

dhs-21

Bill No. CS for SB 778

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Seiler offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Civil immunity.--A person who in good faith reports information or takes action in connection with a lawyer assistance program or a person who receives information in connection with a lawyer assistance program is immune from civil liability for reporting the information, taking the action, or taking no action, provided that such person has acted in good faith and without malice.

Section 2. Presumption of good faith.--A member of a lawyer assistance program or a person reporting information to a lawyer assistance program is presumed to have acted in good faith and without malice. A person alleging lack of good faith has the burden of proving bad faith and malice.

Section 3. Persons entitled to immunity.--The civil immunity provided for in this act shall be liberally construed to accomplish the purposes of this act. The persons entitled

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1 to immunity under this act include:

2 (1) Florida Lawyers Assistance, Inc., and other lawyer
3 assistance programs approved by the Florida Supreme Court or
4 The Florida Bar which provide assistance to attorneys who may
5 be impaired because of abuse of alcohol or other drugs or
6 because of any other physical or mental infirmity causing
7 impairment.

8 (2) A member, employee, or agent of the program,
9 association, or nonprofit corporation.

10 (3) A person who reports or provides information to
11 the program concerning an impaired legal professional,
12 including, but not limited to, a person designated to monitor
13 or supervise the course of treatment or rehabilitation of an
14 impaired professional.

15 Section 4. Information subject to privilege.--All
16 privileged information, whether attorney-client, work product,
17 or otherwise, in any form, furnished to the lawyer assistance
18 program shall remain privileged.

19 Section 5. Confidentiality of records, proceedings,
20 and communications.--The records, proceedings, and all
21 communications by and between an individual seeking assistance
22 and the lawyer assistance program shall be deemed confidential
23 and shall not be subject to disclosure or available for court
24 subpoena. This section does not prevent the subpoena of
25 business records that are otherwise available through
26 subpoena, nor does this section preclude release or disclosure
27 of information or communications by the lawyer assistance
28 program when such disclosure is mandated or required as a
29 condition or precondition for entry in the program. Such
30 records are not to be construed as privileged merely because
31 they have been maintained by a lawyer assistance program.

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1 Section 6. This act shall take effect upon becoming a
2 law.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:
7 remove from the title of the bill: everything before the
8 enacting clause

9
10 and insert in lieu thereof:

11 A bill to be entitled

12 An act relating to lawyer assistance programs;
13 providing civil immunity for persons making
14 good-faith reports of information to a lawyer
15 assistance program; providing for a presumption
16 of good faith; providing for immunity for
17 certain persons; providing that certain
18 information is subject to privilege; providing
19 for the confidentiality of certain records,
20 proceedings, and communications; providing an
21 effective date.

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