

By the Committee on Criminal Justice; and Senator Collins

591-02973-24

20241286c1

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 to the
7 person within a certain timeframe if specified
8 conditions are met; authorizing a sheriff or chief of
9 police to develop reasonable procedures to ensure the
10 timely return of certain weapons, electric weapons or
11 devices, or arms; prohibiting a sheriff or chief of
12 police from requiring a court order before releasing
13 certain weapons, electric weapons or devices, or arms;
14 providing an exception; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (1) of section 790.08, Florida
19 Statutes, is amended to read:

20 790.08 Taking possession of weapons and arms; reports;
21 disposition; custody.—

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

591-02973-24

20241286c1

30 (b) Any weapons, electric weapons or devices, or arms that
31 are taken from a person under paragraph (a) which are not seized
32 as evidence must be returned to the person within 45 days after
33 he or she is released from detention and if he or she meets all
34 of the following criteria:

35 1. The person provides a form of government-issued
36 photographic identification.

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

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

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

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