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1
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 that
6 are not either seized as evidence or seized and
7 subject to forfeiture be returned to the person within
8 a certain timeframe if specified conditions are met;
9 authorizing a sheriff or chief of police to develop
10 procedures to ensure the timely return of such
11 weapons, electric weapons or devices, or arms;
12 prohibiting a sheriff or chief of police from
13 requiring a court order before releasing such weapons,
14 electric weapons or devices, or arms; providing an
15 exception; amending s. 933.14, F.S.; deleting a
16 requirement for an order of a trial court judge to
17 return a pistol or firearm taken by an officer for a
18 breach of the peace; providing an effective date.

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

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

24 790.08 Taking possession of weapons and arms; reports;
25 disposition; custody.—

26 (1) (a) Every officer making an arrest under s. 790.07, or
27 under any other law or municipal ordinance within the state,
28 shall take possession of any weapons, electric weapons or
29 devices, or arms mentioned in s. 790.07 found upon the person

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30 arrested and deliver them to the sheriff of the county~~7~~ or the
31 chief of police of the municipality wherein the arrest is made~~7~~
32 ~~who shall retain the same until after the trial of the person~~
33 ~~arrested.~~

34 (b) Any weapons, electric weapons or devices, or arms that
35 are taken from a person under paragraph (a) that are not either
36 seized as evidence or seized and subject to forfeiture under ss.
37 932.701-932.7062 must be returned upon request to the person
38 from whom the weapons, electric weapons or devices, or arms were
39 taken within 30 days after such request is made if he or she
40 meets all of the following criteria:

41 1. The person has been released from detention.

42 2. The person provides a form of government-issued
43 photographic identification.

44 3. If requesting the return of a firearm, a completed
45 criminal history background check confirms that the person is
46 not prohibited from possessing a firearm under state or federal
47 law, including not having any prohibition arising from an
48 injunction, a risk protection order, or any other court order
49 prohibiting the person from possessing a firearm.

50 (c) The sheriff or chief of police may develop reasonable
51 procedures to ensure the timely return of weapons, electric
52 weapons or devices, or arms which are not inconsistent with this
53 subsection.

54 (d) The sheriff or chief of police may not require a court
55 order to release weapons, electric weapons or devices, or arms
56 that are not seized as evidence in a criminal proceeding unless
57 there are competing claims of ownership of such weapons,
58 electric weapons or devices, or arms.

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

61 933.14 Return of property taken under search warrant.—

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

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