

By Senator Clary

7-1323-00

1                                   A bill to be entitled  
2           An act relating to social work practice in  
3           generalist and nonclinical specializations;  
4           creating part XV of chapter 468, Florida  
5           Statutes, consisting of sections 468.851,  
6           468.852, 468.853, 468.854, 468.855, 468.856,  
7           468.857, 468.858, 468.859, 468.86, 468.861,  
8           468.862, 468.863, 468.864, 468.865, Florida  
9           Statutes; providing for the licensure and  
10          regulation of social work practice in  
11          generalist and nonclinical specializations;  
12          providing legislative intent; providing  
13          definitions; creating an Advisory Council on  
14          Social Work Practice in Generalist and  
15          Nonclinical Specializations and providing for  
16          council membership and headquarters; providing  
17          rulemaking authority; providing for licensure  
18          by examination of licensed master social  
19          workers and of certified bachelor social  
20          workers; providing for license renewal;  
21          providing for inactive license status and for  
22          the reactivation of licenses; providing for  
23          fees; providing requirements for continuing  
24          education and for the approval of providers,  
25          programs, and courses; defining infractions;  
26          providing for discipline of licensees or  
27          applicants for licensure; prohibiting sexual  
28          misconduct and providing for penalties;  
29          providing violations; providing penalties;  
30          providing for injunctions; providing exemptions  
31          from regulation under this part; providing for

1 confidential communications; requiring  
2 recordkeeping; requiring the display of  
3 licenses; requiring the use of a licensee's  
4 professional title on promotional materials;  
5 repealing ss. 491.0145, 491.015, F.S., relating  
6 to certified master social workers; providing  
7 applicability to current certificateholders;  
8 providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Part XV of chapter 468, Florida Statutes,  
13 consisting of sections 468.851, 468.852, 468.853, 468.854,  
14 468.855, 468.856, 468.857, 468.858, 468.859, 468.86, 468.861,  
15 468.862, 468.863, 468.864, and 468.865, Florida Statutes, is  
16 created to read:

17 PART XV

18 SOCIAL WORK PRACTICE IN GENERALIST  
19 AND NONCLINICAL SPECIALIZATIONS

20 468.851 Intent.--The Legislature finds that providers  
21 of social work services make decisions that affect  
22 individuals, families, groups, and communities and that  
23 members of the public who receive social work services are  
24 vulnerable to the practitioners of such services. Therefore,  
25 in order to preserve the health, safety, and welfare of the  
26 public, the Legislature must provide minimum standards and  
27 qualifications for the practice of social work in generalist  
28 and nonclinical specializations. The Legislature further  
29 finds that the practice of social work in generalist and  
30 nonclinical specializations by persons who are not qualified

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1 to practice such professions presents a danger to the public  
2 health, safety, and welfare.

3 468.852 Definitions.--As used in this part, the term:

4 (1) "Advisory council" or "council" means the Advisory  
5 Council on Social Work Practice in Generalist and Nonclinical  
6 Specializations.

7 (2) "Social work practice" means the professional  
8 application of social work values, theories, and interventions  
9 to one or more of the following: enhancing the development,  
10 problem-solving, and coping capacities of people; promoting  
11 the effective and humane operations of systems that provide  
12 resources and services to people; linking people with systems  
13 that provide them with resources, services, and opportunities;  
14 developing and improving social policy; and engaging in  
15 research related to the professional activities. The practice  
16 of social work in generalist and nonclinical specializations  
17 shall include, but is not limited to, planning, community  
18 organization, policy development, social work administration,  
19 social work research and program evaluation, social work  
20 education, social work advocacy, child welfare, school social  
21 work, elderly services, public health social work, vocational  
22 social work, and nonclinical social work supervision and  
23 consultation. This chapter must not be construed to authorize  
24 any person licensed under this part to practice psychotherapy.

25 (3) "Department" means the Department of Health in  
26 consultation with the Department of Children and Family  
27 Services, the Department of Elderly Affairs, and the  
28 Department of Juvenile Justice.

29 (4) "Certified bachelor social worker" means a person  
30 licensed under this part to practice bachelor's-level social  
31 work.

1           (5) "Licensed master social worker" means a person  
2 licensed under this part to practice master's-level social  
3 work.

4           (6) "Practice of certified bachelor social work" means  
5 the provision, by a person with a baccalaureate education in  
6 social work as defined in s. 468.855(2)(a), of generalist  
7 social work services, based on generic practice knowledge and  
8 skills applicable across problems and populations. This term  
9 includes the use of basic skills relevant to scientific and  
10 applied knowledge, theories, and methods to provide social  
11 work assessment and referral, needed information and education  
12 to clients, social work case management and supportive  
13 services to individuals, families, groups, and communities,  
14 problem-solving intervention, client-centered advocacy,  
15 beginning generalist social work supervision, and research.  
16 The practice of certified bachelor social work does not  
17 include the practice of psychotherapy.

18           (7) "Practice of master social work" means the  
19 provision, by a person with a master's education in social  
20 work as defined in s. 468.855(1)(a), of advanced and  
21 concentrated social work practice skills in generalist and  
22 nonclinical specializations, including the use of an enhanced  
23 base for scientific and applied knowledge, theories, and  
24 methods to provide a conceptual and practical framework for an  
25 advanced level of assessment, referral, casework management,  
26 and supportive services to individuals, families, groups, and  
27 communities, needed information and education to clients,  
28 client-centered advocacy, planning, community organization,  
29 supervision, consultation, management, social policy  
30 formulation, program development and implementation,  
31 problem-solving, crisis intervention, research, and program

1 evaluation. The practice of master social work does not  
2 include the practice of psychotherapy.

3 468.853 Advisory Council on Social Work Practice in  
4 Generalist and Nonclinical Specializations.--

5 (1) There is created within the Department of Health  
6 an Advisory Council on Social Work Practice in Generalist and  
7 Nonclinical Specializations composed of six members appointed  
8 by the secretary of the department.

9 (2)(a) Four members of the council shall be persons  
10 licensed under this part as follows:

11 1. Two members shall be certified bachelor social  
12 workers.

13 2. Two members shall be licensed master social  
14 workers. Initially, however, these council members may be  
15 bachelor social workers and master social workers who have not  
16 yet been licensed and whom the secretary of the department has  
17 determined satisfy all of the requirements for licensure set  
18 forth in this part.

19 (b) Two members of the council shall be citizens who  
20 are not connected with the practice of social work.

21 (3)(a) By January 1, 2000, the secretary of the  
22 department shall appoint six members of the council as  
23 follows:

24 1. Two members for terms of 2 years each.

25 2. Two members for terms of 3 years each.

26 3. Two members for terms of 4 years each.

27 (b) As the terms of the initial members expire, the  
28 secretary of the department shall appoint successors for terms  
29 of 4 years, and those members shall serve until their  
30 successors are appointed.

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1           (4) The department may adopt rules as provided in  
2 chapter 120 relating to the licensure of master social workers  
3 and the certification of bachelor social workers.

4           (5) All applicable provisions of chapter 455 relating  
5 to activities of regulatory boards apply to the council.

6           (6) The council shall maintain its official  
7 headquarters in the City of Tallahassee.

8           468.854 Licensure by examination.--

9           (1) LICENSED MASTER SOCIAL WORKER.--

10           (a) Upon verification of documentation and payment of  
11 a fee not to exceed \$200, as set by department rule, plus the  
12 actual per-applicant cost to the department for purchase of  
13 the examination from the American Association of State Social  
14 Work Boards or a similar national organization, the department  
15 shall issue a license as a licensed master social worker to an  
16 applicant who the department certifies:

17           1. Has made application therefor and paid the  
18 appropriate fee.

19           2. Has received a doctoral degree in social work from  
20 a graduate school of social work that at the time the  
21 applicant graduated was accredited by an accrediting agency  
22 recognized by the United States Department of Education or has  
23 received a master's degree in social work from a graduate  
24 school of social work that at the time the applicant  
25 graduated:

26           a. Was accredited by the Council on Social Work  
27 Education;

28           b. Was accredited by the Canadian Association of  
29 Schools of Social Work; or

30           c. Has been determined to have been a program  
31 equivalent to programs approved by the Council on Social Work

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

7       3. Has had not less than 2 years of social work  
8 experience which took place after the applicant's completion  
9 of a graduate degree in social work at an institution meeting  
10 the accreditation requirements of this subsection, under the  
11 supervision of a licensed clinical social worker, a licensed  
12 master social worker, or the equivalent who is a qualified  
13 supervisor as determined by the department. An applicant who  
14 is completing the social work experience required by this  
15 subparagraph may practice as a master social work resident  
16 under supervision.

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

19       5. Has demonstrated, in a manner designated by rule of  
20 the department, knowledge of the laws and rules governing the  
21 practice of master's-level social work.

22       (b) The educational program under this subsection must  
23 include content on social work values and ethics, diversity,  
24 social and economic justice, populations at risk, human  
25 behavior and the social environment, social welfare policy and  
26 services, social work practice, and research and skills for  
27 advanced practice in an identifiable field of practice on  
28 social work methodology such as management, administration,  
29 program planning and evaluation, staff development, research,  
30 community organization, community services, social planning,  
31 program supervision, or human services advocacy. The program

1 must include a supervised field placement in an advanced  
2 social work method or field of practice.

3 (c) Upon licensure, a licensed master social worker  
4 may engage in social work practice in generalist and  
5 nonclinical specializations as authorized by this part. A  
6 licensed master social worker may not provide psychotherapy  
7 services or any other service for which licensure as a  
8 clinical social worker is required, and this subsection may  
9 not be construed to permit the practice of psychotherapy.

10 (2) CERTIFIED BACHELOR SOCIAL WORKER.--

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

18 1. Has made application therefor and paid the  
19 appropriate fee.

20 2. Has received a bachelor's degree in social work  
21 from a school of social work at a university or college which  
22 at the time the applicant graduated:

23 a. Was accredited by the Council on Social Work  
24 Education;

25 b. Was accredited by the Canadian Association of  
26 Schools of Social Work; or

27 c. Has been determined to have been a program  
28 equivalent to programs approved by the Council on Social Work  
29 Education by the Foreign Equivalency Determination Service of  
30 the Council on Social Work Education. An applicant who  
31 graduated from a program at a university or college outside



1 the United States or Canada must present documentation of the  
2 equivalency determination from the council in order to  
3 qualify.

4 3. Has had not less than 2 years of social work  
5 experience which took place after the applicant's completion  
6 of a bachelor's degree in social work at an institution  
7 meeting the accreditation requirements of this subsection,  
8 under the supervision of a licensed clinical social worker, a  
9 licensed master social worker, a certified bachelor social  
10 worker, or the equivalent who is a qualified supervisor as  
11 determined by the department. An applicant who is completing  
12 the social work experience required by this subparagraph may  
13 practice as a bachelor social work resident under supervision.

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

16 5. Has demonstrated, in a manner designated by rule of  
17 the department, knowledge of the laws and rules governing the  
18 practice of bachelor's-level social work.

19 (b) The educational program under this subsection must  
20 include content on social work values and ethics, diversity,  
21 social and economic justice, populations at risk, human  
22 behavior and the social environment, social welfare policy and  
23 services, social work practice, and research and skills for  
24 entry-level practice. The program must include an entry-level  
25 supervised placement in a social service setting.

26 (c) Upon certification, a certified bachelor social  
27 worker may engage in generalist social work practice as  
28 authorized by this part. A certified bachelor social worker  
29 may not provide psychotherapy services or any other service  
30 for which licensure as a licensed master social worker or

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1 clinical social worker is required, and this subsection may  
2 not be construed to permit the practice of psychotherapy.

3 468.855 Licensure by endorsement.--

4 (1) The department shall license a person in any level  
5 of social work practice in generalist and nonclinical  
6 specializations regulated by this part who, upon applying to  
7 the department and remitting the appropriate fee, demonstrates  
8 to the department that he or she:

9 (a) Holds an active, valid license to practice and has  
10 actively practiced that level of social work in another state  
11 or U.S. Territory for 3 of the 5 years immediately preceding  
12 licensure.

13 (b) Meets the education and experience requirements of  
14 this part for the level of social work for which licensure is  
15 applied.

16 (c) Has passed a substantially equivalent licensing  
17 examination in another state.

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

22 (e) Has demonstrated knowledge of the applicable laws  
23 and rules of this state.

24 (2) The department may not issue a license by  
25 endorsement to any applicant who is under investigation in  
26 this or another jurisdiction for an act that would constitute  
27 a violation of this part until such time as the investigation  
28 is completed, at which time the provisions of s. 468.859  
29 apply.

30 468.856 Renewal of license.--

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

4           (2) Each applicant for renewal shall present  
5 satisfactory evidence that, in the period since the license  
6 was issued, the applicant has completed continuing education  
7 requirements set by rule of the department. Not more than 30  
8 contact hours of continuing education per biennial renewal may  
9 be required.

10           468.857 Inactive status; reactivation of licenses;  
11 fees.--

12           (1) The department may adopt rules relating to  
13 inactive licenses and the reactivation of licenses and fees.

14           468.858 Continuing education; approval of providers,  
15 programs, and courses; proof of completion.--

16           (1) Continuing education providers, programs, and  
17 courses must be approved by the department.

18           (2) The department may set a fee not to exceed \$300  
19 for each provider submitted for approval.

20           (3) Proof of completion of the required number of  
21 hours of continuing education must be submitted to the  
22 department in the manner and time specified by rule and on  
23 forms provided by the department.

24           (4) The department may adopt rules as provided in  
25 chapter 120 to approve continuing education providers,  
26 programs, and courses.

27           468.859 Discipline.--

28           (1) When the department finds that an applicant or  
29 licensee whom it regulates under this part has committed any  
30 of the acts set forth in subsection (2), it may issue an order  
31 imposing one or more of the following penalties:

1           (a) Denial of an application for licensure, either  
2 temporarily or permanently.

3           (b) Revocation of a license, after hearing, either  
4 temporarily or permanently.

5           (c) Suspension of a license for a period of up to 5  
6 years, after hearing.

7           (d) Immediate suspension of a license pursuant to s.  
8 120.60(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 or licensee on probation  
13 for a period of time and subject to such conditions as the  
14 department specifies, including, but not limited to, requiring  
15 the applicant or licensee to submit to treatment, to attend  
16 continuing education courses, to submit to reexamination, or  
17 to work under the supervision of a designated licensee.

18           (h) Restriction of practice.

19           (2) The disciplinary actions listed in subsection (1)  
20 may be taken in cases of unethical, illegal, incompetent or  
21 inappropriate practice. The department may determine such  
22 misconduct and regulate all disciplinary penalties.

23           468.86 Sexual misconduct.--Sexual misconduct by any  
24 person licensed under this part, in the practice of his or her  
25 profession, is prohibited. The department shall, by rule,  
26 define and prescribe penalties for sexual misconduct.

27           468.861 Violations; penalty; injunction.--

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

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1           (a) Use any of the following titles or a combination  
2 thereof, unless the person holds a valid, active license as a  
3 licensed master social worker issued under this part:

4           1. "Licensed master social worker."

5           2. "Licensed social worker."

6           3. "Master social worker."

7           4. "Advanced social worker."

8           5. "Social worker."

9           (b) Use any of the following titles or any combination  
10 thereof, unless the person holds a valid, active certification  
11 as a certified bachelor social worker issued under this part:

12           1. "Certified bachelor social worker."

13           2. "Bachelor social worker."

14           3. "Baccalaureate social worker."

15           4. "Certified social worker."

16           5. "Social worker technician."

17           6. "Social worker."

18           (c) Present as his or her own the social work license  
19 of another.

20           (d) Give false or forged evidence to the department  
21 for the purpose of obtaining a license.

22           (e) Use or attempt to use a license issued under this  
23 part which has been revoked or is under suspension.

24           (f) Knowingly conceal information relative to any  
25 violation of this part.

26           (g) Beginning January 1, 2000, a person may not  
27 practice in this state any social work that is regulated under  
28 this part, as such practice is defined in s. 468.852, unless  
29 the person holds a valid, active license to practice social  
30 work in generalist and nonclinical specializations issued  
31

1 under this part. This paragraph does not apply to the practice  
2 of clinical social work, which is regulated under chapter 491.

3 (2) It is unlawful and a violation of this part for  
4 any person to describe his or her services using the following  
5 terms or any derivative thereof, unless the person holds a  
6 valid, active license under chapter 490 or chapter 491, or is  
7 certified under s. 464.012 as an advanced registered nurse  
8 practitioner who has been determined by the Board of Nursing  
9 to be a specialist in psychiatric mental health and the use of  
10 the term is within the scope of his or her practice based on  
11 education, training, and licensure:

12 (a) "Psychotherapy."

13 (b) "Sex therapy."

14 (c) "Sex counseling."

15 (d) "Clinical social work."

16 (e) "Psychiatric social work."

17 (3) It is unlawful and a violation of this part for  
18 any person to describe his or her services using the following  
19 terms or any derivative thereof, unless the person holds a  
20 valid, active license under this part or is a clinical social  
21 worker licensed under chapter 491:

22 (a) "Social work."

23 (b) "Social work services."

24 (4) This section may not be construed to permit the  
25 practice of psychotherapy.

26 (5) Any person who violates any provision of  
27 subsection (1), subsection (2), or subsection (3) commits a  
28 misdemeanor of the first degree, punishable as provided in s.  
29 775.082 or s. 775.083.

30 (6) The department may institute appropriate judicial  
31 proceedings to enjoin violation of this section.

1           468.862 Exemptions.--  
2           (1) This part may not be construed to prevent  
3 qualified members of other professions from doing work of a  
4 nature consistent with their training and licensure, so long  
5 as they do not hold themselves out to the public as possessing  
6 a license issued under this part or use a professional title  
7 protected by this chapter. In addition, clinical social  
8 workers licensed under chapter 491 are not required to be  
9 licensed under this part and may use the terms "social work,"  
10 "social worker," and "licensed social worker."  
11           (2) A person is not required to be licensed under this  
12 part who does not hold a bachelor's degree or a master's  
13 degree in social work and who does not hold himself or herself  
14 out to the public as possessing a license issued under this  
15 part or use a professional title protected by this part.  
16           (3) A person is not required to be licensed under this  
17 part who:  
18           (a) Is a student who is pursuing a course of study  
19 that leads to a degree in a profession regulated by this part  
20 and is providing, in a training setting, services regulated  
21 under this part if the services and associated activities  
22 constitute part of a supervised course of study and the  
23 student is designated by the title "student intern."  
24           (b) Is not a resident of this state but offers  
25 services in this state, if:  
26           1. Such services are performed for no more than 5 days  
27 in any month and no more than 15 days in any calendar year;  
28 and  
29           2. The nonresident is licensed to practice the  
30 services provided by a state or territory of the United States  
31 or by a foreign country or province.

1           (c) Is certified in school social work by the  
2 Department of Education and is performing school social work  
3 services as an employee of a public or private educational  
4 institution. This exemption may not be construed to authorize  
5 any unlicensed practice that is not performed as a direct  
6 employee of an educational institution.

7           (d) Is a salaried employee providing social work  
8 services under part II, part III, or part IV of chapter 400,  
9 so long as he or she practices only in the licensed facility  
10 under the supervision of the facility administrator.

11           (4) Any person who is not licensed under this part by  
12 January 1, 2001, and who desires to become so licensed must  
13 register with the department his or her intent to become fully  
14 licensed no later than January 1, 2002. The costs to the  
15 department of the registration must be borne by the  
16 registrant. The department may require affidavits and  
17 supporting documentation sufficient to demonstrate that the  
18 registrant is preparing for examination by January 1, 2001,  
19 under this part. The department may adopt rules as provided in  
20 chapter 120 to register any person who seeks licensure under  
21 this part. Upon receipt of the department's notice of  
22 registration, the registrant may practice services as defined  
23 in s. 468.852(6) and (7), if the registrant uses the term  
24 "resident" with any title or description of the registrant's  
25 work and on any business correspondence and work product,  
26 including, but not limited to, a business card, letterhead,  
27 sign, billing, or report, unless exempt under this part.

28           (5) Any person who meets the requirements of s.  
29 468.854(1) or s. 468.854(2) with the exception of the 2 years  
30 of experience under a qualified professional and the theory  
31 and practice examination, and who has not less than 2 years of



1 social work experience related to the licensing area which  
2 took place subsequent to completion of a bachelor's or  
3 master's degree in social work, is eligible for the  
4 appropriate license and must receive a license. This  
5 subsection and the ability to become licensed under this  
6 subsection expires July 1, 2001.

7 468.863 Confidential communications.--Any communication  
8 between a person who is licensed under this part and his or  
9 her client is confidential. This secrecy may be waived under  
10 the following conditions:

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

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

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

25 468.864 Records.--Each person licensed under this part  
26 who provides independent services as defined in this part must  
27 maintain records. The department may adopt rules defining the  
28 minimum requirements for records and reports.

29 468.865 Display of license; use of professional title  
30 on promotional materials.--

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1           (1) Each person licensed under this part must  
2 conspicuously display the valid license issued by the  
3 department or a true copy thereof at each location at which  
4 the licensee practices his or her profession.

5           (2) Each person licensed under this part must include  
6 the words "Licensed Master Social Worker" or the letters  
7 "LMSW," or "Certified Bachelor Social Worker" or the letters  
8 "CBSW," as applicable, on all promotional materials, including  
9 cards, brochures, stationery, advertisements, and signs,  
10 naming the licensee.

11           Section 2. Paragraph (a) of subsection (1) of section  
12 491.0149, Florida Statutes, is amended to read:

13           491.0149 Display of license; use of professional title  
14 on promotional materials.--

15           (1)(a) A person licensed under this chapter as a  
16 clinical social worker, marriage and family therapist, or  
17 mental health counselor, ~~or certified as a master social~~  
18 ~~worker~~ shall conspicuously display the valid license issued by  
19 the department or a true copy thereof at each location at  
20 which the licensee practices his or her profession.

21           Section 3. Sections 491.0145 and 491.015, Florida  
22 Statutes, are repealed.

23           Section 4. Any person who, on the effective date of  
24 this act, holds an active, valid certificate in master social  
25 work under section 491.0145, Florida Statutes, as it existed  
26 immediately before the effective date of this act, may  
27 continue to hold such certificate until the certificate  
28 expires or until January 1, 2001, whichever occurs sooner,  
29 after which the provisions of part XV of chapter 468, Florida  
30 Statutes, as created by this act, control.

31           Section 5. This act shall take effect July 1, 2000.

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SENATE SUMMARY

Materially revises provisions relating to social work practice in generalist and nonclinical specializations. Creates an Advisory Council on Social Work Practice in Generalist and Nonclinical Specializations within the Department of Health. Provides requirements for the licensure of licensed master social workers and of certified bachelor social workers. (See bill for details.)