

By Senator Collins

14-01515-24

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1                   A bill to be entitled  
2       An act relating to the return of weapons and arms  
3       following an arrest; amending s. 790.08, F.S.;  
4       requiring that weapons, electric weapons or devices,  
5       or arms taken from a person pursuant to an arrest  
6       which are not seized as evidence be returned upon  
7       request to the person from whom they were taken if  
8       specified conditions are met; authorizing a sheriff or  
9       chief of police to develop reasonable procedures to  
10      ensure the timely return of certain weapons, electric  
11      weapons or devices, or arms; prohibiting a sheriff or  
12      chief of police from requiring a court order before  
13      releasing certain weapons, electric weapons or  
14      devices, or arms; providing an exception; providing an  
15      effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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

21       790.08 Taking possession of weapons and arms; reports;  
22 disposition; custody.—

23       (1) (a) Every officer making an arrest under s. 790.07, or  
24 under any other law or municipal ordinance within the state,  
25 shall take possession of any weapons, electric weapons or  
26 devices, or arms mentioned in s. 790.07 found upon the person  
27 arrested and deliver them to the sheriff of the county, or the  
28 chief of police of the municipality wherein the arrest is made,  
29 ~~who shall retain the same until after the trial of the person~~

14-01515-24

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30 arrested.

31 (b) Any weapons, electric weapons or devices, or arms that  
32 are taken from a person under paragraph (a) which are not seized  
33 as evidence must be returned upon request to the person from  
34 whom the weapons, electric weapons or devices, or arms were  
35 taken if the person meets all of the following criteria:

36 1. The person has been released from detention.

37 2. The person provides a form of government-issued  
38 photographic identification.

39 3. If requesting the return of a firearm, a completed  
40 criminal history background check confirms the person is not  
41 prohibited from possessing a firearm under state or federal law,  
42 including not having any prohibition arising from an injunction,  
43 a risk protection order, or any other court order prohibiting  
44 the person from possessing a firearm.

45 (c) The sheriff or chief of police may develop reasonable  
46 procedures to ensure the timely return of weapons, electric  
47 weapons or devices, or arms which are not inconsistent with this  
48 subsection.

49 (d) The sheriff or chief of police may not require a court  
50 order to release weapons, electric weapons or devices, or arms  
51 that are not seized as evidence in a criminal proceeding unless  
52 there are competing claims of ownership of such weapons,  
53 electric weapons or devices, or arms.

54 Section 2. This act shall take effect July 1, 2024.