HB 485

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 weapons, electric weapons or devices, or			
5	arms taken from a person pursuant to an arrest that			
6	are not seized as evidence to be returned to the			
7	person from whom they were taken if specified			
8	conditions are met; authorizing a sheriff or chief of			
9	police to develop procedures to ensure the timely			
10	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) <u>(a)</u> 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			
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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 τ 28 who shall retain the same until after the trial of the person 29 arrested. 30 (b) Any weapons, electric weapons or devices, or arms that are taken from a person under paragraph (a) that are not seized 31 32 as evidence must be returned upon request to the person from 33 whom the weapons, electric weapons or devices, or arms were 34 taken if the person meets all of the following criteria: 35 1. The person has been released from detention. 36 2. The person provides a form of government-issued 37 photographic identification. 38 3. If requesting the return of a firearm, a completed 39 criminal history background check confirms the person is not prohibited from possessing a firearm under state or federal law, 40 41 including not having any prohibition arising from an injunction, 42 a risk protection order, or any other court order prohibiting 43 the person from possessing a firearm. 44 (c) The sheriff or chief of police may develop reasonable 45 procedures to ensure the timely return of weapons, electric weapons or devices, or arms which are not inconsistent with this 46 47 subsection. 48 (d) The sheriff or chief of police may not require a court 49 order to release weapons, electric weapons or devices, or arms 50 that are not seized as evidence in a criminal proceeding unless

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51	there are competing claims of ownership of such weapons,
52	electric weapons or devices, or arms.
53	Section 2. This act shall take effect July 1, 2024.
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