

IN THE SUPREME COURT OF FLORIDA

IN RE: FLORIDA RULES OF CRIMINAL  
PROCEDURE 3.131 AND 3.132

CASE NO.: SC0-5739

Response to Comments of Circuit Judge Robert L. Doyel

Please accept this as a response and addendum to the Comments of Judge Robert L. Doyel filed on August 30, 2005.

The undersigned concurs and agrees with the comments contained in Judge Doyel's filing. The undersigned further recommends the adoption of the proposed form with the following slight modifications:

1. The relationship between the defendant and the victim should be set forth clearly. This is recommended to better comply with the mandates of the Federal Full Faith and Credit Statute, 18 U.S.C. 2265-2266 as well as the Federal Firearms Prohibitions, 18 U.S.C. 922(g)(8) and (9). I suggest inserting a new paragraph 1 in the order which reads: "The relationship between the defendant and the victim is \_\_\_\_\_."
2. The form should contain language indicating compliance with due process. I suggest inserting the following language in the preamble: "The court has jurisdiction over the defendant and the subject matter. The defendant has been provided with notice and an opportunity to be heard."
3. The form needs to have a finding of a credible threat by the defendant to the victim in order to fully comply with the Federal Statutes referenced above. Accordingly, I recommend inserting the following language in the paragraph of the order mandating relinquishment of firearms (currently paragraph 4): "The court finds the defendant presents a credible threat to the physical safety of the victim and/or minor children."

In all other respects Judge Doyel's comments are adopted and commended.

I certify that an original and nine copies of the foregoing were mailed to the Clerk of Court, Supreme Court of Florida, and an electronic copy was e-mailed to [e-file@flcourts.org](mailto:e-file@flcourts.org) this 30th day of August, 2005.

Respectfully submitted,

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