

By Senator Polsky

30-00843A-26

2026858__

A bill to be entitled
An act relating to protective injunctions and
protection orders; amending s. 741.30, F.S.; requiring
a respondent to surrender to the local law enforcement
agency all firearms, ammunition, and licenses to carry
a concealed weapon or firearm after the issuance of a
final judgment on an injunction for protection against
domestic violence; providing for the surrender and
storage of firearms, ammunition, and licenses to carry
a concealed weapon or firearm after issuance of a
protective injunction; requiring law enforcement
agencies to develop certain policies and procedures;
providing for return of firearms, ammunition, and
licenses to carry a concealed weapon or firearm when a
protective injunction is vacated, terminated, or
otherwise rendered no longer effective; authorizing a
respondent to elect to transfer all firearms and
ammunition surrendered or seized by a law enforcement
agency to another person under certain circumstances;
amending s. 741.31, F.S.; revising the criminal
penalty for a second or subsequent violation of an
injunction for protection against domestic violence or
a foreign protection order; providing an effective
date.

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

Section 1. Present subsections (9) and (10) of section
741.30, Florida Statutes, are redesignated as subsections (10)

30-00843A-26

2026858__

and (11), respectively, a new subsection (9) is added to that section, and paragraph (g) of subsection (6) of that section is amended, to read:

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

(6)

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

(9) (a) Upon issuance of a final judgment on injunction for protection against domestic violence, the law enforcement officer serving the injunction for protection shall request that the respondent immediately surrender all firearms and ammunition owned by the respondent in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, held by the respondent. The law enforcement officer shall take possession of all firearms and ammunition owned by the respondent, except as provided in

30-00843A-26

2026858__

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

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

30-00843A-26

2026858__

88 enforcement agency or office retains a copy of the receipt.

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

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

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

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

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

30-00843A-26

2026858__

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

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

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

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

30-00843A-26

2026858__

146 policies and procedures for the disposal of firearms in police
147 custody.

148 (g) A respondent may elect to transfer all firearms and
149 ammunition owned by the respondent that have been surrendered to
150 or seized by a local law enforcement agency pursuant to
151 paragraph (a) to another person who is willing to receive the
152 respondent's firearms and ammunition. The law enforcement agency
153 must allow such a transfer only if it is determined that the
154 chosen recipient:

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

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

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

167 Section 2. Paragraph (c) of subsection (4) of section
168 741.31, Florida Statutes, is amended to read:

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

171 (4)

172 (c) A person who has a two-or-more prior conviction
173 ~~convictions~~ for violation of an injunction or a foreign
174 ~~protection order, and who subsequently commits a~~ second or

30-00843A-26

2026858__

175 subsequent violation of any injunction or foreign protection
176 order against the same victim, commits a felony of the third
177 degree, punishable as provided in s. 775.082, s. 775.083 or s.
178 775.084. For purposes of this paragraph, the term "conviction"
179 means a determination of guilt which is the result of a plea or
180 a trial, regardless of whether adjudication is withheld or a
181 plea of nolo contendere is entered.

182 Section 3. This act shall take effect October 1, 2026.