

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN THE
STATE OF FLORIDA, IN AND FOR BREVARD COUNTY**

Petitioner, (Law Enforcement
Officer/Agency)

v.

Case Number: _____

Division: _____

Respondent.

_____ /

ORDER ON SECTION 790.401, FLORIDA STATUTES, NON-COMPLIANCE

This cause came before the Court upon a three (3) day Compliance Hearing scheduled pursuant to Section 790.401(7)(f), Florida Statutes (F.S.), and the Court having been fully advised in the premises now finds:

1. An ex parte Temporary Risk Protection Order was issued by the Circuit Court on _____.
2. That Temporary Risk Protection Order was served upon the Respondent on _____.
3. The Order included a Notice of Compliance Hearing requiring the parties to appear at this time, date and place.
4. The Petitioner appeared for the hearing by and through counsel, _____.
5. The Respondent:
_____ personally appeared and proceeded pro se.
_____ appeared with counsel _____.
_____ failed to appear.
6. Based upon the evidence and testimony presented there is insufficient credible evidence that the Respondent has fully complied.
7. The Court notes that Section 790.401 (11) (b), F.S., provides that it is a felony of the third degree for anyone to possess a firearm or ammunition knowing he or she is prohibited from doing so by a Risk Protection Order. The Court also notes that pursuant to Section 901.15, F.S., an officer who reasonably believes the Respondent has committed or is committing a felony is empowered to arrest the Respondent for that felony.

8. At this time the Petitioner:
- _____ raises only a mere suspicion that the Respondent possesses firearms or that have not been surrendered but has presented no evidence or testimony identifying the type and location of such prohibited items.
 - _____ claims to have sufficient probable cause to believe the Respondent has failed to surrender certain firearms or ammunition but has elected not to arrest the Respondent.
 - _____ will forthwith arrest or has taken Respondent into custody based upon a reasonable belief the Respondent committed a third degree felony violation of Section 790.401 (11) (b), F.S.
 - _____ (other) _____

The Court reminds both parties that the Temporary Risk Protection Order remains in full force an effect until the Final Hearing and repeats the formal notice for that hearing below.

NOTICE OF FINAL RISK PROTECTION HEARING

PETITIONER AND RESPONDENT ARE HEREBY NOTIFIED THAT PURSUANT TO SECTION 790.401(3)(a), FLORIDA STATUTES, A FINAL HEARING ON A PETITION FOR A RISK PROTECTION ORDER HAS BEEN PREVIOUSLY SCHEDULED BEFORE THIS COURT ON:

_____, 20__ at _____ A.M./P.M., in Courtroom _____ located at the _____ Courthouse, _____.

DONE AND ORDERED in Brevard County, Florida on DDDD

JJJJ

Copies to:
 Petitioner
 Respondent
 BrevardRPO@flcourts18.org

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

CLERK OF THE CIRCUIT COURT

By:

[Name of deputy clerk]

ACKNOWLEDGMENT

Petitioner, _____ acknowledges receipt of a certified copy of this Order.

[Signature of Petitioner]

ACKNOWLEDGMENT

Respondent, _____ acknowledges receipt of a certified copy of this Order.

[Signature of Respondent]

**REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH
DISABILITIES**

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.