

1                                   A bill to be entitled  
 2           An act relating to relinquishment of weapons by  
 3           persons subject to protective injunctions; amending  
 4           ss. 741.30 and 784.0485, F.S., relating to domestic  
 5           violence, stalking, and cyberstalking injunctions,  
 6           respectively; requiring injunction respondents to  
 7           relinquish firearms; providing for relinquishment to  
 8           law enforcement officers or licensed firearms dealers;  
 9           providing an exception; providing for proof of  
 10          transfer; providing requirements for forms; amending  
 11          s. 790.233, F.S.; conforming provisions; providing an  
 12          effective date.

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

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 16           Section 1. Paragraph (g) of subsection (6) of section  
 17   741.30, Florida Statutes, is amended to read:

18           741.30 Domestic violence; injunction; powers and duties of  
 19   court and clerk; petition; notice and hearing; temporary  
 20   injunction; issuance of injunction; statewide verification  
 21   system; enforcement; public records exemption.—

22           (6)

23           (g)1. A final judgment on injunction for protection  
 24   against domestic violence entered pursuant to this section must,  
 25   on its face, indicate that it is a violation of s. 790.233, and  
 26   a first degree misdemeanor, for the respondent to have in his or

27 her care, custody, possession, or control any firearm or  
28 ammunition and that all such firearms shall be relinquished  
29 immediately to a law enforcement officer if requested by the  
30 officer upon personal service of the protective order. If no  
31 request is made by a law enforcement officer, the relinquishment  
32 shall occur within 24 hours after personal service of the order  
33 at any staffed law enforcement agency or a federally licensed  
34 firearms dealer located in this state, unless the person is  
35 incarcerated at the time personal service is received, in which  
36 case the 24-hour relinquishment period shall commence at the  
37 time of release from incarceration.

38 2. The respondent shall file, within 48 hours after  
39 personal service or, if the court will not be open within 48  
40 hours after the time of personal service, within the first 3  
41 hours the court is thereafter open, one of the following  
42 documents:

43 a. A certification, under penalty of prosecution for  
44 making a false written statement in violation of s. 837.06, that  
45 the respondent did not own, possess, or control any firearms at  
46 the time of the order and currently does not own, possess, or  
47 control any firearms.

48 b. A copy of a proof of transfer showing, for each firearm  
49 owned, possessed, or controlled by the respondent at the time of  
50 the order, that the firearm was relinquished to a law  
51 enforcement officer or a federally licensed firearms dealer  
52 located in this state.

53 c. A certification, under penalty of prosecution for  
54 making a false written statement in violation of s. 837.06, for  
55 each firearm owned, possessed, or controlled by the respondent  
56 at the time of the order, that the respondent is unable to  
57 obtain access to the firearm and specifying the location of the  
58 firearm and the reason why the respondent is unable to obtain  
59 access.

60 3. The court shall provide to the petitioner a copy of the  
61 documents the respondent files with the court pursuant to  
62 subparagraph 2. within 48 hours after filing or, if the court  
63 will not be open within 48 hours after the filing, within the  
64 first 3 hours the court is thereafter open.

65 4. A law enforcement officer or a federally licensed  
66 firearms dealer located in this state taking possession of  
67 firearms relinquished by a respondent pursuant to a protective  
68 order under subparagraph 1. shall issue a proof of transfer to  
69 the respondent and to the court issuing the order of protection.  
70 The proof of transfer shall list the name of the respondent; the  
71 date of the transfer; and the make, model, and serial number of  
72 each firearm relinquished. The law enforcement agency or the  
73 federally licensed firearms dealer shall dispose of the firearm  
74 or return the firearm to the respondent only subsequent to the  
75 expiration or termination of the protective order.

76 5. The forms for protective orders shall allow the  
77 petitioner to describe, under penalty of prosecution for making  
78 a false written statement in violation of s. 837.06, the number,

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79 types, and locations of any firearms presently known by the  
80 petitioner to be owned, possessed, or controlled by the  
81 respondent.

82 Section 2. Paragraph (e) of subsection (6) of section  
83 784.0485, Florida Statutes, is amended to read:

84 784.0485 Stalking; injunction; powers and duties of court  
85 and clerk; petition; notice and hearing; temporary injunction;  
86 issuance of injunction; statewide verification system;  
87 enforcement.-

88 (6)

89 (e)1. A final judgment on an injunction for protection  
90 against stalking entered pursuant to this section must, on its  
91 face, provide that it is a violation of s. 790.233 and a  
92 misdemeanor of the first degree for the respondent to have in  
93 his or her care, custody, possession, or control any firearm or  
94 ammunition and that all firearms shall be relinquished  
95 immediately to a law enforcement officer if requested by the law  
96 enforcement officer upon personal service of the protective  
97 order. If no request is made by a law enforcement officer, the  
98 relinquishment shall occur within 24 hours after personal  
99 service of the order at any staffed law enforcement agency or a  
100 federally licensed firearms dealer located in this state, unless  
101 the person is incarcerated at the time personal service is  
102 received, in which case the 24-hour relinquishment period shall  
103 commence at the time of release from incarceration.

104 2. The respondent shall file, within 48 hours after

105 personal service or, if the court will not be open within 48  
106 hours after the time of personal service, within the first 3  
107 hours the court is thereafter open, one of the following  
108 documents:

109 a. A certification, under penalty of prosecution for  
110 making a false written statement in violation of s. 837.06, that  
111 the respondent did not own, possess, or control any firearms at  
112 the time of the order and currently does not own, possess, or  
113 control any firearms.

114 b. A copy of a proof of transfer showing, for each firearm  
115 owned, possessed, or controlled by the respondent at the time of  
116 the order, that the firearm was relinquished to a law  
117 enforcement officer or a federally licensed firearms dealer  
118 located in this state.

119 c. A certification, under penalty of prosecution for  
120 making a false written statement in violation of s. 837.06, for  
121 each firearm owned, possessed, or controlled by the respondent  
122 at the time of the order, that the respondent is unable to  
123 obtain access to the firearm, specifying the location of the  
124 firearm and the reason why the respondent is unable to obtain  
125 access.

126 3. The court shall provide to the petitioner a copy of the  
127 documents the respondent files with the court pursuant to  
128 subparagraph 2. within 48 hours after filing or, if the court  
129 will not be open within 48 hours after the filing, within the  
130 first 3 hours the court is thereafter open.

131       4. A law enforcement officer or a federally licensed  
132 firearms dealer located in this state taking possession of  
133 firearms relinquished by a respondent pursuant to a protective  
134 order under subparagraph 1. shall issue a proof of transfer to  
135 the respondent and to the court issuing the order of protection.  
136 The proof of transfer shall list the name of the respondent; the  
137 date of the transfer; and the make, model, and serial number of  
138 each firearm relinquished. The law enforcement agency or the  
139 federally licensed firearms dealer shall dispose of the firearm  
140 or return the firearm to the respondent only subsequent to the  
141 expiration or termination of the protective order.

142       5. The forms for protective orders shall allow the  
143 petitioner to describe, under penalty of prosecution for making  
144 a false written statement in violation of s. 837.06, the number,  
145 types, and locations of any firearms presently known by the  
146 petitioner to be owned, possessed, or controlled by the  
147 respondent.

148       Section 3. Section 790.233, Florida Statutes, is amended  
149 to read:

150       790.233 Possession of firearm or ammunition prohibited  
151 when person is subject to an injunction against committing acts  
152 of domestic violence, stalking, or cyberstalking; penalties.—

153       (1) A person may not have in his or her care, custody,  
154 possession, or control any firearm or ammunition if the person  
155 has been issued a final injunction that is currently in force  
156 and effect, restraining that person from committing acts of

157 | domestic violence and requiring the person to relinquish all  
158 | firearms, as issued under s. 741.30 or from committing acts of  
159 | stalking or cyberstalking and requiring the person to relinquish  
160 | all firearms, as issued under s. 784.0485.

161 | (2) A person who violates subsection (1) commits a  
162 | misdemeanor of the first degree, punishable as provided in s.  
163 | 775.082 or s. 775.083.

164 | (3) It is the intent of the Legislature that the  
165 | disabilities regarding possession of firearms and ammunition are  
166 | consistent with federal law. Accordingly, this section does not  
167 | apply to a state or local officer as defined in s. 943.10(14),  
168 | holding an active certification, who receives or possesses a  
169 | firearm or ammunition for use in performing official duties on  
170 | behalf of the officer's employing agency, unless otherwise  
171 | prohibited by the employing agency.

172 | Section 4. This act shall take effect October 1, 2016.