

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ 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 [identify applicable court personnel by name, address, and telephone number] 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.