

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 4-14.0

IN RE: RETURN OF FIREARMS IN BAKER ACT CASES

WHEREAS, it is necessary for the prompt and efficient administration of justice in this circuit to establish procedures for the return of firearms in Baker Act cases; it is therefore ORDERED that:

1. Any person who has been arrested and charged with a criminal violation in connection with an incident leading to the person being involuntarily placed for evaluation under Florida's Baker Act, Part I, Chapter 394, Florida Statutes, may seek the return of his or her firearm(s) being held by a local law enforcement agency pursuant to section 933.14(3), Florida Statutes, upon discharged from the evaluation facility.
2. A Petition for Return of Firearms pursuant to this administrative order must be filed with the Clerk of the Circuit Court Probate and Guardianship Division in the Baker Act case. Disposition of these petitions will be handled by the judge assigned to the Probate and Guardianship Division.
3. A Petition for Return of Firearms must:
 - a. identify with particularity the firearm(s) being sought;
 - b. include a statement regarding ownership or entitlement to possession of the firearm(s) being sought (attach copies of any applicable supporting document(s));
 - c. include the value of the firearm(s) being sought;
 - d. include the name and address of the law enforcement agency in possession of the firearm(s) being sought;
 - e. include a statement regarding whether the firearm(s) was obtained as a result of criminal activity;
 - f. include a statement regarding whether the firearm(s) is being held as evidence by the local law enforcement agency;
 - g. include a statement regarding whether Petitioner is subject to any legal prohibition against possession of firearm(s);
 - h. include a copy of the incident report showing the seizure of the firearm(s);
 - i. be verified pursuant to section 92.525, Florida Statutes; and
 - j. be served by Petitioner on the law enforcement agency in possession of the firearm(s) being sought.

4. Once the matter is set for hearing, a Notice of Hearing will be provided by the Court to Petitioner and the local law enforcement agency listed in the petition.
5. This administrative order is effective immediately.

DONE AND ORDERED on this 25th day of October, 2013.

WM. BRUCE SMITH
Chief Judge