



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

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3 Section 1. (1) DEFINITIONS.--As used in this section,  
4 the term:

5 (a) "Department" means the Department of Health.

6 (b) "Faith-based counseling" means ministry to  
7 individuals, families, couples, groups, organizations, and the  
8 general public involving the application of principles and  
9 procedures of counseling to assess and treat intrapersonal and  
10 interpersonal problems and other dysfunctional behavior of a  
11 social and spiritual nature and to assist in the overall  
12 development and healing process of those served.

13 (c) "Faith-based counselor" means a person who  
14 provides faith-based counseling.

15 (d) "Qualified association" means an organization that  
16 uses a certification process that is endorsed by a statewide  
17 faith-based counseling organization in this state which was in  
18 existence on January 1, 2005, and which publishes, and  
19 requires compliance with, its standards and files copies of  
20 such standards with the department as provided in subparagraph  
21 (2)(b)1.

22 (2) REGISTRATION.--

23 (a) A faith-based counselor may not practice, and a  
24 person may not commence his or her faith-based counselor  
25 professional practicum, internship, or field experience, in  
26 this state unless he or she has first registered with and been  
27 certified by a qualified association as provided in this  
28 section.

29 (b) The licensing provisions of chapter 491, Florida  
30 Statutes, do not apply to a faith-based counselor who:

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1           1. Is certified by a statewide faith-based counseling  
2 organization in this state which was in existence on January  
3 1, 2005, and which publishes and requires compliance with the  
4 organization's standards and files copies of such standards  
5 with the department. Such standards shall be in substantial  
6 compliance with chapter 491, Florida Statutes, and the rules  
7 and minimum standards adopted under that chapter, with the  
8 exception of those standards of a curricular or religious  
9 nature. After the department has determined that the standards  
10 for faith-based counselors are in substantial compliance with  
11 minimum standards that professionals licensed under chapter  
12 491, Florida Statutes, are required to meet, the standards  
13 need not be resubmitted to the department unless a change in  
14 the standards occurs. If the organization adopts any changes  
15 to the standards, the organization shall provide such changes  
16 to the department within 10 days after their adoption.

17           2. Has been issued a certificate of registration by  
18 the qualified association.

19           (c) The qualified association shall register as a  
20 faith-based counselor intern an applicant who the qualified  
21 association verifies has:

22           1. Completed the application form and remitted a  
23 nonrefundable application fee as set by the qualified  
24 association, such fee not to exceed \$200.

25           2. Completed the minimum education requirements of  
26 obtaining a master's degree in faith-based counseling or a  
27 related field from an accredited college or a faith-based  
28 college and submitted an acceptable supervision plan, working  
29 under a registered or certificated faith-based counselor for  
30 meeting any practicum, internship, or field work required for  
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1 registration or certification that may not have been satisfied  
2 in his or her graduate program.

3 3. Identified a qualified faith-based counselor to  
4 supervise his or her practicum, internship, or field  
5 experience.

6 (d) Upon verification that all requirements for  
7 registration have been met, the qualified association shall  
8 issue to an applicant, without charge, a certificate of  
9 registration valid for 1 year. An applicant for certification  
10 must remain under supervision until he or she receives his or  
11 her certificate of registration from the qualified  
12 association.

13 (e) Faith-based counselors who have met the minimum  
14 education requirements and commenced the minimum experience  
15 requirements as set out in the qualified association's  
16 published standards shall register with the qualified  
17 association before July 1, 2005. Faith-based counselors who  
18 fail to comply with this paragraph may not be granted a  
19 certificate of registration, and any time spent by the person  
20 completing the experience requirement prior to registration as  
21 an intern does not count toward completion of such  
22 requirement.

23 (3) CERTIFICATION BY EXAMINATION.--

24 (a) Upon verification of documentation and payment of  
25 a nonrefundable application fee as set by the qualified  
26 association, such fee not to exceed \$200, plus the actual  
27 per-applicant cost to the qualified association or its  
28 registration agent for purchase of the examination from the  
29 state, a professional licensure agency, or a similar national  
30 professional organization, the qualified association shall  
31 issue a certificate of registration as a clinical faith-based

1 counselor to an applicant who the qualified association  
2 certifies has:

3 1. Completed the application form and remitted a  
4 nonrefundable application fee as set by the qualified  
5 association, such fee not to exceed \$200.

6 2. Received the minimum of a master's degree in  
7 faith-based counseling, or a closely related field, from a  
8 regionally accredited college or has received the minimum of a  
9 master's degree in faith-based counseling from a faith-based  
10 theological seminary which the qualified association has  
11 determined was, at the time the applicant graduated, a program  
12 equivalent to programs approved by the Council on Faith-Based  
13 Counseling Education. An applicant who graduated from a  
14 university or college program outside the United States or  
15 Canada must present documentation of the equivalency  
16 determination from the council in order to qualify to sit for  
17 the examination. The master's level graduate program must have  
18 included direct clinical pastoral or faith-based patient or  
19 client counseling services and the coursework, casework, and  
20 experience as required by the qualified association's  
21 published standards.

22 3. Passed a theory and practice examination provided  
23 by the qualified association for this purpose.

24 4. Demonstrated, in a manner designated by the  
25 qualified association's published standards, knowledge of the  
26 laws and rules governing the practice of clinical faith-based  
27 counseling work.

28 5. Completed a minimum of 3 semester hours or 4  
29 quarter hours of graduate-level coursework as required by the  
30 qualified association's published standards.

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1           6. Completed the equivalent, as determined by the  
2 qualified association, of at least 1,000 hours of  
3 university-sponsored or seminary-supervised clinical  
4 practicum, internship, or field experience as required by the  
5 standards of the council. This experience may not be used to  
6 satisfy the postmaster's clinical experience requirement.

7           (4) CERTIFICATION BY ENDORSEMENT.--The qualified  
8 association shall issue a certificate of registration to a  
9 person in a profession to which this section applies who, upon  
10 applying to the qualified association and remitting the  
11 appropriate fee, demonstrates to the qualified association  
12 that he or she:

13           (a) Has knowledge of the laws and rules governing the  
14 practice of clinical faith-based counseling.

15           (b) Holds an active valid license to practice and has  
16 actively practiced the profession for which licensure is  
17 applied in another state for 3 of the last 5 years immediately  
18 preceding his or her application for registration with the  
19 qualified association.

20           (c) Meets the educational requirements of this section  
21 for the profession for which registration is applied.

22           (d) Has passed a substantially equivalent examination  
23 in another state or has passed the registration examination in  
24 this state in the profession for which the applicant seeks  
25 certification.

26           (e) Holds a certificate in good standing, is not under  
27 investigation for an act that would constitute a violation of  
28 this section, and has not been found to have committed any act  
29 that would constitute a violation of this section.

30           (5) RENEWAL OF REGISTRATION OR CERTIFICATION.--  
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1       (a) The qualified association shall prescribe by rule  
2 a method for the biennial renewal of registration or  
3 certification at a fee set by rule, not to exceed \$250.

4       (b) Each applicant for renewal shall present  
5 satisfactory evidence that, in the period since the  
6 registration or certificate was issued, the applicant has  
7 completed continuing education requirements set by rule of the  
8 qualified association. Not more than 25 classroom hours of  
9 continuing education per year shall be required.

10       (c) The qualified association shall prescribe by rule  
11 a method for the biennial renewal of an intern registration at  
12 a fee set by rule, not to exceed \$100.

13       (6) INACTIVE STATUS; REACTIVATION OF CERTIFICATION;  
14 FEES.--

15       (a) Upon application to the qualified association and  
16 payment of a \$50 fee, a registered faith-based counselor may  
17 be placed on inactive status.

18           1. An inactive certificate may be renewed biennially  
19 for \$50.

20           2. An inactive certificate may be reactivated by  
21 submitting an application to the qualified association,  
22 completing the continuing education requirements, complying  
23 with any background investigation required, complying with  
24 other requirements prescribed by the qualified association,  
25 and paying a \$50 reactivation fee plus the current biennial  
26 renewal fee at the time of reactivation.

27       (b) The qualified association may adopt rules relating  
28 to inactive certificates and the reactivation of certificates.

29       (7) CONTINUING EDUCATION AND LAWS AND RULES COURSES;  
30 APPROVAL OF PROVIDERS, PROGRAMS, AND COURSES; PROOF OF  
31 COMPLETION.--

1           (a) Faith-based continuing education providers,  
2 programs, and courses and laws and rules courses and their  
3 providers and programs shall be approved by the qualified  
4 association.

5           (b) The qualified association may set a fee, not to  
6 exceed \$200, for each applicant that applies for or renews  
7 provider status.

8           (c) Proof of completion of the required number of  
9 hours of continuing education and completion of the laws and  
10 rules course shall be submitted to the qualified association  
11 in the manner and time specified by rule and on forms provided  
12 by the qualified association.

13           (d) The department or the qualified association shall  
14 adopt rules and guidelines to administer and enforce the  
15 provisions of this subsection.

16           (8) DISCIPLINE.--

17           (a) The following acts constitute grounds for denial  
18 of certification or disciplinary action, as specified in  
19 section 456.072(2), Florida Statutes:

20           1. Attempting to obtain, obtaining, or renewing a  
21 registration or certification under this section by bribery or  
22 fraudulent misrepresentation or through an error of the  
23 qualified association or the department.

24           2. Having a registration or certification to practice  
25 a comparable profession revoked, suspended, or otherwise acted  
26 against, including the denial of certification or licensure by  
27 another state, territory, or country.

28           3. Being convicted or found guilty of, regardless of  
29 adjudication, or having entered a plea of nolo contendere to,  
30 a crime in any jurisdiction which directly relates to the  
31 practice of his or her profession or the ability to practice



1 his or her profession. However, in the case of a plea of nolo  
2 contendere, the qualified association shall allow the person  
3 who is the subject of the disciplinary proceeding to present  
4 evidence in mitigation relevant to the underlying charges and  
5 circumstances surrounding the plea.

6 4. False, deceptive, or misleading advertising or  
7 obtaining a fee or other thing of value on the representation  
8 that beneficial results from any treatment will be guaranteed.

9 5. Advertising, practicing, or attempting to practice  
10 under a name other than one's own.

11 6. Maintaining a professional association with any  
12 person who the applicant, registered intern, or  
13 certificateholder knows, or has reason to believe, is in  
14 violation of this section or a rule of the department.

15 7. Knowingly aiding, assisting, procuring, or advising  
16 any unregistered or uncertified person to hold himself or  
17 herself out as registered or certified under this section.

18 8. Failing to perform any statutory or legal  
19 obligation placed upon a person registered or certified under  
20 this section.

21 9. Willfully making or filing a false report or  
22 record, failing to file a report or record required by state  
23 or federal law, willfully impeding or obstructing the filing  
24 of a report or record, or inducing another person to make or  
25 file a false report or record or to impede or obstruct the  
26 filing of a report or record. Such report or record means only  
27 a report or record that requires the signature of a person  
28 registered or certified under this section.

29 10. Paying a kickback, rebate, bonus, or other  
30 remuneration for receiving a patient or client, or receiving a  
31 kickback, rebate, bonus, or other remuneration for referring a

1 patient or client to another provider of mental health care  
2 services or to a provider of health care services or goods;  
3 referring a patient or client to oneself for services on a  
4 fee-paid basis when those services are already being paid for  
5 by some other public or private entity; or entering into a  
6 reciprocal referral agreement.

7 11. Committing any act upon a patient or client which  
8 would constitute sexual battery or which would constitute  
9 sexual misconduct, as defined in section 491.0111, Florida  
10 Statutes.

11 12. Making misleading, deceptive, untrue, or  
12 fraudulent representations in the practice of any profession  
13 registered or certified under this section.

14 13. Soliciting patients or clients personally, or  
15 through an agent, through the use of fraud, intimidation,  
16 undue influence, or a form of overreaching or vexatious  
17 conduct.

18 14. Failing to make available to a patient or client,  
19 upon written request, copies of tests, reports, or documents  
20 in the possession or under the control of the registered  
21 intern or certificateholder which have been prepared for and  
22 paid for by the patient or client.

23 15. Failing to respond within 30 days to a written  
24 communication from the department or the qualified association  
25 concerning any investigation by the department or the  
26 qualified association or failing to make available any  
27 relevant records with respect to any investigation concerning  
28 the registered intern's or certificateholder's conduct or  
29 background.

30 16. Being unable to practice the profession for which  
31 he or she is registered or certified under this section with

1 reasonable skill or competence as a result of any mental or  
2 physical condition or by reason of illness, drunkenness, or  
3 excessive use of drugs, narcotics, chemicals, or any other  
4 substance. In enforcing this subparagraph, upon a finding by  
5 the qualified association that probable cause exists to  
6 believe that the registered intern or certificateholder is  
7 unable to practice a profession because of the reasons stated  
8 in this subparagraph, the qualified association may compel the  
9 registered intern or certificateholder to submit to a mental  
10 or physical examination by faith-based counselors,  
11 psychologists, physicians, or licensees under chapter 491,  
12 Florida Statutes, designated by the qualified association. If  
13 the registered intern or certificateholder refuses to comply  
14 with such order, the qualified association may suspend or  
15 revoke the person's registration or certification. A  
16 registered intern or certificateholder affected under this  
17 subparagraph shall at reasonable intervals be afforded an  
18 opportunity to demonstrate that he or she can resume the  
19 competent practice for which he or she is registered or  
20 certified with reasonable skill and safety to patients.

21 17. Performing any treatment or prescribing any  
22 therapy that, by the prevailing standards of faith-based  
23 counselors in the community, would constitute experimentation  
24 on human subjects, without first obtaining full, informed, and  
25 written consent.

26 18. Failing to meet the minimum standards of  
27 performance in professional activities when measured against  
28 generally prevailing peer performance, including the  
29 undertaking of activities for which the registered intern or  
30 certificateholder is not qualified by training or experience.

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1           19. Delegating professional responsibilities to a  
2 person whom the registered intern or certificateholder knows  
3 or has reason to know is not qualified by training or  
4 experience to perform such responsibilities.

5           20. Violating a rule relating to the regulation of the  
6 profession or a lawful order of the qualified association  
7 previously entered in a disciplinary hearing.

8           21. Failure of the registered intern or  
9 certificateholder to maintain in confidence a communication  
10 made by a patient or client in the context of such services,  
11 except as provided in section 491.0147, Florida Statutes.

12           22. Making public statements that are derived from  
13 test data, client contacts, or behavioral research and that  
14 identify or damage research subjects or clients.

15           (b) The qualified association shall notify the  
16 department within 10 days after the suspension or revocation  
17 of the registration or certification of any faith-based  
18 counselor registered or certified under this subsection.

19           (c)1. The qualified association shall notify the  
20 department when the qualified association finds there is a  
21 violation of any of the provisions of this subsection which  
22 threatens harm to any patient or client.

23           2. The qualified association shall notify the  
24 department when the qualified association finds, within 30  
25 days after written notification by registered mail of the  
26 requirement for registration, that a person continues to offer  
27 faith-based counseling services without a certificate of  
28 registration. The department shall enforce the provisions of  
29 this subsection pursuant to chapter 491, Florida Statutes.

30           (9) EXEMPTIONS.--This section does not limit the  
31 performance of activities of a rabbi, priest, minister, or

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

12 (10) CONFIDENTIALITY AND PRIVILEGED  
13 COMMUNICATIONS.--Any communication between any person  
14 registered or certified under this section and his or her  
15 patient or client is confidential. This secrecy may be waived  
16 under the following conditions:

17 (a) When the person certified under this chapter is a  
18 party defendant to a civil, criminal, or disciplinary action  
19 arising from a complaint filed by the patient or client, in  
20 which case the waiver shall be limited to that action.

21 (b) When the patient or client agrees to the waiver,  
22 in writing, or when more than one person in a family is  
23 receiving therapy and each family member agrees to the waiver,  
24 in writing.

25 (c) When there is a clear and immediate probability of  
26 physical harm to the patient or client, to other individuals,  
27 or to society and the person registered or certified under  
28 this section communicates the information only to the  
29 potential victim, appropriate family member, or law  
30 enforcement or other appropriate authorities.

31 (11) RECORDS.--

1       (a) Each faith-based counselor who provides services  
2 as defined in this section shall give notice to all clients  
3 and patients on all intake documents and counseling agreements  
4 that he or she is not licensed by this state but is registered  
5 or certified by the qualified association pursuant to this  
6 section. All intake documents and counseling agreements must  
7 contain the address and telephone number of the qualified  
8 association.

9       (b) Each faith-based counselor who provides services  
10 as defined in this section shall maintain records. The  
11 qualified association may adopt rules defining the minimum  
12 requirements for records and reports, including content,  
13 length of time records shall be maintained, and transfer of  
14 either the records or a report of such records to a subsequent  
15 treating practitioner or other individual, with written  
16 consent of the client or clients.

17       (12) DISPLAY OF REGISTRATION OR CERTIFICATE; USE OF  
18 PROFESSIONAL TITLE ON PROMOTIONAL MATERIALS.--

19       (a) A person registered or certified under this  
20 section as a faith-based counselor shall conspicuously display  
21 the valid registration certificate issued by a qualified  
22 association or a true copy thereof at each location at which  
23 the certificateholder practices his or her profession.

24       (b) A certified faith-based counselor shall include  
25 the words "certified faith-based counselor" on all promotional  
26 materials, including cards, brochures, stationery,  
27 advertisements, and signs, naming the certificateholder.

28       (13) FEES NONREFUNDABLE.--The fees paid by any  
29 applicant for certification as a registered faith-based  
30 counselor under this section are nonrefundable.

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