

By Representative Morse

1                                   A bill to be entitled  
2           An act relating to mental health services;  
3           amending s. 456.32, F.S.; including specified  
4           mental health professionals within the  
5           definition of "practitioner of the healing  
6           arts"; amending s. 490.003, F.S.; revising and  
7           providing definitions relating to the  
8           regulation of psychological services; amending  
9           s. 490.005, F.S.; conforming cross references;  
10          creating s. 490.0051, F.S.; providing for  
11          provisional licensure; repealing s. 490.008,  
12          F.S., relating to inactive status; amending s.  
13          490.0085, F.S.; authorizing the Board of  
14          Psychology to designate an organization  
15          responsible for approval of continuing  
16          education providers, programs, and courses for  
17          psychologists; amending s. 490.009, F.S.;  
18          revising and providing grounds for disciplinary  
19          action; amending s. 490.012, F.S.; providing  
20          requirements for display of licenses and  
21          provisional licenses; eliminating a requirement  
22          relating to use of the license number on  
23          professional advertisements; providing  
24          requirements for promotional materials of  
25          provisional licensees; conforming cross  
26          references; providing penalties; amending s.  
27          490.014, F.S.; clarifying applicability of  
28          exemption provisions; removing an obsolete  
29          licensing exemption that required registration  
30          of certain trainees or interns; amending s.  
31          490.0147, F.S.; revising provisions relating to

1 waiver of secrecy of confidential  
2 communications; amending s. 491.003, F.S.;  
3 revising and providing definitions relating to  
4 the regulation of clinical, counseling, and  
5 psychotherapy services; creating s. 491.0045,  
6 F.S.; requiring registration of interns and  
7 providing requirements thereof; creating s.  
8 491.0046, F.S.; providing for provisional  
9 licensure; amending s. 491.005, F.S.; revising  
10 requirements for licensure by examination;  
11 providing for additional educational  
12 requirements at a future date; creating s.  
13 491.0057, F.S.; providing for dual licensure as  
14 a marriage and family therapist; amending s.  
15 491.007, F.S.; providing for biennial renewal  
16 of registrations; providing for fees; amending  
17 s. 491.009, F.S.; revising and providing  
18 grounds for disciplinary action; amending s.  
19 491.012, F.S.; prohibiting the use of certain  
20 titles under certain circumstances; providing a  
21 penalty; amending s. 491.014, F.S.; revising  
22 and clarifying exemption provisions; removing  
23 an obsolete licensing exemption that required  
24 registration of certain trainees or interns;  
25 amending s. 491.0147, F.S.; revising provisions  
26 relating to waiver of secrecy of confidential  
27 communications; amending s. 491.0149, F.S.;  
28 requiring display of registrations and  
29 provisional licenses and use of applicable  
30 professional titles on promotional materials;  
31 amending s. 766.1115, F.S.; including specified

1           mental health professionals within the  
2           definition of "health care provider" under the  
3           Access to Health Care Act; amending ss. 232.02  
4           and 394.455, F.S.; correcting cross references,  
5           to conform; providing for a work group to  
6           analyze community mental health care services;  
7           requiring recommendations to the Legislature;  
8           providing effective dates.

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

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12           Section 1. Subsection (3) of section 456.32, Florida  
13   Statutes, is amended to read:

14           456.32 Definitions.--In construing this chapter, the  
15   words, phrases, or terms, unless the context otherwise  
16   indicates, shall have the following meanings:

17           (3) "Practitioner of the healing arts" shall mean a  
18   person licensed under the laws of the state to practice  
19   medicine, surgery, psychiatry, dentistry, osteopathic  
20   medicine, chiropractic, naturopathy, podiatry, chiropody,  
21   psychology, clinical social work, marriage and family therapy,  
22   mental health counseling, or optometry within the scope of his  
23   professional training and competence and within the purview of  
24   the statutes applicable to his respective profession, and who  
25   may refer a patient for treatment by a qualified person, who  
26   shall employ hypnotic techniques under the supervision,  
27   direction, prescription, and responsibility of such referring  
28   practitioner.

29           Section 2. Section 490.003, Florida Statutes, is  
30   amended to read:

31           490.003 Definitions.--As used in this chapter:

1           ~~(1)~~(2) "Board" means the Board of Psychology.  
2           ~~(2)~~(1) "Department" means the Department of Health  
3 ~~Business and Professional Regulation.~~  
4           ~~(3)~~(7)(a) Prior to July 1, 1999, "doctoral-level  
5 psychological education" and "doctoral degree in psychology"  
6 mean a Psy.D., an ~~and~~ Ed.D. in psychology, or a Ph.D. in  
7 psychology from:  
8           1. An educational institution which, at the time the  
9 applicant was enrolled and graduated, had institutional  
10 accreditation from an agency recognized and approved by the  
11 United States Department of Education or was recognized as a  
12 member in good standing with the Association of Universities  
13 and Colleges of Canada; and  
14           2. A psychology program within that educational  
15 institution which, at the time the applicant was enrolled and  
16 graduated, had programmatic accreditation from an accrediting  
17 agency recognized and approved by the United States Department  
18 of Education or was comparable to such programs.  
19           (b) Effective July 1, 1999, "doctoral-level  
20 psychological education" and "doctoral degree in psychology"  
21 mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in  
22 psychology from:  
23           1. An educational institution which, at the time the  
24 applicant was enrolled and graduated, had institutional  
25 accreditation from an agency recognized and approved by the  
26 United States Department of Education or was recognized as a  
27 member in good standing with the Association of Universities  
28 and Colleges of Canada; and  
29           2. A psychology program within that educational  
30 institution which, at the time the applicant was enrolled and  
31 graduated, had programmatic accreditation from an agency

1 recognized and approved by the United States Department of  
2 Education.

3 (4) "Practice of psychology" means the observations,  
4 description, evaluation, interpretation, and modification of  
5 human behavior, by the use of scientific and applied  
6 psychological principles, methods, and procedures, for the  
7 purpose of describing, preventing, alleviating, or eliminating  
8 symptomatic, maladaptive, or undesired behavior and of  
9 enhancing interpersonal behavioral health and mental or  
10 psychological health. The ethical practice of psychology  
11 includes, but is not limited to, psychological testing and the  
12 evaluation or assessment of personal characteristics such as  
13 intelligence, personality, abilities, interests, aptitudes,  
14 and neuropsychological functioning, including evaluation of  
15 mental competency to manage one's affairs and to participate  
16 in legal proceedings; counseling, psychoanalysis, all forms of  
17 psychotherapy, sex therapy, hypnosis, biofeedback, and  
18 behavioral analysis and therapy; psychoeducational evaluation,  
19 therapy, remediation, and consultation; and use of  
20 psychological methods to diagnose and treat mental, nervous,  
21 psychological, marital, or emotional disorders, illness, or  
22 disability, alcoholism and substance abuse, and disorders of  
23 habit or conduct, as well as the psychological aspects of  
24 physical illness, accident, injury, or disability, including  
25 neuropsychological evaluation, diagnosis, prognosis, etiology,  
26 and treatment.

27 (a) Psychological services may be rendered to  
28 individuals, couples, families, groups, and the public without  
29 regard to place of service.

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1           (b) The use of specific modalities within the practice  
2 of psychology is restricted to psychologists appropriately  
3 trained in the use of such modalities.

4           (c) The practice of psychology shall be construed  
5 within the meaning of this definition without regard to  
6 whether payment is requested or received for services  
7 rendered.

8           (5)~~(6)~~ "Practice of school psychology" means the  
9 rendering or offering to render to an individual, a group, an  
10 organization, a government agency, or the public any of the  
11 following services:

12           (a) Assessment, which includes psychoeducational,  
13 developmental, and vocational assessment; evaluation and  
14 interpretation of intelligence, aptitudes, interests, academic  
15 achievement, adjustment, and motivations, or any other  
16 attributes, in individuals or groups, that relate to learning,  
17 educational, or adjustment needs.

18           (b) Counseling, which includes short-term  
19 situation-oriented professional interaction with children,  
20 parents, or other adults for amelioration or prevention of  
21 learning and adjustment problems. Counseling services  
22 relative to the practice of school psychology include verbal  
23 interaction, interviewing, behavior techniques, developmental  
24 and vocational intervention, environmental management, and  
25 group processes.

26           (c) Consultation, which includes psychoeducational,  
27 developmental, and vocational assistance or direct educational  
28 services to schools, agencies, organizations, families, or  
29 individuals related to learning problems and adjustments to  
30 those problems.

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1           (d) Development of programs, which includes designing,  
2 implementing, or evaluating educationally and psychologically  
3 sound learning environments; acting as a catalyst for teacher  
4 involvement in adaptations and innovations; and facilitating  
5 the psychoeducational development of individual families or  
6 groups.

7           (6) "Provisional psychologist licensee" means a person  
8 provisionally licensed under this chapter to provide  
9 psychological services under supervision.

10          ~~(7)(3)~~ "Psychologist" means a person licensed pursuant  
11 to s. 490.005(1), s. 490.006, or the provision identified as  
12 s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida.

13          ~~(8)(5)~~ "School psychologist" means a person licensed  
14 pursuant to s. 490.005(2), s. 490.006, or the provision  
15 identified as s. 490.013(1) in s. 1, chapter 81-235, Laws of  
16 Florida.

17          Section 3. Paragraph (b) of subsection (1) of section  
18 490.005, Florida Statutes, is amended to read:

19           490.005 Licensure by examination.--

20           (1) Any person desiring to be licensed as a  
21 psychologist shall apply to the department to take the  
22 licensure examination. The department shall license each  
23 applicant who the board certifies has:

24           (b) Submitted proof satisfactory to the board that the  
25 applicant has:

26           1. Received doctoral-level psychological education, as  
27 defined in s. 490.003~~(3)(7)~~;

28           2. Received the equivalent of a doctoral-level  
29 psychological education, as defined in s. 490.003~~(3)(7)~~, from  
30 a program at a school or university located outside the United  
31 States of America and Canada, which was officially recognized

1 by the government of the country in which it is located as an  
2 institution or program to train students to practice  
3 professional psychology. The burden of establishing that the  
4 requirements of this provision have been met shall be upon the  
5 applicant; or

6 3. Received and submitted to the board, prior to July  
7 1, 1999, certification of an augmented doctoral-level  
8 psychological education from the program director of a  
9 doctoral-level psychology program accredited by a programmatic  
10 agency recognized and approved by the United States Department  
11 of Education.

12 Section 4. Section 490.0051, Florida Statutes, is  
13 created to read:

14 490.0051 Provisional licensure; requirements.--

15 (1) The department shall issue a provisional  
16 psychology license to each applicant who the board certifies  
17 has:

18 (a) Completed the application form and remitted a  
19 nonrefundable application fee not to exceed \$250, as set by  
20 board rule.

21 (b) Earned a doctoral degree in psychology as defined  
22 in s. 490.003(3).

23 (c) Met any additional requirements established by  
24 board rule.

25 (2) A provisional licensee must work under the  
26 supervision of a licensed psychologist until he or she is in  
27 receipt of a license or a letter from the department stating  
28 that he or she is licensed as a psychologist.

29 (3) A provisional license expires 24 months after the  
30 date it is issued and may not be renewed or reissued.

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1           Section 5. Section 490.008, Florida Statutes, as  
2 amended by chapter 94-119, Laws of Florida, is hereby  
3 repealed.

4           Section 6. Subsection (1) of section 490.0085, Florida  
5 Statutes, is amended to read:

6           490.0085 Continuing education; approval of providers,  
7 programs, and courses; proof of completion.--

8           (1) Continuing education providers, programs, and  
9 courses shall be approved by the department or, in the case of  
10 psychologists, the board or an organization designated by the  
11 board.

12           Section 7. Section 490.009, Florida Statutes, 1996  
13 Supplement, is amended to read:

14           490.009 Discipline.--

15           (1) When the department or, in the case of  
16 psychologists, the board finds that an applicant, provisional  
17 licensee, or licensee whom it regulates under this chapter has  
18 committed any of the acts set forth in subsection (2), it may  
19 issue an order imposing one or more of the following  
20 penalties:

21           (a) Denial of an application for licensure, either  
22 temporarily or permanently.

23           (b) Revocation of an application for licensure, either  
24 temporarily or permanently.

25           (c) Suspension for a period of up to 5 years or  
26 revocation of a license, after hearing.

27           (d) Immediate suspension of a license pursuant to s.  
28 120.60(6).

29           (e) Imposition of an administrative fine not to exceed  
30 \$5,000 for each count or separate offense.

31           (f) Issuance of a public reprimand.

1 (g) Placement of an applicant or licensee on probation  
2 for a period of time and subject to conditions specified by  
3 the department or, in the case of psychologists, by the board,  
4 including, but not limited to, requiring the applicant or  
5 licensee to submit to treatment, to attend continuing  
6 education courses, to submit to reexamination, or to work  
7 under the supervision of a designated licensee.

8 (h) Restriction of practice.

9 (2) The following acts of a licensee, provisional  
10 licensee, or applicant are grounds for which the disciplinary  
11 actions listed in subsection (1) may be taken:

12 (a) Attempting to obtain, obtaining, or renewing a  
13 license under this chapter by bribery or fraudulent  
14 misrepresentation or through an error of the board or  
15 department.

16 (b) Having a license to practice a comparable  
17 profession revoked, suspended, or otherwise acted against,  
18 including the denial of certification or licensure by another  
19 state, territory, or country.

20 (c) Being convicted or found guilty, regardless of  
21 adjudication, of a crime in any jurisdiction which directly  
22 relates to the practice of his profession or the ability to  
23 practice his profession. A plea of nolo contendere creates a  
24 rebuttable presumption of guilt of the underlying criminal  
25 charges. However, the board shall allow the person who is the  
26 subject of the disciplinary proceeding to present any evidence  
27 relevant to the underlying charges and circumstances  
28 surrounding the plea.

29 (d) False, deceptive, or misleading advertising or  
30 obtaining a fee or other thing of value on the representation  
31 that beneficial results from any treatment will be guaranteed.

- 1           (e) Advertising, practicing, or attempting to practice  
2 under a name other than one's own.
- 3           (f) Maintaining a professional association with any  
4 person who ~~whom~~ the applicant or licensee knows, or has reason  
5 to believe, is in violation of this chapter or of a rule of  
6 the department or, in the case of psychologists, of the  
7 department or the board.
- 8           (g) Knowingly aiding, assisting, procuring, or  
9 advising any nonlicensed person to hold himself out as  
10 licensed under this chapter.
- 11           (h) Failing to perform any statutory or legal  
12 obligation placed upon a person licensed under this chapter.
- 13           (i) Willfully making or filing a false report or  
14 record; failing to file a report or record required by state  
15 or federal law; willfully impeding or obstructing the filing  
16 of a report or record; or inducing another person to make or  
17 file a false report or record or to impede or obstruct the  
18 filing of a report or record. Such report or record includes  
19 only a report or record which requires the signature of a  
20 person licensed under this chapter.
- 21           (j) Paying a kickback, rebate, bonus, or other  
22 remuneration for receiving a patient or client, or receiving a  
23 kickback, rebate, bonus, or other remuneration for referring a  
24 patient or client to another provider of mental health care  
25 services or to a provider of health care services or goods;  
26 referring a patient or client to oneself for services on a  
27 fee-paid basis when those services are already being paid for  
28 by some other public or private entity; or entering into a  
29 reciprocal referral agreement.
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1           (k) Committing any act upon a patient or client which  
2 would constitute sexual battery or which would constitute  
3 sexual misconduct as defined in s. 490.0111.

4           (l) Making misleading, deceptive, untrue, or  
5 fraudulent representations in the practice of any profession  
6 licensed under this chapter.

7           (m) Soliciting patients or clients personally, or  
8 through an agent, through the use of fraud, intimidation,  
9 undue influence, or a form of overreaching or vexatious  
10 conduct.

11           (n) Failing to make available to a patient or client,  
12 upon written request, copies of test results, reports, or  
13 documents in the possession or under the control of the  
14 licensee which have been prepared for and paid for by the  
15 patient or client.

16           (o) Failing to respond within 30 days to a written  
17 communication from the department concerning any investigation  
18 by the department or to make available any relevant records  
19 with respect to any investigation about the licensee's conduct  
20 or background.

21           (p) Being unable to practice the profession for which  
22 he is licensed under this chapter with reasonable skill or  
23 competence as a result of any mental or physical condition or  
24 by reason of illness; drunkenness; or excessive use of drugs,  
25 narcotics, chemicals, or any other substance. In enforcing  
26 this paragraph, upon a finding by the secretary, his designee,  
27 or the board that probable cause exists to believe that the  
28 licensee is unable to practice the profession because of the  
29 reasons stated in this paragraph, the department shall have  
30 the authority to compel a licensee to submit to a mental or  
31 physical examination by psychologists or physicians designated

1 by the department or board. If the licensee refuses to comply  
2 with the department's order, the department may file a  
3 petition for enforcement in the circuit court of the circuit  
4 in which the licensee resides or does business. The licensee  
5 shall not be named or identified by initials in the petition  
6 or in any other public court records or documents, and the  
7 enforcement proceedings shall be closed to the public. The  
8 department shall be entitled to the summary procedure provided  
9 in s. 51.011. A licensee affected under this paragraph shall  
10 be afforded an opportunity at reasonable intervals to  
11 demonstrate that he can resume the competent practice for  
12 which he is licensed with reasonable skill and safety to  
13 patients.

14 (q) Violating provisions of this chapter, or of  
15 chapter 455, or any rules adopted pursuant thereto.

16 (r) Performing any treatment or prescribing any  
17 therapy which, by the prevailing standards of the mental  
18 health professions in the community, would constitute  
19 experimentation on human subjects, without first obtaining  
20 full, informed, and written consent.

21 (s) Failing to meet the minimum standards of  
22 performance in professional activities when measured against  
23 generally prevailing peer performance, including the  
24 undertaking of activities for which the licensee is not  
25 qualified by training or experience.

26 (t) Delegating professional responsibilities to a  
27 person whom the licensee knows or has reason to know is not  
28 qualified by training or experience to perform such  
29 responsibilities.

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1 (u) Violating a rule relating to the regulation of the  
2 profession or a lawful order of the department previously  
3 entered in a disciplinary hearing.

4 (v) Failing to maintain in confidence a communication  
5 made by a patient or client in the context of such services,  
6 except as provided in s. 490.0147 ~~by written permission or in~~  
7 ~~the face of a clear and immediate probability of bodily harm~~  
8 ~~to the patient or client or to others.~~

9 (w) Making public statements which are derived from  
10 test data, client contacts, or behavioral research and which  
11 identify or damage research subjects or clients.

12 (x) Engaging or attempting to engage in the  
13 possession, use, sale, or distribution of controlled  
14 substances as set forth in chapter 893 for other than  
15 legitimate purposes.

16 Section 8. Section 490.012, Florida Statutes, is  
17 amended to read:

18 490.012 Violations; penalties; injunction.--

19 (1)(a) No person shall hold himself out by any title  
20 or description incorporating the words, or permutations of  
21 them, "psychologist," "psychology," "psychological,"  
22 "psychodiagnostic," or "school psychologist," or describe any  
23 test or report as psychological, unless such person holds a  
24 valid, active license under this chapter or is exempt from the  
25 provisions of this chapter.

26 (b) No person shall hold himself out by any title or  
27 description incorporating the word, or a permutation of the  
28 word, "psychotherapy" unless such person holds a valid, active  
29 license under chapter 458, chapter 459, chapter 490, or  
30 chapter 491, or such person is certified as an advanced  
31 registered nurse practitioner, pursuant to s. 464.012, who has

1 been determined by the Board of Nursing as a specialist in  
2 psychiatric mental ~~psychiatric/mental~~ health ~~nursing~~.

3 (c) No person licensed or provisionally licensed  
4 pursuant to this chapter shall hold himself out by any title  
5 or description which indicates licensure other than that which  
6 has been granted to him.

7 (2)(a) A licensed psychologist shall conspicuously  
8 display the valid, active license issued by the department or  
9 a true copy thereof at each location at which the licensee  
10 practices his or her profession.

11 (b) A licensed psychologist shall include the words  
12 "licensed psychologist" ~~and his license number~~ on all  
13 professional advertisements, including, but not limited to,  
14 advertisements in any newspaper, magazine, other print medium,  
15 airwave or broadcast transmission, or phone directory listing  
16 purchased by or on behalf of a person licensed according to  
17 this chapter.

18 (3)(a) A person provisionally licensed under this  
19 chapter as a provisional psychologist licensee shall  
20 conspicuously display the valid provisional license issued by  
21 the department or a true copy thereof at each location at  
22 which the provisional licensee is providing services.

23 (b) A provisional psychologist licensee shall include  
24 the words "provisional psychologist licensee" on all  
25 promotional materials, including cards, brochures, stationery,  
26 advertisements, and signs, naming the provisional licensee.

27 (4)~~(3)~~ Any person who violates any provision of this  
28 section, except for subsections (2) and (3), commits a  
29 misdemeanor of the first degree, punishable as provided in s.  
30 775.082 or s. 775.083. Any person who violates any provision  
31

1 of subsection (2) or subsection (3) is subject to disciplinary  
2 action under s. 490.009.

3 (5)~~(4)~~ The department may institute appropriate  
4 proceedings to enjoin violation of subsection (1).

5 (6)~~(5)~~ ~~Beginning October 1, 1992,~~ No person shall  
6 practice psychology in this state, as such practice is defined  
7 in s. 490.003(4), for compensation, unless such person holds  
8 an active, valid license to practice psychology issued  
9 pursuant to this chapter. Nothing in this subsection shall be  
10 construed to limit the practice of school psychology, as such  
11 practice is defined in s. 490.003(5)~~(6)~~.

12 (7)~~(6)~~ ~~Beginning October 1, 1992,~~ No person shall  
13 practice school psychology in this state, as such practice is  
14 defined in s. 490.003(5)~~(6)~~, for compensation, unless such  
15 person holds an active, valid license to practice school  
16 psychology issued pursuant to this chapter.

17 Section 9. Section 490.014, Florida Statutes, is  
18 amended to read:

19 490.014 Exemptions.--

20 (1)(a) No provision of this chapter shall be construed  
21 to limit the practice of physicians licensed pursuant to  
22 chapter 458 or chapter 459 so long as they do not hold  
23 themselves out to the public as psychologists or use a  
24 professional title protected by this chapter.

25 (b) No provision of this chapter shall be construed to  
26 limit the practice of nursing, clinical social work, marriage  
27 and family therapy, mental health counseling, or other  
28 recognized businesses or professions, or to prevent qualified  
29 members of other professions from doing work of a nature  
30 consistent with their training, so long as they do not hold  
31 themselves out to the public as psychologists or use a title



1 protected by this chapter. Nothing in this subsection shall  
2 be construed to exempt any person from the provisions of s.  
3 490.012.

4 (2) No person shall be required to be licensed or  
5 provisionally licensed under this chapter who:

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

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

23 (c) Is a student who is pursuing a course of study  
24 which leads to a degree in medicine or a profession regulated  
25 by this chapter who is providing services in a training  
26 setting, provided such activities or services constitute part  
27 of a supervised course of study, or is a graduate accumulating  
28 the experience required for any licensure under this chapter,  
29 provided such graduate or student is designated by a title  
30 such as "intern" or "trainee" which clearly indicates the  
31 in-training status of the student.

1           (d) Is certified in school psychology by the  
2 Department of Education and is performing psychological  
3 services as an employee of a public or private educational  
4 institution. Such exemption shall not be construed to  
5 authorize any unlicensed practice which is not performed as a  
6 direct employee of an educational institution.

7           (e) Is not a resident of the state but offers services  
8 in this state, provided:

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

12           2. Such nonresident is licensed or certified by a  
13 state or territory of the United States, or by a foreign  
14 country or province, the standards of which were, at the date  
15 of his licensure or certification, equivalent to or higher  
16 than the requirements of this chapter in the opinion of the  
17 department or, in the case of psychologists, in the opinion of  
18 the board.

19           (f) Is a rabbi, priest, minister, or clergyman of any  
20 religious denomination or sect when engaging in activities  
21 which are within the scope of the performance of his regular  
22 or specialized ministerial duties and for which no separate  
23 charge is made, or when such activities are performed, with or  
24 without charge, for or under the auspices or sponsorship,  
25 individually or in conjunction with others, of an established  
26 and legally cognizable church, denomination, or sect, and when  
27 the person rendering service remains accountable to the  
28 established authority thereof.

29           (3) No provision of this chapter shall be construed to  
30 limit the practice of any individual who solely engages in  
31 behavior analysis so long as he does not hold himself out to

1 the public as possessing a license issued pursuant to this  
2 chapter or use a title protected by this chapter.

3 (4) Nothing in this section shall exempt any person  
4 from the provision of s. 490.012(1)(a)-(b).

5 (5) The exemptions contained in this section do not  
6 apply to any person licensed under this chapter whose license  
7 has been suspended or revoked by the board or another  
8 jurisdiction.

9 (6) Nothing in this section shall be construed to  
10 exempt a person from meeting the minimum standards of  
11 performance in professional activities when measured against  
12 generally prevailing peer performance, including the  
13 undertaking of activities for which the person is not  
14 qualified by training or experience.

15 ~~(5) Any person who is not licensed under this chapter~~  
16 ~~by October 1, 1992, and who desires to become so licensed~~  
17 ~~shall register with the department that person's intent to~~  
18 ~~become fully licensed no later than October 1, 1995. The~~  
19 ~~costs to the department of such registration shall be borne by~~  
20 ~~the registrant. The department may require affidavits and~~  
21 ~~supporting documentation sufficient to demonstrate that the~~  
22 ~~registrant is preparing for examination by October 1, 1995,~~  
23 ~~under this chapter. The department may adopt rules to~~  
24 ~~implement this section. Upon receipt of the department's~~  
25 ~~notice of registration, the registrant may practice services~~  
26 ~~as defined in s. 490.003(4) and (6), provided that the~~  
27 ~~registrant uses "trainee" or "intern" with any title or~~  
28 ~~description of the registrant's work and on any business~~  
29 ~~correspondence and work product, including, but not limited~~  
30 ~~to, a business card, letterhead, sign, billing, or report~~  
31 ~~unless exempt pursuant to this chapter.~~

1           Section 10. Section 490.0147, Florida Statutes, is  
2 amended to read:

3           490.0147 Confidentiality and privileged  
4 communications.--Any communication between any person licensed  
5 or provisionally licensed under this chapter and his patient  
6 or client shall be confidential. Any provision of law to the  
7 contrary notwithstanding, this confidentiality ~~privilege~~ may  
8 be waived only under the following conditions:

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

14           (2) When the patient or client agrees to the waiver,  
15 in writing, or when more than one person in a family is  
16 receiving therapy, when each family member agrees to the  
17 waiver, in writing.

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

24           (4) When the person licensed or provisionally licensed  
25 under this chapter is required to release records pursuant to  
26 a court order issued by a judge. For purposes of this  
27 subsection, a subpoena is not a court order.

28           (5) When the person licensed or provisionally licensed  
29 under this chapter performs a psychological evaluation  
30 pursuant to a court order issued by a judge.

31

1           Section 11. Section 491.003, Florida Statutes, is  
2 amended to read:

3           491.003 Definitions.--As used in this chapter:

4           (1)~~(2)~~ "Board" means the Board of Clinical Social  
5 Work, Marriage and Family Therapy, and Mental Health  
6 Counseling.

7           (2)~~(3)~~ "Clinical social worker" means a person  
8 licensed under this chapter to practice clinical social work.

9           (3)~~(4)~~ "Clinical social work experience" is defined as  
10 a period during which the applicant provides clinical social  
11 work services, including assessment, diagnosis, treatment, and  
12 evaluation of clients; provided that at least 50 percent of  
13 the hours worked consist of providing psychotherapy and  
14 counseling services directly to clients.

15           (4)~~(1)~~ "Department" means the Department of Health  
16 ~~Business and Professional Regulation~~.

17           (5) "Marriage and family therapist" means a person  
18 licensed under this chapter to practice marriage and family  
19 therapy.

20           (6) "Mental health counselor" means a person licensed  
21 under this chapter to practice mental health counseling.

22           (7) The "practice of clinical social work" is defined  
23 as the use of scientific and applied knowledge, theories, and  
24 methods for the purpose of describing, preventing, evaluating,  
25 and treating individual, couple, marital, family, or group  
26 behavior, based on the person-in-situation perspective of  
27 psychosocial development, normal and abnormal behavior,  
28 psychopathology, unconscious motivation, interpersonal  
29 relationships, environmental stress, differential assessment,  
30 differential planning, and data gathering. The purpose of  
31 such services is the prevention and treatment of undesired

1 behavior and enhancement of mental health. The ~~Such~~ practice  
2 of clinical social work includes ~~the use of~~ methods of a  
3 psychological nature used to evaluate, assess, diagnose,  
4 treat, and prevent emotional and mental disorders and  
5 dysfunctions, (whether cognitive, affective, or behavioral), ~~+~~  
6 sexual dysfunction, ~~+~~ behavioral disorders, ~~+~~ alcoholism, ~~+~~ and  
7 substance abuse. The practice of clinical social work  
8 includes, but is not limited to, psychotherapy, hypnotherapy,  
9 and sex therapy. The practice of clinical social work also  
10 includes counseling, behavior modification, consultation,  
11 client-centered advocacy, crisis intervention, and the  
12 provision of needed information and education to clients, when  
13 using methods of a psychological nature to evaluate, assess,  
14 diagnose, treat, and prevent emotional and mental disorders  
15 and dysfunctions (whether cognitive, affective, or  
16 behavioral), sexual dysfunction, behavioral disorders,  
17 alcoholism, or substance abuse. The practice of clinical  
18 social work may also include clinical research into more  
19 effective psychotherapeutic modalities for the treatment and  
20 prevention of such conditions.

21 ~~(a) Clinical social work treatment includes, but is~~  
22 ~~not limited to:~~

- 23 ~~1. Counseling.~~
- 24 ~~2. Psychotherapy.~~
- 25 ~~3. Behavior modification.~~
- 26 ~~4. Hypnotherapy.~~
- 27 ~~5. Sex therapy.~~
- 28 ~~6. Consultation.~~
- 29 ~~7. Client-centered advocacy.~~
- 30 ~~8. Crisis intervention.~~

31

1           ~~9. Providing needed information and education to~~  
2 ~~clients.~~

3           (a)~~(b)~~ Clinical social work may be rendered to  
4 individuals, including individuals affected by the termination  
5 of marriage, and to marriages, couples, families, groups,  
6 organizations, and communities.

7           (b)~~(c)~~ The use of specific methods, techniques, or  
8 modalities within the practice of clinical social work is  
9 restricted to clinical social workers appropriately trained in  
10 the use of such methods, techniques, or modalities.

11           (c)~~(d)~~ The terms "diagnose" and "treat," as used in  
12 this chapter, when considered in isolation or in conjunction  
13 with any provision of the rules of the board, shall not be  
14 construed to permit the performance of any act which clinical  
15 social workers are not educated and trained to perform,  
16 including, but not limited to, admitting persons to hospitals  
17 for treatment of the foregoing conditions, treating persons in  
18 hospitals without medical supervision, prescribing medicinal  
19 drugs as defined in chapter 465, authorizing clinical  
20 laboratory procedures pursuant to chapter 483, or radiological  
21 procedures, or use of electroconvulsive therapy. In addition,  
22 this definition shall not be construed to permit any person  
23 licensed, provisionally licensed, registered, or certified  
24 pursuant to this chapter to describe or label any test,  
25 report, or procedure as "psychological," except to relate  
26 specifically to the definition of practice authorized in this  
27 subsection.

28           (d)~~(e)~~ The definition of "clinical social work"  
29 contained in this subsection includes all services offered  
30 directly to the general public or through organizations,  
31

1 whether public or private, and applies whether payment is  
2 requested or received for services rendered.

3 (8) The "practice of marriage and family therapy" is  
4 defined as the use of scientific and applied marriage and  
5 family theories, methods, and procedures for the purpose of  
6 describing, evaluating, and modifying marital, family, and  
7 individual behavior, within the context of marital and family  
8 systems, including the context of marital formation and  
9 dissolution, and is based on marriage and family systems  
10 theory, marriage and family development, human development,  
11 normal and abnormal behavior, psychopathology, human  
12 sexuality, psychotherapeutic and marriage and family therapy  
13 theories and techniques. The ~~Such~~ practice of marriage and  
14 family therapy ~~includes the use of~~ methods of a psychological  
15 nature used to evaluate, assess, diagnose, treat, and prevent  
16 emotional and mental disorders or dysfunctions, ~~(whether~~  
17 ~~cognitive, affective, or behavioral)~~, ~~+~~sexual dysfunction, ~~+~~  
18 ~~behavioral disorders,~~ ~~+~~alcoholism, ~~+~~and substance abuse. The  
19 practice of marriage and family therapy includes, but is not  
20 limited to, marriage and family therapy, psychotherapy,  
21 including behavioral family therapy, hypnotherapy, and sex  
22 therapy. The practice of marriage and family therapy also  
23 includes counseling, behavior modification, consultation,  
24 client-centered advocacy, crisis intervention, and the  
25 provision of needed information and education to clients, when  
26 using methods of a psychological nature to evaluate, assess,  
27 diagnose, treat, and prevent emotional and mental disorders  
28 and dysfunctions (whether cognitive, affective, or  
29 behavioral), sexual dysfunction, behavioral disorders,  
30 alcoholism, or substance abuse. The practice of marriage and  
31 family therapy may also include clinical research into more



1 effective psychotherapeutic modalities for the treatment and  
2 prevention of such conditions.

3 ~~(a) Marriage and family therapy treatment includes,~~  
4 ~~but is not limited to:~~

5 1. ~~Marriage and family therapy.~~

6 2. ~~Counseling.~~

7 3. ~~Psychotherapy, including behavioral family therapy.~~

8 4. ~~Behavior modification.~~

9 5. ~~Hypnotherapy.~~

10 6. ~~Sex therapy.~~

11 7. ~~Consultation.~~

12 8. ~~Client advocacy.~~

13 9. ~~Crisis intervention.~~

14 10. ~~Providing needed information and education to~~  
15 ~~clients.~~

16 (a)~~(b)~~ Marriage and family therapy may be rendered to  
17 individuals, including individuals affected by termination of  
18 marriage, to couples, whether married or unmarried, to  
19 families, or to groups.

20 (b)~~(c)~~ The use of specific methods, techniques, or  
21 modalities within the practice of marriage and family therapy  
22 is restricted to marriage and family therapists appropriately  
23 trained in the use of such methods, techniques, or modalities.

24 (c)~~(d)~~ The terms "diagnose" and "treat," as used in  
25 this chapter, when considered in isolation or in conjunction  
26 with any provision of the rules of the board, shall not be  
27 construed to permit the performance of any act which marriage  
28 and family therapists are not educated and trained to perform,  
29 including, but not limited to, admitting persons to hospitals  
30 for treatment of the foregoing conditions, treating persons in  
31 hospitals without medical supervision, prescribing medicinal

1 drugs as defined in chapter 465, authorizing clinical  
2 laboratory procedures pursuant to chapter 483, or radiological  
3 procedures, or use of electroconvulsive therapy. In addition,  
4 this definition shall not be construed to permit any person  
5 licensed, provisionally licensed, registered, or certified  
6 pursuant to this chapter to describe or label any test,  
7 report, or procedure as "psychological," except to relate  
8 specifically to the definition of practice authorized in this  
9 subsection.

10 (d)~~(e)~~ The definition of "marriage and family therapy"  
11 contained in this subsection ~~paragraphs (a)-(d)~~ includes all  
12 services offered directly to the general public or through  
13 organizations, whether public or private, and applies whether  
14 payment is requested or received for services rendered.

15 (9) The "practice of mental health counseling" is  
16 defined as the use of scientific and applied behavioral  
17 science theories, methods, and techniques for the purpose of  
18 describing, evaluating, modifying, preventing, and treating  
19 maladaptive and undesired behavior and enhancing mental health  
20 and human development and is based on the person-in-situation  
21 perspectives derived from research and theory in personality,  
22 family, group, and organizational dynamics and development,  
23 career planning, cultural diversity, human growth and  
24 development, human sexuality, normal and abnormal behavior,  
25 psychopathology, psychotherapy, and rehabilitation. The ~~such~~  
26 practice of mental health counseling includes the use of  
27 methods of a psychological nature used to evaluate, assess,  
28 diagnose, and treat emotional and mental dysfunctions or  
29 disorders, (whether cognitive, affective, or behavioral),  
30 behavioral disorders, interpersonal relationships, sexual  
31 dysfunction, alcoholism, and substance abuse. The practice

1 of mental health counseling includes, but is not limited to,  
2 psychotherapy, hypnotherapy, and sex therapy. The practice of  
3 mental health counseling also includes counseling, behavior  
4 modification, consultation, client-centered advocacy, crisis  
5 intervention, and the provision of needed information and  
6 education to clients, when using methods of a psychological  
7 nature to evaluate, assess, diagnose, treat, and prevent  
8 emotional and mental disorders and dysfunctions (whether  
9 cognitive, affective, or behavioral), behavioral disorders,  
10 sexual dysfunction, alcoholism, or substance abuse. The  
11 practice of mental health counseling may also include clinical  
12 research into more effective psychotherapeutic modalities for  
13 the treatment and prevention of such conditions.

14 ~~(a) Mental health counseling treatment includes, but~~  
15 ~~is not limited to:~~

- 16 ~~1. Counseling.~~
- 17 ~~2. Psychotherapy.~~
- 18 ~~3. Behavior modification.~~
- 19 ~~4. Hypnotherapy.~~
- 20 ~~5. Sex therapy.~~
- 21 ~~6. Consultation.~~
- 22 ~~7. Client advocacy.~~
- 23 ~~8. Crisis intervention.~~
- 24 ~~9. Providing needed information and education to~~  
25 ~~clients.~~

26 ~~(a)~~(b) Mental health counseling may be rendered to  
27 individuals, including individuals affected by the termination  
28 of marriage, and to couples, families, groups, organizations,  
29 and communities.

30 ~~(b)~~(c) The use of specific methods, techniques, or  
31 modalities within the practice of mental health counseling is

1 restricted to mental health counselors appropriately trained  
2 in the use of such methods, techniques, or modalities.

3 (c)~~(d)~~ The terms "diagnose" and "treat," as used in  
4 this chapter, when considered in isolation or in conjunction  
5 with any provision of the rules of the board, shall not be  
6 construed to permit the performance of any act which mental  
7 health counselors are not educated and trained to perform,  
8 including, but not limited to, admitting persons to hospitals  
9 for treatment of the foregoing conditions, treating persons in  
10 hospitals without medical supervision, prescribing medicinal  
11 drugs as defined in chapter 465, authorizing clinical  
12 laboratory procedures pursuant to chapter 483, or radiological  
13 procedures, or use of electroconvulsive therapy. In addition,  
14 this definition shall not be construed to permit any person  
15 licensed, provisionally licensed, registered, or certified  
16 pursuant to this chapter to describe or label any test,  
17 report, or procedure as "psychological," except to relate  
18 specifically to the definition of practice authorized in this  
19 subsection.

20 (d) The definition of "mental health counseling"  
21 contained in this subsection includes all services offered  
22 directly to the general public or through organizations,  
23 whether public or private, and applies whether payment is  
24 requested or received for services rendered.

25 (10) "Provisional clinical social worker licensee"  
26 means a person provisionally licensed under this chapter to  
27 provide clinical social work services under supervision.

28 (11) "Provisional marriage and family therapist  
29 licensee" means a person provisionally licensed under this  
30 chapter to provide marriage and family therapy services under  
31 supervision.

1       (12) "Provisional mental health counselor licensee"  
2 means a person provisionally licensed under this chapter to  
3 provide mental health counseling services under supervision.

4       ~~(13)(10)~~ "Psychotherapist" means a clinical social  
5 worker, marriage and family therapist, or mental health  
6 counselor licensed pursuant to this chapter.

7       (14) "Registered clinical social worker intern" means  
8 a person registered under this chapter who is completing the  
9 postgraduate clinical social work experience requirement  
10 specified in s. 491.005(1)(c).

11       (15) "Registered marriage and family therapist intern"  
12 means a person registered under this chapter who is completing  
13 the post-master's clinical experience requirement specified in  
14 s. 491.005(3)(c).

15       (16) "Registered mental health counselor intern" means  
16 a person registered under this chapter who is completing the  
17 post-master's clinical experience requirement specified in s.  
18 491.005(4)(c).

19       Section 12. Section 491.0045, Florida Statutes, is  
20 created to read:

21       491.0045 Intern registration; requirements.--

22       (1) Effective January 1, 1998, an individual who  
23 intends to practice in Florida to satisfy the postgraduate or  
24 post-master's level experience requirements, as specified in  
25 s. 491.005(1)(c), (3)(c), or (4)(c), must register as an  
26 intern in the profession for which he or she is seeking  
27 licensure prior to commencing the experience requirement.

28       (2) The department shall register as a clinical social  
29 worker intern, marriage and family therapist intern, or mental  
30 health counselor intern each applicant who the board certifies  
31 has:

1       (a) Completed the application form and remitted a  
2 nonrefundable application fee not to exceed \$200, as set by  
3 board rule;

4       (b) Completed the education requirements as specified  
5 in s. 491.005 for the profession for which he or she is  
6 applying for licensure; and

7       (c) Identified a qualified supervisor.

8       (3) An individual registered under this section must  
9 remain under supervision until he or she is in receipt of a  
10 license or a letter from the department stating that he or she  
11 is licensed to practice the profession for which he or she  
12 applied.

13       Section 13. Section 491.0046, Florida Statutes, is  
14 created to read:

15       491.0046 Provisional license; requirements.--

16       (1) An individual who has satisfied the clinical  
17 experience requirements of s. 491.005 intending to provide  
18 clinical social work, marriage and family therapy, or mental  
19 health counseling services in Florida while satisfying  
20 coursework or examination requirements for licensure must be  
21 provisionally licensed in the profession for which he or she  
22 is seeking licensure prior to beginning practice.

23       (2) The department shall issue a provisional clinical  
24 social worker license, provisional marriage and family  
25 therapist license, or provisional mental health counselor  
26 license to each applicant who the board certifies has:

27       (a) Completed the application form and remitted a  
28 nonrefundable application fee not to exceed \$100, as set by  
29 board rule; and

30       (b)1. Earned a graduate degree in social work, a  
31 graduate degree with a major emphasis in marriage and family

1 therapy or a closely related field, or a graduate degree in a  
2 major related to the practice of mental health counseling, and  
3 satisfied the clinical experience requirements for licensure  
4 pursuant to s. 491.005; or

5 2. Been approved for examination under the provisions  
6 for licensure by endorsement pursuant to s. 491.006.

7 (3) A provisional licensee must work under the  
8 supervision of a licensed mental health professional, as  
9 defined by the board, until he or she is in receipt of a  
10 license or a letter from the department stating that he or she  
11 is licensed as a clinical social worker, marriage and family  
12 therapist, or mental health counselor.

13 (4) A provisional license expires 24 months after the  
14 date it is issued and may not be renewed or reissued.

15 Section 14. Section 491.005, Florida Statutes, is  
16 amended to read:

17 491.005 Licensure by examination.--

18 (1) Upon verification of documentation and payment of  
19 a fee not to exceed \$200, as set by board rule, plus the  
20 actual per applicant cost to the department for purchase of  
21 the examination from the American Association of State Social  
22 Worker's Boards or a similar national organization, the  
23 department shall issue a license as a clinical social worker  
24 to an applicant who the board certifies:

25 (a) Has made application therefor and paid the  
26 appropriate fee.

27 (b)1. Has received a doctoral degree in social work  
28 from a graduate school of social work which at the time the  
29 applicant graduated was accredited by an accrediting agency  
30 recognized by the United States Department of Education or has  
31 received a master's degree in social work from a graduate

1 school of social work which at the time the applicant  
2 graduated:  
3 ~~a.1.~~ Was accredited by the Council on Social Work  
4 Education;  
5 ~~b.2.~~ Was accredited by the Canadian Association of  
6 Schools of Social Work; or  
7 ~~c.3.~~ Has been determined to have been a program  
8 equivalent to programs approved by the Council on Social Work  
9 Education by the Foreign Equivalency Determination Service of  
10 the Council on Social Work Education. An applicant who  
11 graduated from a program at a university or college outside of  
12 the United States or Canada must present documentation of the  
13 equivalency determination from the council in order to  
14 qualify.  
15 2. The applicant's graduate program must have  
16 emphasized direct clinical patient or client health care  
17 services, ~~as provided in subsection (2),~~ including, but not  
18 limited to, coursework in clinical social work, psychiatric  
19 social work, medical social work, social casework,  
20 psychotherapy, or group therapy. The applicant's graduate  
21 program must have included all of the following coursework:  
22 a. A supervised field placement which was part of the  
23 applicant's advanced concentration in direct practice, during  
24 which the applicant provided clinical services directly to  
25 clients.  
26 b. Completion of 24 semester hours or 37 quarter hours  
27 in theory of human behavior and practice methods as courses in  
28 clinically oriented services, including a minimum of one  
29 course in psychopathology taken in a school of social work  
30 accredited or approved pursuant to subparagraph (b)1.  
31



1           3. If the course title which appears on the  
2 applicant's transcript does not clearly identify the content  
3 of the coursework, the applicant shall be required to provide  
4 additional documentation, including, but not limited to, a  
5 syllabus or catalog description published for the course.

6           (c) Has had not less than 2 ~~at least 3~~ years of  
7 clinical social work experience, ~~2 years of which must be~~  
8 ~~experience~~ which took place subsequent to completion of a  
9 graduate degree in social work at an institution meeting the  
10 accreditation requirements of this section, under the  
11 supervision of a licensed clinical social worker or the  
12 equivalent who is a qualified supervisor as determined by the  
13 board. An individual who intends to practice in Florida to  
14 satisfy clinical experience requirements must register  
15 pursuant to s. 491.0045 prior to commencing practice. If the  
16 applicant's graduate program was not a program which  
17 emphasized direct clinical patient or client health care  
18 services as described in s. 491.003, the supervised experience  
19 requirement must take place after the applicant has completed  
20 a minimum of 15 semester hours or 22 quarter hours of the  
21 coursework required. A doctoral internship may be applied  
22 toward the clinical social work experience ~~supervision~~  
23 requirement. The experience requirement may be met by work  
24 performed on or off the premises of the supervising clinical  
25 social worker or the equivalent, provided the off-premises  
26 work is not the independent private practice rendering of  
27 clinical social work that does not have a licensed mental  
28 health professional ~~clinical social worker or the equivalent~~,  
29 as determined by the board, ~~as a member of the group actually~~  
30 ~~rendering services~~ on the premises at the same time the intern  
31 is providing services.

1           (d) Has passed a theory and practice an examination  
2 provided by the department for this purpose.

3           (e) Has demonstrated, in a manner designated by rule  
4 of the board, knowledge of the laws and rules governing the  
5 practice of clinical social work, marriage and family therapy,  
6 and mental health counseling.

7           ~~(2)(a) The applicant's program shall be considered to~~  
8 ~~be a program which emphasized direct clinical patient or~~  
9 ~~client health care services if it included all of the~~  
10 ~~following coursework:~~

11           ~~(a) A supervised field placement which was part of the~~  
12 ~~applicant's advanced concentration in direct practice, during~~  
13 ~~which the applicant provided clinical services directly to~~  
14 ~~clients.~~

15           ~~(b)1. Completion of 24 semester hours or 37 quarter~~  
16 ~~hours in theory of human behavior and practice methods as~~  
17 ~~courses in clinically oriented services, including a minimum~~  
18 ~~of one course in psychopathology taken in a school of social~~  
19 ~~work accredited by the Council on Social Work Education.~~  
20 ~~However, applicants who had completed the required~~  
21 ~~graduate-level degree in social work prior to October 1, 1990,~~  
22 ~~and who submit a completed application for licensure prior to~~  
23 ~~January 1, 1993, shall be required to complete only 21 of the~~  
24 ~~24 required semester hours or 31 of the 37 required quarter~~  
25 ~~hours in clinically oriented services. If the course title~~  
26 ~~which appears on the applicant's transcript does not clearly~~  
27 ~~identify the content of the coursework, the applicant shall be~~  
28 ~~required to provide additional documentation, including, but~~  
29 ~~not limited to, a syllabus or catalog description published~~  
30 ~~for the course.~~

31

1           ~~2.~~ Notwithstanding the provisions of paragraph (1)(b)  
2 ~~subparagraph 1.~~, coursework which was taken at a baccalaureate  
3 level shall not be considered toward completion of education  
4 requirements for licensure unless an official of the graduate  
5 program certifies in writing on the graduate school's  
6 stationery that a specific course, which students enrolled in  
7 the same graduate program were ordinarily required to complete  
8 at the graduate level, was waived or exempted based on  
9 completion of a similar course at the baccalaureate level. If  
10 this condition is met, the board shall apply the baccalaureate  
11 course named toward the education requirements.

12           (b) An applicant from a master's or doctoral program  
13 in social work which did not emphasize direct patient or  
14 client services may complete the clinical curriculum content  
15 requirement by returning to a graduate program accredited by  
16 the Council on Social Work Education or the Canadian  
17 Association of Schools of Social Work, or to a clinical social  
18 work graduate program with comparable standards, in order to  
19 complete the education requirements for examination. However,  
20 a maximum of 6 semester or 9 quarter hours of the clinical  
21 curriculum content requirement may be completed by credit  
22 awarded for independent study coursework as defined by board  
23 rule.

24           (3) Upon verification of documentation and payment of  
25 a fee not to exceed \$200, as set by board rule, plus the  
26 actual cost to the department for the purchase of the  
27 examination from the Association of Marital and Family Therapy  
28 Regulatory Board, or similar national organization, the  
29 department shall issue a license as a marriage and family  
30 therapist to an applicant who the board certifies:

31

1 (a) Has made application therefor and paid the  
2 appropriate fee.

3 (b)1. Has a minimum of a master's degree with major  
4 emphasis in marriage and family therapy, or a closely related  
5 field, and has completed all of the following requirements:

6 a.1. Twenty-seven semester hours or 41 quarter hours  
7 of graduate coursework, which must include a minimum of 2  
8 semester hours or 3 quarter hours of graduate-level course  
9 credits in each of the following nine areas: dynamics of  
10 marriage and family systems; marriage therapy and counseling  
11 theory and techniques; family therapy and counseling theory  
12 and techniques; individual human development theories  
13 throughout the life cycle; personality theory;  
14 psychopathology; human sexuality theory and counseling  
15 techniques; general counseling theory and techniques; and  
16 psychosocial theory. Content may be combined, provided no  
17 more than two of the nine content areas are included in any  
18 one graduate-level course and the applicant can document that  
19 the equivalent of 2 semester hours of coursework was devoted  
20 to each content area. Courses in research, evaluation,  
21 appraisal, assessment, or testing theories and procedures;  
22 thesis or dissertation work; or practicums, internships, or  
23 fieldwork may not be applied toward this requirement.

24 b.2. A minimum of one graduate-level course of 2  
25 semester hours or 3 quarter hours in legal, ethical, and  
26 professional standards issues in the practice of marriage and  
27 family therapy or a course determined by the board to be  
28 equivalent.

29 c.3. A minimum of one graduate-level course of 2  
30 semester hours or 3 quarter hours in diagnosis, appraisal,  
31 assessment, and testing for individual or interpersonal

1 disorder or dysfunction; and a minimum of one 2-semester-hour  
2 or 3-quarter-hour graduate-level course in behavioral research  
3 which focuses on the interpretation and application of  
4 research data as it applies to clinical practice. Credit for  
5 thesis or dissertation work, practicums, internships, or  
6 fieldwork may not be applied toward this requirement.

7 ~~d.4.~~ A minimum of one supervised clinical practicum,  
8 internship, or field experience in a marriage and family  
9 counseling setting, during which the student provided 180  
10 direct client contact hours of marriage and family therapy  
11 services under the supervision of an individual who met the  
12 requirements for supervision under paragraph (c). This  
13 requirement may be met by a supervised practice experience  
14 which took place outside the academic arena, but which is  
15 certified as equivalent to a graduate-level practicum or  
16 internship program which required a minimum of 180 direct  
17 client contact hours of marriage and family therapy services  
18 currently offered within an academic program of a college or  
19 university accredited by an accrediting agency approved by the  
20 United States Department of Education, or an institution which  
21 is publicly recognized as a member in good standing with the  
22 Association of Universities and Colleges of Canada or a  
23 training institution accredited by the Commission on  
24 Accreditation for Marriage and Family Therapy Education  
25 recognized by the United States Department of Education.  
26 Certification shall be required from an official of such  
27 college, university, or training institution.

28 2. If the course title which appears on the  
29 applicant's transcript does not clearly identify the content  
30 of the coursework, the applicant shall be required to provide  
31

1 additional documentation, including, but not limited to, a  
2 syllabus or catalog description published for the course.  
3  
4 The required master's degree must have been received in an  
5 institution of higher education which at the time the  
6 applicant graduated was: fully accredited by a regional  
7 accrediting body recognized by the Commission on Recognition  
8 of Postsecondary Accreditation; publicly recognized as a  
9 member in good standing with the Association of Universities  
10 and Colleges of Canada; or an institution of higher education  
11 located outside the United States and Canada, which at the  
12 time the applicant was enrolled and at the time the applicant  
13 graduated maintained a standard of training substantially  
14 equivalent to the standards of training of those institutions  
15 in the United States which are accredited by a regional  
16 accrediting body recognized by the Commission on Recognition  
17 of Postsecondary Accreditation. Such foreign education and  
18 training must have been received in an institution or program  
19 of higher education officially recognized by the government of  
20 the country in which it is located as an institution or  
21 program to train students to practice as professional marriage  
22 and family therapists or psychotherapists. The burden of  
23 establishing that the requirements of this provision have been  
24 met shall be upon the applicant, and the board shall ~~may~~  
25 require documentation, such as, but not limited to, an  
26 evaluation by a foreign equivalency determination service, as  
27 evidence that the applicant's graduate degree program and  
28 education were equivalent to an accredited program in this  
29 country. An applicant with a master's degree from a program  
30 which did not emphasize marriage and family therapy may  
31 complete the coursework requirement in a training institution

1 fully accredited by the Commission on Accreditation for  
2 Marriage and Family Therapy Education recognized by the United  
3 States Department of Education.

4 (c) Has had not less than 2 ~~3~~ years of clinical  
5 experience during which 50 percent of the applicant's clients  
6 were receiving marriage and family therapy services, ~~2 years~~  
7 ~~of~~ which must be at the post-master's level under the  
8 supervision of a licensed marriage and family therapist with  
9 at least 5 years of experience, or the equivalent, who is a  
10 qualified supervisor as determined by the board. An  
11 individual who intends to practice in Florida to satisfy the  
12 clinical experience requirements must register pursuant to s.  
13 491.0045 prior to commencing practice. If a graduate has a  
14 master's degree with a major emphasis in marriage and family  
15 therapy or a closely related field that did not include all  
16 the coursework required under sub-subparagraphs (b)1.a.-c.,  
17 credit for the post-master's level clinical experience shall  
18 not commence until the applicant has completed a minimum of 10  
19 of the courses required under sub-subparagraphs (b)1.a.-c., as  
20 determined by the board, and at least 12 semester hours or 16  
21 quarter hours of the course credits must have been completed  
22 in the area of marriage and family systems, theories, or  
23 techniques. Within the 3 years of required experience ~~for~~  
24 ~~licensure as a marriage and family therapist~~, the applicant  
25 shall provide direct individual, group, or family therapy and  
26 counseling, to include the following categories of cases:  
27 unmarried dyads, married couples, separating and divorcing  
28 couples, and family groups including children. A doctoral  
29 internship may be applied toward the clinical experience  
30 ~~supervision~~ requirement. The clinical experience requirement  
31 may be met by work performed on or off the premises of the

1 supervising marriage and family therapist or the equivalent,  
2 provided the off-premises work is not the independent private  
3 practice rendering of marriage and family therapy services  
4 that does not have a licensed mental health professional  
5 ~~marriage and family therapist or the equivalent~~, as determined  
6 by the board, ~~as a member of the group actually rendering~~  
7 ~~services~~ on the premises at the same time the intern is  
8 providing services.

9 (d) Has passed a theory and practice ~~an~~ examination  
10 provided by the department for this purpose.

11 (e) Has demonstrated, in a manner designated by rule  
12 of the board, knowledge of the laws and rules governing the  
13 practice of clinical social work, marriage and family therapy,  
14 and mental health counseling.

15 (4) Upon verification of documentation and payment of  
16 a fee not to exceed \$200, as set by board rule, plus the  
17 actual per applicant cost to the department for purchase of  
18 the examination from the Professional Examination Service for  
19 the National Academy of Certified Clinical Mental Health  
20 Counselors or a similar national organization, the department  
21 shall issue a license as a mental health counselor to an  
22 applicant who the board certifies:

23 (a) Has made application therefor and paid the  
24 appropriate fee.

25 (b)1. Has received a minimum of an earned master's  
26 degree with a major related to the practice of mental health  
27 counseling, and has completed all of the following  
28 requirements:

29 a.1. Twenty-one semester hours or 32 quarter hours of  
30 graduate coursework, which must include a minimum of 2  
31 semester hours or 3 quarter hours of graduate-level coursework



1 in each of the following seven content areas: counseling  
2 theories and practice; human development theories; personality  
3 theory; psychopathology or abnormal psychology; human  
4 sexuality theories; group theories and practice; and  
5 individual evaluation and assessment. Content may be  
6 combined, provided no more than two of the seven content areas  
7 are included in any one graduate-level course and the  
8 applicant can document that the equivalent of 2 semester hours  
9 of content was devoted to each content area. Courses in  
10 research, thesis or dissertation work, practicums,  
11 internships, or fieldwork may not be applied toward this  
12 requirement.

13 b.2. A minimum of one 2-semester-hour or  
14 3-quarter-hour graduate-level course in research or in career  
15 or vocational counseling. Credit for thesis or dissertation  
16 work, practicums, internships, or fieldwork may not be applied  
17 toward this requirement.

18 c.3. A minimum of 2 semester hours or 3 quarter hours  
19 of graduate-level coursework in legal, ethical, and  
20 professional standards issues in the practice of mental health  
21 counseling, which includes goals and objectives of  
22 professional counseling organizations, codes of ethics, legal  
23 considerations, standards of preparation, certifications and  
24 licensing, and the role identity of counselors. Courses in  
25 research, thesis or dissertation work, practicums,  
26 internships, or fieldwork may not be applied toward this  
27 requirement.

28 d.4. A minimum of one supervised practicum,  
29 internship, or field experience in a counseling setting. This  
30 requirement may be met by a supervised practice experience  
31 which takes place outside the academic arena, but which is

1 certified as equivalent to a graduate-level practicum in a  
2 clinical mental health counseling setting currently offered  
3 within an academic program of a college or university  
4 accredited by an accrediting agency approved by the United  
5 States Department of Education. Such certification shall be  
6 required from an official of such college or university.

7 2. If the course title which appears on the  
8 applicant's transcript does not clearly identify the content  
9 of the coursework, the applicant shall be required to provide  
10 additional documentation, including, but not limited to, a  
11 syllabus or catalog description published for the course.

12  
13 Except as provided in sub-subparagraph 1.d.~~subparagraph 4.~~,  
14 education and training in mental health counseling must have  
15 been received in an institution of higher education which at  
16 the time the applicant graduated was: fully accredited by a  
17 regional accrediting body recognized by the Commission on  
18 Recognition of Postsecondary Accreditation; publicly  
19 recognized as a member in good standing with the Association  
20 of Universities and Colleges of Canada; or an institution of  
21 higher education located outside the United States and Canada,  
22 which at the time the applicant was enrolled and at the time  
23 the applicant graduated maintained a standard of training  
24 substantially equivalent to the standards of training of those  
25 institutions in the United States which are accredited by a  
26 regional accrediting body recognized by the Commission on  
27 Recognition of Postsecondary Accreditation. Such foreign  
28 education and training must have been received in an  
29 institution or program of higher education officially  
30 recognized by the government of the country in which it is  
31 located as an institution or program to train students to

1 practice as mental health counselors. The burden of  
2 establishing that the requirements of this provision have been  
3 met shall be upon the applicant, and the board shall ~~may~~  
4 require documentation, such as, but not limited to, an  
5 evaluation by a foreign equivalency determination service, as  
6 evidence that the applicant's graduate degree program and  
7 education were equivalent to an accredited program in this  
8 country.

9 (c) Has had not less than 2 years of ~~a minimum of 3~~  
10 ~~years~~ clinical experience in mental health counseling, ~~2~~  
11 ~~years~~ of which must be at the post-master's level under the  
12 supervision of a licensed mental health counselor or the  
13 equivalent who is a qualified supervisor as determined by the  
14 board. An individual who intends to practice in Florida to  
15 satisfy the clinical experience requirements must register  
16 pursuant to s. 491.0045 prior to commencing practice. If a  
17 graduate has a master's degree with a major related to the  
18 practice of mental health counseling that did not include all  
19 the coursework required under sub-subparagraphs (b)1.a.-c.,  
20 credit for the post-master's level clinical experience shall  
21 not commence until the applicant has completed a minimum of  
22 seven of the courses required under sub-subparagraphs  
23 (b)1.a.-c., as determined by the board, and at least 12  
24 semester hours or 16 quarter hours of the course credits must  
25 have been completed in the area of mental health systems,  
26 theories, or techniques.A doctoral internship may be applied  
27 toward the clinical experience ~~supervision~~ requirement. The  
28 clinical experience requirement may be met by work performed  
29 on or off the premises of the supervising mental health  
30 counselor or the equivalent, provided the off-premises work is  
31 not the independent private practice rendering of services

1 that does not have a licensed mental health professional  
2 ~~counselor or the equivalent~~, as determined by the board, ~~as a~~  
3 ~~member of the group actually rendering services~~ on the  
4 premises at the same time the intern is providing services.

5 (d) Has passed a theory and practice ~~an~~ examination  
6 provided by the department for this purpose.

7 (e) Has demonstrated, in a manner designated by rule  
8 of the board, knowledge of the laws and rules governing the  
9 practice of clinical social work, marriage and family therapy,  
10 and mental health counseling.

11 Section 15. Effective January 1, 2001, paragraph (b)  
12 of subsection (3) and paragraphs (b) and (c) of subsection (4)  
13 of section 491.005, Florida Statutes, as amended by this act,  
14 are amended to read:

15 491.005 Licensure by examination.--

16 (3) Upon verification of documentation and payment of  
17 a fee not to exceed \$200, as set by board rule, plus the  
18 actual cost to the department for the purchase of the  
19 examination from the Association of Marital and Family Therapy  
20 Regulatory Board, or similar national organization, the  
21 department shall issue a license as a marriage and family  
22 therapist to an applicant who the board certifies:

23 (b)1. Has a minimum of a master's degree with major  
24 emphasis in marriage and family therapy, or a closely related  
25 field, and has completed all of the following requirements:

26 a. Thirty-six ~~Twenty-seven~~ semester hours or 48 ~~41~~  
27 quarter hours of graduate coursework, which must include a  
28 minimum of 3 ~~2~~ semester hours or 4 ~~3~~ quarter hours of  
29 graduate-level course credits in each of the following nine  
30 areas: dynamics of marriage and family systems; marriage  
31 therapy and counseling theory and techniques; family therapy

1 and counseling theory and techniques; individual human  
2 development theories throughout the life cycle; personality  
3 theory or general counseling theory and techniques;  
4 psychopathology; human sexuality theory and counseling  
5 techniques; ~~general counseling theory and techniques;~~ and  
6 psychosocial theory; and substance abuse theory and counseling  
7 techniques. ~~Content may be combined, provided no more than~~  
8 ~~two of the nine content areas are included in any one~~  
9 ~~graduate-level course and the applicant can document that the~~  
10 ~~equivalent of 2 semester hours of coursework was devoted to~~  
11 ~~each content area.~~ Courses in research, evaluation,  
12 appraisal, assessment, or testing theories and procedures;  
13 thesis or dissertation work; or practicums, internships, or  
14 fieldwork may not be applied toward this requirement.

15 b. A minimum of one graduate-level course of 3 ~~2~~  
16 semester hours or 4 ~~3~~ quarter hours in legal, ethical, and  
17 professional standards issues in the practice of marriage and  
18 family therapy or a course determined by the board to be  
19 equivalent.

20 c. A minimum of one graduate-level course of 3 ~~2~~  
21 semester hours or 4 ~~3~~ quarter hours in diagnosis, appraisal,  
22 assessment, and testing for individual or interpersonal  
23 disorder or dysfunction; and a minimum of one 3-semester-hour  
24 ~~2-semester-hour~~ or 4-quarter-hour ~~3-quarter-hour~~  
25 graduate-level course in behavioral research which focuses on  
26 the interpretation and application of research data as it  
27 applies to clinical practice. Credit for thesis or  
28 dissertation work, practicums, internships, or fieldwork may  
29 not be applied toward this requirement.

30 d. A minimum of one supervised clinical practicum,  
31 internship, or field experience in a marriage and family

1 counseling setting, during which the student provided 180  
2 direct client contact hours of marriage and family therapy  
3 services under the supervision of an individual who met the  
4 requirements for supervision under paragraph (c). This  
5 requirement may be met by a supervised practice experience  
6 which took place outside the academic arena, but which is  
7 certified as equivalent to a graduate-level practicum or  
8 internship program which required a minimum of 180 direct  
9 client contact hours of marriage and family therapy services  
10 currently offered within an academic program of a college or  
11 university accredited by an accrediting agency approved by the  
12 United States Department of Education, or an institution which  
13 is publicly recognized as a member in good standing with the  
14 Association of Universities and Colleges of Canada or a  
15 training institution accredited by the Commission on  
16 Accreditation for Marriage and Family Therapy Education  
17 recognized by the United States Department of Education.  
18 Certification shall be required from an official of such  
19 college, university, or training institution.

20           2. If the course title which appears on the  
21 applicant's transcript does not clearly identify the content  
22 of the coursework, the applicant shall be required to provide  
23 additional documentation, including, but not limited to, a  
24 syllabus or catalog description published for the course.

25  
26 The required master's degree must have been received in an  
27 institution of higher education which at the time the  
28 applicant graduated was: fully accredited by a regional  
29 accrediting body recognized by the Commission on Recognition  
30 of Postsecondary Accreditation; publicly recognized as a  
31 member in good standing with the Association of Universities

1 and Colleges of Canada; or an institution of higher education  
2 located outside the United States and Canada, which at the  
3 time the applicant was enrolled and at the time the applicant  
4 graduated maintained a standard of training substantially  
5 equivalent to the standards of training of those institutions  
6 in the United States which are accredited by a regional  
7 accrediting body recognized by the Commission on Recognition  
8 of Postsecondary Accreditation. Such foreign education and  
9 training must have been received in an institution or program  
10 of higher education officially recognized by the government of  
11 the country in which it is located as an institution or  
12 program to train students to practice as professional marriage  
13 and family therapists or psychotherapists. The burden of  
14 establishing that the requirements of this provision have been  
15 met shall be upon the applicant, and the board shall require  
16 documentation, such as, but not limited to, an evaluation by a  
17 foreign equivalency determination service, as evidence that  
18 the applicant's graduate degree program and education were  
19 equivalent to an accredited program in this country. An  
20 applicant with a master's degree from a program which did not  
21 emphasize marriage and family therapy may complete the  
22 coursework requirement in a training institution fully  
23 accredited by the Commission on Accreditation for Marriage and  
24 Family Therapy Education recognized by the United States  
25 Department of Education.

26 (4) Upon verification of documentation and payment of  
27 a fee not to exceed \$200, as set by board rule, plus the  
28 actual per applicant cost to the department for purchase of  
29 the examination from the Professional Examination Service for  
30 the National Academy of Certified Clinical Mental Health  
31 Counselors or a similar national organization, the department

1 shall issue a license as a mental health counselor to an  
2 applicant who the board certifies:

3 (b)1. Has ~~received~~ a minimum of an earned master's  
4 degree from a with a major related to the practice of mental  
5 health counseling program accredited by the Council for the  
6 Accreditation of Counseling and Related Educational Programs  
7 that consists of at least 60 semester hours or 80 quarter  
8 hours of clinical and didactic instruction, including a course  
9 in human sexuality and substance abuse. If the master's  
10 degree is earned from a program related to the practice of  
11 mental health counseling that is not accredited by the Council  
12 for the Accreditation of Counseling and Related Educational  
13 Programs, then the coursework and practicum, internship, or  
14 fieldwork must meet, and has completed all of the following  
15 requirements:

16 a. ~~Thirty-six~~ Twenty-one semester hours or ~~48~~ 32  
17 quarter hours of graduate coursework, which must include a  
18 minimum of 3 ~~2~~ semester hours or 4 ~~3~~ quarter hours of  
19 graduate-level coursework in each of the following 12 ~~seven~~  
20 content areas: counseling theories and practice; human growth  
21 and development theories; personality theory; diagnosis and  
22 treatment of psychopathology or abnormal psychology; human  
23 sexuality theories; group theories and practice; and  
24 individual evaluation and assessment; career and lifestyle  
25 assessment; research and program evaluation; social and  
26 cultural foundations; foundations of mental health counseling;  
27 counseling in community settings; and substance abuse.  
28 ~~Content may be combined, provided no more than two of the~~  
29 ~~seven content areas are included in any one graduate-level~~  
30 ~~course and the applicant can document that the equivalent of 2~~  
31 ~~semester hours of content was devoted to each content area.~~



1 Courses in research, thesis or dissertation work, practicums,  
2 internships, or fieldwork may not be applied toward this  
3 requirement.

4 ~~b. A minimum of one 2 semester-hour or 3 quarter-hour~~  
5 ~~graduate-level course in research or in career or vocational~~  
6 ~~counseling. Credit for thesis or dissertation work,~~  
7 ~~practicums, internships, or fieldwork may not be applied~~  
8 ~~toward this requirement.~~

9 b.c. A minimum of 3 ~~2~~ semester hours or 4 ~~3~~ quarter  
10 hours of graduate-level coursework in legal, ethical, and  
11 professional standards issues in the practice of mental health  
12 counseling, which includes goals, and objectives, and  
13 practices of professional counseling organizations, codes of  
14 ethics, legal considerations, standards of preparation,  
15 certifications and licensing, and the role identity and  
16 professional obligations of mental health counselors. Courses  
17 in research, thesis or dissertation work, practicums,  
18 internships, or fieldwork may not be applied toward this  
19 requirement.

20 c.d. The equivalent of at least 1,000 hours of  
21 university-sponsored ~~A minimum of one~~ supervised clinical  
22 practicum, internship, or field experience as required in the  
23 accrediting standards of the Council for Accreditation of  
24 Counseling and Related Educational Programs for mental health  
25 counseling programs. If the academic practicum, internship,  
26 or field experience was less than 1,000 hours, experience  
27 gained outside the academic arena in clinical mental health  
28 settings under the supervision of a qualified supervisor as  
29 determined by the board may be applied. This experience may  
30 not be used to satisfy the post-master's clinical experience  
31 requirement in a counseling setting. This requirement may be

1 ~~met by a supervised practice experience which takes place~~  
2 ~~outside the academic arena, but which is certified as~~  
3 ~~equivalent to a graduate-level practicum in a clinical mental~~  
4 ~~health counseling setting currently offered within an academic~~  
5 ~~program of a college or university accredited by an~~  
6 ~~accrediting agency approved by the United States Department of~~  
7 ~~Education. Such certification shall be required from an~~  
8 ~~official of such college or university.~~

9           2. If the course title which appears on the  
10 applicant's transcript does not clearly identify the content  
11 of the coursework, the applicant shall be required to provide  
12 additional documentation, including, but not limited to, a  
13 syllabus or catalog description published for the course.  
14

15 ~~Except as provided in subparagraph 4.,~~ Education and training  
16 in mental health counseling must have been received in an  
17 institution of higher education which at the time the  
18 applicant graduated was: fully accredited by a regional  
19 accrediting body recognized by the Commission on Recognition  
20 of Postsecondary Accreditation; publicly recognized as a  
21 member in good standing with the Association of Universities  
22 and Colleges of Canada; or an institution of higher education  
23 located outside the United States and Canada, which at the  
24 time the applicant was enrolled and at the time the applicant  
25 graduated maintained a standard of training substantially  
26 equivalent to the standards of training of those institutions  
27 in the United States which are accredited by a regional  
28 accrediting body recognized by the Commission on Recognition  
29 of Postsecondary Accreditation. Such foreign education and  
30 training must have been received in an institution or program  
31 of higher education officially recognized by the government of

1 the country in which it is located as an institution or  
2 program to train students to practice as mental health  
3 counselors. The burden of establishing that the requirements  
4 of this provision have been met shall be upon the applicant,  
5 and the board shall require documentation, such as, but not  
6 limited to, an evaluation by a foreign equivalency  
7 determination service, as evidence that the applicant's  
8 graduate degree program and education were equivalent to an  
9 accredited program in this country.

10 (c) Has had not less than 2 years of clinical  
11 experience in mental health counseling, which must be at the  
12 post-master's level under the supervision of a licensed mental  
13 health counselor or the equivalent who is a qualified  
14 supervisor as determined by the board. An individual who  
15 intends to practice in Florida to satisfy the clinical  
16 experience requirements must register pursuant to s. 491.0045  
17 prior to commencing practice. If a graduate has a master's  
18 degree with a major related to the practice of mental health  
19 counseling that did not include all the coursework required  
20 under sub-subparagraphs (b)1.a.-b. ~~(b)1.a.-c.~~, credit for the  
21 post-master's level clinical experience shall not commence  
22 until the applicant has completed a minimum of seven of the  
23 courses required under sub-subparagraphs (b)1.a.-b.  
24 ~~(b)1.a.-c.~~, as determined by the board, and at least 12  
25 semester hours or 16 quarter hours of the course credits must  
26 have been completed in the area of mental health systems,  
27 theories, or techniques. A doctoral internship may be applied  
28 toward the clinical experience requirement. The clinical  
29 experience requirement may be met by work performed on or off  
30 the premises of the supervising mental health counselor or the  
31 equivalent, provided the off-premises work is not the

1 independent private practice rendering of services that does  
2 not have a licensed mental health professional, as determined  
3 by the board, on the premises at the same time the intern is  
4 providing services.

5 Section 16. Section 491.0057, Florida Statutes, is  
6 created to read:

7 491.0057 Dual licensure as a marriage and family  
8 therapist.--The department shall license as a marriage and  
9 family therapist any person who demonstrates to the board that  
10 he or she:

11 (1) Holds a valid, active license as a psychologist  
12 under chapter 490 or as a clinical social worker or mental  
13 health counselor under this chapter, or is certified under s.  
14 464.012 as an advanced registered nurse practitioner who has  
15 been determined by the Board of Nursing as a specialist in  
16 psychiatric mental health.

17 (2) Has held a valid, active license for at least 3  
18 years.

19 (3) Has a clinical membership in the American  
20 Association of Marriage and Family Therapy or submits  
21 documentation of the completion of 21 semester hours or 28  
22 quarter hours of course credits, including 6 semester hours or  
23 8 quarter hours of theoretical foundations of marriage and  
24 family therapy, 6 semester hours or 8 quarter hours of  
25 assessment and treatment in marriage and family therapy, 6  
26 semester hours or 8 quarter hours of human development and  
27 family studies, and 3 semester hours or 4 quarter hours of  
28 human sexuality theory and practice.

29 (4) Has passed the examination provided by the  
30 department for marriage and family therapy.

31

1           Section 17. Subsection (3) is added to section  
2 491.007, Florida Statutes, to read:

3           491.007 Renewal of license, registration, or  
4 certificate.--

5           (3) The board or department shall prescribe by rule a  
6 method for the biennial renewal of an intern registration at a  
7 fee set by rule, not to exceed \$100.

8           Section 18. Section 491.009, Florida Statutes, 1996  
9 Supplement, is amended to read:

10          491.009 Discipline.--

11          (1) When the department or the board finds that an  
12 applicant, licensee, provisional licensee, registered intern,  
13 or certificateholder whom it regulates under this chapter has  
14 committed any of the acts set forth in subsection (2), it may  
15 issue an order imposing one or more of the following  
16 penalties:

17           (a) Denial of an application for licensure,  
18 registration, or certification, either temporarily or  
19 permanently.

20           (b) Revocation of an application for licensure,  
21 registration, or certification, either temporarily or  
22 permanently.

23           (c) Suspension for a period of up to 5 years or  
24 revocation of a license, registration, or certificate, after  
25 hearing.

26           (d) Immediate suspension of a license, registration,  
27 or certificate pursuant to s. 120.60(6).

28           (e) Imposition of an administrative fine not to exceed  
29 \$1,000 for each count or separate offense.

30           (f) Issuance of a public reprimand.

31

1           (g) Placement of an applicant, licensee, registered  
2 intern, or certificateholder on probation for a period of time  
3 and subject to such conditions as the board may specify,  
4 including, but not limited to, requiring the applicant,  
5 licensee, registered intern, or certificateholder to submit to  
6 treatment, to attend continuing education courses, to submit  
7 to reexamination, or to work under the supervision of a  
8 designated licensee or certificateholder.

9           (h) Restriction of practice.

10           (2) The following acts of a licensee, provisional  
11 licensee, registered intern, certificateholder, or applicant  
12 are grounds for which the disciplinary actions listed in  
13 subsection (1) may be taken:

14           (a) Attempting to obtain, obtaining, or renewing a  
15 license, registration, or certificate under this chapter by  
16 bribery or fraudulent misrepresentation or through an error of  
17 the board or the department.

18           (b) Having a license, registration, or certificate to  
19 practice a comparable profession revoked, suspended, or  
20 otherwise acted against, including the denial of certification  
21 or licensure by another state, territory, or country.

22           (c) Being convicted or found guilty of, regardless of  
23 adjudication, or having entered a plea of nolo contendere to,  
24 a crime in any jurisdiction which directly relates to the  
25 practice of his profession or the ability to practice his  
26 profession. However, in the case of a plea of nolo  
27 contendere, the board shall allow the person who is the  
28 subject of the disciplinary proceeding to present evidence in  
29 mitigation relevant to the underlying charges and  
30 circumstances surrounding the plea.

31

- 1           (d) False, deceptive, or misleading advertising or  
2 obtaining a fee or other thing of value on the representation  
3 that beneficial results from any treatment will be guaranteed.  
4           (e) Advertising, practicing, or attempting to practice  
5 under a name other than one's own.  
6           (f) Maintaining a professional association with any  
7 person ~~who~~ ~~whom~~ the applicant, licensee, registered intern, or  
8 certificateholder knows, or has reason to believe, is in  
9 violation of this chapter or of a rule of the department or  
10 the board.  
11           (g) Knowingly aiding, assisting, procuring, or  
12 advising any nonlicensed, nonregistered, or noncertified  
13 person to hold himself out as licensed, registered, or  
14 certified under this chapter.  
15           (h) Failing to perform any statutory or legal  
16 obligation placed upon a person licensed, registered, or  
17 certified under this chapter.  
18           (i) Willfully making or filing a false report or  
19 record; failing to file a report or record required by state  
20 or federal law; willfully impeding or obstructing the filing  
21 of a report or record; or inducing another person to make or  
22 file a false report or record or to impede or obstruct the  
23 filing of a report or record. Such report or record includes  
24 only a report or record which requires the signature of a  
25 person licensed, registered, or certified under this chapter.  
26           (j) Paying a kickback, rebate, bonus, or other  
27 remuneration for receiving a patient or client, or receiving a  
28 kickback, rebate, bonus, or other remuneration for referring a  
29 patient or client to another provider of mental health care  
30 services or to a provider of health care services or goods;  
31 referring a patient or client to oneself for services on a

1 fee-paid basis when those services are already being paid for  
2 by some other public or private entity; or entering into a  
3 reciprocal referral agreement.

4 (k) Committing any act upon a patient or client which  
5 would constitute sexual battery or which would constitute  
6 sexual misconduct as defined pursuant to s. 491.0111.

7 (l) Making misleading, deceptive, untrue, or  
8 fraudulent representations in the practice of any profession  
9 licensed, registered, or certified under this chapter.

10 (m) Soliciting patients or clients personally, or  
11 through an agent, through the use of fraud, intimidation,  
12 undue influence, or a form of overreaching or vexatious  
13 conduct.

14 (n) Failing to make available to a patient or client,  
15 upon written request, copies of tests, reports, or documents  
16 in the possession or under the control of the licensee,  
17 registered intern, or certificateholder which have been  
18 prepared for and paid for by the patient or client.

19 (o) Failing to respond within 30 days to a written  
20 communication from the department or the board concerning any  
21 investigation by the department or the board, or failing to  
22 make available any relevant records with respect to any  
23 investigation about the licensee's, registered intern's, or  
24 ~~the~~ certificateholder's conduct or background.

25 (p) Being unable to practice the profession for which  
26 he is licensed, registered, or certified under this chapter  
27 with reasonable skill or competence as a result of any mental  
28 or physical condition or by reason of illness; drunkenness; or  
29 excessive use of drugs, narcotics, chemicals, or any other  
30 substance. In enforcing this paragraph, upon a finding by the  
31 secretary, his designee, or the board that probable cause



1 exists to believe that the licensee, registered intern, or  
2 certificateholder is unable to practice the profession because  
3 of the reasons stated in this paragraph, the department shall  
4 have the authority to compel a licensee, registered intern, or  
5 certificateholder to submit to a mental or physical  
6 examination by psychologists, physicians, or other licensees  
7 under this chapter, designated by the department or board. If  
8 the licensee, registered intern, or certificateholder refuses  
9 to comply with such order, the department's order directing  
10 the examination may be enforced by filing a petition for  
11 enforcement in the circuit court in the circuit in which the  
12 licensee, registered intern, or certificateholder resides or  
13 does business. The licensee, registered intern, or  
14 certificateholder against whom the petition is filed shall not  
15 be named or identified by initials in any public court records  
16 or documents, and the proceedings shall be closed to the  
17 public. The department shall be entitled to the summary  
18 procedure provided in s. 51.011. A licensee, registered  
19 intern, or certificateholder affected under this paragraph  
20 shall at reasonable intervals be afforded an opportunity to  
21 demonstrate that he can resume the competent practice for  
22 which he is licensed, registered, or certified with reasonable  
23 skill and safety to patients.

24 (q) Violating provisions of this chapter, or of  
25 chapter 455, or any rules adopted pursuant thereto.

26 (r) Performing any treatment or prescribing any  
27 therapy which, by the prevailing standards of the mental  
28 health professions in the community, would constitute  
29 experimentation on human subjects, without first obtaining  
30 full, informed, and written consent.

31

1 (s) Failing to meet the minimum standards of  
2 performance in professional activities when measured against  
3 generally prevailing peer performance, including the  
4 undertaking of activities for which the licensee, registered  
5 intern, or certificateholder is not qualified by training or  
6 experience.

7 (t) Delegating professional responsibilities to a  
8 person whom the licensee, registered intern, or  
9 certificateholder knows or has reason to know is not qualified  
10 by training or experience to perform such responsibilities.

11 (u) Violating a rule relating to the regulation of the  
12 profession or a lawful order of the department or the board  
13 previously entered in a disciplinary hearing.

14 (v) Failure of the licensee, registered intern, or  
15 certificateholder to maintain in confidence a communication  
16 made by a patient or client in the context of such services,  
17 except as provided in s. 491.0147 ~~by written permission or in~~  
18 ~~the face of a clear and immediate probability of bodily harm~~  
19 ~~to the patient or client or to others.~~

20 (w) 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 (x) Engaging or attempting to engage in the  
24 possession, use, sale, or distribution of controlled  
25 substances as set forth in chapter 893 for other than  
26 legitimate purposes.

27 Section 19. Section 491.012, Florida Statutes, is  
28 amended to read:

29 491.012 Violations; penalty; injunction.--

30 (1) It is unlawful and a violation of this chapter for  
31 any person to:

- 1           (a) Use the following titles or any combination  
2 thereof, unless he holds a valid, active license as a clinical  
3 social worker issued pursuant to this chapter:
- 4           1. "Licensed clinical social worker."
  - 5           2. "Clinical social worker."
  - 6           3. "Licensed social worker."
  - 7           4. "Psychiatric social worker."
  - 8           5. "Psychosocial worker."
- 9           (b) Use the following titles or any combination  
10 thereof, unless he holds a valid, active license as a marriage  
11 and family therapist issued pursuant to this chapter:
- 12           1. "Licensed marriage and family therapist."
  - 13           2. "Marriage and family therapist."
  - 14           3. "Marriage counselor."
  - 15           4. "Marriage consultant."
  - 16           5. "Family therapist."
  - 17           6. "Family counselor."
  - 18           7. "Family consultant."
- 19           (c) Use the following titles or any combination  
20 thereof, unless he holds a valid, active license as a mental  
21 health counselor issued pursuant to this chapter:
- 22           1. "Licensed mental health counselor."
  - 23           2. "Mental health counselor."
  - 24           3. "Mental health therapist."
  - 25           4. "Mental health consultant."
- 26           (d) Use the terms psychotherapist or sex therapist,  
27 unless such person is licensed pursuant to this chapter or  
28 chapter 490, or is certified under s. 464.012 as an advanced  
29 registered nurse practitioner who has been determined by the  
30 Board of Nursing as a specialist in ~~the category of~~  
31 psychiatric mental health and the use of such terms is within

1 the scope of his practice based on education, training, and  
2 licensure.

3 (e) Present as his own the clinical social work,  
4 marriage and family therapy, or mental health counseling  
5 license of another.

6 (f) Give false or forged evidence to the board or a  
7 member thereof for the purpose of obtaining a license.

8 (g) Use or attempt to use a license issued pursuant to  
9 this chapter which has been revoked or is under suspension.

10 (h) Knowingly conceal information relative to  
11 violations of this chapter.

12 (i) ~~Beginning October 1, 1992,~~ Practice clinical  
13 social work in this state, as the practice is defined in s.  
14 491.003(7), for compensation, unless the person holds a valid,  
15 ~~an~~ active license to practice clinical social work issued  
16 pursuant to this chapter.

17 (j) ~~Beginning October 1, 1992,~~ Practice marriage and  
18 family therapy in this state, as the practice is defined in s.  
19 491.003(8), for compensation, unless the person holds a valid,  
20 ~~an~~ active license to practice marriage and family therapy  
21 issued pursuant to this chapter.

22 (k) ~~Beginning October 1, 1992,~~ Practice mental health  
23 counseling in this state, as the practice is defined in s.  
24 491.003(9), for compensation, unless the person holds a valid,  
25 ~~an~~ active license to practice mental health counseling issued  
26 pursuant to this chapter.

27 (l) Use the following titles or any combination  
28 thereof, unless he or she holds a valid registration as an  
29 intern issued pursuant to this chapter:

30 1. "Registered clinical social worker intern."

31 2. "Registered marriage and family therapist intern."

1           3. "Registered mental health counselor intern."  
2           (m) Use the following titles or any combination  
3 thereof, unless he or she holds a valid provisional license  
4 issued pursuant to this chapter:  
5           1. "Provisional clinical social worker licensee."  
6           2. "Provisional marriage and family therapist  
7 licensee."  
8           3. "Provisional mental health counselor licensee."  
9           (2) It is unlawful and a violation of this chapter for  
10 any person to describe his services using the following terms  
11 or any derivative thereof, unless such person holds a valid,  
12 active license under this chapter or chapter 490, or is  
13 certified under s. 464.012 as an advanced registered nurse  
14 practitioner who has been determined by the Board of Nursing  
15 as a specialist in the category of psychiatric mental health  
16 under s. 464.012, and the use of such terms is within the  
17 scope of his practice based on education, training, and  
18 licensure:  
19           (a) "Psychotherapy."  
20           (b) "Sex therapy."  
21           (c) "Sex counseling."  
22           (d) "Clinical social work."  
23           (e) "Psychiatric social work."  
24           (f) "Marriage and family therapy."  
25           (g) "Marriage and family counseling."  
26           (h) "Marriage counseling."  
27           (i) "Family counseling."  
28           (j) "Mental health counseling."  
29           (3) Any person who violates any provision of  
30 subsection (1) or subsection (2) commits a misdemeanor of the  
31

1 first degree, punishable as provided in s. 775.082 or s.  
2 775.083.

3 (4) The department may institute appropriate judicial  
4 proceedings to enjoin violation of this section.

5 Section 20. Section 491.014, Florida Statutes, is  
6 amended to read:

7 491.014 Exemptions.--

8 (1) No provision of this chapter shall be construed to  
9 limit the practice of physicians licensed pursuant to chapter  
10 458 or chapter 459, or psychologists licensed pursuant to  
11 chapter 490, so long as they do not unlawfully hold themselves  
12 out to the public as possessing a license, provisional

13 license, registration, or certificate issued pursuant to this  
14 chapter or use a professional title protected by this chapter.

15 (2) No provision of this chapter shall be construed to  
16 limit the practice of nursing, school psychology, or  
17 psychology, or to prevent qualified members of other  
18 professions from doing work of a nature consistent with their  
19 training and licensure, so long as they do not hold themselves  
20 out to the public as possessing a license, provisional  
21 license, registration, or certificate issued pursuant to this  
22 chapter or use a title protected by this chapter.

23 (3) No provision of this chapter shall be construed to  
24 limit the performance of activities of a rabbi, priest,  
25 minister, or clergyman of any religious denomination or sect,  
26 ~~or use of the terms "Christian counselor" or "Christian~~  
27 ~~clinical counselor"~~ when the activities are within the scope  
28 of the performance of his regular or specialized ministerial  
29 duties and no compensation is received by him, or when such  
30 activities are performed, with or without compensation, by a  
31 person for or under the auspices or sponsorship, individually

1 or in conjunction with others, of an established and legally  
2 cognizable church, denomination, or sect, and when the person  
3 rendering service remains accountable to the established  
4 authority thereof, so long as the person does not hold himself  
5 or herself out to the public as possessing a license,  
6 provisional license, registration, or certificate issued  
7 pursuant to this chapter or use a professional title protected  
8 by this chapter.

9 (4) No person shall be required to be licensed,  
10 provisionally licensed, registered, or certified under this  
11 chapter who:

12 (a) Is a salaried employee of a government agency;  
13 developmental services program, mental health, alcohol, or  
14 drug abuse facility operating pursuant to chapter 393, chapter  
15 394, or chapter 397; subsidized child care program, subsidized  
16 child care case management program, or child care resource and  
17 referral program, operating pursuant to chapter 402;  
18 child-placing or child-caring agency licensed pursuant to  
19 chapter 409; domestic violence center certified pursuant to  
20 chapter 415; accredited academic institution; or research  
21 institution, if such employee is performing duties for which  
22 he was trained and hired solely within the confines of such  
23 agency, facility, or institution.

24 (b) Is a salaried employee of a private, nonprofit  
25 organization providing counseling services to children, youth,  
26 and families, if such services are provided for no charge, if  
27 such employee is performing duties for which he was trained  
28 and hired.

29 (c) Is a student providing services regulated under  
30 this chapter who is pursuing a course of study which leads to  
31 a degree in ~~medicine or~~ a profession regulated by this

1 chapter, ~~who~~ is providing services in a training setting,  
2 provided such ~~activities or services~~ and associated activities  
3 constitute part of a supervised course of study, and ~~or is a~~  
4 ~~graduate accumulating the experience required for any~~  
5 ~~licensure or certification under this chapter, provided such~~  
6 ~~graduate or student~~ is designated by the ~~a~~ title such as  
7 "student intern." or "trainee" which clearly indicates the  
8 ~~in-training status of the student.~~

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

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

14 2. Such nonresident is licensed or certified to  
15 practice the services provided by a state or territory of the  
16 United States or by a foreign country or province.

17 (5) No provision of this chapter shall be construed to  
18 limit the practice of any individual who solely engages in  
19 behavior analysis so long as he does not hold himself out to  
20 the public as possessing a license issued pursuant to this  
21 chapter or use a title protected by this chapter.

22 (6) Nothing in subsections (2)-(4) shall exempt any  
23 person from the provisions of s. 491.012(1)(a)-(c), (l), and  
24 (m).

25 ~~(7) Any person who is not licensed under this chapter~~  
26 ~~by October 1, 1992, and who desires to become so licensed~~  
27 ~~shall register with the department that person's intent to~~  
28 ~~become fully licensed no later than October 1, 1995. The~~  
29 ~~costs to the department of such registration shall be borne by~~  
30 ~~the registrant. The department may require affidavits and~~  
31 ~~supporting documentation sufficient to demonstrate that the~~



1 ~~registrant is preparing for examination by October 1, 1995,~~  
2 ~~under this chapter. The department may adopt rules to~~  
3 ~~implement this section. Upon receipt of the department's~~  
4 ~~notice of registration, the registrant may practice services~~  
5 ~~as defined in s. 491.003(7), (8), and (9), provided that the~~  
6 ~~registrant uses "trainee" or "intern" with any title or~~  
7 ~~description of the registrant's work and on any business~~  
8 ~~correspondence and work product, including, but not limited~~  
9 ~~to, a business card, letterhead, sign, billing, or report~~  
10 ~~unless exempt pursuant to this chapter.~~

11 (7)(8) The exemptions contained in this section  
12 ~~subsection (4)~~ do not apply to any person licensed under this  
13 chapter whose license has been suspended or revoked by the  
14 board or another jurisdiction.

15 (8)(9) Nothing in this section shall be construed to  
16 exempt a person from meeting the minimum standards of  
17 performance in professional activities when measured against  
18 generally prevailing peer performance, including the  
19 undertaking of activities for which the person is not  
20 qualified by training or experience.

21 Section 21. Section 491.0147, Florida Statutes, is  
22 amended to read:

23 491.0147 Confidentiality and privileged  
24 communications.--Any communication between any person  
25 licensed, provisionally licensed, registered, or certified  
26 under this chapter and his patient or client shall be  
27 confidential. Any provision of law to the contrary  
28 notwithstanding, this confidentiality ~~secrecy~~ may be waived  
29 only under the following conditions:

30 (1) When the person licensed, provisionally licensed,  
31 registered, or certified under this chapter is a party

1 defendant to a civil, criminal, or disciplinary action arising  
2 from a complaint filed by the patient or client, in which case  
3 the waiver shall be limited to that action.

4 (2) When the patient or client agrees to the waiver,  
5 in writing, or, when more than one person in a family is  
6 receiving therapy, when each family member agrees to the  
7 waiver, in writing.

8 (3) When there is a clear and immediate probability of  
9 physical harm to the patient or client, to other individuals,  
10 or to society and the person licensed, provisionally licensed,  
11 registered, or certified under this chapter communicates the  
12 information only to the potential victim, appropriate family  
13 member, or law enforcement or other appropriate authorities.

14 (4) When the person licensed, provisionally licensed,  
15 registered, or certified under this chapter is required to  
16 release records pursuant to a court order issued by a judge.  
17 For purposes of this subsection, a subpoena is not a court  
18 order.

19 (5) When the person licensed, provisionally licensed,  
20 registered, or certified under this chapter performs an  
21 assessment or an evaluation of a psychological nature pursuant  
22 to a court order issued by a judge.

23 Section 22. Section 491.0149, Florida Statutes, is  
24 amended to read:

25 491.0149 Display of license; use of professional title  
26 on promotional materials.--

27 (1)(a) A person licensed under this chapter as a  
28 clinical social worker, marriage and family therapist, or  
29 mental health counselor, or certified as a master social  
30 worker shall conspicuously display the valid license issued by  
31

1 the department or a true copy thereof at each location at  
2 which the licensee practices his profession.

3 (b)1.~~(2)~~ A licensed clinical social worker shall  
4 include the words "licensed clinical social worker" or the  
5 letters "LCSW" on all promotional materials, including cards,  
6 brochures, stationery, advertisements, and signs, naming the  
7 licensee.

8 2.~~(4)~~ A licensed marriage and family therapist shall  
9 include the words "licensed marriage and family therapist" or  
10 the letters "LMFT" on all promotional materials, including  
11 cards, brochures, stationery, advertisements, and signs,  
12 naming the licensee.

13 3.~~(3)~~ A licensed mental health counselor shall include  
14 the words "licensed mental health counselor" or the letters  
15 "LMHC" on all promotional materials, including cards,  
16 brochures, stationery, advertisements, and signs, naming the  
17 licensee.

18 (2)(a) A person registered under this chapter as a  
19 clinical social worker intern, marriage and family therapist  
20 intern, or mental health counselor intern shall conspicuously  
21 display the valid registration issued by the department or a  
22 true copy thereof at each location at which the registered  
23 intern is completing the experience requirements.

24 (b) A registered clinical social worker intern shall  
25 include the words "registered clinical social worker intern,"  
26 a registered marriage and family therapist intern shall  
27 include the words "registered marriage and family therapist  
28 intern," and a registered mental health counselor intern shall  
29 include the words "registered mental health counselor intern"  
30 on all promotional materials, including cards, brochures,  
31

1 stationery, advertisements, and signs, naming the registered  
2 intern.

3 (3)(a) A person provisionally licensed under this  
4 chapter as a provisional clinical social worker licensee,  
5 provisional marriage and family therapist licensee, or  
6 provisional mental health counselor licensee shall  
7 conspicuously display the valid provisional license issued by  
8 the department or a true copy thereof at each location at  
9 which the provisional licensee is providing services.

10 (b) A provisional clinical social worker licensee  
11 shall include the words "provisional clinical social worker  
12 licensee," a provisional marriage and family therapist  
13 licensee shall include the words "provisional marriage and  
14 family therapist licensee," and a provisional mental health  
15 counselor licensee shall include the words "provisional mental  
16 health counselor licensee" on all promotional materials,  
17 including cards, brochures, stationery, advertisements, and  
18 signs, naming the provisional licensee.

19 Section 23. Paragraph (d) of subsection (3) of section  
20 766.1115, Florida Statutes, 1996 Supplement, is amended to  
21 read:

22 766.1115 Health care providers; creation of agency  
23 relationship with governmental contractors.--

24 (3) DEFINITIONS.--As used in this section, the term:

25 (d) "Health care provider" or "provider" means:

- 26 1. A birth center licensed under chapter 383.
- 27 2. An ambulatory surgical center licensed under  
28 chapter 395.
- 29 3. A hospital licensed under chapter 395.
- 30 4. A physician licensed, or physician assistant  
31 certified, under chapter 458.

- 1           5. An osteopathic physician licensed, or osteopathic  
2 physician assistant certified, under chapter 459.
- 3           6. A chiropractic physician licensed under chapter  
4 460.
- 5           7. A podiatrist licensed under chapter 461.
- 6           8. A registered nurse, nurse midwife, licensed  
7 practical nurse, or advanced registered nurse practitioner  
8 licensed or registered under chapter 464 or any facility which  
9 employs nurses licensed or registered under chapter 464 to  
10 supply all or part of the care delivered under this section.
- 11          9. A midwife licensed under chapter 467.
- 12          10. A psychologist licensed under chapter 490.
- 13          11. A clinical social worker, marriage and family  
14 therapist, or mental health counselor licensed under chapter  
15 491.
- 16          ~~12.10.~~ A health maintenance organization certificated  
17 under part I of chapter 641.
- 18          ~~13.11.~~ A health care professional association and its  
19 employees or a corporate medical group and its employees.
- 20          ~~14.12.~~ Any other medical facility the primary purpose  
21 of which is to deliver human medical diagnostic services or  
22 which delivers nonsurgical human medical treatment, and which  
23 includes an office maintained by a provider.
- 24          ~~15.13.~~ Any other health care professional,  
25 practitioner, provider, or facility under contract with a  
26 governmental contractor.
- 27
- 28 The term includes any nonprofit corporation qualified as  
29 exempt from federal income taxation under s. 501(c) of the  
30 Internal Revenue Code which delivers health care services  
31 provided by licensed professionals listed in this paragraph,

1 any federally funded community health center, and any  
2 volunteer corporation or volunteer health care provider that  
3 delivers health care services.

4 Section 24. Paragraph (b) of subsection (4) of section  
5 232.02, Florida Statutes, is amended to read:

6 232.02 Regular school attendance.--Regular attendance  
7 is the actual attendance of a pupil during the school day as  
8 defined by law and regulations of the state board. Regular  
9 attendance within the intent of s. 232.01 may be achieved by  
10 attendance in:

11 (4) A home education program as defined in s. 228.041,  
12 provided that at least one of the following conditions is met:

13 (b) The parent does not hold a valid regular Florida  
14 certificate to teach and complies with the following  
15 requirements:

16 1. Notifies the superintendent of schools of the  
17 county in which the parent resides of her or his intent to  
18 establish and maintain a home education program. The notice  
19 shall be in writing, signed by the parent, and shall include  
20 the names, addresses, and birthdates of all children who shall  
21 be enrolled as students in the home education program. The  
22 notice shall be filed in the superintendent's office within 30  
23 days of the establishment of the home education program. A  
24 written notice of termination of the home education program  
25 shall be filed in the superintendent's office within 30 days  
26 of said termination.

27 2. Maintains a portfolio of records and materials.  
28 The portfolio shall consist of a log, made contemporaneously  
29 with the instruction, which designates by title the reading  
30 materials used and samples of any writings, worksheets,  
31 workbooks, and creative materials used or developed by the

1 student. The portfolio shall be preserved by the parent for 2  
2 years and shall be made available for inspection by the  
3 superintendent, or the superintendent's agent, upon 15 days'  
4 written notice.

5 3. Provides for an annual educational evaluation in  
6 which is documented the pupil's demonstration of educational  
7 progress at a level commensurate with her or his ability. A  
8 copy of the evaluation shall be filed annually with the  
9 district school board office in the county in which the pupil  
10 resides. The annual educational evaluation shall consist of  
11 one of the following:

12 a. A teacher selected by the parent shall evaluate the  
13 pupil's educational progress upon review of the portfolio and  
14 discussion with the pupil. Such teacher shall hold a valid  
15 regular Florida certificate to teach academic subjects at the  
16 elementary or secondary level. The teacher shall submit a  
17 written evaluation to the school superintendent;

18 b. The pupil shall take any nationally normed student  
19 achievement test used by the district and administered by a  
20 certified teacher. Such test results shall be reported to the  
21 school superintendent;

22 c. The pupil shall take a state student assessment  
23 test. Such test results shall be reported to the school  
24 superintendent;

25 d. The pupil shall be evaluated by an individual  
26 holding a valid, active license pursuant to the provisions of  
27 s. 490.003(7)(~~3~~)or(8)(~~5~~). Such results shall be reported to  
28 the school superintendent; or

29 e. The pupil shall be evaluated with any other valid  
30 measurement tool as mutually agreed upon by the school  
31 superintendent of the district in which the pupil resides and

1 the pupil's parent or guardian. Such results shall be  
2 reported to the superintendent.

3  
4 The school superintendent shall review and accept the results  
5 of the annual educational evaluation of the pupil in a home  
6 education program. If the pupil does not demonstrate  
7 educational progress at a level commensurate with her or his  
8 ability, the superintendent shall notify the parent, in  
9 writing, that such progress has not been achieved. The parent  
10 shall have 1 year from the date of receipt of the written  
11 notification to provide remedial instruction to the pupil. At  
12 the end of the 1-year probationary period, the pupil shall be  
13 reevaluated as specified in this subparagraph. Continuation  
14 in a home education program shall be contingent upon the pupil  
15 demonstrating educational progress commensurate with her or  
16 his ability at the end of the probationary period.

17 Section 25. Subsection (2) of section 394.455, Florida  
18 Statutes, 1996 Supplement, is amended to read:

19 394.455 Definitions.--As used in this part, unless the  
20 context clearly requires otherwise, the term:

21 (2) "Clinical psychologist" means a psychologist as  
22 defined in s. 490.003(7)~~(3)~~with 3 years of postdoctoral  
23 experience in the practice of clinical psychology, inclusive  
24 of the experience required for licensure, or a psychologist  
25 employed by a facility operated by the United States  
26 Department of Veterans Affairs that qualifies as a receiving  
27 or treatment facility under this part.

28 Section 26. The Legislature directs the Agency for  
29 Health Care Administration and the Department of Health to  
30 appoint a work group to conduct an analysis of community  
31 mental health care services and to make recommendations to the



1 Legislature as to what qualifications should be required for  
2 people delivering each service in the array of care provided  
3 in community mental health care settings. The work group  
4 shall be comprised of and limited to a representative of the  
5 Board of Psychology; a representative of the Board of Clinical  
6 Social Work, Marriage and Family Therapy, and Mental Health  
7 Counselors; a representative of the Division of Health Quality  
8 Assurance of the Agency for Health Care Administration; a  
9 representative of the Alcohol, Drug Abuse, and Mental Health  
10 Program Office of the Department of Children and Family  
11 Services; a psychiatrist; and a provider of community mental  
12 health care services. The work group shall work in  
13 consultation with private mental health practitioners and  
14 community mental health care service providers. The  
15 recommendations shall be made available to the Legislature no  
16 later than January 1, 1998.

17           Section 27. Except as otherwise provided herein, this  
18 act shall take effect October 1, 1997.

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281-171-97

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HOUSE SUMMARY

Includes specified mental health professionals within the definition of "practitioner of the healing arts."

Revises and provides definitions relating to the regulation of psychological services. Provides for provisional licensure. Repeals an unnecessary provision relating to inactive status. Authorizes the Board of Psychology to designate an organization responsible for approval of continuing education providers, programs, and courses for psychologists. Revises and provides grounds for disciplinary action. Provides requirements for display of licenses and provisional licenses, eliminates a requirement relating to use of the license number on professional advertisements, and provides requirements for promotional materials of provisional licensees. Clarifies applicability of exemption provisions. Removes an obsolete licensing exemption that required registration of certain trainees or interns. Revises provisions relating to waiver of secrecy of confidential communication.

Revises and provides definitions relating to the regulation of clinical, counseling, and psychotherapy services. Requires registration of interns and provides requirements thereof. Provides for provisional licensure. Revises requirements for licensure by examination. Provides for additional educational requirements at a future date. Provides for dual licensure as a marriage and family therapist. Provides for biennial renewal of registrations, including fees. Revises and provides grounds for disciplinary action. Prohibits the use of certain titles under certain circumstances. Revises and clarifies exemption provisions. Removes an obsolete licensing exemption that required registration of certain trainees or interns. Revises provisions relating to waiver of secrecy of confidential communication. Requires display of registrations and provisional licenses and use of applicable professional titles on promotional materials.

Includes specified mental health professionals within the definition of "health care provider" under the Access to Health Care Act.

Provides for a work group to analyze community mental health care services and requires recommendations to the Legislature.

See bill for details.