

## **PROCEDURES FOR FIREARM, AMMUNITION AND/OR CONCEALED WEAPONS PERMIT SURRENDER**

1. The Respondent's Sworn Statement of Possession of Firearms, Ammunition and/or Concealed Weapons Permit (printed on color paper) shall be given to every Respondent by the Bailiff prior to every civil protection order calendar. All Bailiffs shall maintain sufficient copies of each form.
2. The Case Manager, with the Bailiff's assistance, will collect the form and verify that Respondent's name and case number are correctly listed on the form. To the extent possible, the Case Manager will insure that the form is complete, accurate, and legible. It will be the Case Manager's responsibility, with the Clerk's assistance, to provide the Judge with both the Form and court file when the case is called. The Firearm Form should always be placed on top of the court file, and thereafter placed in the court file.
3. If the Judge does not issue an extension of the Temporary Injunction or a Permanent Injunction, no further action may be necessary. Alternatively, if a Temporary Injunction was issued but firearms, ammunition and/or concealed weapons permits were not surrendered, the Judge may still direct compliance as dictated by the temporary injunction, even if the injunction will expire or the case is dismissed.
4. The Judge will make an "on record" inquiry of each Respondent regarding the content of the Firearm Form. In many cases this can be as simple as verbally verifying that the Respondent does not now, and has not in the past six months, possessed a firearm, ammunition or concealed weapons permit. In other cases it will be necessary to clarify the current status of a firearm or concealed weapons permit, for example when and to whom it was sold or surrendered and whether supporting documentation has been provided.
5. If after a full inquiry, with both parties, the Judge is satisfied that the Respondent is not currently in possession of a firearm, ammunition and/or concealed weapons permit and has complied with all surrender requirements, no further action is required by the court.
6. However, if the Judge determines that there has not been full compliance, or that there is inadequate documentation of compliance, the Order to Surrender Firearms, Ammunition and/or Concealed Weapons Permit should be entered and delivered to the Respondent at the conclusion of the hearing.
7. Finally, as outlined in the Order to Surrender Firearms, Ammunition and/or Concealed Weapons Permit, the Case Manager shall monitor the Respondent's compliance with filing proof of surrender. The Case Manager's will maintain a Firearms Surrender Log Book. In the event of non-compliance the Case Manager shall notify the Judge immediately, and the case will be set for hearing.

## **INFORMATION FOR RESPONDENTS REGARDING THE SURRENDER AND RETURN OF FIREARMS, AMMUNITION AND CONCEALED WEAPONS PERMIT**

- If a TEMPORARY or PERMANENT Injunction has been entered and served, ordering you to surrender all firearms, ammunition and/or concealed weapons permits in your possession, you must immediately, upon service of the injunction, surrender such items to the police department nearest to your home, obtain a receipt of surrender (property receipt), and file with the court. OR;
- If a PERMANENT Injunction has been entered and the injunction specifically allows, you may sell or transfer all firearms and ammunition in your possession to a third party not residing with you in the same household. (Provided that the third party is pre-approved by the Court.) You must surrender all concealed weapons permits to the police.
- To surrender firearms and ammunition:
  - a. Unload all firearms
  - b. Separate all firearms and ammunition
  - c. Lock all firearms in lock boxes or gun cases and place in trunk of car
  - d. Enter police station (without firearms and ammunition) and present copy of the Order to Surrender to police personnel
  - e. Advise police of quantity and location of firearms and ammunition being surrendered
  - f. Follow procedure set forth by police personnel to complete surrender
- If a TEMPORARY Injunction has been entered ordering you to surrender all firearms, ammunition and/or concealed weapons permits in your possession, you must bring the receipt of surrender (property receipt) to the Permanent Injunction hearing.
- If a PERMANENT Injunction has been entered ordering you to surrender all firearms, ammunition and/or concealed weapons permits in your possession, you must file the receipt of surrender (property receipt), Bill of Sale or Receipt of Transfer with the Clerk's Office at the location where your case was heard, within 24 hours of service of the PERMANENT Injunction.

***IT IS A FEDERAL CRIME FOR A RESPONDENT TO POSSESS A FIREARM OR  
AMMUNITION WHEN A PERMANENT INJUNCTION IS IN EFFECT AGAINST HIM/HER,  
PURSUANT TO 18 U.S.C. §922(g)(8).***

***IT IS A FEDERAL CRIME FOR A PERSON CONVICTED OF A MISDEMEANOR  
CRIME OF DOMESTIC VIOLENCE TO POSSESS A FIREARM  
OR AMMUNITION, PURSUANT TO 18 U.S.C. §922 (g)(9).***

***THE PENALTY FOR VIOLATING THE SECTIONS MAY INCLUDE UP  
TO TEN (10) YEARS IMPRISONMENT AND/OR \$250,000 FINE.***

**HOW TO GET YOUR FIREARM(S) AND AMMUNITION  
BACK IF YOUR INJUNCTION IS NO LONGER IN EFFECT**

Upon expiration or dismissal of your injunction, you may request the return of your firearm(s) and ammunition by filing a motion or writing a letter to the court.

1. File a motion/letter with the court requesting the return of your firearm(s) and/or ammunition. Specifically describe the property, including any serial number, you seek to have returned. Attach a copy of the receipt of purchase, bill of sale, receipt of transfer, or other document evidencing your lawful ownership of the firearm(s) and ammunition. Also attach to the motion or letter an affidavit signed by you, under penalty of perjury, attesting:
  - a. The firearm is/are legally owned by you;
  - b. you have not been found guilty of a felony in Florida or any other state;
  - c. you have not been found guilty of a misdemeanor crime of domestic violence in Florida or any other state;
  - d. there is no injunction or order of protection in effect against you in Florida or any other state;
  - e. there is no forfeiture action pending against you in any court;
  - f. you have never been adjudicated mentally defective or been committed to a mental institution;
  - g. you are legally and lawfully in the United States;
  - h. you have never been dishonorably discharged from the Armed Services;
  - i. you have never renounced United States citizenship;
  - j. you are not currently under indictment for any felony;
  - k. you have not been convicted, been on probation or pretrial diversion, or had adjudication withheld for an act of domestic violence in Florida within the past three (3) years; and
  - l. there is no legal impediment to you owning or possessing a firearm, including but not limited to those mentioned above.
  
2. The judge will review your motion/letter and determine if your firearm(s) and ammunition may be legally returned:
  - a. If the judge preliminarily determines that your firearm(s) and ammunition may legally be returned, the petitioner in your case will be notified that you are seeking return of the firearms and ammunition. If there is no legal impediment to their return, the court will enter an order providing for the firearms and ammunition to be returned to you.
  - b. If there is a legal impediment to the return of your firearms and ammunition, your motion/letter will be denied. You may thereafter request a hearing or appeal the denial of the motion.
  
3. To obtain return of the actual firearms, you must bring with you all the following to the police department where you surrendered your property:
  - a. a certified copy of the court order authorizing return
  - b. the police property receipt or arrest affidavit, and
  - c. your proof of ownership (receipt or bill of sale)
  - d. valid photo identification
  
4. Based upon the policies of the police department, your firearm(s) and ammunition may be returned at separate times, for safety reasons.

5. Unless firearms and ammunition in the possession of law enforcement are reclaimed by the owner within eight (8) months of the expiration or dismissal of the injunction, the firearm(s) and ammunition may be deemed forfeited to the state and no action for their recovery can thereafter be maintained.
6. You must re-apply to the State of Florida Department of Licensing to reinstate any concealed weapons permits.

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

\_\_\_\_\_, DOMESTIC VIOLENCE DIVISION  
Plaintiff/Petitioner  
v. CASE NO. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant/Respondent  
\_\_\_\_\_ /

**RESPONDENT'S SWORN STATEMENT OF POSSESSION  
OF FIREARMS, AMMUNITION AND/OR CONCEALED WEAPONS PERMIT**

Under penalties of perjury, I declare that the facts below are true:

1. I am the Respondent in this cause. My name is \_\_\_\_\_,  
(Please print full name)  
my current address is: \_\_\_\_\_,  
(include city, state and zip code)  
my date of birth is \_\_\_\_\_,  
and my social security number is: \_\_\_\_\_.

Please answer the following questions:

2. Do you now or have you in the past six months before today, owned or possessed any firearms or firearm ammunition? (Please initial correct statement).  
\_\_\_ **NO**, I do not now own or possess, and during the past six (6) months I have not owned or possessed, any firearms or ammunition.  
\_\_\_ **YES**, within the past six months I have owned or possessed a firearm or ammunition. If you answered yes, please continue to Question 3.

3. Please list the firearm and/or ammunition which you currently, or within the past six months, have owned or possessed, the quantity, make or model, whether you surrendered it to the local police or sold it and whether you have brought the receipt with you to court today.

Firearm and/or Ammunition	Quantity	Make/Model	Concealed Weapons Permit Number	Date Sold or Surrendered	Receipt (Yes or No)

The Respondent is advised that if he or she fails to completely and accurately complete this sworn statement he or she may face serious civil and criminal penalties. If a Respondent remains in possession of a firearm or ammunition after a Final Judgment of Injunction is entered, he or she would be in violation of 18 U.S.C. §922(g)(8) and 18 U.S.C. §924(a)(2) and may face a maximum of ten (10) years imprisonment and or a \$250,000.00 fine.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

\_\_\_\_\_,  
Plaintiff/Petitioner

v.

\_\_\_\_\_,  
Defendant/Respondent  
\_\_\_\_\_ /

DOMESTIC VIOLENCE DIVISION

CASE NO. \_\_\_\_\_

**ORDER TO SURRENDER RESPONDENT'S  
FIREARMS, AMMUNITION AND/OR CONCEALED WEAPONS PERMIT**

TO: RESPONDENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE COURT upon consideration of the Petition for Injunction for Protection, Respondent's Sworn Statement of Possession of Firearms and/or Ammunition and/or Concealed Weapons Permit filed in this cause, testimony presented in open court, and this Court otherwise being fully advised, it is hereby,

ORDERED and ADJUDGED:

\_\_\_\_\_ 1. Respondent's firearms and ammunition may be described as and the serial number(s) of said firearm(s) are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ 2. All concealed weapons permits issued to respondent are dated and numbered as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ 3. The Respondent has previously testified that he/she has surrendered the above-described firearms, ammunition and/or concealed weapons permit but failed to provide documentary proof of surrender to the Court.

\_\_\_\_\_ 4. The Respondent must surrender the above listed items and provide documentary proof to the Court as further instructed below.

DONE AND ORDERED at Miami, Dade County, Florida this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Judge

**INSTRUCTIONS TO RESPONDENT**

1. Immediately go to the nearest police station to your residence and surrender all firearms, ammunition and/or concealed weapons permits in your care, custody, or control.
  - a. Unload all firearms;
  - b. Separate all firearms and ammunition;
  - c. Lock all firearms in lock boxes or gun cases and place in trunk of car;
  - d. Enter police station (without firearms and ammunition) and present copy of Order to Surrender to police personnel;
  - e. Advise police of quantity and location of firearms and ammunition being surrendered; and
  - f. Follow procedure set forth by police personnel to complete surrender.
2. Obtain a written receipt from the police department that you surrendered the firearms, ammunition and/or concealed weapons permits.
3. If you have been in possession of firearms, ammunition and concealed weapons permits within the past six months but are not currently in possession of these items, you must file documentation of this surrender in the form of a signed, sworn and notarized bill of sale and/or police property receipt.
4. Fax your proof of surrender along with this Order to (305) 349-5559 within twenty-four (24) hours of entry of this Order.
5. Respondent's failure to completely comply with this order may result in civil and criminal penalties.

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a certified copy of this Order was delivered to:

- [ ] Petitioner, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM
- [ ] Petitioner's counsel, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM
- [ ] Respondent, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM
- [ ] Respondent's counsel, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Harvey Ruvin, Clerk  
Circuit and County Court

\_\_\_\_\_  
Deputy Clerk

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

\_\_\_\_\_, DOMESTIC VIOLENCE DIVISION  
Plaintiff/Petitioner  
v. CASE NO. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant/Respondent  
\_\_\_\_\_ /

**ORDER TO SHOW CAUSE WHY RESPONDENT FAILED  
TO SURRENDER FIREARMS, AMMUNITION  
AND/OR CONCEALED WEAPONS PERMIT**

TO: RESPONDENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You were ordered on \_\_\_\_\_, 20\_\_\_\_, to surrender all firearms, ammunition and/or concealed weapons permits that have been in your care, custody, or control within the past six months and to provide documentation of surrender to this Court.

You were given twenty-four (24) hours to fax proof of this surrender to the Court and it appears the Court has not received it.

THEREFORE, it is ORDERED AND ADJUDGED that you shall appear before this Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m. / p.m. in the Courtroom \_\_\_\_\_, at Courthouse Center, 175 N.W. 1st Avenue, Miami, Florida 33128, to show cause why you should not be held in contempt and punished for indirect criminal contempt of court, pursuant to Rule 3.840 Fla.R.Crim.P., for your willful failure to comply with the terms of the Order to Surrender Respondent's Firearms, Ammunition and/or Concealed Weapons Permit. Such punishment, if imposed, may include a fine and incarceration.

Should the court determine, based on the evidence presented at the hearing, that the Respondent's conduct warrants sanctions for civil contempt in addition to, or instead of, indirect criminal contempt, the Court reserves the right to find the Respondent guilty of civil contempt and impose appropriate civil sanctions.

DONE AND ORDERED at Miami, Dade County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge



*If you believe that you have previously complied with this Order, please fax this Order along with proof of surrender of firearms and/or ammunition to (305) 349-5559 immediately.*

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a certified copy of this order was delivered to:

[ ] Petitioner, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_ AM/PM

[ ] Petitioner's counsel, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_ AM/PM

[ ] Respondent, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_ AM/PM

[ ] Respondent's counsel, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_ AM/PM

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Harvey Ruvn, Clerk  
Circuit and County Court

\_\_\_\_\_  
Deputy Clerk

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

\_\_\_\_\_, DOMESTIC VIOLENCE DIVISION  
Plaintiff/Petitioner  
v. CASE NO. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant/Respondent  
\_\_\_\_\_ /

**AFFIDAVIT OF THIRD PARTY FOR SALE/TRANSFER OF FIREARM AND/OR AMMUNITION**

BEFORE ME, the undersigned authority personally appeared \_\_\_\_\_ who  
after being duly sworn, deposes and says: (name of affiant)

1. I, \_\_\_\_\_ residing at \_\_\_\_\_,  
date of birth is: \_\_\_\_\_, social security number is \_\_\_\_\_,  
hereby agree to receive by sale and/or transfer from Defendant/Respondent the  
following described firearms and/or ammunition (set forth make model & serial number)  
\_\_\_\_\_.
2. I do not reside with the Defendant/Respondent in the same residence. My relationship  
to the Defendant/Respondent is \_\_\_\_\_.
3. I agree not to return, loan or sell the firearms and/or ammunition evidenced by this  
receipt, to the Respondent/Defendant under any circumstances, without a court order  
allowing the same. I understand that violation of this oath may result in state and federal  
criminal charges against me.
4. I affirm that I am not prohibited from owning firearms under either State or Federal laws.
  - a. I have not been found guilty of a felony in Florida or any other state;
  - b. I have not been found guilty of a misdemeanor crime of domestic violence in  
Florida or any other state;
  - c. There is no injunction or order of protection in effect against me in Florida or any  
other state;
  - d. There is no forfeiture action pending against me in any court;
  - e. I have never been adjudicated mentally defective or been committed to a mental  
institution;
  - f. I am legally and lawfully in the United States;
  - g. I have never been dishonorably discharged from the Armed Services;
  - h. I have never renounced United States citizenship;

- i. I am not currently under indictment for any felony ;
- j. I have not been convicted, been on probation, on pretrial diversion, or had adjudication withheld for an act of domestic violence in Florida within the past three (3) years; and
- k. There is no other legal impediment to my owning or possessing a firearm, Including but not limited to those mentioned above.

Further Affiant Sayeth Naught

Under penalty of perjury and contempt of court, I hereby affirm that the above stated information is true and correct.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

SWORN TO AND SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.  
Personally known/identification \_\_\_\_\_  
Notary Public, State of Florida at Large  
My Commission Expires:

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

\_\_\_\_\_, DOMESTIC VIOLENCE DIVISION  
Plaintiff/Petitioner  
v. CASE NO. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant/Respondent  
\_\_\_\_\_ /

**ORDER RELEASING FIREARMS AND/OR AMMUNITION  
HELD BY POLICE DEPARTMENT TO THIRD PARTY**

THIS CAUSE having come on to be heard and the Court being fully advised in the premises it is hereby:

ORDERED AND ADJUDGED:

1. Whereas the Defendant/Respondent cannot lawfully possess firearms and/or ammunition; and,
2. Whereas the \_\_\_\_\_ Police Department retains custody of the following firearms and/or ammunition seized from or surrendered by the Defendant/Respondent \_\_\_\_\_; and,
3. Whereas the third party purchaser/transferee \_\_\_\_\_ has filed a sworn affidavit, subject to the penalty of perjury and contempt of Court, affirming that he/she:
  - a. Does not reside with the Defendant/Respondent; and,
  - b. Will accept possession of said firearms and/or ammunition; and, that
  - c. The Defendant/Respondent will not, under any circumstances, receive possession, custody or control of said firearms or ammunition, without a Court order allowing same
  - d. Does not have any federal or state prohibitions to possessing a firearm or ammunition.

THEREFORE, it is hereby ORDERED AND ADJUDGED:

That the \_\_\_\_\_ Police Department shall release the firearms and/or ammunition identified above to \_\_\_\_\_ upon presentation of this Order and valid identification.

DONE AND ORDERED in Miami, Dade County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Judge

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a certified copy of this Order was delivered to:

[ ] Petitioner, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM

[ ] Petitioner's counsel, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM

[ ] Respondent, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM

[ ] Respondent's counsel \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Harvey Ruvn, Clerk  
Circuit and County Court

\_\_\_\_\_  
Deputy Clerk

**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

\_\_\_\_\_, DOMESTIC VIOLENCE DIVISION  
Plaintiff/Petitioner  
v. CASE NO. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant/Respondent  
\_\_\_\_\_ /

**ORDER TRANSFERRING FIREARMS  
AND/OR AMMUNITION TO THIRD PARTY**

THIS CAUSE having come on to be heard and the Court being fully advised in the premises it is hereby:

ORDERED AND ADJUDGED:

1. Whereas the Defendant/Respondent \_\_\_\_\_ cannot lawfully possess firearms and/or ammunition; and,
2. Whereas the Defendant/Respondent desires to transfer all firearms and/or ammunition presently in his possession to a Third Party \_\_\_\_\_; and,
3. Whereas the third party purchaser/transferee \_\_\_\_\_ has filed a sworn affidavit, subject to the penalty of perjury and contempt of Court, affirming that he/she:
  - a. Does not reside with the Defendant/Respondent; and,
  - b. Will accept possession of said firearms and/or ammunition; and, that
  - c. The Defendant/Respondent will not, under any circumstances, receive possession, custody or control of said firearms or ammunition, without a Court order allowing same
  - d. Does not have any federal or state prohibitions to possessing a firearm or ammunition.

THEREFORE, it is hereby ORDERED AND ADJUDGED

5. That the Defendant/Respondent shall transfer all firearms and/or ammunition presently in his possession and identified above to the Third Party purchaser/ transferee upon within twenty four (24) hours of the entry of this Order.
6. Upon completion of the transfer the Defendant/Respondent shall file a receipt signed by the Defendant/Respondent and Third Party, including the above case number, evidencing completion of the transfer authorized herein.
7. The Third Party is directed to notify the Court if Defendant/Respondent fails to surrender said firearms and ammunition within the twenty four (24) hours

DONE AND ORDERED in Miami, Dade County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Judge

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a certified copy of this Order was delivered to:

[ ] Petitioner, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM

[ ] Petitioner's counsel, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM

[ ] Respondent, \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM

[ ] Respondent's counsel \_\_\_\_\_,  
by [ ] hand [ ] mail [ ] certified mail at \_\_\_\_\_AM/PM

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Harvey Ruvn, Clerk  
Circuit and County Court

\_\_\_\_\_  
Deputy Clerk

Date: \_\_\_\_\_

Re: Case Number: \_\_\_\_\_

Dear Petitioner:

Please be advised that it is a crime for a Respondent in an injunction case to possess a firearm or ammunition when a permanent injunction is in effect against him/her. Recently, the Court received a request from the Respondent in your case requesting the return of firearms and/or ammunition that he/she surrendered in this case.

The Court has preliminarily determined that the respondent may be entitled to the return of the firearm(s) and/or ammunition. You have the right to file an objection to the return of the firearm(s) or ammunition with the Court. Please state your objection in writing within fifteen (15) days from the date of this letter. Some legal basis why the firearms/ammunition should not be returned are:

- a. the firearm is not legally owned by the Respondent;
- b. the Respondent has been found guilty of a felony in Florida or any other state;
- c. the Respondent has been found guilty of a misdemeanor crime of domestic violence in Florida or any other state;
- d. there is an injunction or protection order in effect against the Respondent in Florida or any other state;
- e. there is a pending forfeiture action against the Respondent in another court;
- f. the Respondent has been adjudicated mentally defective or committed to a mental institution;
- g. Respondent is not legally or lawfully in the United States;
- h. Respondent has been dishonorably discharged from the armed forces;
- i. Respondent has renounced United States citizenship;
- j. Respondent is currently under indictment for a felony;
- k. Respondent has been convicted, been on probation, on pre-trial diversion, or had adjudication withheld for an act of domestic violence in the State of Florida within the past three (3) years;
- l. there is some other legal impediment to the Respondent owning or possessing a firearm, including but not limited to those mentioned above; or
- m. any other reason you think the Court should be aware of.

Should you have any other questions, please do not hesitate to contact me.

Sincerely,

Domestic Violence Case Manager

cc: Respondent



**IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR DADE COUNTY, FLORIDA**

\_\_\_\_\_, DOMESTIC VIOLENCE DIVISION  
Plaintiff/Petitioner  
v. CASE NO. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant/Respondent  
\_\_\_\_\_ /

**ORDER FOR RETURN OF FIREARM(S) AND AMMUNITION**

THIS CAUSE having come on to be heard pursuant to the respondent's motion for return of firearm(s) and ammunition in the above styled cause, and the court having reviewed all pertinent documents, finds as follows:

- 1 The respondent was ordered to surrender all firearms and ammunition in his/her possession pursuant to a valid Injunction for Protection.
- 2 The firearm(s) and ammunition surrendered are described as, and the serial number(s) of said firearm(s) are as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
3. The respondent surrendered said firearm(s) and ammunition to \_\_\_\_\_ police agency and obtained property receipt number \_\_\_\_\_ evidencing surrender, which was filed with the Clerk's Office. The police case number is \_\_\_\_\_.
4. The Respondent has filed an affidavit attesting as follows:
  - a. The firearm(s) is/are legally owned by the respondent.
  - b. The respondent has not been found guilty of a felony in Florida or any other state.
  - c. The respondent has not been found guilty of a misdemeanor crime of domestic violence in Florida or any other court.
  - d. There is no injunction or order of protection in effect against the respondent in Florida or in any other state.
  - e. There is no forfeiture action pending against the respondent in any court.
  - f. The respondent is legally and lawfully in the United States.
  - g. Respondent has never been dishonorably discharged from the armed services.
  - h. Respondent has never renounced United States citizenship.
  - i. Respondent is not currently under indictment for any felony.
  - j. Respondent has not been convicted, been on probation, been on pretrial diversion or had adjudication withheld for an act of domestic violence in the State of Florida within the past three (3) years.
  - k. Respondent has never been adjudicated mentally defective or been committed to a mental institution.
  - l. There is no other legal impediment to the respondent owning or possessing a firearm, including but not limited to those mentioned above.

Based upon the foregoing findings, it is hereby:

ORDERED and ADJUDGED that the respondent's motion for return of firearm(s) and ammunition is GRANTED and the law enforcement agency which has retained said firearm(s) and ammunition is authorized to return the above described firearm(s) and ammunition to the respondent forthwith, upon presentation of:

1. a certified copy of this order;
2. the police property receipt or Arrest Affidavit;
3. proof of ownership;
4. and valid identification of the respondent.

Based upon the policies of the law enforcement agency, the firearm(s) and ammunition may be returned separately, at different times, for safety reasons. This order does not authorize return of any concealed weapons permits.

DONE AND ORDERED at Miami-Dade County, Florida this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Judge

Copies furnished to:

Petitioner    Respondent    Petitioner's counsel    Respondent's counsel