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

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

Section 1. Section 790.401, Florida Statutes, is repealed.

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

394.4615 Clinical records; confidentiality.-

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

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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) 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

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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

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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.