

By the Committees on Governmental Operations, Health Care Standards & Regulatory Reform and Representatives Wise, Arnold, Edwards and Goode

1                                   A bill to be entitled  
2           An act relating to certain social work  
3           services; creating part XV of chapter 468,  
4           F.S., to provide regulatory provisions  
5           applicable to certain social work practice;  
6           providing intent and definitions; creating an  
7           advisory council within the Department of  
8           Health; providing for appointment and terms of  
9           members and location of headquarters; providing  
10          for rules; providing for different levels of  
11          licensure and practice; providing for licensure  
12          by examination or endorsement; providing for  
13          biennial renewal of licenses; providing for  
14          inactive status and reactivation of inactive  
15          licenses; providing fees; requiring instruction  
16          on human immunodeficiency virus and acquired  
17          immune deficiency syndrome; providing  
18          continuing education requirements and providing  
19          for approval of continuing education providers,  
20          programs, and courses; providing grounds for  
21          disciplinary action and specifying criminal  
22          violations; prohibiting sexual misconduct;  
23          providing penalties; providing exemptions from  
24          regulation under the part; providing that  
25          communications between licensees and clients  
26          are confidential; providing requirements for  
27          the maintenance and transfer of records;  
28          requiring display of license at practice  
29          location; requiring professional designation on  
30          promotional materials; repealing s. 491.0145,  
31          F.S., relating to certified master social

1 workers, to conform; amending s. 491.0149,  
2 F.S., relating to display of license and use of  
3 professional title on promotional materials, to  
4 conform; repealing s. 491.015, F.S., relating  
5 to duties of the Department of Health as to  
6 certified master social workers, to conform;  
7 providing applicability to current  
8 certificateholders; providing an effective  
9 date.

10

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

12

13 Section 1. Part XV of chapter 468, Florida Statutes,  
14 consisting of sections 468.851, 468.852, 468.853, 468.855,  
15 468.856, 468.857, 468.858, 468.859, 468.861, 468.862, 468.863,  
16 468.864, 468.865, 468.866, 468.867, 468.868, and 468.869, is  
17 created to read:

18

PART XV

19

NONCLINICAL SOCIAL WORK PRACTICE

20

21 468.851 Intent.--The Legislature finds that as society  
22 becomes increasingly complex, emotional survival is equal in  
23 importance to physical survival. Therefore, in order to  
24 preserve the health, safety, and welfare of the public, the  
25 Legislature must provide confidential communication for  
26 members of the public, or those acting on their behalf, to  
27 encourage the seeking out of needed or desired social work  
28 services that are within the practice of nonclinical social  
29 work. The Legislature further finds that, since such  
30 supportive services assist individuals, families, groups, and  
31 communities, the practice of nonclinical social work by  
persons not qualified to practice such profession presents a

1 danger to the public health, safety, and welfare. The  
2 Legislature finds that, to further secure the health, safety,  
3 and welfare of the public and also to encourage professional  
4 cooperation among all qualified professionals, the Legislature  
5 must assist the public in making informed choices of such  
6 services by establishing minimum qualifications for entering  
7 into and remaining in the social work profession regulated  
8 under this part.

9 468.852 Definitions.--As used in this part:

10 (1) "Advisory council" or "council" means the Advisory  
11 Council on Nonclinical Social Work Practice.

12 (2) "Assessment" means the social work function,  
13 practiced by all social workers, of acquiring an understanding  
14 of the problem of a client, whether an individual, a family, a  
15 group, a community, or an organization; what causes the  
16 severity and intensity of the problem; and what can be done to  
17 minimize or resolve it. A nonclinical social worker performing  
18 an assessment examines a variety of issues in the context of  
19 the client's total environment, including health, physical and  
20 intellectual functioning, strengths and resources, service  
21 needs, social networks, and human service providers.

22 (3) "Case management" means the organization,  
23 coordination, and monitoring of a network of services for a  
24 client with multiple needs. The tasks of case management  
25 include, but are not limited to, case identification,  
26 assessment and planning to meet client needs, promoting the  
27 skills and capacities of the client, coordination and  
28 referral, implementation of services, advocating for the  
29 client when existing resources are insufficient or  
30 unavailable, and monitoring, evaluation, and reassessment.

31

1 Case management may be performed by social workers at all  
2 levels.

3 (4) "Department" means the Department of Health.

4 (5) "Licensed bachelor social worker" means a person  
5 licensed under this part to practice bachelor-level social  
6 work.

7 (6) "Licensed graduate social worker" means a person  
8 licensed under this part to practice graduate-level social  
9 work.

10 (7) "Practice of licensed bachelor social work" means  
11 the provision of generalist nonclinical social work services,  
12 based on generic practice knowledge and skills applicable  
13 across problems and populations. This includes the use of  
14 basic skills relevant to scientific and applied knowledge,  
15 theories, and methods to provide assessment and referral,  
16 needed information and education to clients, case management  
17 and supportive services to individuals, families, groups, and  
18 communities, problem-solving intervention, client-centered  
19 advocacy, and research. Nothing in this subsection may be  
20 construed to permit the practice of psychotherapy.

21 (8) "Practice of licensed graduate social work" means  
22 the provision of advanced and concentrated nonclinical social  
23 work practice skills, including the use of an enhanced base  
24 for scientific and applied knowledge, theories, and methods to  
25 provide a conceptual and practical framework for an advanced  
26 level of assessment and referral, casework management, and  
27 supportive services to individuals, families, groups, and  
28 communities, needed information and education to clients,  
29 client-centered advocacy, planning, community organization,  
30 supervision and consultation, management, social policy  
31 formulation, program development and implementation,

1 problem-solving and crisis intervention, and research and  
2 program evaluation. Nothing in this subsection may be  
3 construed to permit the practice of psychotherapy.  
4 (9) "Supervision" includes, but is not limited to,  
5 assigning cases, discussing assessment and intervention plans,  
6 reviewing contact with clients, and assisting workers with  
7 agency policy, knowledge of available resources, and  
8 enhancement of staff moral. Educational supervision is  
9 supervision oriented toward professional concerns related to  
10 specific cases and is practiced by all social workers.  
11 Administrative supervision is supervision oriented toward  
12 agency policy and public accountability.  
13 (10) "Support services" refers to the provision of  
14 concrete services, including, but not limited to, arranging  
15 transportation, equipment needs, and in-home service, food,  
16 and shelter, and the linking of clients with such services.  
17 468.853 Advisory Council on Nonclinical Social Work  
18 Practice.--  
19 (1) There is created within the Department of Health  
20 an Advisory Council on Nonclinical Social Work Practice  
21 composed of seven members appointed by the secretary of the  
22 department.  
23 (2)(a) Five members of the council shall be persons  
24 licensed under this part as follows:  
25 1. Two members shall be licensed bachelor social  
26 workers.  
27 2. Two members shall be licensed graduate social  
28 workers.  
29 3. One member shall be a clinical social worker  
30 licensed under chapter 491.  
31

1 Initially, however, the two members seated as licensed  
2 bachelor social workers and the two members seated as licensed  
3 graduate social workers may be unlicensed bachelor social  
4 workers and unlicensed graduate social workers who the  
5 secretary of the department has determined satisfy all of the  
6 requirements for licensure set forth in this part.  
7 (b) Two members of the council shall be citizens who  
8 are not connected with the practice of social work.  
9 (3)(a) No later than January 1, 1999, the secretary of  
10 the department shall appoint seven members of the council as  
11 follows:  
12 1. Two members for terms of 2 years each.  
13 2. Two members for terms of 3 years each.  
14 3. Three members for terms of 4 years each.  
15 (b) As the terms of the initial members expire, the  
16 secretary of the department shall appoint successors for terms  
17 of 4 years; and those members shall serve until their  
18 successors are appointed.  
19 (4) The department may adopt rules as provided in  
20 chapter 120 relating to the licensure of graduate social  
21 workers and bachelor social workers.  
22 (5) All applicable provisions of chapter 455 relating  
23 to activities of regulatory boards shall apply to the council.  
24 (6) The council shall maintain its official  
25 headquarters in the City of Tallahassee.  
26 468.855 Licensure by examination.--  
27 (1) LICENSED GRADUATE SOCIAL WORKER.--  
28 (a) Upon verification of documentation and payment of  
29 a fee not to exceed \$200, as set by department rule, plus the  
30 actual per applicant cost to the department for purchase of  
31 the examination from the American Association of State Social

1 Worker's Boards or a similar national organization, the  
2 department shall issue a license as a licensed graduate social  
3 worker to an applicant who the department certifies:  
4       1. Has made application therefor and paid the  
5 appropriate fee.  
6       2. Has received a doctoral degree in social work from  
7 a graduate school of social work which at the time the  
8 applicant graduated was accredited by an accrediting agency  
9 recognized by the United States Department of Education or has  
10 received a master's degree in social work from a graduate  
11 school of social work which at the time the applicant  
12 graduated:  
13       a. Was accredited by the Council on Social Work  
14 Education;  
15       b. Was accredited by the Canadian Association of  
16 Schools of Social Work; or  
17       c. Has been determined to have been a program  
18 equivalent to programs approved by the Council on Social Work  
19 Education by the Foreign Equivalency Determination Service of  
20 the Council on Social Work Education. An applicant who  
21 graduated from a program at a university or college outside  
22 the United States or Canada must present documentation of the  
23 equivalency determination from such council in order to  
24 qualify.  
25       3. Has had not less than 2 years of social work  
26 experience, which took place subsequent to completion of a  
27 graduate degree in social work at an institution meeting the  
28 accreditation requirements of this subsection, under the  
29 supervision of a licensed clinical social worker, a licensed  
30 graduate social worker, or the equivalent who is a qualified  
31 supervisor as determined by the department. An applicant who

1 is completing the social work experience required by this  
2 subparagraph may practice as a graduate social work intern or  
3 trainee under supervision.

4 4. Has passed a theory and practice examination  
5 provided by the department for this purpose.

6 5. Has demonstrated, in a manner designated by rule of  
7 the department, knowledge of the laws and rules governing the  
8 practice of graduate-level social work.

9 (b) The educational program under this subsection must  
10 include content on social work values and ethics, diversity,  
11 social and economic justice, populations at risk, human  
12 behavior and the social environment, social welfare policy and  
13 services, social work practice, and research and skills for  
14 advanced practice in an identifiable field of practice on  
15 social work methodology such as management, administration,  
16 program planning and evaluation, staff development, research,  
17 community organization, community services, social planning,  
18 program supervision, or human service advocacy. The program  
19 must include a supervised field placement in an advanced  
20 social work method or field of practice.

21 (c) Upon licensure, a licensed graduate social worker  
22 may engage in nonclinical social work practice as authorized  
23 by this part. A licensed graduate social worker may not  
24 provide psychotherapy services or any other service for which  
25 licensure as a clinical social worker is required, and nothing  
26 in this subsection may be construed to permit the practice of  
27 psychotherapy.

28 (2) LICENSED BACHELOR SOCIAL WORKER.--

29 (a) Upon verification of documentation and payment of  
30 a fee not to exceed \$200, as set by department rule, plus the  
31 actual per applicant cost to the department for purchase of



1 the examination from the American Association of State Social  
2 Worker's Boards or a similar national organization, the  
3 department shall issue a license as a licensed bachelor social  
4 worker to an applicant who the department certifies:  
5       1. Has made application therefor and paid the  
6 appropriate fee.  
7       2. Has received a bachelor's degree in social work  
8 from a school of social work at a university or college which  
9 at the time the applicant graduated was accredited by an  
10 accrediting agency recognized by the United States Department  
11 of Education or has received a bachelor's degree in social  
12 work from a school of social work at a university or college  
13 which at the time the applicant graduated:  
14       a. Was accredited by the Council on Social Work  
15 Education;  
16       b. Was accredited by the Canadian Association of  
17 Schools of Social Work; or  
18       c. Has been determined to have been a program  
19 equivalent to programs approved by the Council on Social Work  
20 Education by the Foreign Equivalency Determination Service of  
21 the Council on Social Work Education. An applicant who  
22 graduated from a program at a university or college outside  
23 the United States or Canada must present documentation of the  
24 equivalency determination from such council in order to  
25 qualify.  
26       3. Has had not less than 2 years of social work  
27 experience, which took place subsequent to completion of a  
28 bachelor's degree in social work at an institution meeting the  
29 accreditation requirements of this subsection, under the  
30 supervision of a licensed clinical social worker, a licensed  
31 graduate social worker, a licensed bachelor social worker, or

1 the equivalent who is a qualified supervisor as determined by  
2 the department. An applicant who is completing the social work  
3 experience required by this subparagraph may practice as a  
4 bachelor social work intern or trainee under supervision.

5 4. Has passed a theory and practice examination  
6 provided by the department for this purpose.

7 5. Has demonstrated, in a manner designated by rule of  
8 the department, knowledge of the laws and rules governing the  
9 practice of bachelor-level social work.

10 (b) The educational program under this subsection must  
11 include content on social work values and ethics, diversity,  
12 social and economic justice, populations at risk, human  
13 behavior and the social environment, social welfare policy and  
14 services, social work practice, and research and skills for  
15 entry-level practice. The program must include an entry-level  
16 supervised placement in a social service setting.

17 (c) Upon licensure, a licensed bachelor social worker  
18 may engage in nonclinical social work practice as authorized  
19 by this part. A licensed bachelor social worker may not  
20 provide psychotherapy services or any other service for which  
21 licensure as a licensed graduate social worker or clinical  
22 social worker is required, and nothing in this subsection may  
23 be construed to permit the practice of psychotherapy.

24 468.856 Licensure by endorsement.--

25 (1) The department shall license a person in any level  
26 of nonclinical social work regulated by this part who, upon  
27 applying to the department and remitting the appropriate fee,  
28 demonstrates to the department that he or she:

29 (a) Holds an active, valid license to practice and has  
30 actively practiced that level of social work in another state  
31 for 3 of the 5 years immediately preceding licensure.

1        (b) Meets the education and experience requirements of  
2 this part for the level of social work for which licensure is  
3 applied.

4        (c) Has passed a substantially equivalent licensing  
5 examination in another state.

6        (d) Holds a license in good standing, is not under  
7 investigation for an act that would constitute a violation of  
8 this part, and has not been found to have committed any act  
9 that would constitute a violation of this part.

10       (e) Has demonstrated knowledge of the applicable laws  
11 and rules of this state.

12       (2) The department may not issue a license by  
13 endorsement to any applicant who is under investigation in  
14 this or another jurisdiction for an act that would constitute  
15 a violation of this part until such time as the investigation  
16 is complete, at which time the provisions of s. 468.862 apply.

17       468.857 Requirement for instruction on human  
18 immunodeficiency virus and acquired immune deficiency  
19 syndrome.--The department shall require, as a condition of  
20 granting a license under this part, that an applicant making  
21 initial application for licensure complete an education course  
22 acceptable to the department on human immunodeficiency virus  
23 and acquired immune deficiency syndrome. An applicant who has  
24 not taken a course at the time of licensure shall, upon  
25 submission of an affidavit showing good cause, be allowed 6  
26 months to complete this requirement.

27       468.858 Renewal of license.--

28       (1) The department shall prescribe by rule a method  
29 for the biennial renewal of licenses at a fee set by rule, not  
30 to exceed \$150.

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1           (2) Each applicant for renewal shall present  
2 satisfactory evidence that, in the period since the license  
3 was issued, the applicant has completed continuing education  
4 requirements set by rule of the department. Not more than 25  
5 classroom hours of continuing education per year may be  
6 required.

7           468.859 Inactive status; reactivation of licenses;  
8 fees.--

9           (1) Inactive status is the licensure status that  
10 results when a licensee has applied to be placed on inactive  
11 status and has paid a \$50 fee to the department.

12           (a) An inactive license may be renewed biennially for  
13 \$50 per biennium.

14           (b) An inactive license may be reactivated by  
15 submitting an application to the department, completing the  
16 continuing education requirements, complying with any  
17 background investigation required, complying with other  
18 requirements prescribed by the department, and paying a \$50  
19 reactivation fee plus the current biennial renewal fee at the  
20 time of reactivation.

21           (2) The department may adopt rules relating to  
22 inactive licenses and the reactivation of licenses.

23           468.861 Continuing education; approval of providers,  
24 programs, and courses; proof of completion.--

25           (1) Continuing education providers, programs, and  
26 courses shall be approved by the department.

27           (2) The department has the authority to set a fee not  
28 to exceed \$300 for each provider submitted for approval. Such  
29 fees shall be deposited into the Health Care Trust Fund.

30           (3) Proof of completion of the required number of  
31 hours of continuing education shall be submitted to the

1 department in the manner and time specified by rule and on  
2 forms provided by the department.  
3 (4) The department may adopt rules as provided in  
4 chapter 120 to approve continuing education providers,  
5 programs, and courses.  
6 468.862 Discipline.--  
7 (1) When the department finds that an applicant or  
8 licensee whom it regulates under this part has committed any  
9 of the acts set forth in subsection (2), it may issue an order  
10 imposing one or more of the following penalties:  
11 (a) Denial of an application for licensure, either  
12 temporarily or permanently.  
13 (b) Revocation of a license, after hearing, either  
14 temporarily or permanently.  
15 (c) Suspension of a license for a period of up to 5  
16 years, after hearing.  
17 (d) Immediate suspension of a license pursuant to s.  
18 120.60(6).  
19 (e) Imposition of an administrative fine not to exceed  
20 \$1,000 for each count or separate offense.  
21 (f) Issuance of a public reprimand.  
22 (g) Placement of an applicant or licensee on probation  
23 for a period of time and subject to such conditions as the  
24 department may specify, including, but not limited to,  
25 requiring the applicant or licensee to submit to treatment, to  
26 attend continuing education courses, to submit to  
27 reexamination, or to work under the supervision of a  
28 designated licensee.  
29 (h) Restriction of practice.  
30  
31

1       (2) The following acts of a licensee or applicant are  
2 grounds for which the disciplinary actions listed in  
3 subsection (1) may be taken:  
4       (a) Attempting to obtain, obtaining, or renewing a  
5 license under this part by bribery or fraudulent  
6 misrepresentation or through an error of the department.  
7       (b) Having a license to practice a comparable  
8 profession revoked, suspended, or otherwise acted against,  
9 including the denial of licensure by another state, territory,  
10 or country.  
11       (c) Being convicted or found guilty of, regardless of  
12 adjudication, or having entered a plea of nolo contendere to,  
13 a crime in any jurisdiction which directly relates to the  
14 practice of his or her profession or the ability to practice  
15 his or her profession. However, in the case of a plea of nolo  
16 contendere, the department shall allow the person who is the  
17 subject of the disciplinary proceeding to present evidence in  
18 mitigation relevant to the underlying charges and  
19 circumstances surrounding the plea.  
20       (d) False, deceptive, or misleading advertising or  
21 obtaining a fee or other thing of value on the representation  
22 that beneficial results from any treatment will be guaranteed.  
23       (e) Advertising, practicing, or attempting to practice  
24 under a name other than one's own.  
25       (f) Maintaining a professional association with any  
26 person who the applicant or licensee knows, or has reason to  
27 believe, is in violation of this part or of a rule of the  
28 department.  
29       (g) Knowingly aiding, assisting, procuring, or  
30 advising any nonlicensed person to hold himself or herself out  
31 as licensed under this part.

1       (h) Failing to perform any statutory or legal  
2 obligation placed upon a person licensed under this part.

3       (i) Willfully making or filing a false report or  
4 record; failing to file a report or record required by state  
5 or federal law; willfully impeding or obstructing the filing  
6 of a report or record; or inducing another person to make or  
7 file a false report or record or to impede or obstruct the  
8 filing of a report or record. Such report or record includes  
9 only a report or record which requires the signature of a  
10 person licensed under this part.

11       (j) Paying a kickback, rebate, bonus, or other  
12 remuneration for receiving a client, or receiving a kickback,  
13 rebate, bonus, or other remuneration for referring a client to  
14 another licensee under this part, to a provider of mental  
15 health care services, or to a provider of health care services  
16 or goods; referring a client to oneself for services on a  
17 fee-paid basis when those services are already being paid for  
18 by some other public or private entity; or entering into a  
19 reciprocal referral agreement.

20       (k) Committing any act upon a client which would  
21 constitute sexual battery or which would constitute sexual  
22 misconduct as defined pursuant to s. 468.863.

23       (l) Making misleading, deceptive, untrue, or  
24 fraudulent representations in the practice of any profession  
25 licensed under this part.

26       (m) Soliciting clients personally, or through an  
27 agent, through the use of fraud, intimidation, undue  
28 influence, or a form of overreaching or vexatious conduct.

29       (n) Failing to make available to a client, upon  
30 written request, copies of records in the possession or under  
31

1 the control of the licensee which have been prepared for the  
2 client.

3 (o) Failing to respond within 30 days to a written  
4 communication from the department concerning any investigation  
5 by the department, or failing to make available any relevant  
6 records with respect to any investigation about the licensee's  
7 conduct or background.

8 (p) Being unable to practice the profession for which  
9 he or she is licensed under this part with reasonable skill or  
10 competence as a result of any mental or physical condition or  
11 by reason of illness; drunkenness; or excessive use of drugs,  
12 narcotics, chemicals, or any other substance. In enforcing  
13 this paragraph, upon a finding by the secretary, or his or her  
14 designee, that probable cause exists to believe that the  
15 licensee is unable to practice the profession because of the  
16 reasons stated in this paragraph, the department shall have  
17 the authority to compel a licensee to submit to a mental or  
18 physical examination by psychologists, physicians, or  
19 licensees under chapter 491, designated by the department. If  
20 the licensee refuses to comply with such order, the  
21 department's order directing the examination may be enforced  
22 by filing a petition for enforcement in the circuit court in  
23 the circuit in which the licensee resides or does business.  
24 The licensee against whom the petition is filed shall not be  
25 named or identified by initials in any public court records or  
26 documents, and the proceedings shall be closed to the public.  
27 The department shall be entitled to the summary procedure  
28 provided in s. 51.011. A licensee affected under this  
29 paragraph shall at reasonable intervals be afforded an  
30 opportunity to demonstrate that he or she can resume the  
31



1 competent practice for which he or she is licensed with  
2 reasonable skill and safety to clients.

3 (q) Violating any provision of this part or chapter  
4 455, or any rule adopted pursuant thereto.

5 (r) Failing to meet the minimum standards of  
6 performance in professional activities when measured against  
7 generally prevailing peer performance, including the  
8 undertaking of activities for which the licensee is not  
9 qualified by training or experience.

10 (s) Delegating professional responsibilities to a  
11 person who the licensee knows or has reason to know is not  
12 qualified by training or experience to perform such  
13 responsibilities.

14 (t) Violating a rule relating to the regulation of the  
15 profession or a lawful order of the department previously  
16 entered in a disciplinary hearing.

17 (u) Failure of the licensee to maintain in confidence  
18 a communication made by a client in the context of such  
19 services, except as provided in s. 468.867.

20 (v) Making public statements which are derived from  
21 test data, client contacts, or behavioral research and which  
22 identify or damage research subjects or clients.

23 468.863 Sexual misconduct.--Sexual misconduct by any  
24 person licensed under this part, in the practice of his or her  
25 profession, is prohibited. Sexual misconduct shall be defined  
26 by rule of the department.

27 468.864 Sexual misconduct by licensees under this  
28 part; penalties.--

29 (1) Any licensee under this part who commits sexual  
30 misconduct with a client, or former client when the  
31 professional relationship was terminated primarily for the

1 purpose of engaging in sexual contact, commits a felony of the  
2 third degree, punishable as provided in s. 775.082 or s.  
3 775.083; however, a second or subsequent offense is a felony  
4 of the second degree, punishable as provided in s. 775.082, s.  
5 775.083, or s. 775.084.

6 (2) Any licensee under this part who violates  
7 subsection (1) by means of deception commits a felony of the  
8 second degree, punishable as provided in s. 775.082, s.  
9 775.083, or s. 775.084.

10 (3) The giving of consent by the client to any such  
11 act shall not be a defense to these offenses.

12 (4) For the purposes of this section:

13 (a) "Client" means a person to whom the services of a  
14 licensee under this part are provided.

15 (b) "Deception" means a representation to the client  
16 that sexual contact by the licensee is consistent with or part  
17 of the treatment of the client.

18 (c) "Sexual misconduct" means the oral, anal, or  
19 vaginal penetration of another by, or contact with, the sexual  
20 organ of another or the anal or vaginal penetration of another  
21 by any object.

22 468.865 Violations; penalty; injunction.--

23 (1) It is unlawful and a violation of this part for  
24 any person to:

25 (a) Use the following titles or any combination  
26 thereof, unless the person holds a valid, active license as a  
27 licensed graduate social worker issued pursuant to this part:

28 1. "Licensed graduate social worker."

29 2. "Graduate social worker."

30 3. "Advanced social worker."

31

- 1           (b) Use the following titles or any combination  
2 thereof, unless the person holds a valid, active license as a  
3 licensed bachelor social worker issued pursuant to this part:  
4           1. "Licensed bachelor social worker."  
5           2. "Bachelor social worker."  
6           3. "Baccalaureate social worker."  
7           4. "Social worker technician."  
8           (c) Use the term "psychotherapist" or "sex therapist,"  
9 unless such person is licensed pursuant to chapter 458,  
10 chapter 459, chapter 490, or chapter 491, or is certified  
11 under s. 464.012 as an advanced registered nurse practitioner  
12 who has been determined by the Board of Nursing as a  
13 specialist in psychiatric mental health and the use of such  
14 term is within the scope of his or her practice based on  
15 education, training, and licensure.  
16           (d) Present as his or her own the social work license  
17 of another.  
18           (e) Give false or forged evidence to the department  
19 for the purpose of obtaining a license.  
20           (f) Use or attempt to use a license issued pursuant to  
21 this part which has been revoked or is under suspension.  
22           (g) Knowingly conceal information relative to any  
23 violation of this part.  
24           (h) Beginning January 1, 1999, practice in this state  
25 any social work that is regulated under this part, as such  
26 practice is defined in s. 468.852, unless the person holds a  
27 valid, active license to practice nonclinical social work  
28 issued under this part. This paragraph does not apply to the  
29 practice of clinical social work, which is regulated under  
30 chapter 491.  
31

- 1       (2) It is unlawful and a violation of this part for  
2 any person to describe his or her services using the following  
3 terms or any derivative thereof, unless such person holds a  
4 valid, active license under chapter 458, chapter 459, chapter  
5 490, or chapter 491, or is certified under s. 464.012 as an  
6 advanced registered nurse practitioner who has been determined  
7 by the Board of Nursing as a specialist in psychiatric mental  
8 health and the use of such term is within the scope of his or  
9 her practice based on education, training, and licensure:
- 10       (a) "Psychotherapy."  
11       (b) "Sex therapy."  
12       (c) "Sex counseling."  
13       (d) "Clinical social work."  
14       (e) "Psychiatric social work."
- 15       (3) It is unlawful and a violation of this part for  
16 any person to use the term "social worker" or "licensed social  
17 worker" or to describe his or her services using the following  
18 terms or any derivative thereof, unless such person holds a  
19 valid, active license under this part or is a clinical social  
20 worker licensed under chapter 491:
- 21       (a) "Social work."  
22       (b) "Social work services."
- 23       (4) Nothing in this section may be construed to permit  
24 the practice of psychotherapy.
- 25       (5) Any person who violates any provision of  
26 subsection (1), subsection (2), or subsection (3) commits a  
27 misdemeanor of the first degree, punishable as provided in s.  
28 775.082 or s. 775.083.
- 29       (6) The department may institute appropriate judicial  
30 proceedings to enjoin violation of this section.
- 31       468.866 Exemptions.--

1       (1) No provision of this part may be construed to  
2 limit the practice of physicians licensed under chapter 458 or  
3 chapter 459, psychologists licensed under chapter 490, or  
4 clinical social workers, marriage and family therapists, or  
5 mental health counselors licensed under chapter 491, so long  
6 as they do not unlawfully hold themselves out to the public as  
7 possessing a license issued under this part or use a  
8 professional title protected by this part. However, a clinical  
9 social worker licensed under chapter 491 may use the term  
10 "social work," "licensed social worker," or "social worker."

11       (2) No provision of this part may be construed to  
12 limit the practice of nursing, school psychology, school  
13 guidance counseling, or psychology or to prevent qualified  
14 members of other professions from doing work of a nature  
15 consistent with their training and licensure, so long as they  
16 do not hold themselves out to the public as possessing a  
17 license issued under this part or use a professional title  
18 protected by this part.

19       (3) No provision of this part may be construed to  
20 limit the performance of activities of a rabbi, priest,  
21 minister, or clergyman of any religious denomination or sect,  
22 or use of the term "Christian counselor" or "Christian  
23 clinical counselor" when the activities are within the scope  
24 of the performance of his or her regular or specialized  
25 ministerial duties and no compensation is received by him or  
26 her, or when such activities are performed, with or without  
27 compensation, by a person for or under the auspices or  
28 sponsorship, individually or in conjunction with others, of an  
29 established and legally cognizable church, denomination, or  
30 sect, and when the person rendering service remains  
31 accountable to the established authority thereof, so long as

1 such person does not unlawfully hold himself or herself out to  
2 the public as possessing a license issued under this part or  
3 use a professional title protected by this part.

4 (4) A person is not required to be licensed under this  
5 part who:

6 (a) Is a salaried employee of a government agency;  
7 developmental services program or mental health, alcoholic, or  
8 drug abuse facility operating under chapter 393, chapter 394,  
9 or chapter 397; subsidized child care, subsidized child care  
10 case management, or child care resource and referral program  
11 operating under chapter 402; child-placing or child-caring  
12 agency licensed under chapter 409; domestic violence center  
13 certified under chapter 415; accredited academic institution;  
14 or research institution, if such employee is performing duties  
15 for which he or she was trained and hired solely within the  
16 confines of such agency, facility, or institution.

17 (b) Is a salaried employee of a private, nonprofit  
18 organization providing counseling services to children, youth,  
19 and families, if such services are provided for no charge, if  
20 such employee is performing duties for which he was trained  
21 and hired.

22 (c) Is a student providing services regulated under  
23 this part who is pursuing a course of study that leads to a  
24 degree in a profession regulated by this part, is providing  
25 services in a training setting, provided such services and  
26 associated activities constitute part of a supervised course  
27 of study, and is designated by the title "student intern."

28 (d) Is not a resident of this state but offers  
29 services in this state, provided:

30  
31

1           1. Such services are performed for no more than 5 days  
2 in any month and no more than 15 days in any calendar year;  
3 and

4           2. Such nonresident is licensed to practice the  
5 services provided by a state or territory of the United States  
6 or by a foreign country or province.

7           (e) Is a volunteer in a public or private nonprofit or  
8 for-profit social welfare agency, when the activities are  
9 within the scope of performance of his or her regular duties  
10 and no financial compensation is received by him or her, so  
11 long as such person does not unlawfully hold himself or  
12 herself out to the public as possessing a license issued under  
13 this part or use a professional title protected by this part.

14           (f) Is certified in "school social work" by the  
15 Department of Education and is performing school social work  
16 services as an employee of a public or private educational  
17 institution. This exemption may not be construed to authorize  
18 any unlicensed practice that is not performed as a direct  
19 employee of an educational institution.

20           (g) Is a salaried employee of a facility licensed  
21 under part II, part III, or part VI of chapter 400, practices  
22 only in the licensed facility under the supervision of the  
23 facility administrator, and does not engage in the practice of  
24 clinical social work.

25  
26 The exemptions in paragraphs (a) and (b) expire on January 1,  
27 2003, after which no person may be exempt under such  
28 conditions unless the person works in a program that  
29 administers and maintains a competency-based training program  
30 for employees providing social work services, or if the agency  
31 maintains external accreditation by an appropriate

1 standard-setting body as defined by the department. The  
2 department shall approve competency-based training programs  
3 developed by agencies delivering services in the exempt  
4 settings identified in paragraphs (a) and (b) or by  
5 organizations representing these agencies if such  
6 competency-based programs meet criteria established by the  
7 department.

8 (5) No provision of this part may be construed to  
9 limit the activities of an employee of a governmental or  
10 nongovernmental agency or organization whose job  
11 responsibilities do not include methods of a psychological  
12 nature used to evaluate, assess, diagnose, treat, or prevent  
13 emotional or mental disorders or dysfunctions (whether  
14 cognitive, affective, or behavioral), sexual dysfunction,  
15 behavioral disorders, alcoholism, and substance abuse, so long  
16 as such employee does not hold himself or herself out as  
17 performing social work or being a social worker.

18 (6) No provision of this part may be construed to  
19 limit the practice of any individual who solely engages in  
20 behavior analysis so long as he or she does not hold himself  
21 or herself out to the public as possessing a license issued  
22 under this part or use a professional title protected by this  
23 part.

24 (7) Nothing in subsections (2)-(5) exempts any person  
25 from the provisions of s. 468.865(1)(a)-(b).

26 (8) Any person who is not licensed under any provision  
27 of this part by January 1, 1999, and who desires to become so  
28 licensed shall register with the department that person's  
29 intent to become fully licensed no later than January 1, 2000.  
30 The costs to the department of such registration shall be  
31 borne by the registrant. The department may require affidavits



1 and supporting documentation sufficient to demonstrate that  
2 the registrant is preparing for examination by January 1,  
3 1999, under this part. The department may adopt rules as  
4 provided in chapter 120 to register any person desiring to  
5 become licensed under this part. Upon receipt of the  
6 department's notice of registration, the registrant may  
7 practice services as defined in s. 468.852(7) and (8),  
8 provided the registrant uses "trainee" or "intern" with any  
9 title or description of the registrant's work and on any  
10 business correspondence and work product, including, but not  
11 limited to, a business card, letterhead, sign, billing, or  
12 report, unless exempt under this part.

13 (9) Any person who meets the requirements of s.  
14 468.855(1)(a)1.-2. or s. 468.855(2)(a)1.-2. and has not less  
15 than 2 years of social work experience related to the  
16 licensing area which took place subsequent to completion of a  
17 bachelor's or graduate degree in social work at an institution  
18 meeting the accreditation requirements of s. 468.855(1) or  
19 (2), as applicable, shall be allowed to apply for the  
20 appropriate license and receive a license if he or she has met  
21 all other qualifications except the 2 years of experience  
22 under a qualified professional. This subsection and the  
23 ability to become licensed under this subsection shall expire  
24 January 1, 2004.

25 (10) Except as stipulated by the department, the  
26 exemptions contained in this section do not apply to any  
27 person licensed under this part whose license has been  
28 suspended or revoked by the department or another  
29 jurisdiction.

30 (11) Nothing in this section shall be construed to  
31 exempt a person from meeting the minimum standards of

1 performance in professional activities when measured against  
2 generally prevailing peer performance, including the  
3 undertaking of activities for which the person is not  
4 qualified by training or experience.

5 468.867 Confidential communications.--Any  
6 communication between any person licensed under this part and  
7 his or her client shall be confidential. This secrecy may be  
8 waived under the following conditions:

9 (1) When the person licensed under this part is a  
10 party defendant to a civil, criminal, or disciplinary action  
11 arising from a complaint filed by the client, in which case  
12 the waiver shall be limited to that action.

13 (2) When the client agrees to the waiver, in writing,  
14 or, when more than one person in a family is receiving  
15 nonclinical social work services, when each family member  
16 agrees to the waiver, in writing.

17 (3) When there is a clear and immediate probability of  
18 physical harm to the client, to other individuals, or to  
19 society and the person licensed under this part communicates  
20 the information only to the potential victim, appropriate  
21 family member, or law enforcement or other appropriate  
22 authorities.

23 468.868 Records.--Each person licensed under this part  
24 who provides services as defined in this part must maintain  
25 records. The department may adopt rules defining the minimum  
26 requirements for records and reports, including content,  
27 length of time records must be maintained, and transfer of  
28 either the records or a report of such records to a subsequent  
29 licensee or other individual with written consent of the  
30 client or clients.

31

1           468.869 Display of license; use of professional title  
2 on promotional materials.--  
3           (1) Each person licensed under this part must  
4 conspicuously display the valid license issued by the  
5 department or a true copy thereof at each location at which  
6 the licensee practices his or her profession.  
7           (2) Each person licensed under this part must include  
8 the words "Licensed Graduate Social Worker" or the letters  
9 "LGSW," or "Licensed Bachelor Social Worker" or the letters  
10 "LBSW," as applicable, on all promotional materials, including  
11 cards, brochures, stationery, advertisements, and signs,  
12 naming the licensee.  
13           Section 2. Paragraph (a) of subsection (1) of section  
14 491.0149, Florida Statutes, is amended to read:  
15           491.0149 Display of license; use of professional title  
16 on promotional materials.--  
17           (1)(a) A person licensed under this chapter as a  
18 clinical social worker, marriage and family therapist, or  
19 mental health counselor, ~~or certified as a master social~~  
20 ~~worker~~ shall conspicuously display the valid license issued by  
21 the department or a true copy thereof at each location at  
22 which the licensee practices his or her profession.  
23           Section 3. Sections 491.0145 and 491.015, Florida  
24 Statutes, are repealed.  
25           Section 4. Any person who, on the effective date of  
26 this act, holds an active, valid certificate to practice  
27 master social work under s. 491.0145, Florida Statutes, as it  
28 existed immediately prior to the effective date of this act,  
29 may continue to practice under such certificate until the  
30 certificate expires or until January 1, 1999, whichever occurs  
31

1 sooner, after which the provisions of part XV of chapter 468,  
2 Florida Statutes, as created by this act, shall control.  
3           Section 5. This act shall take effect July 1 of the  
4 year in which enacted.  
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