

By the Committee on Health Policy; and Senator Ring

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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.

57  
58 Be It Enacted by the Legislature of the State of Florida:

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59

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

62 491.004 Board of Clinical Social Work, Marriage and Family  
63 Therapy, and Mental Health Counseling.—

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

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

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

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

69 (3)~~(4)~~ As the terms of the ~~initial~~ members expire, the  
70 Governor shall appoint successors for terms of 4 years; and  
71 those members shall serve until their successors are appointed.

72 (4)~~(5)~~ The board shall adopt rules ~~pursuant to ss.~~  
73 ~~120.536(1) and 120.54~~ to implement and enforce the provisions of  
74 this chapter.

75 (5)~~(6)~~ All applicable provisions of chapter 456 relating to  
76 activities of regulatory boards shall apply to the board.

77 (6)~~(7)~~ The board shall maintain its official headquarters  
78 in the City of Tallahassee.

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

81 491.0045 Intern registration; requirements.—

82 (1) ~~Effective January 1, 1998, An individual who has not~~  
83 ~~satisfied intends to practice in Florida to satisfy the~~  
84 ~~postgraduate or post-master's level experience requirements, as~~  
85 ~~specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register~~  
86 ~~as an intern in the profession for which he or she is seeking~~  
87 ~~licensure before~~ 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, 2016,~~  
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.-e.~~, 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.-e.~~

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 ~~e. 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 or the Council for Accreditation of  
375 Counseling and Related Educational Programs ~~recognized by the~~  
376 ~~United States Department of Education.~~

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

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378 experience during which 50 percent of the applicant's clients  
379 were receiving marriage and family therapy services, which must  
380 be at the post-master's level under the supervision of a  
381 licensed marriage and family therapist with at least 5 years of  
382 experience, or the equivalent, who is a qualified supervisor as  
383 determined by the board. An individual who intends to practice  
384 in Florida to satisfy the clinical experience requirements must  
385 register pursuant to s. 491.0045 before ~~prior to~~ commencing  
386 practice. If a graduate has a master's degree with a major  
387 emphasis in marriage and family therapy or a closely related  
388 field that did not include all the coursework required under  
389 sub-subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, credit  
390 for the post-master's level clinical experience shall not  
391 commence until the applicant has completed coursework in at  
392 least a minimum of 10 of the areas ~~courses~~ required under sub-  
393 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, as determined  
394 by the board, and at least 6 semester hours or 9 quarter hours  
395 of the course credits must have been completed in the area of  
396 marriage and family systems, theories, or techniques. Within the  
397 2 ~~3~~ years of required experience, the applicant shall provide  
398 direct individual, group, or family therapy and counseling, to  
399 include the following categories of cases: unmarried dyads,  
400 married couples, separating and divorcing couples, and family  
401 groups including children. A doctoral internship may be applied  
402 toward the clinical experience requirement. A licensed mental  
403 health professional must be on the premises when clinical  
404 services are provided by a registered intern in a private  
405 practice setting. A registered intern may not engage in his or  
406 her own independent private practice ~~The clinical experience~~

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

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

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

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

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

435 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid the

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436 appropriate fee.

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

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

462 b. ~~A minimum of 3 semester hours or 4 quarter hours of~~  
463 ~~graduate-level coursework in legal, ethical, and professional~~  
464 ~~standards issues in the practice of mental health counseling,~~



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465 ~~which includes goals, objectives, and practices of professional~~  
466 ~~counseling organizations, codes of ethics, legal considerations,~~  
467 ~~standards of preparation, certifications and licensing, and the~~  
468 ~~role identity and professional obligations of mental health~~  
469 ~~counselors. Courses in research, thesis or dissertation work,~~  
470 ~~practicums, internships, or fieldwork may not be applied toward~~  
471 ~~this requirement.~~

472       e. The equivalent, as determined by the board, of at least  
473 700 ~~1,000~~ hours of university-sponsored supervised clinical  
474 practicum, internship, or field experience that includes at  
475 least 280 hours of direct client services, as required in the  
476 accrediting standards of the Council for Accreditation of  
477 Counseling and Related Educational Programs for mental health  
478 counseling programs. This experience may not be used to satisfy  
479 the post-master's clinical experience requirement.

480       2. If the course title which appears on the applicant's  
481 transcript does not clearly identify the content of the  
482 coursework, the applicant shall be required to provide  
483 additional documentation, including, but not limited to, a  
484 syllabus or catalog description published for the course.

485  
486 Education and training in mental health counseling must have  
487 been received in an institution of higher education which at the  
488 time the applicant graduated was: fully accredited by a regional  
489 accrediting body recognized by the Council for Higher Education  
490 or its successor Commission on Recognition of Postsecondary  
491 Accreditation; publicly recognized as a member in good standing  
492 with the Association of Universities and Colleges of Canada; or  
493 an institution of higher education located outside the United

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494 States and Canada, which at the time the applicant was enrolled  
495 and at the time the applicant graduated maintained a standard of  
496 training substantially equivalent to the standards of training  
497 of those institutions in the United States which are accredited  
498 by a regional accrediting body recognized by the Council for  
499 Higher Education or its successor ~~Commission on Recognition of~~  
500 ~~Postsecondary Accreditation~~. Such foreign education and training  
501 must have been received in an institution or program of higher  
502 education officially recognized by the government of the country  
503 in which it is located as an institution or program to train  
504 students to practice as mental health counselors. The burden of  
505 establishing that the requirements of this provision have been  
506 met shall be upon the applicant, and the board shall require  
507 documentation, such as, but not limited to, an evaluation by a  
508 foreign equivalency determination service, as evidence that the  
509 applicant's graduate degree program and education were  
510 equivalent to an accredited program in this country. Effective  
511 July 1, 2020, an applicant must have a master's degree  
512 accredited by the Council for Accreditation of Counseling and  
513 Related Educational Programs consisting of at least 60 semester  
514 hours or 80 quarter hours to apply for licensure under this  
515 subsection. The applicant's graduate program must have  
516 emphasized the common core curricular experience to include at  
517 least 3 semester hours or 4 quarter hours of coursework  
518 specifically addressing the diagnostic process, including  
519 differential diagnosis and the use of the current diagnostic  
520 tools, such as the current edition of the Diagnostic and  
521 Statistical Manual of Mental Disorders.

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

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

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

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

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

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

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

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

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

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

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

580 (c) ~~(3)~~ Has passed the examination provided by the

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581 department for marriage and family therapy.

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

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

585 491.006 Licensure or certification by endorsement.—

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

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

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

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

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

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

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

618 491.007 Renewal of license, registration, or certificate.—

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

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

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

632 491.009 Discipline.—

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

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

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

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

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

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

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

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

664 491.012 Violations; penalty; injunction.—

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

667 (c) Use the following titles or any combination thereof,

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668 unless she or he holds a valid, active license as a mental  
669 health counselor issued pursuant to this chapter:

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

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

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

688 491.0145 Certified master social worker.—

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

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



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697 the applicant to qualify to take the scheduled exam.

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

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

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

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726 training in social work has been evaluated as equivalent to a  
727 degree from a school accredited by the Council on Social Work  
728 Education. Any such person shall submit a copy of the academic  
729 training from the Foreign Equivalency Determination Service of  
730 the Council on Social Work Education.

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

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

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

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

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

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

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

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

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

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

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

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

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784 provisional license issued by the department or a true copy  
785 thereof at each location at which the provisional licensee is  
786 providing services.

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

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

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

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

810 (2) An administrative complaint against a court-appointed  
811 mental health professional which relates to a parenting plan  
812 recommendation developed by the mental health professional may

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813 not be filed anonymously. The individual who files an  
814 administrative complaint must include in the complaint his or  
815 her name, address, and telephone number.

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

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

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