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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/09/2013	.	
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The Committee on Health Policy (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (3) through (7) of section 491.004, Florida Statutes, are amended to read:

491.004 Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.—

~~(3) No later than January 1, 1988, the Governor shall appoint nine members of the board as follows:~~

~~(a) Three members for terms of 2 years each.~~

~~(b) Three members for terms of 3 years each.~~



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13 ~~(c) Three members for terms of 4 years each.~~

14 (3)~~(4)~~ As the terms of the ~~initial~~ members expire, the
15 Governor shall appoint successors for terms of 4 years; and
16 those members shall serve until their successors are appointed.

17 (4)~~(5)~~ The board shall adopt rules ~~pursuant to ss.~~
18 ~~120.536(1) and 120.54~~ to implement and enforce the provisions of
19 this chapter.

20 (5)~~(6)~~ All applicable provisions of chapter 456 relating to
21 activities of regulatory boards shall apply to the board.

22 (6)~~(7)~~ The board shall maintain its official headquarters
23 in the City of Tallahassee.

24 Section 2. Section 491.0045, Florida Statutes, is amended
25 to read:

26 491.0045 Intern registration; requirements.-

27 (1) ~~Effective January 1, 1998,~~ An individual who has not
28 satisfied ~~intends to practice in Florida to satisfy~~ the
29 postgraduate or post-master's level experience requirements, as
30 specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register
31 as an intern in the profession for which he or she is seeking
32 licensure before ~~prior to~~ commencing the post-master's
33 experience requirement. ~~or~~ An individual who intends to satisfy
34 part of the required graduate-level practicum, internship, or
35 field experience, outside the academic arena for any profession,
36 must register as an intern in the profession for which he or she
37 is seeking licensure before ~~prior to~~ commencing the practicum,
38 internship, or field experience.

39 (2) The department shall register as a clinical social
40 worker intern, marriage and family therapist intern, or mental
41 health counselor intern each applicant who the board certifies



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42 has:

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

46 (b)1. Completed the education requirements as specified in
47 s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which
48 he or she is applying for licensure, if needed; and

49 2. Submitted an acceptable supervision plan, as determined
50 by the board, for meeting the practicum, internship, or field
51 work required for licensure that was not satisfied in his or her
52 graduate program.

53 (c) Identified a qualified supervisor.

54 (3) An individual registered under this section must remain
55 under supervision while practicing under registered intern
56 status until he or she is in receipt of a license or a letter
57 from the department stating that he or she is licensed to
58 practice the profession for which he or she applied.

59 ~~(4) An individual who has applied for intern registration~~
60 ~~on or before December 31, 2001, and has satisfied the education~~
61 ~~requirements of s. 491.005 that are in effect through December~~
62 ~~31, 2000, will have met the educational requirements for~~
63 ~~licensure for the profession for which he or she has applied.~~

64 ~~(4)(5) Individuals who have commenced the experience~~
65 ~~requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c)~~
66 ~~but failed to register as required by subsection (1) shall~~
67 ~~register with the department before January 1, 2000. Individuals~~
68 ~~who fail to comply with this section ~~subsection~~ shall not be~~
69 ~~granted a license under this chapter, and any time spent by the~~
70 ~~individual completing the experience requirement as specified in~~



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71 s. 491.005(1)(c), (3)(c), or (4)(c) before ~~prior to~~ registering
72 as an intern shall not count toward completion of the such
73 requirement.

74 (5) Intern registration shall be valid for 5 years. Any
75 subsequent intern registration must result from applying for and
76 meeting the requirements adopted by the board by rule.

77 (6) A registered intern license issued before July 1, 2013,
78 shall expire 60 months after the date it was issued and may not
79 be renewed or reissued. Any subsequent intern registration shall
80 be issued at the discretion of the board.

81 (7) A person who has held a provisional license issued by
82 the board may not apply for an intern registration in the same
83 profession.

84 Section 3. Paragraph (c) of subsection (2) of section
85 491.0046, Florida Statutes, is amended, and subsection (5) is
86 added to that section, to read:

87 491.0046 Provisional license; requirements.-

88 (2) The department shall issue a provisional clinical
89 social worker license, provisional marriage and family therapist
90 license, or provisional mental health counselor license to each
91 applicant who the board certifies has:

92 (c) Has met the following minimum coursework requirements:

93 1. For clinical social work, a minimum of 15 semester hours
94 or 22 quarter hours of the coursework required by s.

95 491.005(1)(b)2.b.

96 2. For marriage and family therapy, 10 of the courses
97 required by s. 491.005(3)(b)1.a. ~~491.005(3)(b)1.a.-c.~~, as
98 determined by the board, and at least 6 semester hours or 9
99 quarter hours of the course credits must have been completed in



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100 the area of marriage and family systems, theories, or
101 techniques.

102 3. For mental health counseling, a minimum of seven of the
103 courses required under s. 491.005(4)(b)1.a. ~~491.005(b)1.a.e.~~

104 (5) A person who has held an intern registration issued by
105 the board may not apply for a provisional license in the same
106 profession.

107 Section 4. Section 491.005, Florida Statutes, is amended to
108 read:

109 491.005 Licensure by examination.—

110 (1) CLINICAL SOCIAL WORK.—Upon verification of
111 documentation and payment of a fee not to exceed \$200, as set by
112 board rule, plus the actual per applicant cost to the department
113 for purchase of the examination from the American Association of
114 State Social Worker's Boards or a similar national organization,
115 the department shall issue a license as a clinical social worker
116 to an applicant who the board certifies:

117 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid the
118 appropriate fee.

119 (b)1. Has received a doctoral degree in social work from a
120 graduate school of social work which at the time the applicant
121 graduated was accredited by an accrediting agency recognized by
122 the United States Department of Education or has received a
123 master's degree in social work from a graduate school of social
124 work which at the time the applicant graduated:

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

126 b. Was accredited by the Canadian Association of Schools of
127 Social Work; or

128 c. Has been determined to have been a program equivalent to



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129 programs approved by the Council on Social Work Education by the
130 Foreign Equivalency Determination Service of the Council on
131 Social Work Education. An applicant who graduated from a program
132 at a university or college outside of the United States or
133 Canada must present documentation of the equivalency
134 determination from the council in order to qualify.

135 2. The applicant's graduate program must have emphasized
136 direct clinical patient or client health care services,
137 including, but not limited to, coursework in clinical social
138 work, psychiatric social work, medical social work, social
139 casework, psychotherapy, or group therapy. The applicant's
140 graduate program must have included all of the following
141 coursework:

142 a. A supervised field placement which was part of the
143 applicant's advanced concentration in direct practice, during
144 which the applicant provided clinical services directly to
145 clients.

146 b. Completion of 24 semester hours or 32 quarter hours in
147 theory of human behavior and practice methods as courses in
148 clinically oriented services, including a minimum of one course
149 in psychopathology, and no more than one course in research,
150 taken in a school of social work accredited or approved pursuant
151 to subparagraph 1.

152 3. If the course title which appears on the applicant's
153 transcript does not clearly identify the content of the
154 coursework, the applicant shall be required to provide
155 additional documentation, including, but not limited to, a
156 syllabus or catalog description published for the course.

157 (c) Has had at least ~~not less than~~ 2 years of clinical



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158 social work experience, which took place subsequent to
159 completion of a graduate degree in social work at an institution
160 meeting the accreditation requirements of this section, under
161 the supervision of a licensed clinical social worker or the
162 equivalent who is a qualified supervisor as determined by the
163 board. An individual who intends to practice in Florida to
164 satisfy clinical experience requirements must register pursuant
165 to s. 491.0045 before ~~prior to~~ commencing practice. If the
166 applicant's graduate program was not a program which emphasized
167 direct clinical patient or client health care services as
168 described in subparagraph (b)2., the supervised experience
169 requirement must take place after the applicant has completed a
170 minimum of 15 semester hours or 22 quarter hours of the
171 coursework required. A doctoral internship may be applied toward
172 the clinical social work experience requirement. A licensed
173 mental health professional must be on the premises when clinical
174 services are provided by a registered intern in a private
175 practice setting. A registered intern may not engage in his or
176 her own independent private practice. The experience requirement
177 ~~may be met by work performed on or off the premises of the~~
178 ~~supervising clinical social worker or the equivalent, provided~~
179 ~~the off-premises work is not the independent private practice~~
180 ~~rendering of clinical social work that does not have a licensed~~
181 ~~mental health professional, as determined by the board, on the~~
182 ~~premises at the same time the intern is providing services.~~

183 (d) Has passed a theory and practice examination provided
184 by the department for this purpose.

185 (e) Has demonstrated, in a manner designated by rule of the
186 board, knowledge of the laws and rules governing the practice of



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187 clinical social work, marriage and family therapy, and mental
188 health counseling.

189 (2) CLINICAL SOCIAL WORK.—

190 (a) Notwithstanding the provisions of paragraph (1)(b),
191 coursework which was taken at a baccalaureate level shall not be
192 considered toward completion of education requirements for
193 licensure unless an official of the graduate program certifies
194 in writing on the graduate school's stationery that a specific
195 course, which students enrolled in the same graduate program
196 were ordinarily required to complete at the graduate level, was
197 waived or exempted based on completion of a similar course at
198 the baccalaureate level. If this condition is met, the board
199 shall apply the baccalaureate course named toward the education
200 requirements.

201 (b) An applicant from a master's or doctoral program in
202 social work which did not emphasize direct patient or client
203 services may complete the clinical curriculum content
204 requirement by returning to a graduate program accredited by the
205 Council on Social Work Education or the Canadian Association of
206 Schools of Social Work, or to a clinical social work graduate
207 program with comparable standards, in order to complete the
208 education requirements for examination. However, a maximum of 6
209 semester or 9 quarter hours of the clinical curriculum content
210 requirement may be completed by credit awarded for independent
211 study coursework as defined by board rule.

212 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
213 documentation and payment of a fee not to exceed \$200, as set by
214 board rule, plus the actual cost to the department for the
215 purchase of the examination from the Association of Marital and



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216 Family Therapy Regulatory Board, or its successor ~~similar~~
217 ~~national organization~~, the department shall issue a license as a
218 marriage and family therapist to an applicant who the board
219 certifies:

220 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid the
221 appropriate fee.

222 (b)1. Has a minimum of a master's degree from a program
223 accredited by the Commission on Accreditation for Marriage and
224 Family Therapy Education, from a mental health counseling
225 program with a marriage and family track from a university in
226 this state accredited by the Council for Accreditation of
227 Counseling and Related Educational Programs, from a program
228 accepted by the board as meeting these coursework requirements
229 ~~with major emphasis in marriage and family therapy~~, or a program
230 in a closely related field as determined by the board, and has
231 completed all of the following requirements:

232 a. Sixty ~~Thirty-six~~ semester hours or 80 ~~48~~ quarter hours
233 ~~of graduate coursework, which must include a minimum of 3~~
234 ~~semester hours or 4 quarter hours~~ of graduate-level coursework
235 ~~course credits~~ in each of the following ~~nine~~ areas: dynamics of
236 marriage and family systems; marriage therapy and counseling
237 theory and techniques; family therapy and counseling theory and
238 techniques; individual human development theories throughout the
239 life cycle; personality theory or general counseling theory and
240 techniques; psychopathology; human sexuality theory and
241 counseling techniques; psychosocial theory; ~~and~~ substance abuse
242 theory and counseling techniques; legal, ethical, and
243 professional standards issues in the practice of marriage and
244 family therapy; individual evaluation, assessment, and testing;



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245 and behavioral research which focuses on the interpretation and
246 application of research data as it applies to clinical practice.
247 ~~Courses in research, evaluation, appraisal, assessment, or~~
248 ~~testing theories and procedures; thesis or dissertation work; or~~
249 ~~practicums, internships, or fieldwork may not be applied toward~~
250 ~~this requirement.~~

251 b. A minimum of one graduate-level course of 3 semester
252 hours or 4 quarter hours in legal, ethical, and professional
253 standards issues in the practice of marriage and family therapy
254 or a course determined by the board to be equivalent.

255 c. A minimum of one graduate-level course of 3 semester
256 hours or 4 quarter hours in diagnosis, appraisal, assessment,
257 and testing for individual or interpersonal disorder or
258 dysfunction; and a minimum of one 3-semester-hour or 4-quarter-
259 hour graduate-level course in behavioral research which focuses
260 on the interpretation and application of research data as it
261 applies to clinical practice. Credit for thesis or dissertation
262 work, practicums, internships, or fieldwork may not be applied
263 toward this requirement.

264 d. A minimum of one supervised clinical practicum,
265 internship, or field experience in a marriage and family
266 counseling setting, during which the student provided 400 ~~180~~
267 direct client contact hours of marriage and family therapy
268 services under the supervision of an individual who met the
269 requirements for supervision under paragraph (c). This
270 requirement may be met by a supervised practice experience which
271 took place outside the academic arena, but which is certified as
272 equivalent to a graduate-level practicum or internship program
273 which required a minimum of 400 ~~180~~ direct client contact hours



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274 of marriage and family therapy services currently offered within
275 an academic program of a college or university accredited by an
276 accrediting agency approved by the United States Department of
277 Education, or an institution which is publicly recognized as a
278 member in good standing with the Association of Universities and
279 Colleges of Canada or a training institution accredited by the
280 Commission on Accreditation for Marriage and Family Therapy
281 Education ~~recognized by the United States Department of~~
282 ~~Education~~. Certification shall be required from an official of
283 such college, university, or training institution.

284 2. If the course title which appears on the applicant's
285 transcript does not clearly identify the content of the
286 coursework, the applicant shall be required to provide
287 additional documentation, including, but not limited to, a
288 syllabus or catalog description published for the course.

289
290 The required master's degree must have been received in an
291 institution of higher education which at the time the applicant
292 graduated was: fully accredited by a regional accrediting body
293 recognized by the Commission on Recognition of Postsecondary
294 Accreditation; publicly recognized as a member in good standing
295 with the Association of Universities and Colleges of Canada; or
296 an institution of higher education located outside the United
297 States and Canada, which at the time the applicant was enrolled
298 and at the time the applicant graduated maintained a standard of
299 training substantially equivalent to the standards of training
300 of those institutions in the United States which are accredited
301 by a regional accrediting body recognized by the Commission on
302 Recognition of Postsecondary Accreditation. Such foreign



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303 education and training must have been received in an institution
304 or program of higher education officially recognized by the
305 government of the country in which it is located as an
306 institution or program to train students to practice as
307 professional marriage and family therapists or psychotherapists.
308 The burden of establishing that the requirements of this
309 provision have been met shall be upon the applicant, and the
310 board shall require documentation, such as, but not limited to,
311 an evaluation by a foreign equivalency determination service, as
312 evidence that the applicant's graduate degree program and
313 education were equivalent to an accredited program in this
314 country. An applicant with a master's degree from a program
315 which did not emphasize marriage and family therapy may complete
316 the coursework requirement in a training institution fully
317 accredited by the Commission on Accreditation for Marriage and
318 Family Therapy Education or the Council for Accreditation of
319 Counseling and Related Educational Programs ~~recognized by the~~
320 ~~United States Department of Education.~~

321 (c) Has had at least ~~not less than~~ 2 years of clinical
322 experience during which 50 percent of the applicant's clients
323 were receiving marriage and family therapy services, which must
324 be at the post-master's level under the supervision of a
325 licensed marriage and family therapist with at least 5 years of
326 experience, or the equivalent, who is a qualified supervisor as
327 determined by the board. An individual who intends to practice
328 in Florida to satisfy the clinical experience requirements must
329 register pursuant to s. 491.0045 before ~~prior to~~ commencing
330 practice. If a graduate has a master's degree with a major
331 emphasis in marriage and family therapy or a closely related



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332 field that did not include all the coursework required under
333 sub-subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, credit
334 for the post-master's level clinical experience shall not
335 commence until the applicant has completed coursework in at
336 least a minimum of 10 of the areas courses required under sub-
337 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, as determined
338 by the board, and at least 6 semester hours or 9 quarter hours
339 of the course credits must have been completed in the area of
340 marriage and family systems, theories, or techniques. Within the
341 2 3 years of required experience, the applicant shall provide
342 direct individual, group, or family therapy and counseling, to
343 include the following categories of cases: unmarried dyads,
344 married couples, separating and divorcing couples, and family
345 groups including children. A doctoral internship may be applied
346 toward the clinical experience requirement. A licensed mental
347 health professional must be on the premises when clinical
348 services are provided by a registered intern in a private
349 practice setting. A registered intern may not engage in his or
350 her own independent private practice ~~The clinical experience~~
351 ~~requirement may be met by work performed on or off the premises~~
352 ~~of the supervising marriage and family therapist or the~~
353 ~~equivalent, provided the off-premises work is not the~~
354 ~~independent private practice rendering of marriage and family~~
355 ~~therapy services that does not have a licensed mental health~~
356 ~~professional, as determined by the board, on the premises at the~~
357 ~~same time the intern is providing services.~~

358 (d) Has passed a theory and practice examination designated
359 provided by the board ~~department~~ for this purpose.

360 (e) Has demonstrated, ~~in a manner designated by rule of the~~



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361 ~~board,~~ knowledge of the laws and rules governing the practice of
362 clinical social work, marriage and family therapy, and mental
363 health counseling as determined by the board.

364 (f) For the purposes of dual licensure, the department
365 shall license as a marriage and family therapist any person who
366 meets the requirements of s. 491.0057. Fees for dual licensure
367 shall not exceed those stated in this subsection. This paragraph
368 expires July 1, 2020.

369 (4) MENTAL HEALTH COUNSELING.—Upon verification of
370 documentation and payment of a fee not to exceed \$200, as set by
371 board rule, plus the actual per applicant cost to the department
372 for purchase of the National Clinical Mental Health Counselor
373 Examination ~~from the Professional Examination Service for the~~
374 ~~National Academy of Certified Clinical Mental Health Counselors~~
375 ~~or a similar national organization,~~ an examination managed by
376 the National Board of Certified Counselors or its successor, the
377 department shall issue a license as a mental health counselor to
378 an applicant who the board certifies:

379 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid the
380 appropriate fee.

381 (b)1. Has a minimum of an earned master's degree from a
382 mental health counseling program accredited by the Council for
383 ~~the~~ Accreditation of Counseling and Related Educational Programs
384 that consists of at least 60 semester hours or 80 quarter hours
385 of clinical and didactic instruction, including a course in
386 human sexuality and a course in substance abuse. If the master's
387 degree is earned from a program related to the practice of
388 mental health counseling that is not accredited by the Council
389 for ~~the~~ Accreditation of Counseling and Related Educational



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390 Programs, then the coursework and practicum, internship, or
391 fieldwork must consist of at least 60 semester hours or 80
392 quarter hours and meet the following requirements:

393 a. Thirty-three semester hours or 44 quarter hours of
394 graduate coursework, which must include a minimum of 3 semester
395 hours or 4 quarter hours of graduate-level coursework in each of
396 the following 11 content areas: counseling theories and
397 practice; human growth and development; diagnosis and treatment
398 of psychopathology; human sexuality; group theories and
399 practice; individual evaluation and assessment; career and
400 lifestyle assessment; research and program evaluation; social
401 and cultural foundations; ~~counseling in community settings; and~~
402 substance abuse; and legal, ethical, and professional standards
403 issues in the practice of mental health counseling. Courses in
404 research, thesis or dissertation work, practicums, internships,
405 or fieldwork may not be applied toward this requirement.

406 b. ~~A minimum of 3 semester hours or 4 quarter hours of~~
407 ~~graduate-level coursework in legal, ethical, and professional~~
408 ~~standards issues in the practice of mental health counseling,~~
409 ~~which includes goals, objectives, and practices of professional~~
410 ~~counseling organizations, codes of ethics, legal considerations,~~
411 ~~standards of preparation, certifications and licensing, and the~~
412 ~~role identity and professional obligations of mental health~~
413 ~~counselors. Courses in research, thesis or dissertation work,~~
414 ~~practicums, internships, or fieldwork may not be applied toward~~
415 ~~this requirement.~~

416 e. The equivalent, as determined by the board, of at least
417 700 ~~1,000~~ hours of university-sponsored supervised clinical
418 practicum, internship, or field experience that includes at



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419 least 280 hours of direct client services, as required in the
420 accrediting standards of the Council for Accreditation of
421 Counseling and Related Educational Programs for mental health
422 counseling programs. This experience may not be used to satisfy
423 the post-master's clinical experience requirement.

424 2. If the course title which appears on the applicant's
425 transcript does not clearly identify the content of the
426 coursework, the applicant shall be required to provide
427 additional documentation, including, but not limited to, a
428 syllabus or catalog description published for the course.

429
430 Education and training in mental health counseling must have
431 been received in an institution of higher education which at the
432 time the applicant graduated was: fully accredited by a regional
433 accrediting body recognized by the Council for Higher Education
434 or its successor ~~Commission on Recognition of Postsecondary~~
435 ~~Accreditation~~; publicly recognized as a member in good standing
436 with the Association of Universities and Colleges of Canada; or
437 an institution of higher education located outside the United
438 States and Canada, which at the time the applicant was enrolled
439 and at the time the applicant graduated maintained a standard of
440 training substantially equivalent to the standards of training
441 of those institutions in the United States which are accredited
442 by a regional accrediting body recognized by the Council for
443 Higher Education or its successor ~~Commission on Recognition of~~
444 ~~Postsecondary Accreditation~~. Such foreign education and training
445 must have been received in an institution or program of higher
446 education officially recognized by the government of the country
447 in which it is located as an institution or program to train



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448 students to practice as mental health counselors. The burden of
449 establishing that the requirements of this provision have been
450 met shall be upon the applicant, and the board shall require
451 documentation, such as, but not limited to, an evaluation by a
452 foreign equivalency determination service, as evidence that the
453 applicant's graduate degree program and education were
454 equivalent to an accredited program in this country. Effective
455 July 1, 2020, an applicant must have a master's degree
456 accredited by the Council for Accreditation of Counseling and
457 Related Educational Programs consisting of at least 60 semester
458 hours or 80 quarter hours to apply for licensure under this
459 subsection. The applicant's graduate program must have
460 emphasized the common core curricular experience to include at
461 least 3 semester hours or 4 quarter hours of coursework
462 specifically addressing the diagnostic process, including
463 differential diagnosis and the use of the current diagnostic
464 tools, such as the current edition of the Diagnostic and
465 Statistical Manual of Mental Disorders.

466 (c) Has had at least ~~not less than~~ 2 years of clinical
467 experience in mental health counseling, which must be at the
468 post-master's level under the supervision of a licensed mental
469 health counselor or the equivalent who is a qualified supervisor
470 as determined by the board. An individual who intends to
471 practice in Florida to satisfy the clinical experience
472 requirements must register pursuant to s. 491.0045 before ~~prior~~
473 ~~to~~ commencing practice. If a graduate has a master's degree in
474 ~~with a major related to the practice of~~ mental health counseling
475 or a closely related field that did not include all the
476 coursework required under sub-subparagraph (b)1.a. sub-



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477 ~~subparagraphs (b)1.a. b.,~~ credit for the post-master's level
478 clinical experience shall not commence until the applicant has
479 completed a minimum of seven of the courses required under sub-
480 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a. b.,~~ as determined
481 ~~by the board, one of which must be a course in psychopathology~~
482 ~~or abnormal psychology.~~ A doctoral internship may be applied
483 toward the clinical experience requirement. A licensed mental
484 health professional must be on the premises when clinical
485 services are provided by a registered intern in a private
486 practice setting. No registered intern may engage in his or her
487 own independent practice ~~The clinical experience requirement may~~
488 ~~be met by work performed on or off the premises of the~~
489 ~~supervising mental health counselor or the equivalent, provided~~
490 ~~the off-premises work is not the independent private practice~~
491 ~~rendering of services that does not have a licensed mental~~
492 ~~health professional, as determined by the board, on the premises~~
493 ~~at the same time the intern is providing services.~~

494 (d) Has passed a theory and practice examination designated
495 ~~provided~~ by the department ~~for this purpose.~~

496 (e) Has demonstrated, ~~in a manner designated by rule of the~~
497 ~~board,~~ knowledge of the laws and rules governing the practice of
498 clinical social work, marriage and family therapy, and mental
499 health counseling as determined by the board.

500 ~~(5) INTERNSHIP. An individual who is registered as an~~
501 ~~intern and has satisfied all of the educational requirements for~~
502 ~~the profession for which the applicant seeks licensure shall be~~
503 ~~certified as having met the educational requirements for~~
504 ~~licensure under this section.~~

505 (5)(6) RULES.—The board may adopt rules necessary to



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506 implement any education or experience requirement of this
507 section for licensure as a clinical social worker, marriage and
508 family therapist, or mental health counselor.

509 Section 5. Section 491.0057, Florida Statutes, is amended
510 to read:

511 491.0057 Dual licensure as a marriage and family
512 therapist.—

513 (1) The department shall license as a marriage and family
514 therapist a ~~any~~ person who demonstrates to the board that he or
515 she:

516 (a) ~~(1)~~ Holds a valid, active license as a psychologist
517 under chapter 490 or as a clinical social worker or mental
518 health counselor under this chapter, or is certified under s.
519 464.012 as an advanced registered nurse practitioner who has
520 been determined by the Board of Nursing as a specialist in
521 psychiatric mental health.

522 (b) ~~(2)~~ Has held a valid, active license for at least 3
523 years.

524 (c) ~~(3)~~ Has passed the examination provided by the
525 department for marriage and family therapy.

526 (2) This section is repealed July 1, 2020.

527 Section 6. Subsection (1) of section 491.006, Florida
528 Statutes, is amended to read:

529 491.006 Licensure or certification by endorsement.—

530 (1) The department shall license or grant a certificate to
531 a person in a profession regulated by this chapter who, upon
532 applying to the department and remitting the appropriate fee,
533 demonstrates to the board that he or she:

534 (a) Has demonstrated, ~~in a manner designated by rule of the~~



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535 ~~board,~~ knowledge of the laws and rules governing the practice of
536 clinical social work, marriage and family therapy, and mental
537 health counseling as defined by rule of the board.

538 (b)1. Holds an active valid license to practice in the
539 profession for which the applicant seeks licensure ~~and has~~
540 ~~actively practiced the profession for which licensure is applied~~
541 ~~in another state for 3 of the last 5 years immediately preceding~~
542 ~~licensure.~~

543 2. Meets the education requirements of this chapter for the
544 profession for which licensure is applied or has demonstrated
545 proof of substantially equivalent education as defined by rule
546 of the board.

547 3. Has passed the licensure examination designated by the
548 board or has passed a substantially equivalent licensing
549 examination in another state for the profession which the
550 applicant seeks licensure ~~a substantially equivalent licensing~~
551 ~~examination in another state or has passed the licensure~~
552 ~~examination in this state in the profession for which the~~
553 ~~applicant seeks licensure.~~

554 4. Holds a license in good standing, is not under
555 investigation for an act that would constitute a violation of
556 this chapter, and has not been found to have committed any act
557 that would constitute a violation of this chapter. ~~The fees paid~~
558 ~~by any applicant for certification as a master social worker~~
559 ~~under this section are nonrefundable.~~

560 Section 7. Subsections (2) and (3) of section 491.007,
561 Florida Statutes, are amended to read:

562 491.007 Renewal of license, registration, or certificate.-

563 (2) Each applicant for renewal shall present satisfactory



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564 evidence that, in the period since the license or certificate
565 was issued, the applicant has completed continuing education
566 requirements set by rule of the board or department. The board
567 may not require ~~Not~~ more than 25 classroom hours of continuing
568 education per year ~~shall be required. A certified master social~~
569 ~~worker is exempt from the continuing education requirements for~~
570 ~~the first renewal of the certificate.~~

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

574 Section 8. Paragraph (c) of subsection (1) and subsection
575 (2) of section 491.009, Florida Statutes, are amended to read:
576 491.009 Discipline.—

577 (1) The following acts constitute grounds for denial of a
578 license or disciplinary action, as specified in s. 456.072(2):

579 (c) Being convicted or found guilty of, or entering
580 ~~regardless of adjudication, or having entered~~ a plea of nolo
581 contendere to, a crime in any jurisdiction which directly
582 relates to the practice of his or her profession or the ability
583 to practice his or her profession, regardless of adjudication.
584 ~~However, in the case of a plea of nolo contendere, the board~~
585 ~~shall allow the person who is the subject of the disciplinary~~
586 ~~proceeding to present evidence in mitigation relevant to the~~
587 ~~underlying charges and circumstances surrounding the plea.~~

588 (2) The board ~~department~~, or, in the case of certified
589 master social workers ~~psychologists~~, the department ~~board~~, may
590 enter an order denying licensure or imposing any of the
591 penalties in s. 456.072(2) against any applicant for licensure
592 or licensee who is found guilty of violating any provision of



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593 subsection (1) of this section or who is found guilty of
594 violating any provision of s. 456.072(1).

595 Section 9. Subsection (1) of section 491.0112, Florida
596 Statutes, is amended to read:

597 491.0112 Sexual misconduct by a psychotherapist;
598 penalties.—

599 (1) Any psychotherapist who commits sexual misconduct with
600 a client, or former client ~~when the professional relationship~~
601 ~~was terminated primarily for the purpose of engaging in sexual~~
602 ~~contact,~~ commits a felony of the third degree, punishable as
603 provided in s. 775.082 or s. 775.083; however, a second or
604 subsequent offense is a felony of the second degree, punishable
605 as provided in s. 775.082, s. 775.083, or s. 775.084.

606 Section 10. Paragraphs (c) and (n) of subsection (1) of
607 section 491.012, Florida Statutes, are amended to read:

608 491.012 Violations; penalty; injunction.—

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

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

- 614 1. "Licensed mental health counselor."
- 615 2. "Mental health counselor."
- 616 3. "Mental health therapist."
- 617 4. "Mental health consultant."
- 618 5. "Mental health counselor coach."

619 (n) ~~Effective October 1, 2000,~~ Practice juvenile sexual
620 offender therapy in this state, as the practice is defined in s.
621 491.0144, for compensation, unless the person holds an active



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622 license issued under this chapter and meets the requirements to
623 practice juvenile sexual offender therapy. An unlicensed person
624 may be employed by a program operated by or under contract with
625 the Department of Juvenile Justice or the Department of Children
626 and Families ~~Family Services~~ if the program employs a
627 professional who is licensed under chapter 458, chapter 459, s.
628 490.0145, or s. 491.0144 who manages or supervises the treatment
629 services.

630 Section 11. Section 491.0145, Florida Statutes, is amended
631 to read:

632 491.0145 Certified master social worker.—

633 (1) The department may certify an applicant for a
634 designation as a certified master social worker upon the
635 following conditions:

636 (a) ~~(1)~~ The applicant completes an application to be
637 provided by the department and pays a nonrefundable fee not to
638 exceed \$250 to be established by rule of the department. The
639 completed application must be received by the department at
640 least 60 days before the date of the examination in order for
641 the applicant to qualify to take the scheduled exam.

642 (b) ~~(2)~~ The applicant submits proof satisfactory to the
643 department that the applicant has received a doctoral degree in
644 social work, or a master's degree with a major emphasis or
645 specialty in clinical practice or administration, including, but
646 not limited to, agency administration and supervision, program
647 planning and evaluation, staff development, research, community
648 organization, community services, social planning, and human
649 service advocacy. Doctoral degrees must have been received from
650 a graduate school of social work which at the time the applicant



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651 was enrolled and graduated was accredited by an accrediting
652 agency approved by the United States Department of Education.
653 Master's degrees must have been received from a graduate school
654 of social work which at the time the applicant was enrolled and
655 graduated was accredited by the Council on Social Work Education
656 or the Canadian Association of Schools of Social Work or by one
657 that meets comparable standards.

658 (c) ~~(3)~~ The applicant has had at least 3 years' experience,
659 as defined by rule, including, but not limited to, clinical
660 services or administrative activities as defined in paragraph
661 (b) ~~subsection (2)~~, 2 years of which must be at the post-
662 master's level under the supervision of a person who meets the
663 education and experience requirements for certification as a
664 certified master social worker, as defined by rule, or licensure
665 as a clinical social worker under this chapter. A doctoral
666 internship may be applied toward the supervision requirement.

667 (d) ~~(4)~~ Any person who holds a master's degree in social
668 work from an institution ~~institutions~~ outside the United States
669 may apply to the department for certification if the academic
670 training in social work has been evaluated as equivalent to a
671 degree from a school accredited by the Council on Social Work
672 Education. Any such person shall submit a copy of the academic
673 training from the Foreign Equivalency Determination Service of
674 the Council on Social Work Education.

675 (e) ~~(5)~~ The applicant has passed an examination required by
676 the department for this purpose. The nonrefundable fee for such
677 examination may not exceed \$250 as set by department rule.

678 (2) A certified master social worker is exempt from the
679 continuing education requirements for the first renewal of the



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680 certificate.

681 ~~(3)(6) Nothing in This chapter does not shall be construed~~
682 ~~to~~ authorize a certified master social worker to provide
683 clinical social work services.

684 Section 12. Section 491.0149, Florida Statutes, is amended
685 to read:

686 491.0149 Display of license; use of professional title ~~on~~
687 ~~promotional materials.~~

688 (1)(a) A person licensed under this chapter as a clinical
689 social worker, marriage and family therapist, or mental health
690 counselor, or certified as a master social worker shall
691 conspicuously display the valid license issued by the department
692 or a true copy thereof at each location at which the licensee
693 practices his or her profession.

694 (b)1. A licensed clinical social worker shall include the
695 words "licensed clinical social worker" or the letters "LCSW" on
696 all promotional materials, including cards, brochures,
697 stationery, advertisements, ~~and~~ signs, and social media, naming
698 the licensee.

699 2. A licensed marriage and family therapist shall include
700 the words "licensed marriage and family therapist" or the
701 letters "LMFT" on all promotional materials, including cards,
702 brochures, stationery, advertisements, ~~and~~ signs, and social
703 media, naming the licensee.

704 3. A licensed mental health counselor shall include the
705 words "licensed mental health counselor" or the letters "LMHC"
706 on all promotional materials, including cards, brochures,
707 stationery, advertisements, ~~and~~ signs, and social media, naming
708 the licensee.



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709 (2) (a) A person registered under this chapter as a clinical
710 social worker intern, marriage and family therapist intern, or
711 mental health counselor intern shall conspicuously display the
712 valid registration issued by the department or a true copy
713 thereof at each location at which the registered intern is
714 completing the experience requirements.

715 (b) A registered clinical social worker intern shall
716 include the words "registered clinical social worker intern," a
717 registered marriage and family therapist intern shall include
718 the words "registered marriage and family therapist intern," and
719 a registered mental health counselor intern shall include the
720 words "registered mental health counselor intern" on all
721 records, reports, and promotional materials, including cards,
722 brochures, stationery, advertisements, ~~and~~ signs, and social
723 media, naming the registered intern.

724 (3) (a) A person provisionally licensed under this chapter
725 as a provisional clinical social worker licensee, provisional
726 marriage and family therapist licensee, or provisional mental
727 health counselor licensee shall conspicuously display the valid
728 provisional license issued by the department or a true copy
729 thereof at each location at which the provisional licensee is
730 providing services.

731 (b) A provisional clinical social worker licensee shall
732 include the words "provisional clinical social worker licensee,"
733 a provisional marriage and family therapist licensee shall
734 include the words "provisional marriage and family therapist
735 licensee," and a provisional mental health counselor licensee
736 shall include the words "provisional mental health counselor
737 licensee" on all promotional materials, including cards,



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738 brochures, stationery, advertisements, ~~and~~ signs, and social
739 media, naming the provisional licensee.

740 Section 13. Section 491.017, Florida Statutes, is created
741 to read:

742 491.017 Parenting plan recommendation; presumption of good
743 faith; prerequisite to parent's filing suit; award of fees,
744 costs, reimbursement.-

745 (1) A mental health professional licensed under this
746 chapter who has been appointed by the court to develop a
747 parenting plan recommendation in a dissolution of marriage, a
748 case of domestic violence, or a paternity matter involving the
749 relationship of a child and a parent, including time-sharing of
750 children, is presumed to be acting in good faith if the mental
751 health professional's recommendation has been reached under
752 standards that a reasonable mental health professional would use
753 to develop a parenting plan recommendation.

754 (2) An administrative complaint against a court-appointed
755 mental health professional which relates to a parenting plan
756 recommendation developed by the mental health professional may
757 not be filed anonymously. The individual who files an
758 administrative complaint must include in the complaint his or
759 her name, address, and telephone number.

760 (3) A parent who desires to file a legal action against a
761 court-appointed mental health professional who has acted in good
762 faith in developing a parenting plan recommendation must
763 petition the judge who presided over the dissolution of
764 marriage, case of domestic violence, or paternity matter
765 involving the relationship of a child and a parent, including
766 time-sharing of children, to appoint another mental health



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767 professional. Upon the parent's showing of good cause, the court
768 shall appoint another mental health professional. The court
769 shall determine who is responsible for all court costs and
770 attorney fees associated with making such an appointment.

771 (4) If a legal action, whether it be a civil action, a
772 criminal action, or an administrative proceeding, is filed
773 against a court-appointed mental health professional in a
774 dissolution of marriage, case of domestic violence, or paternity
775 matter involving the relationship of a child and a parent,
776 including time-sharing of children, the claimant is responsible
777 for all reasonable costs and reasonable attorney fees associated
778 with the action for both parties if the mental health
779 professional is held not liable. If the mental health
780 professional is held liable in civil court, the mental health
781 professional must pay all reasonable costs and reasonable
782 attorney fees for the claimant.

783 Section 14. This act shall take effect July 1, 2013.

784
785 ===== T I T L E A M E N D M E N T =====

786 And the title is amended as follows:

787 Delete everything before the enacting clause
788 and insert:

789 A bill to be entitled
790 An act relating to clinical, counseling, and
791 psychotherapy services; amending s. 491.004, F.S.;
792 deleting an obsolete provision; conforming provisions;
793 amending s. 491.0045, F.S.; requiring registered
794 interns to remain under supervision while maintaining
795 registered intern status; providing for noncompliance;



796 providing for the expiration of intern registrations
797 and registered intern licenses; prohibiting specified
798 persons from applying for an intern registration;
799 amending s. 491.0046, F.S.; correcting cross-
800 references; prohibiting specified persons from
801 applying for a provisional license; amending s.
802 491.005, F.S.; revising the requirements for a
803 clinical social worker license, a marriage and family
804 therapist license, and a mental health counselor
805 license; deleting a provision requiring certain
806 registered interns to be certified as having met
807 specified licensure requirements; amending s.
808 491.0057, F.S.; providing for future repeal of
809 provisions providing for dual licensure as a marriage
810 and family therapist; amending s. 491.006, F.S.;
811 revising requirements of licensure or certification by
812 endorsement; amending s. 491.007, F.S.; deleting a
813 provision providing certified master social workers a
814 limited exemption from continuing education
815 requirements; deleting a provision requiring the Board
816 of Clinical Social Work, Marriage and Family Therapy,
817 and Mental Health Counseling to establish a procedure
818 for the biennial renewal of intern registrations;
819 amending s. 491.009, F.S.; revising acts constituting
820 grounds for the denial of a license or disciplinary
821 action; authorizing the board and the Department of
822 Health to deny licensure or impose specified penalties
823 against an applicant or licensee for certain
824 violations; amending s. 491.0112, F.S.; revising a



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825 provision providing that a psychotherapist who commits
826 sexual misconduct with a client or former client
827 commits a felony of the third degree; amending s.
828 491.012, F.S.; prohibiting a person from using the
829 title "mental health counselor coach" without a valid
830 mental health counselor license; deleting an obsolete
831 provision; amending s. 491.0145, F.S.; providing
832 certified master social workers a limited exemption
833 from continuing education requirements; amending s.
834 491.0149, F.S.; requiring the use of applicable
835 professional titles by licensees, provisional
836 licensees, and registrants on social media and other
837 specified materials; creating s. 491.017, F.S.;
838 providing a presumption of good faith for the actions
839 of a court-appointed mental health professional who
840 develops a parenting plan recommendation; prohibiting
841 anonymous complaints; providing prerequisites for a
842 parent to bring a suit against a mental health
843 professional; providing for the awarding of attorney
844 fees and court costs; providing an effective date.