

By Representatives Kelly and Wise

1 A bill to be entitled
2 An act relating to mental health professionals;
3 amending s. 490.014, F.S.; authorizing the
4 performance of psychological services by
5 unlicensed persons pursuant to protocols under
6 certain circumstances; requiring notice to
7 clients and the courts and the maintenance of
8 certain records; amending s. 491.014, F.S.;
9 authorizing the performance of
10 psychotherapeutic services by unlicensed
11 persons pursuant to protocols under certain
12 circumstances; requiring notice to clients and
13 the courts and the maintenance of certain
14 records; providing an effective date.

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

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18 Section 1. Paragraphs (a) and (b) of subsection (2) of
19 section 490.014, Florida Statutes, are amended to read:

20 490.014 Exemptions.--

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

23 (a) Is a salaried employee of a government agency;
24 developmental services program, mental health, alcohol, or
25 drug abuse facility operating pursuant to chapter 393, chapter
26 394, or chapter 397; subsidized child care program, subsidized
27 child care case management program, or child care resource and
28 referral program operating pursuant to chapter 402;
29 child-placing or child-caring agency licensed pursuant to
30 chapter 409; domestic violence center certified pursuant to
31 chapter 39; accredited academic institution; or research

1 institution, if such employee is performing duties for which
2 he or she was trained and hired solely within the confines of
3 such agency, facility, or institution. However, a person
4 employed by the state or who works in an agency licensed or
5 endorsed by the state may perform psychological services
6 without a license issued pursuant to this chapter, if the
7 person follows a protocol for those psychological services
8 adopted by the agency employing such unlicensed person. The
9 agency employing unlicensed persons must maintain a list
10 identifying unlicensed persons and a log of their
11 psychological activities. The unlicensed employee must clearly
12 disclose to any person to whom psychological services are
13 rendered on behalf of the agency, or to the court when serving
14 as an expert witness or otherwise providing testimony
15 regarding psychological services rendered on behalf of the
16 agency, that the employee is not licensed as a psychologist by
17 this state. The agency employing the unlicensed person must
18 maintain a record of each such disclosure.

19 (b) Is a salaried employee of a private, nonprofit
20 organization providing counseling services to children, youth,
21 and families, if such services are provided for no charge, if
22 such employee is performing duties for which he or she was
23 trained and hired. However, a person employed by the nonprofit
24 organization may perform psychological services without a
25 license issued pursuant to this chapter, if the person follows
26 a protocol for those psychological services adopted by the
27 nonprofit organization employing such unlicensed person. The
28 nonprofit organization employing unlicensed persons must
29 maintain a list identifying unlicensed persons and a log of
30 their psychological activities. The unlicensed employee must
31 clearly disclose to any person to whom psychological services

1 are rendered on behalf of the nonprofit organization, or to
2 the court when serving as an expert witness or otherwise
3 providing testimony regarding psychological services rendered
4 on behalf of the nonprofit organization, that the employee is
5 not licensed as a psychologist by this state. The nonprofit
6 organization employing the unlicensed person must maintain a
7 record of each such disclosure.

8 Section 2. Paragraphs (a) and (b) of subsection (4) of
9 section 491.014, Florida Statutes, are amended to read:

10 491.014 Exemptions.--

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

14 (a) Is a salaried employee of a government agency;
15 developmental services program, mental health, alcohol, or
16 drug abuse facility operating pursuant to chapter 393, chapter
17 394, or chapter 397; subsidized child care program, subsidized
18 child care case management program, or child care resource and
19 referral program operating pursuant to chapter 402;
20 child-placing or child-caring agency licensed pursuant to
21 chapter 409; domestic violence center certified pursuant to
22 chapter 39; accredited academic institution; or research
23 institution, if such employee is performing duties for which
24 he or she was trained and hired solely within the confines of
25 such agency, facility, or institution. However, a person
26 employed by the state or who works in an agency licensed or
27 endorsed by the state may perform psychotherapeutic services
28 without a license issued pursuant to this chapter, if the
29 person follows a protocol for those psychotherapeutic services
30 adopted by the agency employing such unlicensed person. The
31 agency employing unlicensed persons must maintain a list

1 identifying unlicensed persons and a log of their
2 psychotherapeutic activities. The unlicensed employee must
3 clearly disclose to any person to whom psychotherapeutic
4 services are rendered on behalf of the agency, or to the court
5 when serving as an expert witness or otherwise providing
6 testimony regarding psychotherapeutic services rendered on
7 behalf of the agency, that the employee is not licensed as a
8 clinical social worker, marriage and family therapist, or
9 mental health counselor by this state. The agency employing
10 the unlicensed person must maintain a record of each such
11 disclosure.

12 (b) Is a salaried employee of a private, nonprofit
13 organization providing counseling services to children, youth,
14 and families, if such services are provided for no charge, if
15 such employee is performing duties for which he or she was
16 trained and hired. However, a person employed by the nonprofit
17 organization may perform psychotherapeutic services without a
18 license issued pursuant to this chapter, if the person follows
19 a protocol for those psychotherapeutic services adopted by the
20 nonprofit organization employing such unlicensed person. The
21 nonprofit organization employing unlicensed persons must
22 maintain a list identifying unlicensed persons and a log of
23 their psychotherapeutic activities. The unlicensed employee
24 must clearly disclose to any person to whom psychotherapeutic
25 services are rendered on behalf of the nonprofit organization,
26 or to the court when serving as an expert witness or otherwise
27 providing testimony regarding psychotherapeutic services
28 rendered on behalf of the nonprofit organization, that the
29 employee is not licensed as a clinical social worker, marriage
30 and family therapist, or mental health counselor by this

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1 state. The nonprofit organization employing the unlicensed
2 person must maintain a record of each such disclosure.

3 Section 3. This act shall take effect January 1, 2002.

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6 HOUSE SUMMARY

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8 Amends exemption provisions of chapters 490 and 491,
9 F.S., effective January 1, 2002, to authorize persons who
10 are employed by the state or work in an agency licensed
11 or endorsed by the state, or who are employed by a
12 nonprofit organization that provides counseling services
13 to children, youth, and families, to perform
14 psychological or psychotherapeutic services, as
15 applicable, without a license pursuant to protocols
16 adopted by the employing agency or organization. Requires
17 such persons to disclose to their clients and the courts
18 that they are not licensed, and requires the employing
19 agency or organization to maintain a record of each such
20 disclosure. Also requires the employing agency or
21 organization to maintain a list of all such unlicensed
22 persons employed by the agency or organization and a log
23 of their psychological or psychotherapeutic activities.
24 See bill for details.
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