

By Senator Rossin

35-138-01

1                                   A bill to be entitled  
 2           An act relating to lawyer assistance programs;  
 3           providing a definition; providing immunity from  
 4           civil liability for specified persons and  
 5           programs for specified acts relating to such  
 6           programs under specified conditions; providing  
 7           that information provided to such programs is  
 8           privileged and subject to the attorney-client  
 9           privilege; providing that the records,  
 10          proceedings, and communications of such  
 11          programs are confidential and not subject to  
 12          subpoena; providing an exception; providing an  
 13          effective date.

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

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 17           Section 1. (1) As used in this section, the term  
 18 "person" means the Florida Lawyer's Assistance, Inc., or other  
 19 private program, association, or nonprofit corporation  
 20 approved by the Supreme Court or The Florida Bar to provide  
 21 assistance, treatment, or rehabilitation to attorneys who may  
 22 be impaired because of alcohol or drug abuse or other physical  
 23 or mental infirmity; a member, employee, or agent of such a  
 24 private program, association, or nonprofit corporation; or a  
 25 person who provides information to such a private program,  
 26 association, or nonprofit corporation.

27           (2) A person is immune from civil liability for  
 28 reporting or receiving information or taking or refusing to  
 29 take action in a lawyer assistance program if the person acts  
 30 in good faith and without malice.

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1           (3) Information provided to a person covered by this  
2 section is a privileged communication and subject to the  
3 attorney-client privilege.

4           (4) The records, proceedings, and communications of  
5 the Florida Lawyer's Assistance, Inc., or any other private  
6 program covered by this section are confidential and are not  
7 available for court subpoena. Business records may be  
8 subpoenaed.

9           Section 2. This act shall take effect July 1, 2001.

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12   SENATE SUMMARY

13           Provides that a person, as defined, is immune from civil  
14 liability for reporting or receiving information or  
15 taking or refusing to take action in a lawyer assistance  
16 program to provide assistance to attorneys who may be  
17 impaired due to alcohol or drug abuse or other mental or  
18 physical infirmity if the person acts in good faith and  
19 without malice. Information provided to a person is a  
20 privileged communication and subject to the  
21 attorney-client privilege. The records, proceedings, and  
22 communications of specified private organizations are  
23 confidential and not subject to subpoena. Business  
24 records may be subpoenaed.  
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