

By Senator Davis

5-00536-24

20241410\_\_

1                   A bill to be entitled  
2       An act relating to risk protection orders; amending s.  
3       394.463, F.S.; requiring, rather than authorizing, law  
4       enforcement officers taking custody of a person for  
5       involuntary examination to seize firearms and  
6       ammunition from that person if certain criteria are  
7       met; requiring law enforcement officers to request the  
8       voluntary surrender of a person's firearms or  
9       ammunition not already seized by law enforcement;  
10      requiring, rather than authorizing, law enforcement  
11      officers to petition the appropriate courts for a risk  
12      protection order under certain circumstances after  
13      taking custody of a person for involuntary  
14      examination; providing an effective date.

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

17  
18       Section 1. Paragraph (d) of subsection (2) of section  
19       394.463, Florida Statutes, is amended to read:

20       394.463 Involuntary examination.—

21       (2) INVOLUNTARY EXAMINATION.—

22       (d)1. A law enforcement officer taking custody of a person  
23       under this subsection must ~~may~~ seize and hold a firearm or any  
24       ammunition the person possesses at the time of taking him or her  
25       into custody if the person poses a potential danger to himself  
26       or herself or others and has made a credible threat of violence  
27       against another person.

28       2. If the law enforcement officer takes custody of the  
29       person at the person's residence and the criteria in

5-00536-24

20241410\_\_

30 subparagraph 1. have been met, the law enforcement officer must  
31 request ~~may seek~~ the voluntary surrender of firearms or  
32 ammunition kept in the residence which have not already been  
33 seized under subparagraph 1. If such firearms or ammunition are  
34 not voluntarily surrendered, or if the person has other firearms  
35 or ammunition that were not seized or voluntarily surrendered  
36 when he or she was taken into custody, a law enforcement officer  
37 must ~~may~~ petition the appropriate court under s. 790.401 for a  
38 risk protection order against the person if criteria for such an  
39 order are met.

40 3. Firearms or ammunition seized or voluntarily surrendered  
41 under this paragraph must be made available for return no later  
42 than 24 hours after the person taken into custody can document  
43 that he or she is no longer subject to involuntary examination  
44 and has been released or discharged from any inpatient or  
45 involuntary outpatient treatment provided or ordered under  
46 paragraph (g), unless a risk protection order entered under s.  
47 790.401 directs the law enforcement agency to hold the firearms  
48 or ammunition for a longer period or the person is subject to a  
49 firearm purchase disability under s. 790.065(2), or a firearm  
50 possession and firearm ownership disability under s. 790.064.  
51 The process for the actual return of firearms or ammunition  
52 seized or voluntarily surrendered under this paragraph may not  
53 take longer than 7 days.

54 4. Law enforcement agencies must develop policies and  
55 procedures relating to the seizure, storage, and return of  
56 firearms or ammunition held under this paragraph.

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