

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 any weapon identified in the injunction
6 order; providing requirements for such an order;
7 providing for consequences of failure to comply with
8 such an order; conforming a cross-reference; providing
9 an effective date.

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

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

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

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

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

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

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30 3. On the same basis as provided in chapter 61, providing
31 the petitioner with 100 percent of the time-sharing in a
32 temporary parenting plan that shall remain in effect until the
33 order expires or an order is entered by a court of competent
34 jurisdiction in a pending or subsequent civil action or
35 proceeding affecting the placement of, access to, parental time
36 with, adoption of, or parental rights and responsibilities for
37 the minor child.

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

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

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

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59 certified domestic violence centers in the circuit which the
60 petitioner may contact.

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

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. ~~(a)7.~~ shall
78 remain in effect until modified or dissolved. Either party may
79 move at any time to modify or dissolve the injunction. No
80 specific allegations are required. Such relief may be granted in
81 addition to other civil or criminal remedies.

82 Section 2. This act shall take effect July 1, 2010.