HB 1675

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.
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16	Be It Enacted by the Legislature of the State of Florida:
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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 <u>must</u> 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
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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 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 or ammunition that were not seized or voluntarily surrendered 35 36 when he or she was taken into custody, a law enforcement officer must may petition the appropriate court under s. 790.401 for a 37 38 risk protection order against the person if criteria for such an 39 order are met.

Firearms or ammunition seized or voluntarily 40 3. 41 surrendered under this paragraph must be made available for return no later than 24 hours after the person taken into 42 43 custody can document that he or she is no longer subject to 44 involuntary examination and has been released or discharged from 45 any inpatient or involuntary outpatient treatment provided or 46 ordered under paragraph (g), unless a risk protection order 47 entered under s. 790.401 directs the law enforcement agency to 48 hold the firearms or ammunition for a longer period or the 49 person is subject to a firearm purchase disability under s. 790.065(2), or a firearm possession and firearm ownership 50

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51 disability under s. 790.064. The process for the actual return 52 of firearms or ammunition seized or voluntarily surrendered 53 under this paragraph may not 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.

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

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