

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD 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 the ADA Coordinator at Court Administration, 2825 Judge Fran Jamieson Way, 3rd floor, Viera, Florida, 32940-8006, (321) 633-2171 ext. 2 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.