



703346

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/AD/2R

.

02/28/2024 03:59 PM

.

.

Senator Collins moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 790.08, Florida
Statutes, is amended to read:

790.08 Taking possession of weapons and arms; reports;
disposition; custody.—

(1) (a) Every officer making an arrest under s. 790.07, or
under any other law or municipal ordinance within the state,
shall take possession of any weapons, electric weapons or



703346

12 devices, or arms mentioned in s. 790.07 found upon the person
13 arrested and deliver them to the sheriff of the county~~7~~ or the
14 chief of police of the municipality wherein the arrest is made~~7~~
15 ~~who shall retain the same until after the trial of the person~~
16 ~~arrested.~~

17 (b) Any weapons, electric weapons or devices, or arms that
18 are taken from a person under paragraph (a) that are not either
19 seized as evidence or seized and subject to forfeiture under ss.
20 932.701-932.7062 must be returned upon request to the person
21 from whom the weapons, electric weapons or devices, or arms were
22 taken within 30 days after such request is made if he or she
23 meets all of the following criteria:

24 1. The person has been released from detention.

25 2. The person provides a form of government-issued
26 photographic identification.

27 3. If requesting the return of a firearm, a completed
28 criminal history background check confirms that the person is
29 not prohibited from possessing a firearm under state or federal
30 law, including not having any prohibition arising from an
31 injunction, a risk protection order, or any other court order
32 prohibiting the person from possessing a firearm.

33 (c) The sheriff or chief of police may develop reasonable
34 procedures to ensure the timely return of weapons, electric
35 weapons or devices, or arms which are not inconsistent with this
36 subsection.

37 (d) The sheriff or chief of police may not require a court
38 order to release weapons, electric weapons or devices, or arms
39 that are not seized as evidence in a criminal proceeding unless
40 there are competing claims of ownership of such weapons,



703346

41 electric weapons or devices, or arms.

42 Section 2. Subsection (3) of section 933.14, Florida
43 Statutes, is amended to read:

44 933.14 Return of property taken under search warrant.-

45 (3) No pistol or firearm taken by any officer with a search
46 warrant ~~or without a search warrant upon a view by the officer~~
47 ~~of a breach of the peace~~ shall be returned except pursuant to an
48 order of a trial court judge.

49 Section 3. This act shall take effect July 1, 2024.

50

51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete everything before the enacting clause
54 and insert:

55 A bill to be entitled
56 An act relating to the return of weapons and arms
57 following an arrest; amending s. 790.08, F.S.;
58 requiring that weapons, electric weapons or devices,
59 or arms taken from a person pursuant to an arrest that
60 are not either seized as evidence or seized and
61 subject to forfeiture be returned to the person within
62 a certain timeframe if specified conditions are met;
63 authorizing a sheriff or chief of police to develop
64 procedures to ensure the timely return of such
65 weapons, electric weapons or devices, or arms;
66 prohibiting a sheriff or chief of police from
67 requiring a court order before releasing such weapons,
68 electric weapons or devices, or arms; providing an
69 exception; amending s. 933.14, F.S.; deleting a



703346

70
71
72

requirement for an order of a trial court judge to
return a pistol or firearm taken by an officer for a
breach of the peace; providing an effective date.