

1                                   A bill to be entitled  
 2           An act relating to risk protection orders; repealing  
 3           s. 790.401, F.S., relating to the surrender of  
 4           firearms pursuant to a risk protection order; amending  
 5           ss. 394.4615, 394.463, 456.059, 490.0147, 491.0147,  
 6           and 790.08, F.S.; conforming provisions to changes  
 7           made by the act; providing an effective date.  
 8

9   Be It Enacted by the Legislature of the State of Florida:  
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11           **Section 1.** Section 790.401, Florida Statutes, is repealed.

12           **Section 2. Subsection (4) of section 394.4615, Florida**  
 13 **Statutes, is amended to read:**

14           394.4615 Clinical records; confidentiality.—

15           (4) Information from the clinical record must be released  
 16 when a patient has communicated to a service provider a specific  
 17 threat to cause serious bodily injury or death to an identified  
 18 or a readily available person, if the service provider  
 19 reasonably believes, or should reasonably believe according to  
 20 the standards of his or her profession, that the patient has the  
 21 apparent intent and ability to imminently or immediately carry  
 22 out such threat. When such communication has been made, the  
 23 administrator must authorize the release of sufficient  
 24 information to communicate the threat to law enforcement. A law  
 25 enforcement agency that receives notification of a specific

26 | threat under this subsection must take appropriate action to  
27 | prevent the risk of harm, including, but not limited to,  
28 | notifying the intended victim of such threat ~~or initiating a~~  
29 | ~~risk protection order~~. A service provider's authorization to  
30 | release information from a clinical record when communicating a  
31 | threat pursuant to this section may not be the basis of any  
32 | legal action or criminal or civil liability against the service  
33 | provider.

34 |       **Section 3. Paragraph (d) of subsection (2) of section**  
35 | **394.463, Florida Statutes, is amended to read:**

36 |       394.463 Involuntary examination.—

37 |       (2) INVOLUNTARY EXAMINATION.—

38 |       (d)1. A law enforcement officer taking custody of a person  
39 | under this subsection may seize and hold a firearm or any  
40 | ammunition the person possesses at the time of taking him or her  
41 | into custody if the person poses a potential danger to himself  
42 | or herself or others and has made a credible threat of violence  
43 | against another person.

44 |       2. If the law enforcement officer takes custody of the  
45 | person at the person's residence and the criteria in  
46 | subparagraph 1. have been met, the law enforcement officer may  
47 | seek the voluntary surrender of firearms or ammunition kept in  
48 | the residence which have not already been seized under  
49 | subparagraph 1. ~~If such firearms or ammunition are not~~  
50 | ~~voluntarily surrendered, or if the person has other firearms or~~

51 ~~ammunition that were not seized or voluntarily surrendered when~~  
52 ~~he or she was taken into custody, a law enforcement officer may~~  
53 ~~petition the appropriate court under s. 790.401 for a risk~~  
54 ~~protection order against the person.~~

55 3. Firearms or ammunition seized or voluntarily  
56 surrendered under this paragraph must be made available for  
57 return no later than 24 hours after the person taken into  
58 custody can document that he or she is no longer subject to  
59 involuntary examination and has been released or discharged from  
60 any inpatient or involuntary outpatient treatment provided or  
61 ordered under paragraph (g), unless ~~a risk protection order~~  
62 ~~entered under s. 790.401 directs the law enforcement agency to~~  
63 ~~hold the firearms or ammunition for a longer period or the~~  
64 person is subject to a firearm purchase disability under s.  
65 790.065(2)~~7~~, or a firearm possession and firearm ownership  
66 disability under s. 790.064. The process for the actual return  
67 of firearms or ammunition seized or voluntarily surrendered  
68 under this paragraph may not take longer than 7 days.

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

72 **Section 4. Section 456.059, Florida Statutes, is amended**  
73 **to read:**

74 456.059 Communications confidential; exceptions.—  
75 Communications between a patient and a psychiatrist, as defined

76 in s. 394.455, shall be held confidential and may not be  
77 disclosed except upon the request of the patient or the  
78 patient's legal representative. Provision of psychiatric records  
79 and reports is governed by s. 456.057. Notwithstanding any other  
80 provision of this section or s. 90.503, when:

81 (1) A patient is engaged in a treatment relationship with  
82 a psychiatrist;

83 (2) Such patient has communicated to the psychiatrist a  
84 specific threat to cause serious bodily injury or death to an  
85 identified or a readily available person; and

86 (3) The treating psychiatrist makes a clinical judgment  
87 that the patient has the apparent intent and ability to  
88 imminently or immediately carry out such threat,

89  
90 the psychiatrist may disclose patient communications to the  
91 extent necessary to warn any potential victim and must disclose  
92 patient communications to the extent necessary to communicate  
93 the threat to a law enforcement agency. A law enforcement agency  
94 that receives notification of a specific threat under this  
95 section must take appropriate action to prevent the risk of  
96 harm, including, but not limited to, notifying the intended  
97 victim of such threat ~~or initiating a risk protection order~~. A  
98 psychiatrist's disclosure of confidential communications when  
99 communicating a threat pursuant to this section may not be the  
100 basis of any legal action or criminal or civil liability against

101 the psychiatrist.

102 **Section 5. Subsection (2) of section 490.0147, Florida**  
103 **Statutes, is amended to read:**

104 490.0147 Confidentiality and privileged communications.—

105 (2) Such privilege must be waived, and the psychologist  
106 shall disclose patient or client communications to the extent  
107 necessary to communicate the threat to a law enforcement agency,  
108 if a patient or client has communicated to the psychologist a  
109 specific threat to cause serious bodily injury or death to an  
110 identified or readily available person, and the psychologist  
111 makes a clinical judgment that the patient or client has the  
112 apparent intent and ability to imminently or immediately carry  
113 out such threat. A law enforcement agency that receives  
114 notification of a specific threat under this subsection must  
115 take appropriate action to prevent the risk of harm, including,  
116 but not limited to, notifying the intended victim of such threat  
117 ~~or initiating a risk protection order.~~ A psychologist's  
118 disclosure of confidential communications when communicating a  
119 threat pursuant to this subsection may not be the basis of any  
120 legal action or criminal or civil liability against the  
121 psychologist.

122 **Section 6. Subsection (2) of section 491.0147, Florida**  
123 **Statutes, is amended to read:**

124 491.0147 Confidentiality and privileged communications.—

125 Any communication between any person licensed or certified under

126 | this chapter and her or his patient or client is confidential.

127 |       (2) This privilege must be waived, and the person licensed  
 128 | or certified under this chapter shall disclose patient or client  
 129 | communications to the extent necessary to communicate the threat  
 130 | to a law enforcement agency, if a patient or client has  
 131 | communicated to such person a specific threat to cause serious  
 132 | bodily injury or death to an identified or readily available  
 133 | person, and the person licensed or certified under this chapter  
 134 | makes a clinical judgment that the patient or client has the  
 135 | apparent intent and ability to imminently or immediately carry  
 136 | out such threat. A law enforcement agency that receives  
 137 | notification of a specific threat under this subsection must  
 138 | take appropriate action to prevent the risk of harm, including,  
 139 | but not limited to, notifying the intended victim of such threat  
 140 | ~~or initiating a risk protection order.~~ A disclosure of  
 141 | confidential communications by a person licensed or certified  
 142 | under this chapter when communicating a threat pursuant to this  
 143 | subsection may not be the basis of any legal action or criminal  
 144 | or civil liability against such person.

145 |       **Section 7. Paragraph (b) of subsection (1) of section**  
 146 | **790.08, Florida Statutes, is amended and paragraph (a) of that**  
 147 | **subsection is republished, to read:**

148 |       790.08 Taking possession of weapons and arms; reports;  
 149 | disposition; custody.—

150 |       (1) (a) Every officer making an arrest under s. 790.07, or

151 under any other law or municipal ordinance within the state,  
152 shall take possession of any weapons, electric weapons or  
153 devices, or arms mentioned in s. 790.07 found upon the person  
154 arrested and deliver them to the sheriff of the county or the  
155 chief of police of the municipality wherein the arrest is made.

156 (b) Any weapons, electric weapons or devices, or arms that  
157 are taken from a person under paragraph (a) that are not either  
158 seized as evidence or seized and subject to forfeiture under ss.  
159 932.701-932.7062 must be returned upon request to the person  
160 from whom the weapons, electric weapons or devices, or arms were  
161 taken within 30 days after such request is made if he or she  
162 meets all of the following criteria:

163 1. The person has been released from detention.

164 2. The person provides a form of government-issued  
165 photographic identification.

166 3. If requesting the return of a firearm, a completed  
167 criminal history background check confirms that the person is  
168 not prohibited from possessing a firearm under state or federal  
169 law, including not having any prohibition arising from an  
170 injunction, ~~a risk protection order~~, or any other court order  
171 prohibiting the person from possessing a firearm.

172 **Section 8.** This act shall take effect July 1, 2026.