

By Senator Ring

29-01120-13

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1 A bill to be entitled
2 An act relating to clinical, counseling, and
3 psychotherapy services; amending s. 491.004, F.S.;
4 deleting an obsolete provision; conforming provisions;
5 amending s. 491.0045, F.S.; requiring registered
6 interns to remain under supervision while maintaining
7 registered intern status; providing for noncompliance;
8 providing for the expiration of intern registrations
9 and registered intern licenses; prohibiting specified
10 persons from applying for an intern registration;
11 amending s. 491.0046, F.S.; correcting cross-
12 references; prohibiting specified persons from
13 applying for a provisional license; amending s.
14 491.005, F.S.; revising the requirements for a
15 clinical social worker license, a marriage and family
16 therapist license, and a mental health counselor
17 license; deleting a provision requiring certain
18 registered interns to be certified as having met
19 specified licensure requirements; amending s.
20 491.0057, F.S.; providing for future repeal of
21 provisions providing for dual licensure as a marriage
22 and family therapist; amending s. 491.006, F.S.;
23 revising requirements of licensure or certification by
24 endorsement; amending s. 491.007, F.S.; deleting a
25 provision providing certified master social workers a
26 limited exemption from continuing education
27 requirements; deleting a provision requiring the Board
28 of Clinical Social Work, Marriage and Family Therapy,
29 and Mental Health Counseling to establish a procedure

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30 for the biennial renewal of intern registrations;
31 amending s. 491.009, F.S.; revising acts constituting
32 grounds for the denial of a license or disciplinary
33 action; authorizing the board and the Department of
34 Health to deny licensure or impose specified penalties
35 against an applicant or licensee for certain
36 violations; amending s. 491.0112, F.S.; revising a
37 provision providing that a psychotherapist who commits
38 sexual misconduct with a client or former client
39 commits a felony of the third degree; amending s.
40 491.012, F.S.; prohibiting a person from using the
41 title "mental health counselor coach" without a valid
42 mental health counselor license; deleting an obsolete
43 provision; amending s. 491.0145, F.S.; providing
44 certified master social workers a limited exemption
45 from continuing education requirements; amending s.
46 491.0149, F.S.; requiring the use of applicable
47 professional titles by licensees, provisional
48 licensees, and registrants on social media and other
49 specified materials; creating s. 491.017, F.S.;
50 providing a presumption of good faith for the actions
51 of a court-appointed mental health professional who
52 develops a parenting plan recommendation; prohibiting
53 anonymous complaints; providing prerequisites for a
54 parent to bring a suit against a mental health
55 professional; providing for the awarding of attorney
56 fees and court costs; providing an effective date.

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

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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.~~

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

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

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

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

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

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

491.0045 Intern registration; requirements.—

(1) ~~Effective January 1, 1998, An individual who~~ has not satisfied intends to practice in Florida to satisfy the postgraduate or post-master's level experience requirements, as specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register as an intern in the profession for which he or she is seeking licensure before ~~prior to~~ commencing the post-master's

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88 experience requirement. ~~or~~ An individual who intends to satisfy
89 part of the required graduate-level practicum, internship, or
90 field experience, outside the academic arena for any profession,
91 must register as an intern in the profession for which he or she
92 is seeking licensure before ~~prior to~~ commencing the practicum,
93 internship, or field experience.

94 (2) The department shall register as a clinical social
95 worker intern, marriage and family therapist intern, or mental
96 health counselor intern each applicant who the board certifies
97 has:

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

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

104 2. Submitted an acceptable supervision plan, as determined
105 by the board, for meeting the practicum, internship, or field
106 work required for licensure that was not satisfied in his or her
107 graduate program.

108 (c) Identified a qualified supervisor.

109 (3) An individual registered under this section must remain
110 under supervision while practicing under registered intern
111 status ~~until he or she is in receipt of a license or a letter~~
112 ~~from the department stating that he or she is licensed to~~
113 ~~practice the profession for which he or she applied.~~

114 ~~(4) An individual who has applied for intern registration~~
115 ~~on or before December 31, 2001, and has satisfied the education~~
116 ~~requirements of s. 491.005 that are in effect through December~~

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117 ~~31, 2000, will have met the educational requirements for~~
118 ~~licensure for the profession for which he or she has applied.~~

119 ~~(4)(5) Individuals who have commenced the experience~~
120 ~~requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c)~~
121 ~~but failed to register as required by subsection (1) shall~~
122 ~~register with the department before January 1, 2000. Individuals~~
123 ~~who fail to comply with this section ~~subsection~~ shall not be~~
124 ~~granted a license under this chapter, and any time spent by the~~
125 ~~individual completing the experience requirement as specified in~~
126 ~~s. 491.005(1)(c), (3)(c), or (4)(c) before prior to registering~~
127 ~~as an intern shall not count toward completion of the ~~such~~~~
128 ~~requirement.~~

129 ~~(5) Intern registration shall be valid for 5 years. Any~~
130 ~~subsequent intern registration shall be as a result of applying~~
131 ~~for and meeting all requirements imposed on an applicant for~~
132 ~~initial registration.~~

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

137 ~~(7) A person who has held a provisional license issued by~~
138 ~~the board may not apply for an intern registration in the same~~
139 ~~profession.~~

140 Section 3. Paragraph (c) of subsection (2) of section
141 491.0046, Florida Statutes, is amended, and subsection (5) is
142 added to that section, to read:

143 491.0046 Provisional license; requirements.—

144 (2) The department shall issue a provisional clinical
145 social worker license, provisional marriage and family therapist

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146 license, or provisional mental health counselor license to each
147 applicant who the board certifies has:

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

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

151 491.005(1)(b)2.b.

152 2. For marriage and family therapy, 10 of the courses
153 required by s. 491.005(3)(b)1.a. ~~491.005(3)(b)1.a.-c.~~, as
154 determined by the board, and at least 6 semester hours or 9
155 quarter hours of the course credits must have been completed in
156 the area of marriage and family systems, theories, or
157 techniques.

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

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

163 Section 4. Section 491.005, Florida Statutes, is amended to
164 read:

165 491.005 Licensure by examination.—

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

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

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175 (b)1. Has received a doctoral degree in social work from a
176 graduate school of social work which at the time the applicant
177 graduated was accredited by an accrediting agency recognized by
178 the United States Department of Education or has received a
179 master's degree in social work from a graduate school of social
180 work which at the time the applicant graduated:

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

182 b. Was accredited by the Canadian Association of Schools of
183 Social Work; or

184 c. Has been determined to have been a program equivalent to
185 programs approved by the Council on Social Work Education by the
186 Foreign Equivalency Determination Service of the Council on
187 Social Work Education. An applicant who graduated from a program
188 at a university or college outside of the United States or
189 Canada must present documentation of the equivalency
190 determination from the council in order to qualify.

191 2. The applicant's graduate program must have emphasized
192 direct clinical patient or client health care services,
193 including, but not limited to, coursework in clinical social
194 work, psychiatric social work, medical social work, social
195 casework, psychotherapy, or group therapy. The applicant's
196 graduate program must have included all of the following
197 coursework:

198 a. A supervised field placement which was part of the
199 applicant's advanced concentration in direct practice, during
200 which the applicant provided clinical services directly to
201 clients.

202 b. Completion of 24 semester hours or 32 quarter hours in
203 theory of human behavior and practice methods as courses in

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204 clinically oriented services, including a minimum of one course
205 in psychopathology, and no more than one course in research,
206 taken in a school of social work accredited or approved pursuant
207 to subparagraph 1.

208 3. If the course title which appears on the applicant's
209 transcript does not clearly identify the content of the
210 coursework, the applicant shall be required to provide
211 additional documentation, including, but not limited to, a
212 syllabus or catalog description published for the course.

213 (c) Has had at least ~~not less than~~ 2 years of clinical
214 social work experience, which took place subsequent to
215 completion of a graduate degree in social work at an institution
216 meeting the accreditation requirements of this section, under
217 the supervision of a licensed clinical social worker or the
218 equivalent who is a qualified supervisor as determined by the
219 board. An individual who intends to practice in Florida to
220 satisfy clinical experience requirements must register pursuant
221 to s. 491.0045 before ~~prior to~~ commencing practice. If the
222 applicant's graduate program was not a program which emphasized
223 direct clinical patient or client health care services as
224 described in subparagraph (b)2., the supervised experience
225 requirement must take place after the applicant has completed a
226 minimum of 15 semester hours or 22 quarter hours of the
227 coursework required. A doctoral internship may be applied toward
228 the clinical social work experience requirement. A licensed
229 mental health professional must be on the premises when clinical
230 services are provided by a registered intern in a private
231 practice setting. A registered intern may not engage in his or
232 her own independent private practice. ~~The experience requirement~~

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233 ~~may be met by work performed on or off the premises of the~~
234 ~~supervising clinical social worker or the equivalent, provided~~
235 ~~the off-premises work is not the independent private practice~~
236 ~~rendering of clinical social work that does not have a licensed~~
237 ~~mental health professional, as determined by the board, on the~~
238 ~~premises at the same time the intern is providing services.~~

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

241 (e) Has demonstrated, in a manner designated by rule of the
242 board, knowledge of the laws and rules governing the practice of
243 clinical social work, marriage and family therapy, and mental
244 health counseling.

245 (2) CLINICAL SOCIAL WORK.—

246 (a) Notwithstanding the provisions of paragraph (1)(b),
247 coursework which was taken at a baccalaureate level shall not be
248 considered toward completion of education requirements for
249 licensure unless an official of the graduate program certifies
250 in writing on the graduate school's stationery that a specific
251 course, which students enrolled in the same graduate program
252 were ordinarily required to complete at the graduate level, was
253 waived or exempted based on completion of a similar course at
254 the baccalaureate level. If this condition is met, the board
255 shall apply the baccalaureate course named toward the education
256 requirements.

257 (b) An applicant from a master's or doctoral program in
258 social work which did not emphasize direct patient or client
259 services may complete the clinical curriculum content
260 requirement by returning to a graduate program accredited by the
261 Council on Social Work Education or the Canadian Association of

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262 Schools of Social Work, or to a clinical social work graduate
263 program with comparable standards, in order to complete the
264 education requirements for examination. However, a maximum of 6
265 semester or 9 quarter hours of the clinical curriculum content
266 requirement may be completed by credit awarded for independent
267 study coursework as defined by board rule.

268 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
269 documentation and payment of a fee not to exceed \$200, as set by
270 board rule, plus the actual cost to the department for the
271 purchase of the examination from the Association of Marital and
272 Family Therapy Regulatory Board, or its successor ~~similar~~
273 ~~national organization~~, the department shall issue a license as a
274 marriage and family therapist to an applicant who the board
275 certifies:

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

278 (b)1. Has a minimum of a master's degree from a program
279 accredited by the Commission on Accreditation for Marriage and
280 Family Therapy Education, from a mental health counseling
281 program with a marriage and family track from a university in
282 this state accredited by the Council for the Accreditation of
283 Counseling and Related Educational Programs, from a program
284 accepted by the board as meeting these coursework requirements
285 ~~with major emphasis in marriage and family therapy~~, or a program
286 in a closely related field as determined by the board, and has
287 completed all of the following requirements:

288 a. Sixty ~~Thirty-six~~ semester hours or 80 ~~48~~ quarter hours
289 ~~of graduate coursework, which must include a minimum of 3~~
290 ~~semester hours or 4 quarter hours~~ of graduate-level coursework

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291 ~~course credits in each of the following nine areas: dynamics of~~
292 ~~marriage and family systems; marriage therapy and counseling~~
293 ~~theory and techniques; family therapy and counseling theory and~~
294 ~~techniques; individual human development theories throughout the~~
295 ~~life cycle; personality theory or general counseling theory and~~
296 ~~techniques; psychopathology; human sexuality theory and~~
297 ~~counseling techniques; psychosocial theory; and substance abuse~~
298 ~~theory and counseling techniques; legal, ethical, and~~
299 ~~professional standards issues in the practice of marriage and~~
300 ~~family therapy; individual evaluation, assessment, and testing;~~
301 ~~and behavioral research which focuses on the interpretation and~~
302 ~~application of research data as it applies to clinical practice.~~
303 ~~Courses in research, evaluation, appraisal, assessment, or~~
304 ~~testing theories and procedures; thesis or dissertation work; or~~
305 ~~practicums, internships, or fieldwork may not be applied toward~~
306 ~~this requirement.~~

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

311 c. A minimum of one graduate-level course of 3 semester
312 hours or 4 quarter hours in diagnosis, appraisal, assessment,
313 and testing for individual or interpersonal disorder or
314 dysfunction; and a minimum of one 3-semester-hour or 4-quarter-
315 hour graduate-level course in behavioral research which focuses
316 on the interpretation and application of research data as it
317 applies to clinical practice. Credit for thesis or dissertation
318 work, practicums, internships, or fieldwork may not be applied
319 toward this requirement.

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320 d. A minimum of one supervised clinical practicum,
321 internship, or field experience in a marriage and family
322 counseling setting, during which the student provided 400 ~~180~~
323 direct client contact hours of marriage and family therapy
324 services under the supervision of an individual who met the
325 requirements for supervision under paragraph (c). This
326 requirement may be met by a supervised practice experience which
327 took place outside the academic arena, but which is certified as
328 equivalent to a graduate-level practicum or internship program
329 which required a minimum of 400 ~~180~~ direct client contact hours
330 of marriage and family therapy services currently offered within
331 an academic program of a college or university accredited by an
332 accrediting agency approved by the United States Department of
333 Education, or an institution which is publicly recognized as a
334 member in good standing with the Association of Universities and
335 Colleges of Canada or a training institution accredited by the
336 Commission on Accreditation for Marriage and Family Therapy
337 Education ~~recognized by the United States Department of~~
338 ~~Education~~. Certification shall be required from an official of
339 such college, university, or training institution.

340 2. If the course title which appears on the applicant's
341 transcript does not clearly identify the content of the
342 coursework, the applicant shall be required to provide
343 additional documentation, including, but not limited to, a
344 syllabus or catalog description published for the course.

345
346 The required master's degree must have been received in an
347 institution of higher education which at the time the applicant
348 graduated was: fully accredited by a regional accrediting body

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349 recognized by the Commission on Recognition of Postsecondary
350 Accreditation; publicly recognized as a member in good standing
351 with the Association of Universities and Colleges of Canada; or
352 an institution of higher education located outside the United
353 States and Canada, which at the time the applicant was enrolled
354 and at the time the applicant graduated maintained a standard of
355 training substantially equivalent to the standards of training
356 of those institutions in the United States which are accredited
357 by a regional accrediting body recognized by the Commission on
358 Recognition of Postsecondary Accreditation. Such foreign
359 education and training must have been received in an institution
360 or program of higher education officially recognized by the
361 government of the country in which it is located as an
362 institution or program to train students to practice as
363 professional marriage and family therapists or psychotherapists.
364 The burden of establishing that the requirements of this
365 provision have been met shall be upon the applicant, and the
366 board shall require documentation, such as, but not limited to,
367 an evaluation by a foreign equivalency determination service, as
368 evidence that the applicant's graduate degree program and
369 education were equivalent to an accredited program in this
370 country. An applicant with a master's degree from a program
371 which did not emphasize marriage and family therapy may complete
372 the coursework requirement in a training institution fully
373 accredited by the Commission on Accreditation for Marriage and
374 Family Therapy Education ~~recognized by the United States~~
375 ~~Department of Education.~~

376 (c) Has had at least ~~not less than~~ 2 years of clinical
377 experience during which 50 percent of the applicant's clients

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378 were receiving marriage and family therapy services, which must
379 be at the post-master's level under the supervision of a
380 licensed marriage and family therapist with at least 5 years of
381 experience, or the equivalent, who is a qualified supervisor as
382 determined by the board. An individual who intends to practice
383 in Florida to satisfy the clinical experience requirements must
384 register pursuant to s. 491.0045 before ~~prior to~~ commencing
385 practice. If a graduate has a master's degree with a major
386 emphasis in marriage and family therapy or a closely related
387 field that did not include all the coursework required under
388 sub-subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, credit
389 for the post-master's level clinical experience shall not
390 commence until the applicant has completed coursework in at
391 least a minimum of 10 of the areas courses required under sub-
392 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, as determined
393 by the board, and at least 6 semester hours or 9 quarter hours
394 of the course credits must have been completed in the area of
395 marriage and family systems, theories, or techniques. Within the
396 2 3 years of required experience, the applicant shall provide
397 direct individual, group, or family therapy and counseling, to
398 include the following categories of cases: unmarried dyads,
399 married couples, separating and divorcing couples, and family
400 groups including children. A doctoral internship may be applied
401 toward the clinical experience requirement. A licensed mental
402 health professional must be on the premises when clinical
403 services are provided by a registered intern in a private
404 practice setting. A registered intern may not engage in his or
405 her own independent private practice ~~The clinical experience~~
406 ~~requirement may be met by work performed on or off the premises~~

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407 ~~of the supervising marriage and family therapist or the~~
408 ~~equivalent, provided the off-premises work is not the~~
409 ~~independent private practice rendering of marriage and family~~
410 ~~therapy services that does not have a licensed mental health~~
411 ~~professional, as determined by the board, on the premises at the~~
412 ~~same time the intern is providing services.~~

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

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

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

424 (4) MENTAL HEALTH COUNSELING.—Upon verification of
425 documentation and payment of a fee not to exceed \$200, as set by
426 board rule, plus the actual per applicant cost to the department
427 for purchase of the National Clinical Mental Health Counselor
428 ~~Examination from the Professional Examination Service for the~~
429 ~~National Academy of Certified Clinical Mental Health Counselors~~
430 ~~or a similar national organization,~~ an examination managed by
431 the National Board of Certified Counselors or its successor, the
432 department shall issue a license as a mental health counselor to
433 an applicant who the board certifies:

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

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436 (b)1. Has a minimum of an earned master's degree from a
437 mental health counseling program accredited by the Council for
438 the Accreditation of Counseling and Related Educational Programs
439 that consists of at least 60 semester hours or 80 quarter hours
440 of clinical and didactic instruction, including a course in
441 human sexuality and a course in substance abuse. If the master's
442 degree is earned from a program related to the practice of
443 mental health counseling that is not accredited by the Council
444 for the Accreditation of Counseling and Related Educational
445 Programs, then the coursework and practicum, internship, or
446 fieldwork must consist of at least 60 semester hours or 80
447 quarter hours and meet the following requirements:

448 a. Thirty-three semester hours or 44 quarter hours of
449 graduate coursework, which must include a minimum of 3 semester
450 hours or 4 quarter hours of graduate-level coursework in each of
451 the following 11 content areas: counseling theories and
452 practice; human growth and development; diagnosis and treatment
453 of psychopathology; human sexuality; group theories and
454 practice; individual evaluation and assessment; career and
455 lifestyle assessment; research and program evaluation; social
456 and cultural foundations; ~~counseling in community settings; and~~
457 ~~substance abuse; and legal, ethical, and professional standards~~
458 issues in the practice of mental health counseling. Courses in
459 research, thesis or dissertation work, practicums, internships,
460 or fieldwork may not be applied toward this requirement.

461 b. The applicant's graduate program must have emphasized
462 the common core curricular experience to include at least 3
463 semester hours or 4 quarter hours of coursework specifically
464 addressing the diagnostic process, including differential

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465 diagnosis and the use of the current diagnostic tools, such as
466 the current edition of the Diagnostic and Statistical Manual of
467 Mental Disorders ~~A minimum of 3 semester hours or 4 quarter~~
468 ~~hours of graduate-level coursework in legal, ethical, and~~
469 ~~professional standards issues in the practice of mental health~~
470 ~~counseling, which includes goals, objectives, and practices of~~
471 ~~professional counseling organizations, codes of ethics, legal~~
472 ~~considerations, standards of preparation, certifications and~~
473 ~~licensing, and the role identity and professional obligations of~~
474 ~~mental health counselors. Courses in research, thesis or~~
475 ~~dissertation work, practicums, internships, or fieldwork may not~~
476 ~~be applied toward this requirement.~~

477 c. The equivalent, as determined by the board, of at least
478 700 ~~1,000~~ hours of university-sponsored supervised clinical
479 practicum, internship, or field experience that includes at
480 least 280 hours of direct client services, as required in the
481 accrediting standards of the Council for Accreditation of
482 Counseling and Related Educational Programs for mental health
483 counseling programs. This experience may not be used to satisfy
484 the post-master's clinical experience requirement.

485 2. If the course title which appears on the applicant's
486 transcript does not clearly identify the content of the
487 coursework, the applicant shall be required to provide
488 additional documentation, including, but not limited to, a
489 syllabus or catalog description published for the course.

490
491 Education and training in mental health counseling must have
492 been received in an institution of higher education which at the
493 time the applicant graduated was: fully accredited by a regional

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494 accrediting body recognized by the Council for Higher Education
495 or its successor ~~Commission on Recognition of Postsecondary~~
496 ~~Accreditation~~; publicly recognized as a member in good standing
497 with the Association of Universities and Colleges of Canada; or
498 an institution of higher education located outside the United
499 States and Canada, which at the time the applicant was enrolled
500 and at the time the applicant graduated maintained a standard of
501 training substantially equivalent to the standards of training
502 of those institutions in the United States which are accredited
503 by a regional accrediting body recognized by the Council for
504 Higher Education or its successor ~~Commission on Recognition of~~
505 ~~Postsecondary Accreditation~~. Such foreign education and training
506 must have been received in an institution or program of higher
507 education officially recognized by the government of the country
508 in which it is located as an institution or program to train
509 students to practice as mental health counselors. The burden of
510 establishing that the requirements of this provision have been
511 met shall be upon the applicant, and the board shall require
512 documentation, such as, but not limited to, an evaluation by a
513 foreign equivalency determination service, as evidence that the
514 applicant's graduate degree program and education were
515 equivalent to an accredited program in this country. Effective
516 July 1, 2020, an applicant must have a master's degree
517 accredited by the Council for Accreditation of Counseling and
518 Related Educational Programs consisting of at least 60 semester
519 hours or 80 quarter hours to apply for licensure under this
520 subsection.

521 (c) Has had at least ~~not less than~~ 2 years of clinical
522 experience in mental health counseling, which must be at the

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523 post-master's level under the supervision of a licensed mental
524 health counselor or the equivalent who is a qualified supervisor
525 as determined by the board. An individual who intends to
526 practice in Florida to satisfy the clinical experience
527 requirements must register pursuant to s. 491.0045 before ~~prior~~
528 ~~to~~ commencing practice. If a graduate has a master's degree in
529 ~~with a major related to the practice of~~ mental health counseling
530 or a closely related field that did not include all the
531 coursework required under sub-subparagraph (b)1.a. ~~sub-~~
532 ~~subparagraphs (b)1.a.-b.~~, credit for the post-master's level
533 clinical experience shall not commence until the applicant has
534 completed a minimum of seven of the courses required under sub-
535 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-b.~~, as determined
536 ~~by the board, one of which must be a course in psychopathology~~
537 ~~or abnormal psychology~~. A doctoral internship may be applied
538 toward the clinical experience requirement. A licensed mental
539 health professional must be on the premises when clinical
540 services are provided by a registered intern in a private
541 practice setting. No registered intern may engage in his or her
542 own independent practice ~~The clinical experience requirement may~~
543 ~~be met by work performed on or off the premises of the~~
544 ~~supervising mental health counselor or the equivalent, provided~~
545 ~~the off-premises work is not the independent private practice~~
546 ~~rendering of services that does not have a licensed mental~~
547 ~~health professional, as determined by the board, on the premises~~
548 ~~at the same time the intern is providing services.~~

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

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

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

555 ~~(5) INTERNSHIP. An individual who is registered as an~~
556 ~~intern and has satisfied all of the educational requirements for~~
557 ~~the profession for which the applicant seeks licensure shall be~~
558 ~~certified as having met the educational requirements for~~
559 ~~licensure under this section.~~

560 (5) ~~(6)~~ RULES.—The board may adopt rules necessary to
561 implement any education or experience requirement of this
562 section for licensure as a clinical social worker, marriage and
563 family therapist, or mental health counselor.

564 Section 5. Section 491.0057, Florida Statutes, is amended
565 to read:

566 491.0057 Dual licensure as a marriage and family
567 therapist.—

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

571 (a) ~~(1)~~ Holds a valid, active license as a psychologist
572 under chapter 490 or as a clinical social worker or mental
573 health counselor under this chapter, or is certified under s.
574 464.012 as an advanced registered nurse practitioner who has
575 been determined by the Board of Nursing as a specialist in
576 psychiatric mental health.

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

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

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

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

584 491.006 Licensure or certification by endorsement.—

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

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

593 (b)1. Holds an active valid license to practice in the
594 profession for which the applicant seeks licensure ~~and has~~
595 ~~actively practiced the profession for which licensure is applied~~
596 ~~in another state for 3 of the last 5 years immediately preceding~~
597 ~~licensure.~~

598 2. Meets the education requirements of this chapter for the
599 profession for which licensure is applied or has demonstrated
600 proof of substantially equivalent education as defined by rule
601 of the board.

602 3. Has passed the licensure examination designated by the
603 board or has passed a substantially equivalent licensing
604 examination in another state for the profession which the
605 applicant seeks licensure ~~a substantially equivalent licensing~~
606 ~~examination in another state or has passed the licensure~~
607 ~~examination in this state in the profession for which the~~
608 ~~applicant seeks licensure.~~

609 4. Holds a license in good standing, is not under

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610 investigation for an act that would constitute a violation of
611 this chapter, and has not been found to have committed any act
612 that would constitute a violation of this chapter. ~~The fees paid~~
613 ~~by any applicant for certification as a master social worker~~
614 ~~under this section are nonrefundable.~~

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

617 491.007 Renewal of license, registration, or certificate.-

618 (2) Each applicant for renewal shall present satisfactory
619 evidence that, in the period since the license or certificate
620 was issued, the applicant has completed continuing education
621 requirements set by rule of the board or department. The board
622 may not require ~~Not~~ more than 25 classroom hours of continuing
623 education per year ~~shall be required. A certified master social~~
624 ~~worker is exempt from the continuing education requirements for~~
625 ~~the first renewal of the certificate.~~

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

629 Section 8. Paragraph (c) of subsection (1) and subsection
630 (2) of section 491.009, Florida Statutes, are amended to read:

631 491.009 Discipline.-

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

634 (c) Being convicted or found guilty of, or entering
635 ~~regardless of adjudication, or having entered~~ a plea of nolo
636 contendere to, a crime in any jurisdiction which directly
637 relates to the practice of his or her profession or the ability
638 to practice his or her profession, regardless of adjudication.

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639 ~~However, in the case of a plea of nolo contendere, the board~~
640 ~~shall allow the person who is the subject of the disciplinary~~
641 ~~proceeding to present evidence in mitigation relevant to the~~
642 ~~underlying charges and circumstances surrounding the plea.~~

643 (2) The board department, or, in the case of certified
644 master social workers ~~psychologists~~, the department board, may
645 enter an order denying licensure or imposing any of the
646 penalties in s. 456.072(2) against any applicant for licensure
647 or licensee who is found guilty of violating any provision of
648 subsection (1) of this section or who is found guilty of
649 violating any provision of s. 456.072(1).

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

652 491.0112 Sexual misconduct by a psychotherapist;
653 penalties.—

654 (1) Any psychotherapist who commits sexual misconduct with
655 a client, or former client ~~when the professional relationship~~
656 ~~was terminated primarily for the purpose of engaging in sexual~~
657 ~~contact~~, commits a felony of the third degree, punishable as
658 provided in s. 775.082 or s. 775.083; however, a second or
659 subsequent offense is a felony of the second degree, punishable
660 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

663 491.012 Violations; penalty; injunction.—

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

666 (c) Use the following titles or any combination thereof,
667 unless she or he holds a valid, active license as a mental

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668 health counselor issued pursuant to this chapter:

- 669 1. "Licensed mental health counselor."
670 2. "Mental health counselor."
671 3. "Mental health therapist."
672 4. "Mental health consultant."
673 5. "Mental health counselor coach."

674 (n) ~~Effective October 1, 2000,~~ Practice juvenile sexual
675 offender therapy in this state, as the practice is defined in s.
676 491.0144, for compensation, unless the person holds an active
677 license issued under this chapter and meets the requirements to
678 practice juvenile sexual offender therapy. An unlicensed person
679 may be employed by a program operated by or under contract with
680 the Department of Juvenile Justice or the Department of Children
681 and Families ~~Family Services~~ if the program employs a
682 professional who is licensed under chapter 458, chapter 459, s.
683 490.0145, or s. 491.0144 who manages or supervises the treatment
684 services.

685 Section 11. Section 491.0145, Florida Statutes, is amended
686 to read:

687 491.0145 Certified master social worker.—

688 (1) The department may certify an applicant for a
689 designation as a certified master social worker upon the
690 following conditions:

691 (a) ~~(1)~~ The applicant completes an application to be
692 provided by the department and pays a nonrefundable fee not to
693 exceed \$250 to be established by rule of the department. The
694 completed application must be received by the department at
695 least 60 days before the date of the examination in order for
696 the applicant to qualify to take the scheduled exam.

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697 (b)~~(2)~~ The applicant submits proof satisfactory to the
698 department that the applicant has received a doctoral degree in
699 social work, or a master's degree with a major emphasis or
700 specialty in clinical practice or administration, including, but
701 not limited to, agency administration and supervision, program
702 planning and evaluation, staff development, research, community
703 organization, community services, social planning, and human
704 service advocacy. Doctoral degrees must have been received from
705 a graduate school of social work which at the time the applicant
706 was enrolled and graduated was accredited by an accrediting
707 agency approved by the United States Department of Education.
708 Master's degrees must have been received from a graduate school
709 of social work which at the time the applicant was enrolled and
710 graduated was accredited by the Council on Social Work Education
711 or the Canadian Association of Schools of Social Work or by one
712 that meets comparable standards.

713 (c)~~(3)~~ The applicant has had at least 3 years' experience,
714 as defined by rule, including, but not limited to, clinical
715 services or administrative activities as defined in paragraph
716 (b) ~~subsection (2)~~, 2 years of which must be at the post-
717 master's level under the supervision of a person who meets the
718 education and experience requirements for certification as a
719 certified master social worker, as defined by rule, or licensure
720 as a clinical social worker under this chapter. A doctoral
721 internship may be applied toward the supervision requirement.

722 (d)~~(4)~~ Any person who holds a master's degree in social
723 work from an institution ~~institutions~~ outside the United States
724 may apply to the department for certification if the academic
725 training in social work has been evaluated as equivalent to a

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726 degree from a school accredited by the Council on Social Work
727 Education. Any such person shall submit a copy of the academic
728 training from the Foreign Equivalency Determination Service of
729 the Council on Social Work Education.

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

733 (2) A certified master social worker is exempt from the
734 continuing education requirements for the first renewal of the
735 certificate.

736 (3)~~(6)~~ Nothing in This chapter does not shall be construed
737 ~~to~~ authorize a certified master social worker to provide
738 clinical social work services.

739 Section 12. Section 491.0149, Florida Statutes, is amended
740 to read:

741 491.0149 Display of license; use of professional title ~~on~~
742 ~~promotional materials.~~

743 (1) (a) A person licensed under this chapter as a clinical
744 social worker, marriage and family therapist, or mental health
745 counselor, or certified as a master social worker shall
746 conspicuously display the valid license issued by the department
747 or a true copy thereof at each location at which the licensee
748 practices his or her profession.

749 (b)1. A licensed clinical social worker shall include the
750 words "licensed clinical social worker" or the letters "LCSW" on
751 all promotional materials, including cards, brochures,
752 stationery, advertisements, ~~and~~ signs, and social media, naming
753 the licensee.

754 2. A licensed marriage and family therapist shall include

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755 the words "licensed marriage and family therapist" or the
756 letters "LMFT" on all promotional materials, including cards,
757 brochures, stationery, advertisements, ~~and~~ signs, and social
758 media, naming the licensee.

759 3. A licensed mental health counselor shall include the
760 words "licensed mental health counselor" or the letters "LMHC"
761 on all promotional materials, including cards, brochures,
762 stationery, advertisements, ~~and~~ signs, and social media, naming
763 the licensee.

764 (2) (a) A person registered under this chapter as a clinical
765 social worker intern, marriage and family therapist intern, or
766 mental health counselor intern shall conspicuously display the
767 valid registration issued by the department or a true copy
768 thereof at each location at which the registered intern is
769 completing the experience requirements.

770 (b) A registered clinical social worker intern shall
771 include the words "registered clinical social worker intern," a
772 registered marriage and family therapist intern shall include
773 the words "registered marriage and family therapist intern," and
774 a registered mental health counselor intern shall include the
775 words "registered mental health counselor intern" on all
776 records, reports, and promotional materials, including cards,
777 brochures, stationery, advertisements, ~~and~~ signs, and social
778 media, naming the registered intern.

779 (3) (a) A person provisionally licensed under this chapter
780 as a provisional clinical social worker licensee, provisional
781 marriage and family therapist licensee, or provisional mental
782 health counselor licensee shall conspicuously display the valid
783 provisional license issued by the department or a true copy

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784 thereof at each location at which the provisional licensee is
785 providing services.

786 (b) A provisional clinical social worker licensee shall
787 include the words "provisional clinical social worker licensee,"
788 a provisional marriage and family therapist licensee shall
789 include the words "provisional marriage and family therapist
790 licensee," and a provisional mental health counselor licensee
791 shall include the words "provisional mental health counselor
792 licensee" on all promotional materials, including cards,
793 brochures, stationery, advertisements, ~~and~~ signs, and social
794 media, naming the provisional licensee.

795 Section 13. Section 491.017, Florida Statutes, is created
796 to read:

797 491.017 Parenting plan recommendation; presumption of good
798 faith; prerequisite to parent's filing suit; award of fees,
799 costs, reimbursement.-

800 (1) A mental health professional licensed under this
801 chapter who has been appointed by the court to develop a
802 parenting plan recommendation in a dissolution of marriage, a
803 case of domestic violence, or a paternity matter involving the
804 relationship of a child and a parent, including time-sharing of
805 children, is presumed to be acting in good faith if the mental
806 health professional's recommendation has been reached under
807 standards that a reasonable mental health professional would use
808 to develop a parenting plan recommendation.

809 (2) An administrative complaint against a court-appointed
810 mental health professional which relates to a parenting plan
811 recommendation developed by the mental health professional may
812 not be filed anonymously. The individual who files an

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813 administrative complaint must include in the complaint his or
814 her name, address, and telephone number.

815 (3) A parent who desires to file a legal action against a
816 court-appointed mental health professional who has acted in good
817 faith in developing a parenting plan recommendation must
818 petition the judge who presided over the dissolution of
819 marriage, case of domestic violence, or paternity matter
820 involving the relationship of a child and a parent, including
821 time-sharing of children, to appoint another mental health
822 professional. Upon the parent's showing of good cause, the court
823 shall appoint another mental health professional. The court
824 shall determine who is responsible for all court costs and
825 attorney fees associated with making such an appointment.

826 (4) If a legal action, whether it be a civil action, a
827 criminal action, or an administrative proceeding, is filed
828 against a court-appointed mental health professional in a
829 dissolution of marriage, case of domestic violence, or paternity
830 matter involving the relationship of a child and a parent,
831 including time-sharing of children, the claimant is responsible
832 for all reasonable costs and reasonable attorney fees associated
833 with the action for both parties if the mental health
834 professional is held not liable. If the mental health
835 professional is held liable in civil court, the mental health
836 professional must pay all reasonable costs and reasonable
837 attorney fees for the claimant.

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