

By Senator Hill

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1 A bill to be entitled
2 An act relating to domestic violence; amending s.
3 741.30, F.S.; providing that a respondent may be
4 ordered, as part of a domestic violence injunction, to
5 surrender weapons; providing requirements for such an
6 order; providing for consequences of failure to comply
7 with such an order; correcting cross-references;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraphs (a) and (c) of subsection (6) of
13 section 741.30, Florida Statutes, are amended to read:

14 741.30 Domestic violence; injunction; powers and duties of
15 court and clerk; petition; notice and hearing; temporary
16 injunction; issuance of injunction; statewide verification
17 system; enforcement.—

18 (6) (a) Upon notice and hearing, when it appears to the
19 court that the petitioner is either the victim of domestic
20 violence as defined by s. 741.28 or has reasonable cause to
21 believe he or she is in imminent danger of becoming a victim of
22 domestic violence, the court may grant such relief as the court
23 deems proper, including an injunction:

24 1. Restraining the respondent from committing any acts of
25 domestic violence.

26 2. Awarding to the petitioner the exclusive use and
27 possession of the dwelling that the parties share or excluding
28 the respondent from the residence of the petitioner.

29 3. On the same basis as provided in chapter 61, providing

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30 the petitioner with 100 percent of the time-sharing in a
31 temporary parenting plan that shall remain in effect until the
32 order expires or an order is entered by a court of competent
33 jurisdiction in a pending or subsequent civil action or
34 proceeding affecting the placement of, access to, parental time
35 with, adoption of, or parental rights and responsibilities for
36 the minor child.

37 4. On the same basis as provided in chapter 61,
38 establishing temporary support for a minor child or children or
39 the petitioner. An order of temporary support remains in effect
40 until the order expires or an order is entered by a court of
41 competent jurisdiction in a pending or subsequent civil action
42 or proceeding affecting child support.

43 5. Ordering the respondent to participate in treatment,
44 intervention, or counseling services to be paid for by the
45 respondent. When the court orders the respondent to participate
46 in a batterers' intervention program, the court, or any entity
47 designated by the court, must provide the respondent with a list
48 of all certified batterers' intervention programs and all
49 programs which have submitted an application to the Department
50 of Children and Family Services to become certified under s.
51 741.32, from which the respondent must choose a program in which
52 to participate. If there are no certified batterers'
53 intervention programs in the circuit, the court shall provide a
54 list of acceptable programs from which the respondent must
55 choose a program in which to participate.

56 6. Referring a petitioner to a certified domestic violence
57 center. The court must provide the petitioner with a list of
58 certified domestic violence centers in the circuit which the

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59 petitioner may contact.

60 7. Requiring surrender of any weapons possessed by the
61 respondent. Such an order shall require that the weapons must be
62 surrendered within a specified period of 12 hours or less
63 following the order to a law enforcement agency as designated in
64 the order. If the weapons are not surrendered as ordered, the
65 respondent is subject to arrest for a violation of s. 790.233
66 and a search warrant may be issued authorizing a search of the
67 respondent's residence, vehicle, and other locations, as
68 appropriate, to locate and seize the weapons.

69 8.7. Ordering such other relief as the court deems
70 necessary for the protection of a victim of domestic violence,
71 including injunctions or directives to law enforcement agencies,
72 as provided in this section.

73 (c) The terms of an injunction restraining the respondent
74 under subparagraph (a)1. or ordering other relief for the
75 protection of the victim under subparagraph (a)8. ~~(a)7.~~ shall
76 remain in effect until modified or dissolved. Either party may
77 move at any time to modify or dissolve the injunction. No
78 specific allegations are required. Such relief may be granted in
79 addition to other civil or criminal remedies.

80 Section 2. This act shall take effect July 1, 2009.