

1
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.
13 490.009, F.S.; revising and providing grounds
14 for disciplinary action; amending s. 490.012,
15 F.S.; providing requirements for display of
16 licenses and provisional licenses; eliminating
17 a requirement relating to use of the license
18 number on professional advertisements;
19 providing requirements for promotional
20 materials of provisional licensees; conforming
21 cross-references; providing penalties; amending
22 s. 490.014, F.S.; clarifying applicability of
23 exemption provisions; removing an obsolete
24 licensing exemption that required registration
25 of certain trainees or interns; amending s.
26 491.003, F.S.; revising and providing
27 definitions relating to the regulation of
28 clinical, counseling, and psychotherapy
29 services; creating s. 491.0045, F.S.; requiring
30 registration of interns and providing
31 requirements thereof; creating s. 491.0046,

1 F.S.; providing for provisional licensure;
2 amending s. 491.005, F.S.; revising
3 requirements for licensure by examination;
4 providing for additional educational
5 requirements at a future date; creating s.
6 491.0057, F.S.; providing for dual licensure as
7 a marriage and family therapist; amending s.
8 491.007, F.S.; providing for biennial renewal
9 of registrations; providing for fees; amending
10 s. 491.009, F.S.; revising and providing
11 grounds for disciplinary action; amending s.
12 491.012, F.S.; prohibiting the use of certain
13 titles under certain circumstances; providing a
14 penalty; amending s. 491.014, F.S.; revising
15 and clarifying exemption provisions; removing
16 an obsolete licensing exemption that required
17 registration of certain trainees or interns;
18 amending s. 491.0149, F.S.; requiring display
19 of registrations and provisional licenses and
20 use of applicable professional titles on
21 promotional materials; amending ss. 232.02,
22 394.455, F.S.; conforming cross-references;
23 providing effective dates.

24

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

26

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

29 456.32 Definitions.--In construing this chapter, the
30 words, phrases, or terms, unless the context otherwise
31 indicates, shall have the following meanings:

1 (3) "Practitioner of the healing arts" shall mean a
2 person licensed under the laws of the state to practice
3 medicine, surgery, psychiatry, dentistry, osteopathic
4 medicine, chiropractic, naturopathy, podiatry, chiropody,
5 psychology, clinical social work, marriage and family therapy,
6 mental health counseling, or optometry within the scope of his
7 professional training and competence and within the purview of
8 the statutes applicable to his respective profession, and who
9 may refer a patient for treatment by a qualified person, who
10 shall employ hypnotic techniques under the supervision,
11 direction, prescription, and responsibility of such referring
12 practitioner.

13 Section 2. Section 490.003, Florida Statutes, is
14 amended to read:

15 490.003 Definitions.--As used in this chapter:

16 (1)~~(2)~~ "Board" means the Board of Psychology.

17 (2)~~(1)~~ "Department" means the Department of Health
18 ~~Business and Professional Regulation.~~

19 (3)~~(7)~~(a) Prior to July 1, 1999, "doctoral-level
20 psychological education" and "doctoral degree in psychology"
21 mean a Psy.D., an ~~and~~ 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 accrediting

1 agency recognized and approved by the United States Department
2 of Education or was comparable to such programs.

3 (b) Effective July 1, 1999, "doctoral-level
4 psychological education" and "doctoral degree in psychology"
5 mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in
6 psychology from:

7 1. An educational institution which, at the time the
8 applicant was enrolled and graduated, had institutional
9 accreditation from an agency recognized and approved by the
10 United States Department of Education or was recognized as a
11 member in good standing with the Association of Universities
12 and Colleges of Canada; and

13 2. A psychology program within that educational
14 institution which, at the time the applicant was enrolled and
15 graduated, had programmatic accreditation from an agency
16 recognized and approved by the United States Department of
17 Education.

18 (4) "Practice of psychology" means the observations,
19 description, evaluation, interpretation, and modification of
20 human behavior, by the use of scientific and applied
21 psychological principles, methods, and procedures, for the
22 purpose of describing, preventing, alleviating, or eliminating
23 symptomatic, maladaptive, or undesired behavior and of
24 enhancing interpersonal behavioral health and mental or
25 psychological health. The ethical practice of psychology
26 includes, but is not limited to, psychological testing and the
27 evaluation or assessment of personal characteristics such as
28 intelligence, personality, abilities, interests, aptitudes,
29 and neuropsychological functioning, including evaluation of
30 mental competency to manage one's affairs and to participate
31 in legal proceedings; counseling, psychoanalysis, all forms of

1 psychotherapy, sex therapy, hypnosis, biofeedback, and
2 behavioral analysis and therapy; psychoeducational evaluation,
3 therapy, remediation, and consultation; and use of
4 psychological methods to diagnose and treat mental, nervous,
5 psychological, marital, or emotional disorders, illness, or
6 disability, alcoholism and substance abuse, and disorders of
7 habit or conduct, as well as the psychological aspects of
8 physical illness, accident, injury, or disability, including
9 neuropsychological evaluation, diagnosis, prognosis, etiology,
10 and treatment.

11 (a) Psychological services may be rendered to
12 individuals, couples, families, groups, and the public without
13 regard to place of service.

14 (b) The use of specific modalities within the practice
15 of psychology is restricted to psychologists appropriately
16 trained in the use of such modalities.

17 (c) The practice of psychology shall be construed
18 within the meaning of this definition without regard to
19 whether payment is requested or received for services
20 rendered.

21 (5)~~(6)~~ "Practice of school psychology" means the
22 rendering or offering to render to an individual, a group, an
23 organization, a government agency, or the public any of the
24 following services:

25 (a) Assessment, which includes psychoeducational,
26 developmental, and vocational assessment; evaluation and
27 interpretation of intelligence, aptitudes, interests, academic
28 achievement, adjustment, and motivations, or any other
29 attributes, in individuals or groups, that relate to learning,
30 educational, or adjustment needs.

31

1 (b) Counseling, which includes short-term
2 situation-oriented professional interaction with children,
3 parents, or other adults for amelioration or prevention of
4 learning and adjustment problems. Counseling services
5 relative to the practice of school psychology include verbal
6 interaction, interviewing, behavior techniques, developmental
7 and vocational intervention, environmental management, and
8 group processes.

9 (c) Consultation, which includes psychoeducational,
10 developmental, and vocational assistance or direct educational
11 services to schools, agencies, organizations, families, or
12 individuals related to learning problems and adjustments to
13 those problems.

14 (d) Development of programs, which includes designing,
15 implementing, or evaluating educationally and psychologically
16 sound learning environments; acting as a catalyst for teacher
17 involvement in adaptations and innovations; and facilitating
18 the psychoeducational development of individual families or
19 groups.

20 (6) "Provisional psychologist licensee" means a person
21 provisionally licensed under this chapter to provide
22 psychological services under supervision.

23 ~~(7)(3)~~ "Psychologist" means a person licensed pursuant
24 to s. 490.005(1), s. 490.006, or the provision identified as
25 s. 490.013(2) in s. 1, chapter 81-235, Laws of Florida.

26 ~~(8)(5)~~ "School psychologist" means a person licensed
27 pursuant to s. 490.005(2), s. 490.006, or the provision
28 identified as s. 490.013(1) in s. 1, chapter 81-235, Laws of
29 Florida.

30 Section 3. Paragraph (b) of subsection (1) of section
31 490.005, Florida Statutes, is amended to read:

1 490.005 Licensure by examination.--

2 (1) Any person desiring to be licensed as a
3 psychologist shall apply to the department to take the
4 licensure examination. The department shall license each
5 applicant who the board certifies has:

6 (b) Submitted proof satisfactory to the board that the
7 applicant has:

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

10 2. Received the equivalent of a doctoral-level
11 psychological education, as defined in s. 490.003~~(3)(7)~~, from
12 a program at a school or university located outside the United
13 States of America and Canada, which was officially recognized
14 by the government of the country in which it is located as an
15 institution or program to train students to practice
16 professional psychology. The burden of establishing that the
17 requirements of this provision have been met shall be upon the
18 applicant; or

19 3. Received and submitted to the board, prior to July
20 1, 1999, certification of an augmented doctoral-level
21 psychological education from the program director of a
22 doctoral-level psychology program accredited by a programmatic
23 agency recognized and approved by the United States Department
24 of Education.

25 Section 4. Section 490.0051, Florida Statutes, is
26 created to read:

27 490.0051 Provisional licensure; requirements.--

28 (1) The department shall issue a provisional
29 psychology license to each applicant who the board certifies
30 has:

31

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

4 (b) Earned a doctoral degree in psychology as defined
5 in s. 490.003(3).

6 (c) Met any additional requirements established by
7 board rule.

8 (2) A provisional licensee must work under the
9 supervision of a licensed psychologist until the provisional
10 licensee is in receipt of a license or a letter from the
11 department stating that he or she is licensed as a
12 psychologist.

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

15 Section 5. Section 490.008, Florida Statutes, as
16 amended by chapter 94-119, Laws of Florida, is repealed.

17 Section 6. Section 490.009, Florida Statutes, 1996
18 Supplement, is amended to read:

19 490.009 Discipline.--

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

26 (a) Denial of an application for licensure, either
27 temporarily or permanently.

28 (b) Revocation of an application for licensure, either
29 temporarily or permanently.

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

- 1 (d) Immediate suspension of a license pursuant to s.
2 120.60(6).
- 3 (e) Imposition of an administrative fine not to exceed
4 \$5,000 for each count or separate offense.
- 5 (f) Issuance of a public reprimand.
- 6 (g) Placement of an applicant or licensee on probation
7 for a period of time and subject to conditions specified by
8 the department or, in the case of psychologists, by the board,
9 including, but not limited to, requiring the applicant or
10 licensee to submit to treatment, to attend continuing
11 education courses, to submit to reexamination, or to work
12 under the supervision of a designated licensee.
- 13 (h) Restriction of practice.
- 14 (2) The following acts of a licensee, provisional
15 licensee, or applicant are grounds for which the disciplinary
16 actions listed in subsection (1) may be taken:
- 17 (a) Attempting to obtain, obtaining, or renewing a
18 license under this chapter by bribery or fraudulent
19 misrepresentation or through an error of the board or
20 department.
- 21 (b) Having a license to practice a comparable
22 profession revoked, suspended, or otherwise acted against,
23 including the denial of certification or licensure by another
24 state, territory, or country.
- 25 (c) Being convicted or found guilty, regardless of
26 adjudication, of a crime in any jurisdiction which directly
27 relates to the practice of his profession or the ability to
28 practice his profession. A plea of nolo contendere creates a
29 rebuttable presumption of guilt of the underlying criminal
30 charges. However, the board shall allow the person who is the
31 subject of the disciplinary proceeding to present any evidence

1 relevant to the underlying charges and circumstances
2 surrounding the plea.

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

6 (e) Advertising, practicing, or attempting to practice
7 under a name other than one's own.

8 (f) Maintaining a professional association with any
9 person who ~~whom~~ the applicant or licensee knows, or has reason
10 to believe, is in violation of this chapter or of a rule of
11 the department or, in the case of psychologists, of the
12 department or the board.

13 (g) Knowingly aiding, assisting, procuring, or
14 advising any nonlicensed person to hold himself out as
15 licensed under this chapter.

16 (h) Failing to perform any statutory or legal
17 obligation placed upon a person licensed 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 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 in s. 490.0111.

7 (l) Making misleading, deceptive, untrue, or
8 fraudulent representations in the practice of any profession
9 licensed 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 test results, reports, or
16 documents in the possession or under the control of the
17 licensee which have been prepared for and paid for by the
18 patient or client.

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

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

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

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

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

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

29 (t) Delegating professional responsibilities to a
30 person whom the licensee knows or has reason to know is not
31

1 qualified by training or experience to perform such
2 responsibilities.

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

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

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

14 Section 7. Section 490.012, Florida Statutes, is
15 amended to read:

16 490.012 Violations; penalties; injunction.--

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

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

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

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

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

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

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

25 (4)~~(3)~~ Any person who violates any provision of this
26 section, except for subsections (2) and (3), commits a
27 misdemeanor of the first degree, punishable as provided in s.
28 775.082 or s. 775.083. Any person who violates any provision
29 of subsection (2) or subsection (3) is subject to disciplinary
30 action under s. 490.009.

31

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

3 (6)~~(5)~~ ~~Beginning October 1, 1992,~~ No person shall
4 practice psychology in this state, as such practice is defined
5 in s. 490.003(4), for compensation, unless such person holds
6 an active, valid license to practice psychology issued
7 pursuant to this chapter. Nothing in this subsection shall be
8 construed to limit the practice of school psychology, as such
9 practice is defined in s. 490.003(5)~~(6)~~.

10 (7)~~(6)~~ ~~Beginning October 1, 1992,~~ No person shall
11 practice school psychology in this state, as such practice is
12 defined in s. 490.003(5)~~(6)~~, for compensation, unless such
13 person holds an active, valid license to practice school
14 psychology issued pursuant to this chapter.

15 Section 8. Section 490.014, Florida Statutes, is
16 amended to read:

17 490.014 Exemptions.--

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

23 (b) No provision of this chapter shall be construed to
24 limit the practice of nursing, clinical social work, marriage
25 and family therapy, mental health counseling, or other
26 recognized businesses or professions, or to prevent qualified
27 members of other professions from doing work of a nature
28 consistent with their training, so long as they do not hold
29 themselves out to the public as psychologists or use a title
30 protected by this chapter. Nothing in this subsection shall
31

1 be construed to exempt any person from the provisions of s.
2 490.012.

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

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

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

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

31

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

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

26 Section 9. Section 491.003, Florida Statutes, is
27 amended to read:

28 491.003 Definitions.--As used in this chapter:

29 (1)(2) "Board" means the Board of Clinical Social
30 Work, Marriage and Family Therapy, and Mental Health
31 Counseling.

1 ~~(2)(3)~~ "Clinical social worker" means a person
2 licensed under this chapter to practice clinical social work.

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

9 ~~(4)(1)~~ "Department" means the Department of Health
10 ~~Business and Professional Regulation.~~

11 (5) "Marriage and family therapist" means a person
12 licensed under this chapter to practice marriage and family
13 therapy.

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

16 (7) The "practice of clinical social work" is defined
17 as the use of scientific and applied knowledge, theories, and
18 methods for the purpose of describing, preventing, evaluating,
19 and treating individual, couple, marital, family, or group
20 behavior, based on the person-in-situation perspective of
21 psychosocial development, normal and abnormal behavior,
22 psychopathology, unconscious motivation, interpersonal
23 relationships, environmental stress, differential assessment,
24 differential planning, and data gathering. The purpose of
25 such services is the prevention and treatment of undesired
26 behavior and enhancement of mental health. The Such practice
27 of clinical social work includes ~~the use of~~ methods of a
28 psychological nature used to evaluate, assess, diagnose,
29 treat, and prevent emotional and mental disorders and
30 dysfunctions, (whether cognitive, affective, or behavioral), +
31 sexual dysfunction, + behavioral disorders, + alcoholism, + and

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

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

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

27 (a)(b) Clinical social work may be rendered to
28 individuals, including individuals affected by the termination
29 of marriage, and to marriages, couples, families, groups,
30 organizations, and communities.

31

1 **(b)**~~(c)~~ The use of specific methods, techniques, or
2 modalities within the practice of clinical social work is
3 restricted to clinical social workers appropriately trained in
4 the use of such methods, techniques, or modalities.

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

22 **(d)**~~(e)~~ The definition of "clinical social work"
23 contained in this subsection includes all services offered
24 directly to the general public or through organizations,
25 whether public or private, and applies whether payment is
26 requested or received for services rendered.

27 (8) The "practice of marriage and family therapy" is
28 defined as the use of scientific and applied marriage and
29 family theories, methods, and procedures for the purpose of
30 describing, evaluating, and modifying marital, family, and
31 individual behavior, within the context of marital and family

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

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

- 29 ~~1. Marriage and family therapy.~~
- 30 ~~2. Counseling.~~
- 31 ~~3. Psychotherapy, including behavioral family therapy.~~

1 4. ~~Behavior modification.~~

2 5. ~~Hypnotherapy.~~

3 6. ~~Sex therapy.~~

4 7. ~~Consultation.~~

5 8. ~~Client advocacy.~~

6 9. ~~Crisis intervention.~~

7 10. ~~Providing needed information and education to~~
8 ~~clients.~~

9 (a)~~(b)~~ Marriage and family therapy may be rendered to
10 individuals, including individuals affected by termination of
11 marriage, to couples, whether married or unmarried, to
12 families, or to groups.

13 (b)~~(c)~~ The use of specific methods, techniques, or
14 modalities within the practice of marriage and family therapy
15 is restricted to marriage and family therapists appropriately
16 trained in the use of such methods, techniques, or modalities.

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

1 specifically to the definition of practice authorized in this
2 subsection.

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

8 (9) The "practice of mental health counseling" is
9 defined as the use of scientific and applied behavioral
10 science theories, methods, and techniques for the purpose of
11 describing, preventing, and treating undesired behavior and
12 enhancing mental health and human development and is based on
13 the person-in-situation perspectives derived from research and
14 theory in personality, family, group, and organizational
15 dynamics and development, career planning, cultural diversity,
16 human growth and development, human sexuality, normal and
17 abnormal behavior, psychopathology, psychotherapy, and
18 rehabilitation. The ~~Such~~ practice of mental health counseling
19 includes the use of methods of a psychological nature used to
20 evaluate, assess, diagnose, and treat emotional and mental
21 dysfunctions or disorders, (whether cognitive, affective, or
22 behavioral), behavioral disorders, interpersonal
23 relationships, sexual dysfunction, alcoholism, and
24 substance abuse. The practice of mental health counseling
25 includes, but is not limited to, psychotherapy, hypnotherapy,
26 and sex therapy. The practice of mental health counseling
27 also includes counseling, behavior modification, consultation,
28 client-centered advocacy, crisis intervention, and the
29 provision of needed information and education to clients, when
30 using methods of a psychological nature to evaluate, assess,
31 diagnose, treat, and prevent emotional and mental disorders

1 and dysfunctions (whether cognitive, affective, or
2 behavioral), behavioral disorders, sexual dysfunction,
3 alcoholism, or substance abuse. The practice of mental health
4 counseling may also include clinical research into more
5 effective psychotherapeutic modalities for the treatment and
6 prevention of such conditions.

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

- 9 ~~1. Counseling.~~
- 10 ~~2. Psychotherapy.~~
- 11 ~~3. Behavior modification.~~
- 12 ~~4. Hypnotherapy.~~
- 13 ~~5. Sex therapy.~~
- 14 ~~6. Consultation.~~
- 15 ~~7. Client advocacy.~~
- 16 ~~8. Crisis intervention.~~
- 17 ~~9. Providing needed information and education to~~
18 ~~clients.~~

19 (a)(b) Mental health counseling may be rendered to
20 individuals, including individuals affected by the termination
21 of marriage, and to couples, families, groups, organizations,
22 and communities.

23 (b)(c) The use of specific methods, techniques, or
24 modalities within the practice of mental health counseling is
25 restricted to mental health counselors appropriately trained
26 in the use of such methods, techniques, or modalities.

27 (c)(d) The terms "diagnose" and "treat," as used in
28 this chapter, when considered in isolation or in conjunction
29 with any provision of the rules of the board, shall not be
30 construed to permit the performance of any act which mental
31 health counselors are not educated and trained to perform,

1 including, but not limited to, admitting persons to hospitals
2 for treatment of the foregoing conditions, treating persons in
3 hospitals without medical supervision, prescribing medicinal
4 drugs as defined in chapter 465, authorizing clinical
5 laboratory procedures pursuant to chapter 483, or radiological
6 procedures, or use of electroconvulsive therapy. In addition,
7 this definition shall not be construed to permit any person
8 licensed, provisionally licensed, registered, or certified
9 pursuant to this chapter to describe or label any test,
10 report, or procedure as "psychological," except to relate
11 specifically to the definition of practice authorized in this
12 subsection.

13 (d) The definition of "mental health counseling"
14 contained in this subsection includes all services offered
15 directly to the general public or through organizations,
16 whether public or private, and applies whether payment is
17 requested or received for services rendered.

18 (10) "Provisional clinical social worker licensee"
19 means a person provisionally licensed under this chapter to
20 provide clinical social work services under supervision.

21 (11) "Provisional marriage and family therapist
22 licensee" means a person provisionally licensed under this
23 chapter to provide marriage and family therapy services under
24 supervision.

25 (12) "Provisional mental health counselor licensee"
26 means a person provisionally licensed under this chapter to
27 provide mental health counseling services under supervision.

28 (13)~~(10)~~ "Psychotherapist" means a clinical social
29 worker, marriage and family therapist, or mental health
30 counselor licensed pursuant to this chapter.

31

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

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

9 (16) "Registered mental health counselor intern" means
10 a person registered under this chapter who is completing the
11 post-master's clinical experience requirement specified in s.
12 491.005(4)(c).

13 Section 10. Section 491.0045, Florida Statutes, is
14 created to read:

15 491.0045 Intern registration; requirements.--

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

22 (2) The department shall register as a clinical social
23 worker intern, marriage and family therapist intern, or mental
24 health counselor intern each applicant who the board certifies
25 has:

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

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

1 (c) Identified a qualified supervisor.

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

7 Section 11. Section 491.0046, Florida Statutes, is
8 created to read:

9 491.0046 Provisional license; requirements.--

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

17 (2) The department shall issue a provisional clinical
18 social worker license, provisional marriage and family
19 therapist license, or provisional mental health counselor
20 license to each applicant who the board certifies has:

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

24 (b)1. Earned a graduate degree in social work, a
25 graduate degree with a major emphasis in marriage and family
26 therapy or a closely related field, or a graduate degree in a
27 major related to the practice of mental health counseling, and
28 satisfied the clinical experience requirements for licensure
29 pursuant to s. 491.005; or

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

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

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

9 Section 12. Section 491.005, Florida Statutes, is
10 amended to read:

11 491.005 Licensure by examination.--

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

19 (a) Has made application therefor and paid the
20 appropriate fee.

21 (b)1. Has received a doctoral degree in social work
22 from a graduate school of social work which at the time the
23 applicant graduated was accredited by an accrediting agency
24 recognized by the United States Department of Education or has
25 received a master's degree in social work from a graduate
26 school of social work which at the time the applicant
27 graduated:

28 a.1. Was accredited by the Council on Social Work
29 Education;

30 b.2. Was accredited by the Canadian Association of
31 Schools of Social Work; or

1 ~~c.3.~~ Has been determined to have been a program
2 equivalent to programs approved by the Council on Social Work
3 Education by the Foreign Equivalency Determination Service of
4 the Council on Social Work Education. An applicant who
5 graduated from a program at a university or college outside of
6 the United States or Canada must present documentation of the
7 equivalency determination from the council in order to
8 qualify.

9 2. The applicant's graduate program must have
10 emphasized direct clinical patient or client health care
11 services, ~~as provided in subsection (2),~~ including, but not
12 limited to, coursework in clinical social work, psychiatric
13 social work, medical social work, social casework,
14 psychotherapy, or group therapy. The applicant's graduate
15 program must have included all of the following coursework:

16 a. A supervised field placement which was part of the
17 applicant's advanced concentration in direct practice, during
18 which the applicant provided clinical services directly to
19 clients.

20 b. Completion of 24 semester hours or 37 quarter hours
21 in theory of human behavior and practice methods as courses in
22 clinically oriented services, including a minimum of one
23 course in psychopathology taken in a school of social work
24 accredited or approved pursuant to subparagraph (b)1.

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

30 (c) Has had not less than 2 ~~at least 3~~ years of
31 clinical social work experience, ~~2 years of which must be~~

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

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

27 (e) Has demonstrated, in a manner designated by rule
28 of the board, knowledge of the laws and rules governing the
29 practice of clinical social work, marriage and family therapy,
30 and mental health counseling.

31

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

5 ~~(a) A supervised field placement which was part of the~~
6 ~~applicant's advanced concentration in direct practice, during~~
7 ~~which the applicant provided clinical services directly to~~
8 ~~clients.~~

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

25 ~~2.~~ Notwithstanding the provisions of paragraph (1)(b)
26 subparagraph 1., coursework which was taken at a baccalaureate
27 level shall not be considered toward completion of education
28 requirements for licensure unless an official of the graduate
29 program certifies in writing on the graduate school's
30 stationery that a specific course, which students enrolled in
31 the same graduate program were ordinarily required to complete

1 at the graduate level, was waived or exempted based on
2 completion of a similar course at the baccalaureate level. If
3 this condition is met, the board shall apply the baccalaureate
4 course named toward the education requirements.

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

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

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

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

29 a.1. Twenty-seven semester hours or 41 quarter hours
30 of graduate coursework, which must include a minimum of 2
31 semester hours or 3 quarter hours of graduate-level course

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

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

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

30 ~~d.4.~~ d.4. 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 ~~may~~
16 require documentation, such as, but not limited to, an
17 evaluation by a foreign equivalency determination service, as
18 evidence that the applicant's graduate degree program and
19 education were equivalent to an accredited program in this
20 country. An applicant with a master's degree from a program
21 which did not emphasize marriage and family therapy may
22 complete the coursework requirement in a training institution
23 fully accredited by the Commission on Accreditation for
24 Marriage and Family Therapy Education recognized by the United
25 States Department of Education.

26 (c) Has had not less than 2 ~~3~~ years of clinical
27 experience during which 50 percent of the applicant's clients
28 were receiving marriage and family therapy services, ~~2 years~~
29 ~~of~~ which must be at the post-master's level under the
30 supervision of a licensed marriage and family therapist with
31 at least 5 years of experience, or the equivalent, who is a

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

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 (4) Upon verification of documentation and payment of
8 a fee not to exceed \$200, as set by board rule, plus the
9 actual per applicant cost to the department for purchase of
10 the examination from the Professional Examination Service for
11 the National Academy of Certified Clinical Mental Health
12 Counselors or a similar national organization, the department
13 shall issue a license as a mental health counselor to an
14 applicant who the board certifies:

15 (a) Has made application therefor and paid the
16 appropriate fee.

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

21 ~~a.1.~~ Twenty-one semester hours or 32 quarter hours of
22 graduate coursework, which must include a minimum of 2
23 semester hours or 3 quarter hours of graduate-level coursework
24 in each of the following seven content areas: counseling
25 theories and practice; human development theories; personality
26 theory; psychopathology or abnormal psychology; human
27 sexuality theories; group theories and practice; and
28 individual evaluation and assessment. Content may be
29 combined, provided no more than two of the seven content areas
30 are included in any one graduate-level course and the
31 applicant can document that the equivalent of 2 semester hours

1 of content was devoted to each content area. Courses in
2 research, thesis or dissertation work, practicums,
3 internships, or fieldwork may not be applied toward this
4 requirement.

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

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

20 d.4. A minimum of one supervised practicum,
21 internship, or field experience in a counseling setting. This
22 requirement may be met by a supervised practice experience
23 which takes place outside the academic arena, but which is
24 certified as equivalent to a graduate-level practicum in a
25 clinical mental health counseling setting currently offered
26 within an academic program of a college or university
27 accredited by an accrediting agency approved by the United
28 States Department of Education. Such certification shall be
29 required from an official of such college or university.

30 2. If the course title which appears on the
31 applicant's transcript does not clearly identify the content

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

1 (c) Has had not less than 2 years of ~~a minimum of 3~~
2 ~~years~~ clinical experience in mental health counseling, ~~2~~
3 ~~years~~ of which must be at the post-master's level under the
4 supervision of a licensed mental health counselor or the
5 equivalent who is a qualified supervisor as determined by the
6 board. An individual who intends to practice in Florida to
7 satisfy the clinical experience requirements must register
8 pursuant to s. 491.0045 prior to commencing practice. If a
9 graduate has a master's degree with a major related to the
10 practice of mental health counseling which did not include all
11 the coursework required under sub-subparagraphs (b)1.a.-c.,
12 credit for the post-master's level clinical experience shall
13 not commence until the applicant has completed a minimum of
14 seven of the courses required under sub-subparagraphs
15 (b)1.a.-c., as determined by the board, one of which must be a
16 course in psychopathology or abnormal psychology. A doctoral
17 internship may be applied toward the clinical experience
18 ~~supervision~~ requirement. The clinical experience requirement
19 may be met by work performed on or off the premises of the
20 supervising mental health counselor or the equivalent,
21 provided the off-premises work is not the independent private
22 practice rendering of services that does not have a licensed
23 mental health professional counselor or the equivalent, as
24 determined by the board, ~~as a member of the group actually~~
25 ~~rendering services~~ on the premises at the same time the intern
26 is providing services.

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

29 (e) Has demonstrated, in a manner designated by rule
30 of the board, knowledge of the laws and rules governing the
31

1 practice of clinical social work, marriage and family therapy,
2 and mental health counseling.

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

7 491.005 Licensure by examination.--

8 (3) Upon verification of documentation and payment of
9 a fee not to exceed \$200, as set by board rule, plus the
10 actual cost to the department for the purchase of the
11 examination from the Association of Marital and Family Therapy
12 Regulatory Board, or similar national organization, the
13 department shall issue a license as a marriage and family
14 therapist to an applicant who the board certifies:

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

18 a. Thirty-six ~~Twenty-seven~~ semester hours or 48 ~~41~~
19 quarter hours of graduate coursework, which must include a
20 minimum of 3 ~~2~~ semester hours or 4 ~~3~~ quarter hours of
21 graduate-level course credits in each of the following nine
22 areas: dynamics of marriage and family systems; marriage
23 therapy and counseling theory and techniques; family therapy
24 and counseling theory and techniques; individual human
25 development theories throughout the life cycle; personality
26 theory or general counseling theory and techniques;
27 psychopathology; human sexuality theory and counseling
28 techniques; ~~general counseling theory and techniques;~~ and
29 psychosocial theory; and substance abuse theory and counseling
30 techniques. ~~Content may be combined, provided no more than~~
31 ~~two of the nine content areas are included in any one~~

1 ~~graduate-level course and the applicant can document that the~~
2 ~~equivalent of 2 semester hours of coursework was devoted to~~
3 ~~each content area.~~ Courses in research, evaluation,
4 appraisal, assessment, or testing theories and procedures;
5 thesis or dissertation work; or practicums, internships, or
6 fieldwork may not be applied toward this requirement.

7 b. A minimum of one graduate-level course of 3 ~~2~~
8 semester hours or 4 ~~3~~ quarter hours in legal, ethical, and
9 professional standards issues in the practice of marriage and
10 family therapy or a course determined by the board to be
11 equivalent.

12 c. A minimum of one graduate-level course of 3 ~~2~~
13 semester hours or 4 ~~3~~ quarter hours in diagnosis, appraisal,
14 assessment, and testing for individual or interpersonal
15 disorder or dysfunction; and a minimum of one 3-semester-hour
16 ~~2-semester-hour~~ or 4-quarter-hour ~~3-quarter-hour~~
17 graduate-level course in behavioral research which focuses on
18 the interpretation and application of research data as it
19 applies to clinical practice. Credit for thesis or
20 dissertation work, practicums, internships, or fieldwork may
21 not be applied toward this requirement.

22 d. A minimum of one supervised clinical practicum,
23 internship, or field experience in a marriage and family
24 counseling setting, during which the student provided 180
25 direct client contact hours of marriage and family therapy
26 services under the supervision of an individual who met the
27 requirements for supervision under paragraph (c). This
28 requirement may be met by a supervised practice experience
29 which took place outside the academic arena, but which is
30 certified as equivalent to a graduate-level practicum or
31 internship program which required a minimum of 180 direct

1 client contact hours of marriage and family therapy services
2 currently offered within an academic program of a college or
3 university accredited by an accrediting agency approved by the
4 United States Department of Education, or an institution which
5 is publicly recognized as a member in good standing with the
6 Association of Universities and Colleges of Canada or a
7 training institution accredited by the Commission on
8 Accreditation for Marriage and Family Therapy Education
9 recognized by the United States Department of Education.
10 Certification shall be required from an official of such
11 college, university, or training institution.

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

17
18 The required master's degree must have been received in an
19 institution of higher education which at the time the
20 applicant graduated was: fully accredited by a regional
21 accrediting body recognized by the Commission on Recognition
22 of Postsecondary Accreditation; publicly recognized as a
23 member in good standing with the Association of Universities
24 and Colleges of Canada; or an institution of higher education
25 located outside the United States and Canada, which at the
26 time the applicant was enrolled and at the time the applicant
27 graduated maintained a standard of training substantially
28 equivalent to the standards of training of those institutions
29 in the United States which are accredited by a regional
30 accrediting body recognized by the Commission on Recognition
31 of Postsecondary Accreditation. Such foreign education and

1 training must have been received in an institution or program
2 of higher education officially recognized by the government of
3 the country in which it is located as an institution or
4 program to train students to practice as professional marriage
5 and family therapists or psychotherapists. The burden of
6 establishing that the requirements of this provision have been
7 met shall be upon the applicant, and the board shall require
8 documentation, such as, but not limited to, an evaluation by a
9 foreign equivalency determination service, as evidence that
10 the applicant's graduate degree program and education were
11 equivalent to an accredited program in this country. An
12 applicant with a master's degree from a program which did not
13 emphasize marriage and family therapy may complete the
14 coursework requirement in a training institution fully
15 accredited by the Commission on Accreditation for Marriage and
16 Family Therapy Education recognized by the United States
17 Department of Education.

18 (4) 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 Professional Examination Service for
22 the National Academy of Certified Clinical Mental Health
23 Counselors or a similar national organization, the department
24 shall issue a license as a mental health counselor to an
25 applicant who the board certifies:

26 (b)1. Has ~~received~~ a minimum of an earned master's
27 degree from a ~~with a major related to the practice of mental~~
28 health counseling program accredited by the Council for the
29 Accreditation of Counseling and Related Educational Programs
30 that consists of at least 60 semester hours or 80 quarter
31 hours of clinical and didactic instruction, including a course

1 in human sexuality and substance abuse. If the master's
2 degree is earned from a program related to the practice of
3 mental health counseling that is not accredited by the Council
4 for the Accreditation of Counseling and Related Educational
5 Programs, then the coursework and practicum, internship, or
6 fieldwork must meet, and has completed all of the following
7 requirements:

8 a. Thirty-six ~~Twenty-one~~ semester hours or 48 ~~32~~
9 quarter hours of graduate coursework, which must include a
10 minimum of 3 ~~2~~ semester hours or 4 ~~3~~ quarter hours of
11 graduate-level coursework in each of the following 12 ~~seven~~
12 content areas: counseling theories and practice; human growth
13 and development theories; personality theory; diagnosis and
14 treatment of psychopathology or abnormal psychology; human
15 sexuality theories; group theories and practice; and
16 individual evaluation and assessment; career and lifestyle
17 assessment; research and program evaluation; social and
18 cultural foundations; foundations of mental health counseling;
19 counseling in community settings; and substance abuse.

20 ~~Content may be combined, provided no more than two of the~~
21 ~~seven content areas are included in any one graduate-level~~
22 ~~course and the applicant can document that the equivalent of 2~~
23 ~~semester hours of content was devoted to each content area.~~
24 Courses in research, thesis or dissertation work, practicums,
25 internships, or fieldwork may not be applied toward this
26 requirement.

27 b. ~~A minimum of one 2-semester-hour or 3-quarter-hour~~
28 ~~graduate-level course in research or in career or vocational~~
29 ~~counseling. Credit for thesis or dissertation work,~~
30 ~~practicums, internships, or fieldwork may not be applied~~
31 ~~toward this requirement.~~

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

12 c.d. The equivalent of at least 1,000 hours of
13 university-sponsored ~~A minimum of one~~ supervised clinical
14 practicum, internship, or field experience as required in the
15 accrediting standards of the Council for Accreditation of
16 Counseling and Related Educational Programs for mental health
17 counseling programs. If the academic practicum, internship,
18 or field experience was less than 1,000 hours, experience
19 gained outside the academic arena in clinical mental health
20 settings under the supervision of a qualified supervisor as
21 determined by the board may be applied. This experience may
22 not be used to satisfy the post-master's clinical experience
23 requirement in a counseling setting. This requirement may be
24 met by a supervised practice experience which takes place
25 outside the academic arena, but which is certified as
26 equivalent to a graduate-level practicum in a clinical mental
27 health counseling setting currently offered within an academic
28 program of a college or university accredited by an
29 accrediting agency approved by the United States Department of
30 Education. Such certification shall be required from an
31 official of such college or university.

1 2. 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
7 ~~Except as provided in subparagraph 4.,~~ Education and training
8 in mental health counseling must have been received in an
9 institution of higher education which at the time the
10 applicant graduated was: fully accredited by a regional
11 accrediting body recognized by the Commission on Recognition
12 of Postsecondary Accreditation; publicly recognized as a
13 member in good standing with the Association of Universities
14 and Colleges of Canada; or an institution of higher education
15 located outside the United States and Canada, which at the
16 time the applicant was enrolled and at the time the applicant
17 graduated maintained a standard of training substantially
18 equivalent to the standards of training of those institutions
19 in the United States which are accredited by a regional
20 accrediting body recognized by the Commission on Recognition
21 of Postsecondary Accreditation. Such foreign education and
22 training must have been received in an institution or program
23 of higher education officially recognized by the government of
24 the country in which it is located as an institution or
25 program to train students to practice as mental health
26 counselors. The burden of establishing that the requirements
27 of this provision have been met shall be upon the applicant,
28 and the board shall require documentation, such as, but not
29 limited to, an evaluation by a foreign equivalency
30 determination service, as evidence that the applicant's

31

1 graduate degree program and education were equivalent to an
2 accredited program in this country.

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

27 Section 14. Section 491.0057, Florida Statutes, is
28 created to read:

29 491.0057 Dual licensure as a marriage and family
30 therapist.--The department shall license as a marriage and

31

1 family therapist any person who demonstrates to the board that
2 he or she:

3 (1) Holds a valid, active license as a psychologist
4 under chapter 490 or as a clinical social worker or mental
5 health counselor under this chapter, or is certified under s.
6 464.012 as an advanced registered nurse practitioner who has
7 been determined by the Board of Nursing as a specialist in
8 psychiatric mental health.

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

11 (3) Has passed the examination provided by the
12 department for marriage and family therapy.

13 Section 15. Subsection (3) is added to section
14 491.007, Florida Statutes, to read:

15 491.007 Renewal of license, registration, or
16 certificate.--

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

20 Section 16. Section 491.009, Florida Statutes, 1996
21 Supplement, is amended to read:

22 491.009 Discipline.--

23 (1) When the department or the board finds that an
24 applicant, licensee, provisional licensee, registered intern,
25 or certificateholder whom it regulates under this chapter has
26 committed any of the acts set forth in subsection (2), it may
27 issue an order imposing one or more of the following
28 penalties:

29 (a) Denial of an application for licensure,
30 registration, or certification, either temporarily or
31 permanently.

- 1 (b) Revocation of an application for licensure,
2 registration, or certification, either temporarily or
3 permanently.
- 4 (c) Suspension for a period of up to 5 years or
5 revocation of a license, registration, or certificate, after
6 hearing.
- 7 (d) Immediate suspension of a license, registration,
8 or certificate pursuant to s. 120.60(6).
- 9 (e) Imposition of an administrative fine not to exceed
10 \$1,000 for each count or separate offense.
- 11 (f) Issuance of a public reprimand.
- 12 (g) Placement of an applicant, licensee, registered
13 intern, or certificateholder on probation for a period of time
14 and subject to such conditions as the board may specify,
15 including, but not limited to, requiring the applicant,
16 licensee, registered intern, or certificateholder to submit to
17 treatment, to attend continuing education courses, to submit
18 to reexamination, or to work under the supervision of a
19 designated licensee or certificateholder.
- 20 (h) Restriction of practice.
- 21 (2) The following acts of a licensee, provisional
22 licensee, registered intern, certificateholder, or applicant
23 are grounds for which the disciplinary actions listed in
24 subsection (1) may be taken:
- 25 (a) Attempting to obtain, obtaining, or renewing a
26 license, registration, or certificate under this chapter by
27 bribery or fraudulent misrepresentation or through an error of
28 the board or the department.
- 29 (b) Having a license, registration, or certificate to
30 practice a comparable profession revoked, suspended, or
31

1 otherwise acted against, including the denial of certification
2 or licensure by another state, territory, or country.

3 (c) Being convicted or found guilty of, regardless of
4 adjudication, or having entered a plea of nolo contendere to,
5 a crime in any jurisdiction which directly relates to the
6 practice of his profession or the ability to practice his
7 profession. However, in the case of a plea of nolo
8 contendere, the board shall allow the person who is the
9 subject of the disciplinary proceeding to present evidence in
10 mitigation relevant to the underlying charges and
11 circumstances surrounding the plea.

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

15 (e) Advertising, practicing, or attempting to practice
16 under a name other than one's own.

17 (f) Maintaining a professional association with any
18 person who ~~whom~~ the applicant, licensee, registered intern, or
19 certificateholder knows, or has reason to believe, is in
20 violation of this chapter or of a rule of the department or
21 the board.

22 (g) Knowingly aiding, assisting, procuring, or
23 advising any nonlicensed, nonregistered, or noncertified
24 person to hold himself out as licensed, registered, or
25 certified under this chapter.

26 (h) Failing to perform any statutory or legal
27 obligation placed upon a person licensed, registered, or
28 certified under this chapter.

29 (i) Willfully making or filing a false report or
30 record; failing to file a report or record required by state
31 or federal law; willfully impeding or obstructing the filing

1 of a report or record; or inducing another person to make or
2 file a false report or record or to impede or obstruct the
3 filing of a report or record. Such report or record includes
4 only a report or record which requires the signature of a
5 person licensed, registered, or certified under this chapter.

6 (j) Paying a kickback, rebate, bonus, or other
7 remuneration for receiving a patient or client, or receiving a
8 kickback, rebate, bonus, or other remuneration for referring a
9 patient or client to another provider of mental health care
10 services or to a provider of health care services or goods;
11 referring a patient or client to oneself for services on a
12 fee-paid basis when those services are already being paid for
13 by some other public or private entity; or entering into a
14 reciprocal referral agreement.

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

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

21 (m) Soliciting patients or clients personally, or
22 through an agent, through the use of fraud, intimidation,
23 undue influence, or a form of overreaching or vexatious
24 conduct.

25 (n) Failing to make available to a patient or client,
26 upon written request, copies of tests, reports, or documents
27 in the possession or under the control of the licensee,
28 registered intern, or certificateholder which have been
29 prepared for and paid for by the patient or client.

30 (o) Failing to respond within 30 days to a written
31 communication from the department or the board concerning any

1 investigation by the department or the board, or failing to
2 make available any relevant records with respect to any
3 investigation about the licensee's, registered intern's, or
4 ~~the~~ certificateholder's conduct or background.

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

1 demonstrate that he can resume the competent practice for
2 which he is licensed, registered, or certified with reasonable
3 skill and safety to patients.

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

6 (r) Performing any treatment or prescribing any
7 therapy which, by the prevailing standards of the mental
8 health professions in the community, would constitute
9 experimentation on human subjects, without first obtaining
10 full, informed, and written consent.

11 (s) Failing to meet the minimum standards of
12 performance in professional activities when measured against
13 generally prevailing peer performance, including the
14 undertaking of activities for which the licensee, registered
15 intern, or certificateholder is not qualified by training or
16 experience.

17 (t) Delegating professional responsibilities to a
18 person whom the licensee, registered intern, or
19 certificateholder knows or has reason to know is not qualified
20 by training or experience to perform such responsibilities.

21 (u) Violating a rule relating to the regulation of the
22 profession or a lawful order of the department or the board
23 previously entered in a disciplinary hearing.

24 (v) Failure of the licensee, registered intern, or
25 certificateholder to maintain in confidence a communication
26 made by a patient or client in the context of such services,
27 except as provided in s. 491.0147 ~~by written permission or in~~
28 ~~the face of a clear and immediate probability of bodily harm~~
29 ~~to the patient or client or to others.~~

30
31

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

4 Section 17. Section 491.012, Florida Statutes, is
5 amended to read:

6 491.012 Violations; penalty; injunction.--

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

9 (a) Use the following titles or any combination
10 thereof, unless he holds a valid, active license as a clinical
11 social worker issued pursuant to this chapter:

12 1. "Licensed clinical social worker."

13 2. "Clinical social worker."

14 3. "Licensed social worker."

15 4. "Psychiatric social worker."

16 5. "Psychosocial worker."

17 (b) Use the following titles or any combination
18 thereof, unless he holds a valid, active license as a marriage
19 and family therapist issued pursuant to this chapter:

20 1. "Licensed marriage and family therapist."

21 2. "Marriage and family therapist."

22 3. "Marriage counselor."

23 4. "Marriage consultant."

24 5. "Family therapist."

25 6. "Family counselor."

26 7. "Family consultant."

27 (c) Use the following titles or any combination
28 thereof, unless he holds a valid, active license as a mental
29 health counselor issued pursuant to this chapter:

30 1. "Licensed mental health counselor."

31 2. "Mental health counselor."

1 3. "Mental health therapist."

2 4. "Mental health consultant."

3 (d) Use the terms psychotherapist or sex therapist,
4 unless such person is licensed pursuant to this chapter or
5 chapter 490, or is certified under s. 464.012 as an advanced
6 registered nurse practitioner who has been determined by the
7 Board of Nursing as a specialist in the category of
8 psychiatric mental health and the use of such terms is within
9 the scope of his practice based on education, training, and
10 licensure.

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

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

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

18 (h) Knowingly conceal information relative to
19 violations of this chapter.

20 (i) ~~Beginning October 1, 1992,~~ Practice clinical
21 social work in this state, as the practice is defined in s.
22 491.003(7), for compensation, unless the person holds a valid,
23 ~~an~~ active license to practice clinical social work issued
24 pursuant to this chapter.

25 (j) ~~Beginning October 1, 1992,~~ Practice marriage and
26 family therapy in this state, as the practice is defined in s.
27 491.003(8), for compensation, unless the person holds a valid,
28 ~~an~~ active license to practice marriage and family therapy
29 issued pursuant to this chapter.

30 (k) ~~Beginning October 1, 1992,~~ Practice mental health
31 counseling in this state, as the practice is defined in s.

1 491.003(9), for compensation, unless the person holds a valid,
2 ~~an~~ active license to practice mental health counseling issued
3 pursuant to this chapter.

4 (1) Use the following titles or any combination
5 thereof, unless he or she holds a valid registration as an
6 intern issued pursuant to this chapter:

7 1. "Registered clinical social worker intern."

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

9 3. "Registered mental health counselor intern."

10 (m) Use the following titles or any combination
11 thereof, unless he or she holds a valid provisional license
12 issued pursuant to this chapter:

13 1. "Provisional clinical social worker licensee."

14 2. "Provisional marriage and family therapist
15 licensee."

16 3. "Provisional mental health counselor licensee."

17 (2) It is unlawful and a violation of this chapter for
18 any person to describe his services using the following terms
19 or any derivative thereof, unless such person holds a valid,
20 active license under this chapter or chapter 490, or is
21 certified under s. 464.012 as an advanced registered nurse
22 practitioner who has been determined by the Board of Nursing
23 as a specialist ~~in the category of~~ psychiatric mental health
24 ~~under s. 464.012,~~ and the use of such terms is within the
25 scope of his practice based on education, training, and
26 licensure:

27 (a) "Psychotherapy."

28 (b) "Sex therapy."

29 (c) "Sex counseling."

30 (d) "Clinical social work."

31 (e) "Psychiatric social work."

1 (f) "Marriage and family therapy."

2 (g) "Marriage and family counseling."

3 (h) "Marriage counseling."

4 (i) "Family counseling."

5 (j) "Mental health counseling."

6 (3) Any person who violates any provision of
7 subsection (1) or subsection (2) commits a misdemeanor of the
8 first degree, punishable as provided in s. 775.082 or s.
9 775.083.

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

12 Section 18. Section 491.014, Florida Statutes, is
13 amended to read:

14 491.014 Exemptions.--

15 (1) No provision of this chapter shall be construed to
16 limit the practice of physicians licensed pursuant to chapter
17 458 or chapter 459, or psychologists licensed pursuant to
18 chapter 490, so long as they do not unlawfully hold themselves
19 out to the public as possessing a license, provisional
20 license, registration, or certificate issued pursuant to this
21 chapter or use a professional title protected by this chapter.

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

30 (3) No provision of this chapter shall be construed to
31 limit the performance of activities of a rabbi, priest,

1 minister, or clergyman of any religious denomination or sect,
2 or use of the terms "Christian counselor" or "Christian
3 clinical counselor" when the activities are within the scope
4 of the performance of his regular or specialized ministerial
5 duties and no compensation is received by him, or when such
6 activities are performed, with or without compensation, by a
7 person for or under the auspices or sponsorship, individually
8 or in conjunction with others, of an established and legally
9 cognizable church, denomination, or sect, and when the person
10 rendering service remains accountable to the established
11 authority thereof.

12 (4) No person shall be required to be licensed,
13 provisionally licensed, registered, or certified under this
14 chapter who:

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

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

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

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

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

17 2. Such nonresident is licensed or certified to
18 practice the services provided by a state or territory of the
19 United States or by a foreign country or province.

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

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

28 ~~(7) Any person who is not licensed under this chapter~~
29 ~~by October 1, 1992, and who desires to become so licensed~~
30 ~~shall register with the department that person's intent to~~
31 ~~become fully licensed no later than October 1, 1995. The~~

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

14 (7)(8) Except as stipulated by the board, the
15 exemptions contained in this section subsection (4) do not
16 apply to any person licensed under this chapter whose license
17 has been suspended or revoked by the board or another
18 jurisdiction.

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

25 Section 19. Section 491.0149, Florida Statutes, is
26 amended to read:

27 491.0149 Display of license; use of professional title
28 on promotional materials.--

29 (1)(a) A person licensed under this chapter as a
30 clinical social worker, marriage and family therapist, or
31 mental health counselor, or certified as a master social

1 worker shall conspicuously display the valid license issued by
2 the department or a true copy thereof at each location at
3 which the licensee practices his profession.

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

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

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

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

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

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 20. Paragraph (b) of subsection (4) of section
20 232.02, Florida Statutes, is amended to read:

21 232.02 Regular school attendance.--Regular attendance
22 is the actual attendance of a pupil during the school day as
23 defined by law and regulations of the state board. Regular
24 attendance within the intent of s. 232.01 may be achieved by
25 attendance in:

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

28 (b) The parent does not hold a valid regular Florida
29 certificate to teach and complies with the following
30 requirements:

31

1 1. Notifies the superintendent of schools of the
2 county in which the parent resides of her or his intent to
3 establish and maintain a home education program. The notice
4 shall be in writing, signed by the parent, and shall include
5 the names, addresses, and birthdates of all children who shall
6 be enrolled as students in the home education program. The
7 notice shall be filed in the superintendent's office within 30
8 days of the establishment of the home education program. A
9 written notice of termination of the home education program
10 shall be filed in the superintendent's office within 30 days
11 of said termination.

12 2. Maintains a portfolio of records and materials.
13 The portfolio shall consist of a log, made contemporaneously
14 with the instruction, which designates by title the reading
15 materials used and samples of any writings, worksheets,
16 workbooks, and creative materials used or developed by the
17 student. The portfolio shall be preserved by the parent for 2
18 years and shall be made available for inspection by the
19 superintendent, or the superintendent's agent, upon 15 days'
20 written notice.

21 3. Provides for an annual educational evaluation in
22 which is documented the pupil's demonstration of educational
23 progress at a level commensurate with her or his ability. A
24 copy of the evaluation shall be filed annually with the
25 district school board office in the county in which the pupil
26 resides. The annual educational evaluation shall consist of
27 one of the following:

28 a. A teacher selected by the parent shall evaluate the
29 pupil's educational progress upon review of the portfolio and
30 discussion with the pupil. Such teacher shall hold a valid
31 regular Florida certificate to teach academic subjects at the

1 elementary or secondary level. The teacher shall submit a
2 written evaluation to the school superintendent;

3 b. The pupil shall take any nationally normed student
4 achievement test used by the district and administered by a
5 certified teacher. Such test results shall be reported to the
6 school superintendent;

7 c. The pupil shall take a state student assessment
8 test. Such test results shall be reported to the school
9 superintendent;

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

14 e. The pupil shall be evaluated with any other valid
15 measurement tool as mutually agreed upon by the school
16 superintendent of the district in which the pupil resides and
17 the pupil's parent or guardian. Such results shall be
18 reported to the superintendent.

19
20 The school superintendent shall review and accept the results
21 of the annual educational evaluation of the pupil in a home
22 education program. If the pupil does not demonstrate
23 educational progress at a level commensurate with her or his
24 ability, the superintendent shall notify the parent, in
25 writing, that such progress has not been achieved. The parent
26 shall have 1 year from the date of receipt of the written
27 notification to provide remedial instruction to the pupil. At
28 the end of the 1-year probationary period, the pupil shall be
29 reevaluated as specified in this subparagraph. Continuation
30 in a home education program shall be contingent upon the pupil
31

1 demonstrating educational progress commensurate with her or
2 his ability at the end of the probationary period.

3 Section 21. Subsection (2) of section 394.455, Florida
4 Statutes, 1996 Supplement, is amended to read:

5 394.455 Definitions.--As used in this part, unless the
6 context clearly requires otherwise, the term:

7 (2) "Clinical psychologist" means a psychologist as
8 defined in s. 490.003(7)~~(3)~~with 3 years of postdoctoral
9 experience in the practice of clinical psychology, inclusive
10 of the experience required for licensure, or a psychologist
11 employed by a facility operated by the United States
12 Department of Veterans Affairs that qualifies as a receiving
13 or treatment facility under this part.

14 Section 22. Except as otherwise provided in this act,
15 this act shall take effect October 1, 1997.

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