

PROCEDURES FOR FIREARM AND/OR AMMUNITION SURRENDER

1. The Respondent's Sworn Statement of Possession of Firearms and/or Ammunition will be given to every Respondent by the Bailiff at every civil calendar. The Form, printed in English on orange colored paper, will be provided to the litigants in Spanish or Creole upon request. The Bailiff, with the Judicial Assistant's help, will maintain sufficient copies of each form.
1. 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 filed in the court file.
2. If the Judge does not issue an extension of the Temporary Injunction or a Permanent Injunction, no further action may be necessary at this point. Alternatively, if a Temporary Injunction was issued but guns were not surrendered, the Judge may still direct compliance as dictated originally by Temporary Injunction, even if the injunction will expire or the case is dismissed.
3. The Judge will make an "on record" inquiry of each Respondent regarding the content of the Firearm Form. In many cases this will be as simple as verbally verifying that the Respondent does not now, and has not in the past six months, possessed a firearm and/or ammunition. In other cases it will be necessary to clarify the current status of a weapon, for example when and to whom it was sold and whether supporting documentation for the transfer has been provided.
4. If after a full inquiry, the Judge is satisfied that the Respondent is not currently in possession of a firearm and has complied with all surrender requirements, no further action is required by the court.
5. 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 should be completed and delivered to the Respondent at the conclusion of the hearing.
6. Finally, as outlined in the Order to Surrender Firearms, the Case Manager shall monitor the Respondent's compliance with providing 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 and the Judge will direct the matter be set for hearing.

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

DOMESTIC VIOLENCE DIVISION

Petitioner

v.

CASE NO. _____

Respondent

**ORDER TO SHOW CAUSE WHY RESPONDENT FAILED TO SURRENDER
FIREARMS AND/OR AMMUNITION**

TO: RESPONDENT

You were ordered on _____, 20____, to surrender all firearms and/or ammunition that are 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 Fla. R. Crim. P. 3.840, for your willful failure to comply with the terms of the Order to Surrender Respondent's Firearms and/or Ammunition. 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-_____ 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 Ruvin, Clerk
Circuit and County Court

Deputy Clerk

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

STATE OF FLORIDA,

DOMESTIC VIOLENCE DIVISION

CASE NO.: _____

Plaintiff,

vs.

Defendant.

ORDER RELEASING 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 has been convicted of a qualifying crime of domestic violence and 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, _____; and,
1. Whereas the third party purchaser/transferee _____ has filed a sworn affidavit, subject to the penalty of contempt of Court, affirming that he/she:
 - a. does not reside with the Defendant; and,
 - b. will accept possession of said firearms and/or ammunition; and, that
 - c. the Defendant will not, under any circumstances, receive possession, custody or control of said firearms or ammunition, without a Court order allowing same.

WHEREFORE, 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 _____, 2003.

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

_____,
Petitioner

DOMESTIC VIOLENCE DIVISION

v.

CASE NO. _____

_____,
Respondent

**ORDER TO SURRENDER RESPONDENT'S
FIREARMS AND/OR AMMUNITION**

TO: RESPONDENT

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

ORDERED and ADJUDGED:

- _____ 1. The Respondent has previously testified that he has surrendered the above-described firearms and/or ammunition but failed to provide documentary proof of surrender to the Court as further instructed below.
- _____ 2. The Respondent failed to surrender the above-described firearms and/or ammunition and now must surrender them and also 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 and/or ammunition in you care, custody, or control.
2. Obtain a written receipt from the police department that you surrendered the firearms and/or ammunition.
3. If you have been in possession of firearms and/or ammunition within the past six months but are not currently in possession of these items, you must provide documentation of this surrender in the form of a signed, sworn and notarized bill of sale.
4. Fax your proof of surrender along with this Order to (305) 349-5559 within twenty-four hours of entry of this Order.
5. Respondent's failure to completely comply with this order may result in civil and criminal charges being filed against you.

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

| | | |
|---|--|--------------------|
| DIVISION _ CRIMINAL _ CIVIL _ OTHER | AFFIDAVIT OF THIRD PARTY FOR SALE/TRANSFER OF FIREARM AND/OR AMMUNITION | CASE NUMBER |
|---|--|--------------------|

| | |
|-----------------------------|------------------------------|
| v. | CLOCK IN |
| PLAINTIFF/PETITIONER | DEFENDANT/RESPONDENT. |

BEFORE ME, the undersigned authority personally appeared _____ who after b
duly
(name of affiant)

sworn, deposes and says:

1. _____ residing at _____, whose date of birth is
(Name of Affiant)

_____ hereby agrees 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
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 tha
violation of this oath may result in contempt of court charges against me.

4. I also affirm that I am not prohibited from owning firearms under either State or Federal laws.

Further Affiant Sayeth Naught

(Signature)

(Print Name)

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 2003.
Personally known/identification _____

Notary Public, State of Florida at Large.
My Commission Expires: