

ENROLLED
 HB 109

2009 Legislature

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.