

By the Committee on Health Care Licensing & Regulation and  
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.; clarifying and  
4           revising requirements for the performance of  
5           psychological services by certain employees;  
6           amending s. 491.014, F.S.; clarifying and  
7           revising requirements for the performance of  
8           psychotherapeutic services by certain  
9           employees; providing an effective date.

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

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

15           490.014 Exemptions.--

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

18           (a) Is a salaried employee of a government agency;  
19 developmental services program, mental health, alcohol, or  
20 drug abuse facility operating pursuant to chapter 393, chapter  
21 394, or chapter 397; subsidized child care program, subsidized  
22 child care case management program, or child care resource and  
23 referral program operating pursuant to chapter 402;  
24 child-placing or child-caring agency licensed pursuant to  
25 chapter 409; domestic violence center certified pursuant to  
26 chapter 39; accredited academic institution; or research  
27 institution, if such employee is performing duties for which  
28 he or she was trained and hired solely within the confines of  
29 such agency, facility, or institution. Any employee who  
30 provides expert testimony must disclose to the court and all  
31 parties that he or she is not licensed under this chapter.

1 However, nothing in this paragraph authorizes an employee of a  
2 government agency; an employee of a developmental services  
3 program, mental health, alcohol, or drug abuse facility  
4 operating pursuant to chapter 393, chapter 394, or chapter  
5 397; an employee of a subsidized child care program,  
6 subsidized child care case management program, or child care  
7 resource and referral program operating pursuant to chapter  
8 402; an employee of a child-placing or child-caring agency  
9 licensed pursuant to chapter 409; or an employee of a domestic  
10 violence center certified pursuant to chapter 39, after  
11 January 1, 2002, to render a diagnosis or practice psychology  
12 as defined in this chapter without a license issued pursuant  
13 to this chapter, or to refer to himself or herself with the  
14 title of "psychologist" or any permutation thereof, with the  
15 exception of the title "school psychologist" as governed under  
16 this chapter.

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 or she was  
21 trained and hired. Any employee who provides expert testimony  
22 must disclose to the court and all parties that he or she is  
23 not licensed under this chapter. However, nothing in this  
24 paragraph authorizes an employee after January 1, 2002, to  
25 render a diagnosis or practice psychology as defined in this  
26 chapter without a license issued pursuant to this chapter, or  
27 to refer to himself or herself with the title of  
28 "psychologist" or any permutation thereof, with the exception  
29 of the title "school psychologist" as governed under this  
30 chapter.

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

3           491.014 Exemptions.--

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

7           (a) Is a salaried employee of a government agency;  
8 developmental services program, mental health, alcohol, or  
9 drug abuse facility operating pursuant to chapter 393, chapter  
10 394, or chapter 397; subsidized child care program, subsidized  
11 child care case management program, or child care resource and  
12 referral program operating pursuant to chapter 402;

13 child-placing or child-caring agency licensed pursuant to  
14 chapter 409; domestic violence center certified pursuant to  
15 chapter 39; accredited academic institution; or research  
16 institution, if such employee is performing duties for which  
17 he or she was trained and hired solely within the confines of  
18 such agency, facility, or institution. Any employee who  
19 provides expert testimony must disclose to the court and all  
20 parties that he or she is not licensed under this chapter.

21 However, nothing in this paragraph authorizes an employee of a  
22 government agency; an employee of a developmental services  
23 program, mental health, alcohol, or drug abuse facility  
24 operating pursuant to chapter 393, chapter 394, or chapter  
25 397; an employee of a subsidized child care program,  
26 subsidized child care case management program, or child care  
27 resource and referral program operating pursuant to chapter  
28 402; an employee of a child-placing or child-caring agency  
29 licensed pursuant to chapter 409; or an employee of a domestic  
30 violence center certified pursuant to chapter 39, after  
31 January 1, 2002, to render a psychotherapeutic diagnosis or

1 practice clinical social work, marriage and family therapy, or  
2 mental health counseling as defined in this chapter without a  
3 license issued pursuant to this chapter, or to refer to  
4 himself or herself with the title of "clinical social worker,"  
5 "marriage and family therapist," or "mental health counselor."

6 (b) Is a salaried employee of a private, nonprofit  
7 organization providing counseling services to children, youth,  
8 and families, if such services are provided for no charge, if  
9 such employee is performing duties for which he or she was  
10 trained and hired. Any employee who provides expert testimony  
11 must disclose to the court and all parties that he or she is  
12 not licensed under this chapter. However, nothing in this  
13 paragraph authorizes an employee after January 1, 2002, to  
14 render a psychotherapeutic diagnosis or practice clinical  
15 social work, marriage and family therapy, or mental health  
16 counseling as defined in this chapter without a license issued  
17 pursuant to this chapter, or to refer to himself or herself  
18 with the title of "clinical social worker," "marriage and  
19 family therapist," or "mental health counselor."

20 Section 3. This act shall take effect July 1, 2000.

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