

By Senator Baker

20-00659-09

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

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

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

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

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

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

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