

By Senator Crist

12-00351B-08

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1 A bill to be entitled

2 An act relating to the possession of firearms; amending s.
3 933.14, F.S.; providing for a court order for the return
4 of a confiscated firearm; providing criteria for
5 determining if the firearm should be returned; providing
6 prohibitions on the return of the firearm; providing an
7 effective date.

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

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11 Section 1. Subsection (3) of section 933.14, Florida
12 Statutes, is amended to read:

13 933.14 Return of property taken under search warrant.--

14 (3) A No pistol or firearm, as defined in s. 790.001, taken
15 by an any officer with a search warrant, or without a search
16 warrant upon a view by the officer of a breach of the peace, may
17 not shall be returned except pursuant to court an order of a
18 trial court judge. A person seeking the return of the firearm
19 must file a sworn petition with the circuit court, which shall
20 conduct a hearing on the matter. The court shall order the return
21 of the firearm only upon evidence that the person does not pose a
22 risk of harm to self or others and has the capacity to contract
23 or manage his or her affairs. A firearm may not be returned to a
24 person who is prohibited from purchasing a firearm under s.
25 790.065.

26 Section 2. This act shall take effect upon becoming a law.