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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

04/25/2014 12:08 PM

Senator Bean moved the following:

Senate Amendment

Delete lines 406 - 483

and insert:

(1) A person may not engage in the practice of applied behavior analysis, assist in the practice of applied behavior analysis, render services designated as applied behavior analysis, or represent himself or herself as a practitioner of applied behavior analysis in this state unless he or she holds an active license as a behavior analyst or assistant behavior analyst pursuant to this chapter or meets an exception under s.



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12 470.48. A person who violates this subsection commits a felony
13 of the third degree, punishable as provided under s. 775.082, s.
14 775.083, or s. 775.084.

15 (2) A person may not use the following titles or any
16 combination thereof, unless he or she holds an active license as
17 a behavior analyst or assistant behavior analyst pursuant to
18 this chapter:

19 (a) "Licensed behavior analyst."

20 (b) "Licensed assistant behavior analyst."

21 (3) A person who violates subsection (2) commits a
22 misdemeanor of the second degree, punishable as provided in s.
23 775.082 or s. 775.083.

24 Section 14. Section 470.48, Florida Statutes, is created to
25 read:

26 470.48 Exceptions to applicability.—This chapter does not
27 prohibit or restrict the practice of the following:

28 (1) An individual licensed pursuant to chapter 458 or
29 chapter 459.

30 (2) An individual licensed pursuant to part III of chapter
31 468 if the occupational therapist does not represent himself or
32 herself as a behavior analyst.

33 (3) An individual licensed under chapter 490 to practice
34 psychology.

35 (4) An individual licensed pursuant to chapter 491 as a
36 clinical social worker, marriage and family therapist, or mental
37 health counselor.

38 (5) A certified teacher authorized to practice in this
39 state; or a teaching assistant, other than a teaching assistant
40 engaged in pupil personnel services, or student support



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41 professional who provides applied behavior analysis services
42 under the supervision of a certified teacher. The services
43 provided by or under the supervision of a certified teacher must
44 be within his or her authorized scope of practice and within the
45 scope of his or her education, training, and experience and must
46 be provided in the course of his or her employment in a program
47 approved by the Department of Education.

48 (6) A behavior analyst who practices with nonhuman clients,
49 including, but not limited to, applied animal behaviorists and
50 animal trainers.

51 (7) An individual who teaches applied behavior analysis or
52 who conducts behavior analytic research if such teaching or
53 research does not involve the delivery of applied behavior
54 analysis.

55 (8) A matriculated college or university student or
56 postdoctoral fellow whose activities are part of a defined
57 behavior analysis program of study, practicum, or intensive
58 practicum if his or her practice under this subsection is
59 directly supervised by a licensed behavior analyst or an
60 instructor of course sequence approved by the Behavior Analyst
61 Certification Board (BACB). A student or intern may not
62 represent himself or herself as a professional behavior analyst
63 but may use a title indicating his or her trainee status, such
64 as "behavior analyst student," "behavior analyst intern," or
65 "behavior analyst trainee."

66 (9) An unlicensed individual pursuing supervised
67 experiential training to meet eligibility requirements for BACB
68 certification if such training is supervised by a licensed
69 behavior analyst or a licensed assistant behavior analyst who



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70 meets BACB supervisor requirements and if the supervised
71 experience is conducted in accordance with other BACB standards
72 and requirements.

73 (10) A family member of a recipient of applied behavior
74 analysis services who implements certain procedures with the
75 recipient. Such a family member may not represent himself or
76 herself as a licensed behavior analyst or a licensed assistant
77 behavior analyst.

78 (11) A behavior analyst who