

INFORMATION FOR RESPONDENTS REGARDING THE SURRENDER AND RETURN OF FIREARMS AND AMMUNITION

■ If a TEMPORARY or PERMANENT Injunction has been entered and served, ordering you to surrender all firearms and ammunition in your possession, you must surrender all firearms and ammunition in your possession to the police department nearest to your home immediately upon service of the TEMPORARY or PERMANENT Injunction and obtain a receipt of surrender (property receipt), OR

■ If a PERMANENT Injunction has been entered, you may alternatively sell or transfer any and all firearms and ammunition in your possession to a third party not residing with you in the same household upon service of the PERMANENT Injunction. You must file a notarized receipt with the Clerk's Office bearing the name, address, and signature of the third party. The receipt must state the following: "The purchaser/transferee agrees not to return or sell back the firearms and ammunition evidenced by this Bill of Sale/Receipt of Transfer to _____ (insert your name), until further order of court."

■ If a TEMPORARY Injunction has been entered ordering you to surrender all firearms and ammunition 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 and ammunition in your possession, you must bring the receipt of surrender (property receipt) or Bill of Sale or Receipt of Transfer to the Clerk's Office at the location where your case was heard, within 72 hours of service of the PERMANENT Injunction, for filing in the court file.

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

IT IS ALSO UNLAWFUL 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).

HOW TO GET YOUR FIREARM(S) AND AMMUNITION BACK IF YOUR INJUNCTION IS NO LONGER IN EFFECT

● All firearms and ammunition surrendered to the police department will be kept by them during the term of the Injunction. 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 which contains the following:

- (1) Attach to the motion or letter an affidavit signed by you attesting that:
 - (a) the firearm(s) 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;
 - (d) there is no injunction in effect against you in Florida or any other state;
 - (e) there is no forfeiture action pending against you in another court;
 - (f) you have never been adjudicated mentally defective or been committed to a mental institution; and
 - (g) there is no other legal impediment to you owning or possessing a firearm, including but not limited to those mentioned above.
- (2) Attach a copy of the receipt of sale, bill of sale, receipt of transfer, or other document evidencing your ownership of the firearm(s) and ammunition.
- (3) Include a description of the firearm(s) and ammunition which were surrendered and its/their serial number(s).

● The judge will review your motion/letter and determine if your firearm(s) and ammunition should be legally returned. If the judge determines that your firearm(s) and ammunition should be returned, the judge will enter a court order providing for its/their return. A copy of this court order will be sent to the petitioner in the case. If the judge determines that there is not a legal basis for your firearm(s) and ammunition to be returned upon review of your motion/letter, the court shall set a hearing on your request.

● Upon the judge determining that your firearm(s) and ammunition should be returned and entering a court order providing for its/their return, bring a certified copy of the court order, the police property receipt or Arrest Affidavit, and your proof of ownership (receipt or bill of sale) to the police station where you surrendered the firearm(s) and ammunition, along with your identification. Based upon the policies of the police department, your firearm(s) and ammunition may not be returned at the same time, for safety reasons.

● Unless firearms and ammunition in the possession of law enforcement are reclaimed by the owner within 8 months of the receipt of the court order providing for their return, the firearm(s) and ammunition will be forfeited to the state and no action for their recovery can thereafter be maintained.

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 your 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 MIAMI-DADE COUNTY, FLORIDA**

Petitioner
v.

Respondent

DOMESTIC VIOLENCE DIVISION

CASE NO. _____

**RESPONDENT'S SWORN STATEMENT OF
POSSESSION OF FIREARMS AND/OR AMMUNITION**

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

1. I am the Respondent in this cause. My name is _____ and
(please print full name)
my current address is _____
(Address) (City) (State) (Zip Code)

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 months I have not owned or possessed, any firearms or ammunition.
- YES, I currently, or within the past six months, 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	Surrendered/ Sold (Yes or No)	Receipt (Yes or No)

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

Signature: _____

Date: _____

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI
DADE COUNTY, FLORIDA

DOMESTIC VIOLENCE DIVISION

CASE NO.: _____

_____,
Petitioner,

vs.

_____,
Respondent.

_____ /

ORDER ALLOWING SALE OR TRANSFER OF
FIREARMS AND/OR AMMUNITION TO A 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. The Respondent has a valid Injunction for Protection Against Domestic Violence entered against him/her and is in possession of the following firearms and/or ammunition:

_____.

2. Pursuant to both State and Federal law, the Respondent is prohibited from owning or possessing any firearms and/or ammunition.
3. The Respondent is desirous of selling or transferring said firearms and/or ammunition to a third party, whose name is, _____ and whose address is _____. The third party does not reside in the same household with the Respondent.
4. The Respondent may sell or transfer the firearms and ammunition to the third party listed

**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,
3. 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 Ruvin, Clerk
Circuit and County Court

Deputy Clerk