

By Senator Baxley

12-01057-20

2020782__

1 A bill to be entitled
2 An act relating to clinical social workers, marriage
3 and family therapists, and mental health counselors;
4 amending s. 491.003, F.S.; defining the terms
5 "certified master social worker," "practice of
6 generalist social work," and "professional use of
7 self"; amending s. 491.004, F.S.; deleting an obsolete
8 provision; amending s. 491.0145, F.S.; requiring,
9 rather than authorizing, the Department of Health to
10 certify an applicant for designation as a certified
11 master social worker if the applicant meets certain
12 criteria; deleting a provision relating to an
13 application requirement; revising requirements for
14 licensure; authorizing the department to adopt rules;
15 amending s. 491.0149, F.S.; requiring licensees,
16 certificateholders, provisional licensees, and
17 registrants to include their applicable professional
18 titles on social media and other specified materials;
19 amending s. 414.065, F.S.; conforming a provision to
20 changes made by the act; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Present subsections (2) through (7) of section
25 491.003, Florida Statutes, are redesignated as subsections (3)
26 through (8), respectively, present subsections (8) and (9) are
27 redesignated as subsections (10) and (11), respectively, present
28 subsection (10) through (17) are redesignated as subsections
29 (13) through (20), respectively, and new subsections (2), (9),

12-01057-20

2020782__

30 and (12) are added to that section, to read:

31 491.003 Definitions.—As used in this chapter:

32 (2) "Certified master social worker" means a person
33 certified by the department under this chapter to practice
34 generalist social work.

35 (9) The term "practice of generalist social work" means the
36 application of social work theory, knowledge, and methods and
37 ethics to and the professional use of self to restore or enhance
38 social, psychosocial, or biopsychosocial functioning of
39 individuals, couples, families, groups, organizations, or
40 communities. The term includes the application of specialized
41 knowledge and advanced practice skills to nondiagnostic
42 assessment, treatment planning, implementation and evaluation,
43 case management, information and referral, supervision, and
44 consultation; education, research, advocacy, and community
45 organization; and the development, implementation, and
46 administration of policies, programs, and activities.

47 (12) The term "professional use of self" means combining
48 one's knowledge, values, and skills gained in social work
49 education with aspects of one's personal self, including
50 personality traits, belief systems, life experiences, and
51 cultural heritage, and applying them to one's practice of social
52 work for the benefit of a client.

53 Section 2. Subsection (3) of s. 491.004, Florida Statutes,
54 is amended, to read:

55 491.004 Board of Clinical Social Work, Marriage and Family
56 Therapy, and Mental Health Counseling.—

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

12-01057-20

2020782__

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

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

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

62 Section 3. Section 491.0145, Florida Statutes, is amended
63 to read:

64 491.0145 Certified master social worker.—The department
65 shall ~~may~~ certify an applicant for a designation as a certified
66 master social worker who, upon applying to the department and
67 remitting the appropriate fee, demonstrates to the department
68 that he or she has met all of the following conditions:

69 (1) The applicant has submitted ~~The applicant completes~~ an
70 application and has paid ~~to be provided by the department and~~
71 ~~pays~~ a nonrefundable fee not to exceed \$250 to be established by
72 rule of the department. ~~The completed application must be~~
73 ~~received by the department at least 60 days before the date of~~
74 ~~the examination in order for the applicant to qualify to take~~
75 ~~the scheduled exam.~~

76 (2) The applicant has submitted ~~submits~~ proof satisfactory
77 to the department that the applicant has received a doctoral
78 degree in social work, or a master's degree in social work with
79 a major emphasis or specialty in ~~clinical practice or~~
80 ~~administration, including, but not limited to, agency~~
81 ~~administration and supervision, program planning and evaluation,~~
82 ~~staff development, research, community organization, community~~
83 ~~services, social planning, or~~ and human service advocacy.
84 Doctoral degrees must have been received from a graduate school
85 of social work which at the time the applicant was enrolled and
86 graduated was accredited by an accrediting agency approved by
87 the United States Department of Education. Master's degrees must

12-01057-20

2020782__

88 have been received from a graduate school of social work which
89 at the time the applicant was enrolled and graduated was
90 accredited by the Council on Social Work Education or the
91 Canadian Association of Schools for ~~of~~ Social Work Education or
92 by one that meets comparable standards.

93 (3) The applicant has had at least 2 ~~3~~ years' experience,
94 as defined by rule, including, but not limited to, clinical
95 services or administrative activities as defined in subsection
96 (2), ~~2 years of~~ which must be at the post-master's level under
97 the supervision of a person who meets the education and
98 experience requirements for certification as a certified master
99 social worker, as defined by rule, or licensure as a clinical
100 social worker under this chapter. A doctoral internship may be
101 applied toward the supervision requirement.

102 (4) Any person who holds a master's degree in social work
103 from an institution ~~institutions~~ outside the United States may
104 apply to the department for certification if the academic
105 training in social work has been evaluated as equivalent to a
106 degree from a school accredited by the Council on Social Work
107 Education. Any such person shall submit a copy of the academic
108 training from the Foreign Equivalency Determination Service of
109 the Council on Social Work Education.

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

113 (6) ~~Nothing in~~ This chapter does not ~~shall be construed to~~
114 authorize a certified master social worker to provide clinical
115 social work services.

116 (7) The department may adopt rules to implement this

12-01057-20

2020782__

117 section.

118 Section 4. Section 491.0149, Florida Statutes, is amended
119 to read:

120 491.0149 Display of license; use of professional title on
121 promotional materials.—

122 (1) (a) A person licensed under this chapter as a clinical
123 social worker, marriage and family therapist, or mental health
124 counselor, ~~or certified as a master social worker~~ shall
125 conspicuously display the valid license or certificate issued by
126 the department or a true copy thereof at each location at which
127 the licensee practices his or her profession.

128 (b)1. A licensed clinical social worker shall include the
129 words "licensed clinical social worker" or the letters "LCSW" on
130 all promotional materials, including cards, brochures,
131 stationery, advertisements, social media, and signs, naming the
132 licensee.

133 2. A licensed marriage and family therapist shall include
134 the words "licensed marriage and family therapist" or the
135 letters "LMFT" on all promotional materials, including cards,
136 brochures, stationery, advertisements, social media, and signs,
137 naming the licensee.

138 3. A licensed mental health counselor shall include the
139 words "licensed mental health counselor" or the letters "LMHC"
140 on all promotional materials, including cards, brochures,
141 stationery, advertisements, social media, and signs, naming the
142 licensee.

143 (c) A generalist social worker shall include the words
144 "certified master social worker" or the letters "CMSW" on all
145 promotional materials, including cards, brochures, stationery,

12-01057-20

2020782__

146 advertisements, social media, and signs, naming the licensee.

147 (2) (a) A person registered under this chapter as a clinical
148 social worker intern, marriage and family therapist intern, or
149 mental health counselor intern shall conspicuously display the
150 valid registration issued by the department or a true copy
151 thereof at each location at which the registered intern is
152 completing the experience requirements.

153 (b) A registered clinical social worker intern shall
154 include the words "registered clinical social worker intern," a
155 registered marriage and family therapist intern shall include
156 the words "registered marriage and family therapist intern," and
157 a registered mental health counselor intern shall include the
158 words "registered mental health counselor intern" on all
159 promotional materials, including cards, brochures, stationery,
160 advertisements, social media, and signs, naming the registered
161 intern.

162 (3) (a) A person provisionally licensed under this chapter
163 as a provisional clinical social worker licensee, provisional
164 marriage and family therapist licensee, or provisional mental
165 health counselor licensee shall conspicuously display the valid
166 provisional license issued by the department or a true copy
167 thereof at each location at which the provisional licensee is
168 providing services.

169 (b) A provisional clinical social worker licensee shall
170 include the words "provisional clinical social worker licensee,"
171 a provisional marriage and family therapist licensee shall
172 include the words "provisional marriage and family therapist
173 licensee," and a provisional mental health counselor licensee
174 shall include the words "provisional mental health counselor

12-01057-20

2020782__

175 licensee" on all promotional materials, including cards,
176 brochures, stationery, advertisements, social media, and signs,
177 naming the provisional licensee.

178 Section 5. Paragraph (c) of subsection (4) of section
179 414.065, Florida Statutes, is amended to read:

180 414.065 Noncompliance with work requirements.—

181 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless otherwise
182 provided, the situations listed in this subsection shall
183 constitute exceptions to the penalties for noncompliance with
184 participation requirements, except that these situations do not
185 constitute exceptions to the applicable time limit for receipt
186 of temporary cash assistance:

187 (c) *Noncompliance related to treatment or remediation of*
188 *past effects of domestic violence.*—An individual who is
189 determined to be unable to comply with the work requirements
190 under this section due to mental or physical impairment related
191 to past incidents of domestic violence may be exempt from work
192 requirements, except that such individual shall comply with a
193 plan that specifies alternative requirements that prepare the
194 individual for self-sufficiency while providing for the safety
195 of the individual and the individual's dependents. A participant
196 who is determined to be out of compliance with the alternative
197 requirement plan shall be subject to the penalties under
198 subsection (1). The plan must include counseling or a course of
199 treatment necessary for the individual to resume participation.
200 The need for treatment and the expected duration of such
201 treatment must be verified by a physician licensed under chapter
202 458 or chapter 459; a psychologist licensed under s. 490.005(1),
203 s. 490.006, or the provision identified as s. 490.013(2) in s.

12-01057-20

2020782__

204 1, chapter 81-235, Laws of Florida; a therapist as defined in s.
205 491.003(3) or (7) ~~s. 491.003(2) or (6)~~; or a treatment
206 professional who is registered under s. 39.905(1)(g), is
207 authorized to maintain confidentiality under s. 90.5036(1)(d),
208 and has a minimum of 2 years' ~~years~~ experience at a certified
209 domestic violence center. An exception granted under this
210 paragraph does not automatically constitute an exception from
211 the time limitations on benefits specified under s. 414.105.

212 Section 6. This act shall take effect July 1, 2020.