

House Bill No. 109

An act relating to clinical, counseling, and psychotherapy services; amending s. 491.0147, F.S.; providing for a waiver of confidentiality and privileged communications when, in the clinical judgment of a person licensed or certified under chapter 491, F.S., there is a clear and immediate probability of certain harm; providing immunity from liability for, and prohibiting causes of action against, such person for disclosure of otherwise confidential communications under such circumstances; providing an effective date.

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

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

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

(3) When, in the clinical judgment of the person licensed or certified under this chapter, there is a clear and immediate probability of physical harm to the patient or client, to other individuals, or to society and the person licensed or certified under this chapter communicates the information only to the potential victim, appropriate family member, or law enforcement or other appropriate authorities. There shall be no liability on the part of, and no cause of action of any nature shall arise against, a person licensed or certified under this chapter for the disclosure of otherwise confidential communications under this subsection.

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

Approved by the Governor June 1, 2009.

Filed in Office Secretary of State June 1, 2009.