



702850

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
	.	
	.	
	.	

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.~~



702850

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



702850

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~~



702850

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 shall be as a result of applying
76 for and meeting all requirements imposed on an applicant for
77 initial registration.

78 (6) A registered intern license issued before July 1, 2016,
79 shall expire 60 months after the date it was issued and may not
80 be renewed or reissued. Any subsequent intern registration shall
81 be issued at the discretion of the board.

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

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

88 491.0046 Provisional license; requirements.-

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

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

94 1. For clinical social work, a minimum of 15 semester hours
95 or 22 quarter hours of the coursework required by s.
96 491.005(1)(b)2.b.

97 2. For marriage and family therapy, 10 of the courses
98 required by s. 491.005(3)(b)1.a. ~~491.005(3)(b)1.a.-e.~~, as
99 determined by the board, and at least 6 semester hours or 9



702850

100 quarter hours of the course credits must have been completed in
101 the area of marriage and family systems, theories, or
102 techniques.

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

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

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

110 491.005 Licensure by examination.-

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

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

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

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

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



702850

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

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

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

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

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



702850

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

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

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



702850

187 board, knowledge of the laws and rules governing the practice of
188 clinical social work, marriage and family therapy, and mental
189 health counseling.

190 (2) CLINICAL SOCIAL WORK.—

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

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

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



702850

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

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

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

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



702850

245 family therapy; individual evaluation, assessment, and testing;
246 and behavioral research which focuses on the interpretation and
247 application of research data as it applies to clinical practice.

248 ~~Courses in research, evaluation, appraisal, assessment, or~~
249 ~~testing theories and procedures; thesis or dissertation work; or~~
250 ~~practicums, internships, or fieldwork may not be applied toward~~
251 ~~this requirement.~~

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

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

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



702850

274 which required a minimum of 400 ~~180~~ direct client contact hours
275 of marriage and family therapy services currently offered within
276 an academic program of a college or university accredited by an
277 accrediting agency approved by the United States Department of
278 Education, or an institution which is publicly recognized as a
279 member in good standing with the Association of Universities and
280 Colleges of Canada or a training institution accredited by the
281 Commission on Accreditation for Marriage and Family Therapy
282 Education ~~recognized by the United States Department of~~
283 ~~Education~~. Certification shall be required from an official of
284 such college, university, or training institution.

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

290

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



702850

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

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



702850

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

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



702850

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

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

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

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

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



702850

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

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

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

417 e. The equivalent, as determined by the board, of at least
418 700 ~~1,000~~ hours of university-sponsored supervised clinical



702850

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

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

430

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



702850

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

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



702850

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

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

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

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



702850

506 ~~(5)-(6)~~ RULES.—The board may adopt rules necessary to
507 implement any education or experience requirement of this
508 section for licensure as a clinical social worker, marriage and
509 family therapist, or mental health counselor.

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

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

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

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

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

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

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

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

530 491.006 Licensure or certification by endorsement.—

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



702850

535 (a) Has demonstrated, ~~in a manner designated by rule of the~~
536 ~~board,~~ knowledge of the laws and rules governing the practice of
537 clinical social work, marriage and family therapy, and mental
538 health counseling as defined by rule of the board.

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

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

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

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

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

563 491.007 Renewal of license, registration, or certificate.-



702850

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

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

575 Section 8. Paragraph (c) of subsection (1) and subsection
576 (2) of section 491.009, Florida Statutes, are amended to read:
577 491.009 Discipline.—

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

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

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



702850

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

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

598 491.0112 Sexual misconduct by a psychotherapist;
599 penalties.-

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

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

609 491.012 Violations; penalty; injunction.-

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

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

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

620 (n) ~~Effective October 1, 2000,~~ Practice juvenile sexual
621 offender therapy in this state, as the practice is defined in s.



702850

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

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

633 491.0145 Certified master social worker.—

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

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

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



702850

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

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

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

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

679 (2) A certified master social worker is exempt from the



702850

680 continuing education requirements for the first renewal of the
681 certificate.

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

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

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

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

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

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

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



702850

709 the licensee.

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

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

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

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



702850

738 licensee" on all promotional materials, including cards,
739 brochures, stationery, advertisements, ~~and~~ signs, and social
740 media, naming the provisional licensee.

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

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

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

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

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



702850

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

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

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

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

787 And the title is amended as follows:

788 Delete everything before the enacting clause
789 and insert:

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



702850

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



702850

825 violations; amending s. 491.0112, F.S.; revising a
826 provision providing that a psychotherapist who commits
827 sexual misconduct with a client or former client
828 commits a felony of the third degree; amending s.
829 491.012, F.S.; prohibiting a person from using the
830 title "mental health counselor coach" without a valid
831 mental health counselor license; deleting an obsolete
832 provision; amending s. 491.0145, F.S.; providing
833 certified master social workers a limited exemption
834 from continuing education requirements; amending s.
835 491.0149, F.S.; requiring the use of applicable
836 professional titles by licensees, provisional
837 licensees, and registrants on social media and other
838 specified materials; creating s. 491.017, F.S.;
839 providing a presumption of good faith for the actions
840 of a court-appointed mental health professional who
841 develops a parenting plan recommendation; prohibiting
842 anonymous complaints; providing prerequisites for a
843 parent to bring a suit against a mental health
844 professional; providing for the awarding of attorney
845 fees and court costs; providing an effective date.