

HB 109

2009

1 A bill to be entitled
2 An act relating to clinical, counseling, and psychotherapy
3 services; amending s. 491.0147, F.S.; providing for a
4 waiver of confidentiality and privileged communications
5 when, in the clinical judgment of a person licensed or
6 certified under chapter 491, F.S., there is a clear and
7 immediate probability of certain harm; providing immunity
8 from liability for, and prohibiting causes of action
9 against, such person for disclosure of otherwise
10 confidential communications under such circumstances;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (3) of section 491.0147, Florida
16 Statutes, is amended to read:

17 491.0147 Confidentiality and privileged
18 communications.--Any communication between any person licensed
19 or certified under this chapter and her or his patient or client
20 shall be confidential. This secrecy may be waived under the
21 following conditions:

22 (3) When, in the clinical judgment of the person licensed
23 or certified under this chapter, there is a clear and immediate
24 probability of physical harm to the patient or client, to other
25 individuals, or to society and the person licensed or certified
26 under this chapter communicates the information only to the
27 potential victim, appropriate family member, or law enforcement
28 or other appropriate authorities. There shall be no liability on

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29 the part of, and no cause of action of any nature shall arise
30 against, a person licensed or certified under this chapter for
31 the disclosure of otherwise confidential communications under
32 this subsection.

33 Section 2. This act shall take effect July 1, 2009.