (Respondent failed or refused to acknowledge receipt of a certified copy.)

____ by mail to last known address
____ copy forwarded to law enforcement for personal service

ACKNOWLEDGMENT

I, *[name of respondent]*, acknowledge receipt of a certified copy of this Final Risk Protection Order [and Notice of Hearing].

[Name of Respondent]

Department of Agriculture and Consumer Services

____ by email
____ U.S. mail

Section 790.401, Florida Statutes, does not require the court to record a hearing on a petition for a risk protection order; however, any party may arrange for a court reporter to record the hearing and to prepare a written transcript of the hearing at that party's expense. Arrangements for a court reporter must be made in advance. In the event of an appeal, the appealing party will be required to provide the court with a written transcript of what was said at the hearing.

Respondent has a responsibility to keep the court informed, in writing, of any change of address. Failure to do so may jeopardize Respondent's rights.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 20140, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

Respondent

FINAL ORDER DENYING PETITION FOR RISK PROTECTION ORDER

THIS CAUSE came before the Court upon a Petition for a Risk Protection Order. The Court, having considered the petition, testimony, record, applicable law, and being otherwise fully advised in the premises, makes the following findings and rulings:

The petition is hereby **DENIED**.

The specific facts or findings for said denial are as follows:

It is therefore **ORDERED and ADJUDGED** that Petitioner's petition for a Risk Protection Order is **DENIED**.

DONE AND ORDERED at _____, Florida, this ____ day of _____, 20__.

Judge

I CERTIFY the foregoing is a true copy of the original order as it appears on file in the office of the clerk of the circuit court of *[name of county]*, Florida, and that I have furnished copies of this order as indicated below.

By: _____
{Deputy Clerk or Judicial Assistant}

Copies furnished to:

Petitioner (or his or her attorney):

____ by email

____ by hand-delivery in open court (Petitioner acknowledged receipt in writing on the face of the original order – see below.)

____ by certification by clerk (Petitioner failed or refused to acknowledge receipt of a certified copy.)

____ by mail to last known address

ACKNOWLEDGMENT

I, *[name of petitioner]*, acknowledge receipt of a certified copy of this Final Order Denying Petition for Risk Protection Order.

[Name of petitioner]

Respondent (or his or her attorney):

____ by email

____ by hand-delivery in open court (Respondent acknowledged receipt in writing on the face of the original order – see below.)

____ by certification by clerk (Respondent failed or refused to acknowledge receipt of a certified copy.)

____ by mail to last known address

ACKNOWLEDGMENT

I, *[name of respondent]*, acknowledge receipt of a certified copy of this Final Order Denying Petition for Risk Protection Order.

[Name of respondent]

Department of Agriculture and Consumer Services

____ by email

____ U.S. mail

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

_____,
Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

_____,
Respondent

**FINAL ORDER DENYING PETITION FOR RISK PROTECTION ORDER AND
VACATING TEMPORARY RISK PROTECTION ORDER**

THIS CAUSE came before the Court upon a Petition for a Risk Protection Order. The Court, having considered the petition, testimony, record, applicable law, and being otherwise fully advised in the premises, makes the following findings and rulings:

The petition is hereby **DENIED**.

The specific facts or findings for said denial are as follows:

It is therefore **ORDERED and ADJUDGED** that Petitioner's petition for a Risk Protection Order is **DENIED** and the Temporary Risk Protection Order entered in this matter is **VACATED**.

It is further **ORDERED** that Petitioner shall, as requested by Respondent, return any firearms, ammunition, or license to carry a concealed weapon or firearm that was surrendered by Respondent only after complying with all applicable provisions of federal and state law.

It is further **ORDERED** that the Clerk of the Court shall immediately forward a copy of this Order to the Department of Agriculture and Consumer Services and Petitioner.

It is further **ORDERED** that the Department of Agriculture and Consumer Services shall, if it has suspended Respondent's license to carry a concealed weapon or firearm, reinstate Respondent's license to carry a concealed weapon or firearm only after complying with all applicable provisions of federal and state law.

It is further **ORDERED** that upon receipt of this Order, Petitioner shall promptly remove the risk protection order in this case from any computer-based system in which it was entered, including the Florida Crime Information Center and National Crime Information Center.

DONE AND ORDERED at _____, Florida, this ____ day of _____, 20__.

Judge

I CERTIFY the foregoing is a true copy of the original order as it appears on file in the office of the clerk of the circuit court of [name of county], Florida, and that I have furnished copies of this order as indicated below.

By: _____
{Deputy Clerk or Judicial Assistant}

Copies furnished to:

Petitioner (or his or her attorney):

____ by email

____ by hand-delivery in open court (Petitioner acknowledged receipt in writing on the face of the original order – see below.)

____ by certification by clerk (Petitioner failed or refused to acknowledge receipt of a certified copy.)

____ by mail to last known address

ACKNOWLEDGMENT

I, *[name of petitioner]*, acknowledge receipt of a certified copy of this Final Order Denying Petition for Risk Protection Order.

[Name of petitioner]

Respondent (or his or her attorney):

____ by email

____ by hand-delivery in open court (Respondent acknowledged receipt in writing on the face of the original order – see below.)

____ by certification by clerk (Respondent failed or refused to acknowledge receipt of a certified copy.)

____ by mail to last known address

ACKNOWLEDGMENT

I, *[name of respondent]*, acknowledge receipt of a certified copy of this Final Order Denying Petition for Risk Protection Order.

[Name of respondent]

Department of Agriculture and Consumer Services

____ by email

____ U.S. mail

INSTRUCTIONS FOR WRITTEN REQUEST FOR HEARING TO VACATE FINAL RISK PROTECTION ORDER

When should this form be used?

This form must be used if you wish to request a hearing to vacate a final risk protection order that has been entered against you pursuant to section 790.401(3), Florida Statutes, or that has been extended pursuant to section 790.401(6), Florida Statutes. If you use this form, you are the respondent. As respondent, you may file one written request for a hearing to vacate a final risk protection order after the date the order is issued by the judge. You may also file one written request for a hearing to vacate after each extension of the final risk protection order.

Who may file this form?

This form may be filed by:

- A respondent who has had a final risk protection order entered against him or her pursuant to section 790.401(3), Florida Statutes, and who has not previously filed a written request for a hearing to vacate the order; or
- A respondent who has had a final risk protection order against him or her extended and who has not previously filed a written request to vacate the risk protection order since such extension.

Additional Instructions

You must file the original of this form with the clerk of court and must serve a copy (by U.S. Mail, email, hand delivery, or other means of service permitted under the rules of court) on the Petitioner in this case.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

_____,
Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

_____,
Respondent

REQUEST FOR HEARING TO VACATE FINAL RISK PROTECTION ORDER

SECTION I.

1. I am the Respondent in this case.
2. I currently live at the following address *{street address, city, state, and zip code}*:

3. My telephone number *{area code and number}* is: _____

4. My email address (if applicable) is: _____

5. My attorney's name, address, and telephone number are:

(If you do not have an attorney, write "none.")

SECTION II.

1. Pursuant to Section 790.401(6)(a), Florida Statutes, this is a request for a hearing to vacate a Final Risk Protection Order entered *{date}* _____ by Judge _____.
{name of judge who entered the risk protection order}.
2. I have not previously requested a hearing to vacate the Final Risk Protection Order presently in effect.
3. I do not pose a significant danger of causing personal injury to myself or to others by having firearms and/or ammunition in my custody, control, or possession, or by purchasing, possessing, or receiving a firearm or ammunition for the reasons below.

(add another page if necessary)

Signature of Respondent

Date

Print Name of Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Request to Vacate Final Risk Protection Order was served on Petitioner by (enter service method – e.g. U.S. Mail, email, hand delivery, etc.) at (enter address), this _____ day of _____, 20____.

Signature of Respondent

Respondent has a responsibility to keep the court informed, in writing, of any change of address. Failure to do so may jeopardize Respondent's rights.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

Respondent

**ORDER SETTING HEARING ON RESPONDENT'S
REQUEST TO VACATE FINAL RISK PROTECTION ORDER**

This cause came before the Court upon Respondent's request for a hearing to vacate the Final Risk Protection Order dated _____. The Court, having reviewed the file and determined the Respondent has not previously requested such relief, **ORDERS** the matter to be set for hearing as follows:

NOTICE OF HEARING

The hearing on Respondent's Request to Vacate the Final Risk Protection Order will be held in Courtroom _____ in the court facility located at _____ on _____, 20____, at _____ A.M./P.M. to determine if the Risk Protection Order shall remain in effect or shall be vacated.

DONE AND ORDERED at _____, Florida, this _____ day of _____, 20____.

Judge

I CERTIFY the foregoing is a true copy of the original order as it appears on file in the office of the Clerk of the Circuit Court of _____ County, Florida, and that I have furnished copies of this order as indicated below.

By: _____

{Deputy Clerk or Judicial Assistant}

Copies furnished to:

Petitioner (or his or her attorney):

- by email
- by hand-delivery in open court (Petitioner acknowledged receipt in writing on the face of the original order – see below.)
- by certification by clerk (Petitioner failed or refused to acknowledge receipt of a certified copy.)
- by mail to last known address

ACKNOWLEDGMENT

I, *[name of petitioner]*, acknowledge receipt of a certified copy of this Order Setting Hearing on Respondent’s Request to Vacate Final Risk Protection Order.

[Name of petitioner]

Respondent (or his or her attorney):

- by email
- by hand-delivery in open court (Respondent acknowledged receipt in writing on the face of the original order – see below.)
- by certification by clerk (Respondent failed or refused to acknowledge receipt of a certified copy.)
- by mail to last known address

ACKNOWLEDGMENT

I, *[name of respondent]*, acknowledge receipt of a certified copy of this Order Setting Hearing on Respondent’s Request to Vacate Final Risk Protection Order.

[Name of respondent]

Section 790.401, Florida Statutes, does not require the court to record a hearing on a request to vacate a risk protection order; however, any party may arrange for a court reporter to record the hearing and to prepare a written transcript of the hearing at that party’s expense. Arrangements for a court reporter must be made in advance. In the event of an appeal, the appealing party will be required to provide the court with a written transcript of what was said at the hearing.

Respondent has a responsibility to keep the court informed, in writing, of any change of address. Failure to do so may jeopardize Respondent’s rights.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 20140, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

_____,
Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

_____,
Respondent

ORDER VACATING FINAL RISK PROTECTION ORDER

This cause came before the Court upon Respondent's request, pursuant to s. 790.401(6)(a), Florida Statutes, to vacate a Final Risk Protection Order dated _____.

The Court, having reviewed the file and heard the testimony, makes the following findings:

1. The Court has jurisdiction over the subject matter and the parties.
2. The Respondent has proven by clear and convincing evidence that they do not pose a significant danger of causing personal injury to themselves or others by having firearms or ammunition in their custody or control, or by purchasing, possessing, or receiving a firearm or ammunition.

Accordingly, it is hereby:

ORDERED that the Final Risk Protection Order dated _____ is hereby VACATED.

It is further **ORDERED** that Petitioner shall, as requested by Respondent, return any firearms, ammunition, or license to carry a concealed weapon or firearm that was surrendered by Respondent only after complying with all applicable provisions of federal and state law.

It is further **ORDERED** that the Clerk of the Court shall immediately forward a copy of this Order to the Department of Agriculture and Consumer Services and Petitioner.

It is further **ORDERED** that the Department of Agriculture and Consumer Services shall, if it has suspended Respondent's license to carry a concealed weapon or firearm, reinstate Respondent's license to carry a concealed weapon or firearm only after complying with all applicable provisions of federal and state law.

It is further **ORDERED** that upon receipt of this Order, Petitioner shall promptly remove the risk protection order in this case from any computer-based system in which it was entered, including the Florida Crime Information Center and National Crime Information Center.

DONE AND ORDERED at _____, Florida, this ____ day of _____, 20__.

Judge

I CERTIFY the foregoing is a true copy of the original order as it appears on file in the office of the Clerk of the Circuit Court of _____ County, Florida, and that I have furnished copies of this order as indicated below.

By: _____
{Deputy Clerk or Judicial Assistant}

Copies furnished to:

Petitioner (or his or her attorney):

- ____ by email
- ____ by hand-delivery in open court (Petitioner acknowledged receipt in writing on the face of the original order – see below.)
- ____ by certification by clerk (Petitioner failed or refused to acknowledge receipt of a certified copy.)
- ____ by mail to last known address

ACKNOWLEDGMENT

I, [name of petitioner], acknowledge receipt of a certified copy of this Order Vacating Final Risk Protection Order.

[Name of petitioner]

Respondent (or his or her attorney):

- ____ by email
- ____ by hand-delivery in open court (Respondent acknowledged receipt in writing on the face of the original order – see below.)
- ____ certification by clerk (Respondent failed or refused to acknowledge receipt of a certified copy.)
- ____ by mail to last known address

ACKNOWLEDGMENT

I, [name of respondent], acknowledge receipt of a certified copy of this Order Vacating Final Risk Protection Order.

[Name of respondent]

Department of Agriculture and Consumer Services

- ____ by email
- ____ U.S. mail

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

Respondent

ORDER DENYING RESPONDENT'S REQUEST TO VACATE

This cause came before the Court upon Respondent's request for a hearing to vacate a Final Risk Protection Order dated _____.

The Court, having reviewed the file makes the following findings:

_____ The Respondent previously filed a Request to Vacate the above dated Final Risk Protection Order that is presently in effect. That prior request was considered by the court at a hearing and was denied. Therefore, the Respondent is not entitled to another hearing on this matter and the Request to Vacate must be and is **DENIED**.

-or-

_____ The Respondent has not previously filed a Request to Vacate the above dated Final Risk Protection Order and the matter was set for hearing. After considering the evidence submitted at that hearing, the court finds the Respondent has not proven by clear and convincing evidence that they no longer pose a significant danger of causing personal injury to themselves or others by having firearms or ammunition in their custody or control, or by purchasing, possessing, or receiving a firearm or ammunition.

ORDERED AND ADJUDGED:

The Final Risk Protection Order dated _____ is not vacated and remains in effect. Respondent may not request another hearing to vacate unless the risk protection order presently in effect is extended.

DONE AND ORDERED at _____, Florida, this _____ day of _____, 20____.

Judge

I CERTIFY the foregoing is a true copy of the original order as it appears on file in the office of the Clerk of the Circuit Court of _____ County, Florida, and that I have furnished copies of this order as indicated below.

By: _____
{Deputy Clerk or Judicial Assistant}

Copies furnished to:

Petitioner (or his or her attorney):

- ___ by email
- ___ by hand-delivery in open court (Petitioner acknowledged receipt in writing on the face of the original order – see below.)
- ___ by certification by clerk (Petitioner failed or refused to acknowledge receipt of a certified copy.)
- ___ by mail to last known address

ACKNOWLEDGMENT

I, [name of petitioner], acknowledge receipt of a certified copy of this Order Denying Respondent's Request to Vacate.

[Name of petitioner]

Respondent (or his or her attorney):

- ___ by email
- ___ by hand-delivery in open court (Respondent acknowledged receipt in writing on the face of the original order – see below.)
- ___ certification by clerk (Respondent failed or refused to acknowledge receipt of a certified copy.)
- ___ by mail to last known address

ACKNOWLEDGMENT

I, [name of respondent], acknowledge receipt of a certified copy of this Order Denying Respondent's Request to Vacate.

[Name of respondent]

Respondent has a responsibility to keep the court informed, in writing, of any change of address. Failure to do so may jeopardize Respondent's rights.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

_____,
Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

_____,
Respondent

PETITIONER'S MOTION TO EXTEND FINAL RISK PROTECTION ORDER

COMES NOW, the Petitioner, pursuant to s. 790.401(6)(c), Florida Statutes, and hereby requests the Court to extend the final risk protection order in this case for a period of _____, and as grounds alleges that:

1. A Final Risk Protection Order was entered in this case on _____.
2. The Final Risk Protection Order expires on _____, which is within 30 days from today's date.
3. The grounds for the extension of the Final Risk Protection Order are as follows:

(Attach an affidavit or additional pages if necessary.)

Respectfully submitted this ____ day of _____, 20 ____.

Signature of Petitioner

Name of person filing petition

Law Enforcement Agency

Service address

Email address

Telephone Number

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Motion to Extend Final Risk Protection Order was served on Respondent by (enter service method) at (enter address), this ____ day of _____, 20 ____.

Signature of Petitioner

Section 790.401, Florida Statutes, does not require the court to record a hearing on motion to extend a risk protection order; however, any party may arrange for a court reporter to record the hearing and to prepare a written transcript of the hearing at that party's expense. Arrangements for a court reporter must be made in advance. In the event of an appeal, the appealing party will be required to provide the court with a written transcript of what was said at the hearing.

Respondent has a responsibility to keep the court informed, in writing, of any change of address. Failure to do so may jeopardize Respondent's rights.

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

_____,
Petitioner
(Law Enforcement Officer/Agency)

Case No.: _____

v.

Division: _____

_____,
Respondent

**ORDER SETTING HEARING ON PETITIONER'S
MOTION TO EXTEND FINAL RISK PROTECTION ORDER**

This cause came before the Court upon Petitioner's Motion to Extend Final Risk Protection Order and the Court, having reviewed the file, **ORDERS** as follows:

NOTICE OF HEARING

The hearing on the Motion to Extend Final Risk Protection Order will be held in Courtroom _____, in the court facility located at _____ on _____, 20____, at _____ A.M./P.M. At this hearing, the Court will determine if the final risk protection order should be extended or if the final risk protection order will be allowed to expire.

To the Respondent: A hearing will be held on the date and at the time noted above to determine if the final risk protection order should be extended. Failure to appear at that hearing may result in a court issuing a risk protection order against you which is valid for up to 1 year. You may seek the advice of an attorney as to any matter connected with this order.

DONE AND ORDERED at _____, Florida, this ____ day of _____, 20____.

Judge

I CERTIFY the foregoing is a true copy of the original order as it appears on file in the office of the Clerk of the Circuit Court of _____ County, Florida, and that I have furnished copies of this order as indicated below.

By: _____
{Deputy Clerk or Judicial Assistant}

Copies furnished to:

Petitioner (or his or her attorney):

- _____ by email
- _____ by hand-delivery in open court (Petitioner acknowledged receipt in writing on the face of the original order – see below.)
- _____ by certification by clerk (Petitioner failed or refused to acknowledge receipt of a certified copy.)
- _____ by mail to last known address

ACKNOWLEDGMENT

I, *[name of petitioner]*, acknowledge receipt of a certified copy of this Order Setting Hearing on Petitioner’s Motion to Extend Final Risk Protection Order.

[Name of petitioner]

Respondent (or his or her attorney):

- _____ by email
- _____ by hand-delivery in open court (Respondent acknowledged receipt in writing on the face of the original order – see below.)
- _____ certification by clerk (Respondent failed or refused to acknowledge receipt of a certified copy.)
- _____ by mail to last known address

ACKNOWLEDGMENT

I, *[name of respondent]*, acknowledge receipt of a certified copy of this Order Setting Hearing on Petitioner’s Motion to Extend Final Risk Protection Order.

[Name of respondent]

Section 790.401, Florida Statutes, does not require the court to record a hearing on a motion to extend a risk protection order; however, any party may arrange for a court reporter to record the hearing and to prepare a written transcript of the hearing at that party’s expense. Arrangements for a court reporter must be made in advance. In the event of an appeal, the appealing party will be required to provide the court with a written transcript of what was said at the hearing.

Respondent has a responsibility to keep the court informed, in writing, of any change of address. Failure to do so may jeopardize Respondent’s rights.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 20140, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.