

1 A bill to be entitled
2 An act relating to protective injunctions and
3 protection orders; amending s. 741.30, F.S.; requiring
4 a respondent to surrender to the local law enforcement
5 agency all firearms, ammunition, and licenses to carry
6 a concealed weapon or firearm after the issuance of a
7 final judgment on an injunction for protection against
8 domestic violence; providing for the surrender and
9 storage of firearms, ammunition, and licenses to carry
10 a concealed weapon or firearm after issuance of a
11 protective injunction; requiring law enforcement
12 agencies to develop certain policies and procedures;
13 providing for return of firearms, ammunition, and
14 licenses to carry a concealed weapon or firearm when a
15 protective injunction is vacated, terminated, or
16 otherwise rendered no longer affective; authorizing a
17 respondent to elect to transfer all firearms and
18 ammunition surrendered or seized by a law enforcement
19 agency to another person under certain circumstances;
20 amending s. 741.31, F.S.; revising the criminal
21 penalty for a second or subsequent violation of an
22 injunction for protection against domestic violence or
23 a foreign protection order; providing an effective
24 date.
25

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

27

28 **Section 1. Subsections (9) and (10) of section 741.30,**
 29 **Florida Statutes, are renumbered as subsections (10) and (11),**
 30 **respectively, paragraph (g) of subsection (6) is amended, and a**
 31 **new subsection (9) is added to that section, to read:**

32 741.30 Domestic violence; injunction; powers and duties of
 33 court and clerk; petition; notice and hearing; temporary
 34 injunction; issuance of injunction; statewide verification
 35 system; enforcement; public records exemption.—

36 (6)

37 (g) A final judgment on injunction for protection against
 38 domestic violence entered under this section must, on its face,
 39 indicate that it is a violation of s. 790.233, and a first
 40 degree misdemeanor, for the respondent to have in his or her
 41 care, custody, possession, or control any firearm or ammunition.
 42 Upon issuance of a final judgment on injunction for protection
 43 against domestic violence, the court shall order the respondent
 44 to surrender to the local law enforcement agency all firearms
 45 and ammunition owned by the respondent in the respondent's
 46 custody, control, or possession except as provided in paragraph
 47 (9) (g), and any license to carry a concealed weapon or firearm
 48 issued under s. 790.06, held by the respondent.

49 (9) (a) Upon issuance of a final judgment on injunction for
 50 protection against domestic violence, the law enforcement

51 officer serving the injunction for protection shall request that
52 the respondent immediately surrender all firearms and ammunition
53 owned by the respondent in his or her custody, control, or
54 possession and any license to carry a concealed weapon or
55 firearm issued under s. 790.06, held by the respondent. The law
56 enforcement officer shall take possession of all firearms and
57 ammunition owned by the respondent, except as provided in
58 paragraph (g), and any license to carry a concealed weapon or
59 firearm issued under s. 790.06, held by the respondent, which
60 are surrendered. Alternatively, if personal service by a law
61 enforcement officer is not possible or is not required because
62 the respondent was present at the hearing, the respondent must
63 surrender any firearms and ammunition owned by the respondent,
64 except as provided in paragraph (g), and any license to carry a
65 concealed weapon or firearm issued under s. 790.06, held by the
66 respondent, in a safe manner to the control of the local law
67 enforcement agency immediately after being served with the order
68 by service or immediately after the hearing at which the
69 respondent was present. Notwithstanding ss. 933.02 and 933.18, a
70 law enforcement officer may seek a search warrant from a court
71 of competent jurisdiction to conduct a search for firearms or
72 ammunition owned by the respondent if the officer has probable
73 cause to believe that there are firearms or ammunition owned by
74 the respondent in the respondent's custody, control, or
75 possession at a particular location which have not been

76 surrendered.

77 (b) At the time of surrender, a law enforcement officer
78 taking possession of any firearm or ammunition owned by the
79 respondent, or a license to carry a concealed weapon or firearm
80 issued under s. 790.06, held by the respondent shall issue a
81 receipt identifying all firearms and the quantity and type of
82 ammunition that have been surrendered, and any license
83 surrendered and shall provide a copy of the receipt to the
84 respondent. Within 72 hours after service of the injunction, the
85 law enforcement officer serving the injunction must file the
86 original receipt with the court and ensure that his or her law
87 enforcement agency or office retains a copy of the receipt.

88 (c) Notwithstanding ss. 933.02 and 933.18, upon the sworn
89 statement or testimony of a law enforcement officer alleging
90 that the respondent has failed to comply with the surrender of
91 firearms or ammunition owned by the respondent, as required by
92 an injunction issued under this section, the court shall
93 determine whether probable cause exists to believe that the
94 respondent has failed to surrender all firearms or ammunition
95 owned by the respondent in the respondent's custody, control, or
96 possession. If the court finds probable cause that firearms or
97 ammunition owned by the respondent are located in a particular
98 location, the court must issue a search warrant authorizing a
99 search of the location where the firearms or ammunition are
100 located and the seizure of any firearms or ammunition owned by

101 the respondent discovered pursuant to such search.

102 (d) If a person other than the respondent claims title to
103 any firearms or ammunition surrendered pursuant to this
104 subsection and he or she is determined by the law enforcement
105 agency to be the lawful owner of the firearm or ammunition, the
106 firearm or ammunition must be returned to him or her, if:

107 1. The lawful owner agrees to store the firearm or
108 ammunition in a manner such that the respondent does not have
109 access to or control of the firearm or ammunition.

110 2. The firearm or ammunition is not otherwise unlawfully
111 possessed by the owner.

112 (e) All law enforcement agencies must develop policies and
113 procedures regarding the acceptance, storage, and return of
114 firearms, ammunition, or licenses required to be surrendered
115 under this section.

116 (f)1. If an injunction for protection against domestic
117 violence is vacated, terminated, or otherwise rendered no longer
118 effective by ruling of the court, a law enforcement agency
119 holding a firearm or any ammunition owned by the respondent or a
120 license to carry a concealed weapon or firearm issued under s.
121 790.06, held by the respondent, that has been surrendered or
122 seized pursuant to this subsection must return such surrendered
123 firearm, ammunition, or license to carry a concealed weapon or
124 firearm issued under s. 790.06, as requested by a respondent
125 only after confirming through a background check that the

126 respondent is currently eligible to own or possess firearms and
127 ammunition under federal and state law and after confirming with
128 the court that the injunction has been vacated, terminated, or
129 otherwise rendered no longer effective.

130 2. If an injunction for protection against domestic
131 violence is vacated, terminated, or otherwise rendered no longer
132 effective by ruling of the court, the Department of Agriculture
133 and Consumer Services, if it has suspended a license to carry a
134 concealed weapon or firearm pursuant to this subsection, must
135 reinstate such license only after confirming that the respondent
136 is currently eligible to have a license to carry a concealed
137 weapon or firearm pursuant to s. 790.06.

138 3. A law enforcement agency must provide notice or make a
139 reasonable effort to provide notice to the petitioner.

140 4. Any firearm and ammunition surrendered by a respondent
141 pursuant to this subsection which remains unclaimed by the
142 lawful owner for 1 year after an injunction has been vacated,
143 terminated, or otherwise rendered no longer effective must be
144 disposed of in accordance with the law enforcement agency's
145 policies and procedures for the disposal of firearms in police
146 custody.

147 (g) A respondent may elect to transfer all firearms and
148 ammunition owned by the respondent that have been surrendered to
149 or seized by a local law enforcement agency pursuant to
150 paragraph (a) to another person who is willing to receive the

151 respondent's firearms and ammunition. The law enforcement agency
152 must allow such a transfer only if it is determined that the
153 chosen recipient:

154 1. Currently is eligible to own or possess a firearm and
155 ammunition under federal and state law after confirmation
156 through a background check.

157 2. Attests to storing the firearms and ammunition in a
158 manner such that the respondent does not have access to or
159 control of the firearms and ammunition until the injunction
160 against the respondent is vacated, terminated, or otherwise
161 rendered no longer effective by ruling of the court.

162 3. Attests not to transfer the firearms or ammunition back
163 to the respondent until the injunction against the respondent is
164 vacated, terminated, or otherwise rendered no longer effective
165 by ruling of the court.

166 **Section 2. Paragraph (c) of subsection (4) of section**
167 **741.31, Florida Statutes, is amended to read:**

168 741.31 Violation of an injunction for protection against
169 domestic violence.—

170 (4)

171 (c) A person who has a ~~two or more~~ prior conviction
172 ~~convictions~~ for violation of an injunction or a foreign
173 protection order, and who ~~subsequently~~ commits a second or
174 subsequent violation of any injunction or foreign protection
175 order against the same victim, commits a felony of the third

176 | degree, punishable as provided in s. 775.082, s. 775.083 or s.
177 | 775.084. For purposes of this paragraph, the term "conviction"
178 | means a determination of guilt which is the result of a plea or
179 | a trial, regardless of whether adjudication is withheld or a
180 | plea of nolo contendere is entered.

181 | **Section 3.** This act shall take effect October 1, 2026.