

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

HB 779

2009

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

HB 779

2009

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
59 petitioner may contact.

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

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

75 (c) The terms of an injunction restraining the respondent
76 under subparagraph (a)1. or ordering other relief for the
77 protection of the victim under subparagraph (a)~~8.7.~~ shall remain
78 in effect until modified or dissolved. Either party may move at
79 any time to modify or dissolve the injunction. No specific
80 allegations are required. Such relief may be granted in addition
81 to other civil or criminal remedies.

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