

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed October 23, 2019.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D18-2275  
Lower Tribunal No. 18-21300

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**Coral Gables Police Department,**  
Appellant,

vs.

**Andres Joaquin Tamayo,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Joseph I. Davis, Jr., Judge.

Miriam Soler Ramos, City Attorney; Bowman and Brooke LLP, and Christine Welstead and Donald A. Blackwell, for appellant.

Andres J. Tamayo, in proper person.

Before EMAS, C.J., and FERNANDEZ and MILLER, JJ.

PER CURIAM.

Affirmed. See § 790.401(3)(b), Fla. Stat., 2019 (providing: “Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent poses a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or any ammunition, the court must issue a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months.”); Reid v. Estate of Sonder, 63 So. 3d 7, 10 (Fla. 3d DCA 2011) (recognizing: “In civil cases prosecuted under [the clear and convincing] standard, an appellate court may not overturn a trial court's finding regarding the sufficiency of the evidence unless the finding is unsupported by record evidence, or as a matter of law, no one could reasonably find such evidence to be clear and convincing.”) (quotation omitted); Davis v. Gilchrist Cty. Sheriff's Office, 44 Fla. L. Weekly D2407 (Fla. 1st DCA Sept. 25, 2019) (concluding that the trial court’s factual findings, contained within its risk protection order, were supported by competent substantial evidence).