

By Senator Burgess

20-00725-21

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1                                   A bill to be entitled  
2       An act relating to mental health professionals;  
3       amending s. 491.005, F.S.; for purposes of clinical  
4       experience requirements for licensure as a mental  
5       health counselor, deleting a requirement that a  
6       licensed mental health professional be on the premises  
7       when a registered intern is providing clinical  
8       services in a private practice setting; amending s.  
9       916.115, F.S.; authorizing courts to appoint mental  
10      health professionals licensed under ch. 491, F.S., as  
11      experts in criminal cases; providing an effective  
12      date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16       Section 1. Paragraph (c) of subsection (4) of section  
17      491.005, Florida Statutes, is amended to read:

18       491.005 Licensure by examination.—

19       (4) MENTAL HEALTH COUNSELING.—Upon verification of  
20      documentation and payment of a fee not to exceed \$200, as set by  
21      board rule, plus the actual per applicant cost of purchase of  
22      the examination from the National Board for Certified Counselors  
23      or its successor organization, the department shall issue a  
24      license as a mental health counselor to an applicant who the  
25      board certifies:

26       (c) Has had at least 2 years of clinical experience in  
27      mental health counseling, which must be at the post-master's  
28      level under the supervision of a licensed mental health  
29      counselor or the equivalent who is a qualified supervisor as

20-00725-21

2021818\_\_

30 determined by the board. An individual who intends to practice  
31 in Florida to satisfy the clinical experience requirements must  
32 register pursuant to s. 491.0045 before commencing practice. If  
33 a graduate has a master's degree with a major related to the  
34 practice of mental health counseling which did not include all  
35 the coursework required under sub-subparagraphs (b)1.a. and b.,  
36 credit for the post-master's level clinical experience may not  
37 commence until the applicant has completed a minimum of seven of  
38 the courses required under sub-subparagraphs (b)1.a. and b., as  
39 determined by the board, one of which must be a course in  
40 psychopathology or abnormal psychology. A doctoral internship  
41 may be applied toward the clinical experience requirement. ~~A~~  
42 ~~licensed mental health professional must be on the premises when~~  
43 ~~clinical services are provided by a registered intern in a~~  
44 ~~private practice setting.~~

45 Section 2. Paragraph (a) of subsection (1) of section  
46 916.115, Florida Statutes, is amended to read:

47 916.115 Appointment of experts.—

48 (1) The court shall appoint no more than three experts to  
49 determine the mental condition of a defendant in a criminal  
50 case, including competency to proceed, insanity, involuntary  
51 placement, and treatment. The experts may evaluate the defendant  
52 in jail or in another appropriate local facility or in a  
53 facility of the Department of Corrections.

54 (a) To the extent possible, the appointed experts shall  
55 have completed forensic evaluator training approved by the  
56 department, and each shall be a psychiatrist or a physician  
57 licensed under chapter 458 or chapter 459, a licensed  
58 psychologist licensed under chapter 490, or a mental health

20-00725-21

2021818\_\_

59 professional licensed under chapter 491 ~~physician~~.

60 Section 3. This act shall take effect July 1, 2021.