

TEXT OF SESSION LAWS CONTAINED IN REPORT

Chapter 2006-204

Section 1. Paragraph (a) of subsection (1) of section 90.503, Florida Statutes, is amended to read:

90.503. Psychotherapist-patient privilege

(1) For purposes of this section:

(a) A “psychotherapist” is:

1. A person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, who is engaged in the diagnosis or treatment of a mental or emotional condition, including alcoholism and other drug addiction;

2. A person licensed or certified as a psychologist under the laws of any state or nation, who is engaged primarily in the diagnosis or treatment of a mental or emotional condition, including alcoholism and other drug addiction;

3. A person licensed or certified as a clinical social worker, marriage and family therapist, or mental health counselor under the laws of this state, who is engaged primarily in the diagnosis or treatment of a mental or emotional condition, including alcoholism and other drug addiction; ~~or~~

4. Treatment personnel of facilities licensed by the state pursuant to chapter 394, chapter 395, or chapter 397, of facilities designated by the Department of Children and Family Services pursuant to chapter 394 as treatment facilities, or of facilities defined as community mental health centers pursuant to s. [394.907\(1\)](#), who are engaged primarily in the diagnosis or treatment of a mental or emotional condition, including alcoholism and other drug addiction; or

5. An advanced registered nurse practitioner certified under s. [464.012](#), whose primary scope of practice is the diagnosis or treatment of mental or emotional conditions, including chemical abuse, and limited only

to actions performed in accordance with part I of chapter 464.

Section 2. This act shall take effect July 1, 2006.

Chapter 2005-46

Section 1. Section 90.602, Florida Statutes, is repealed.

Section 2. Paragraph (e) is added to subsection (2) of section 90.804, Florida Statutes, to read:

90.804. Hearsay exceptions; declarant unavailable

(2) **Hearsay exceptions.**—The following are not excluded under s. 90.802, provided that the declarant is unavailable as a witness:

(e) Statement by deceased or ill declarant similar to one previously admitted. — In an action or proceeding brought against the personal representative, heir at law, assignee, legatee, devisee, or survivor of a deceased person, or against a trustee of a trust created by a deceased person, or against the assignee, committee, or guardian of a mentally incompetent person, when a declarant is unavailable as provided in paragraph (1)(d), a written or oral statement made regarding the same subject matter as another statement made by the declarant that has previously been offered by an adverse party and admitted in evidence.

Section 3. This act shall take effect July 1, 2005.