

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Brackett offered the following:

Amendment (with title amendment)

Remove lines 32-52 and insert:

6 as evidence or seized and subject to forfeiture under ss.
 7 932.701-932.7062, must be returned upon request to the person
 8 from whom the weapons, electric weapons or devices, or arms were
 9 taken within 30 days after such request is made if he or she
 10 meets all of the following criteria:

11 1. The person has been released from detention.

12 2. The person provides a form of government-issued
13 photographic identification.

14 3. If requesting the return of a firearm, a completed
15 criminal history background check confirms the person is not
16 prohibited from possessing a firearm under state or federal law,

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17 including not having any prohibition arising from an injunction,
18 a risk protection order, or any other court order prohibiting
19 the person from possessing a firearm.

20 (c) The sheriff or chief of police may develop reasonable
21 procedures to ensure the timely return of weapons, electric
22 weapons or devices, or arms which are not inconsistent with this
23 subsection.

24 (d) The sheriff or chief of police may not require a court
25 order to release weapons, electric weapons or devices, or arms
26 that are not seized as evidence in a criminal proceeding unless
27 there are competing claims of ownership of such weapons,
28 electric weapons or devices, or arms.

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

31 933.14 Return of property taken under search warrant.-

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

36
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38 **T I T L E A M E N D M E N T**

39 Remove lines 6-14 and insert:
40 are not seized as evidence or seized and subject to
41 forfeiture to be returned to the person within a

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42 | certain timeframe if specified conditions are met;
43 | authorizing a sheriff or chief of police to develop
44 | procedures to ensure the timely return of certain
45 | weapons, electric weapons or devices, or arms;
46 | prohibiting a sheriff or chief of police from
47 | requiring a court order before releasing certain
48 | weapons, electric weapons or devices, or arms;
49 | providing an exception; amending s. 933.14, F.S.;
50 | deleting a requirement for an order of a trial court
51 | judge to return a pistol or firearm taken by an
52 | officer following a breach of the peace; providing an
53 | effective date.