

1 A bill to be entitled
 2 An act relating to firearm violence; amending s.
 3 790.233, F.S.; increasing criminal penalties for
 4 violations involving possession of a firearm or
 5 ammunition when a person is subject to a specified
 6 injunction; creating s. 790.234, F.S.; providing for
 7 temporary custody of firearms by a law enforcement
 8 officer at the scene of a domestic violence incident;
 9 providing for return of firearms after a specified
 10 period; providing an effective date.

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

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 14 Section 1. Section 790.233, Florida Statutes, is amended
 15 to read:

16 790.233 Possession of firearm or ammunition prohibited
 17 when person is subject to an injunction against committing acts
 18 of domestic violence, stalking, or cyberstalking; penalties.—

19 (1) A person may not have in his or her care, custody,
 20 possession, or control any firearm or ammunition if the person
 21 has been issued a final injunction that is currently in force
 22 and effect~~7~~, restraining that person from committing acts of
 23 domestic violence, as issued under s. 741.30~~1~~, or from committing
 24 acts of stalking or cyberstalking, as issued under s. 784.0485.

25 (2) A person who violates subsection (1) commits a felony
 26 ~~misdemeanor~~ of the first degree, punishable as provided in s.

27 775.082, ~~or~~ s. 775.083, or s. 775.084.

28 (3) It is the intent of the Legislature that the
 29 disabilities regarding possession of firearms and ammunition are
 30 consistent with federal law. Accordingly, this section does not
 31 apply to a state or local officer as defined in s. 943.10(14),
 32 holding an active certification, who receives or possesses a
 33 firearm or ammunition for use in performing official duties on
 34 behalf of the officer's employing agency, unless otherwise
 35 prohibited by the employing agency.

36 Section 2. Section 790.234, Florida Statutes, is created
 37 to read:

38 790.234 Domestic violence; temporary custody of firearms.-

39 (1) When at the scene of an alleged act of domestic
 40 violence as defined in s. 741.28, a law enforcement officer may
 41 remove a firearm from the scene if:

42 (a) The law enforcement officer has probable cause to
 43 believe that an act of domestic violence has occurred.

44 (b) The firearm is in plain view or is discovered during a
 45 consensual or other lawful search.

46 (2) If a firearm is removed from the scene under
 47 subsection (1), the law enforcement officer shall:

48 (a) Provide to the owner of the firearm information on the
 49 process for retaking possession of the firearm.

50 (b) Provide for the safe storage of the firearm during the
 51 pendency of any proceeding related to the alleged act of
 52 domestic violence.

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53 (3) Within 14 days after the conclusion of a proceeding on
54 the alleged act of domestic violence, the owner of the firearm
55 may retake possession of the firearm unless ordered to surrender
56 the firearm pursuant to s. 790.233.

57 Section 3. This act shall take effect July 1, 2016.