

By the Committee on Criminal Justice; and Senator Burgess

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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.; revising education  
4       requirements for licensure by examination as a  
5       marriage and family therapist; requiring a licensed  
6       mental health professional to be accessible by  
7       telephone or other electronic means when a registered  
8       intern is providing services through telehealth;  
9       deleting a requirement that a licensed mental health  
10      professional be on the premises when a registered  
11      intern is providing clinical services in a private  
12      setting; requiring the Board of Clinical Social Work,  
13      Marriage and Family Therapy, and Mental Health  
14      Counseling, rather than the Department of Health, to  
15      designate a certain examination required for licensure  
16      as a marriage and family therapist; deleting a  
17      requirement that a licensed mental health professional  
18      be on the premises when a registered intern is  
19      providing clinical services in a private practice  
20      setting; amending s. 916.115, F.S.; authorizing courts  
21      to appoint mental health professionals licensed under  
22      ch. 491, F.S., as experts in criminal cases; providing  
23      an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Subsection (3) and paragraph (c) of subsection  
28      (4) of section 491.005, Florida Statutes, are amended to read:  
29       491.005 Licensure by examination.—

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30 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of  
31 documentation and payment of a fee not to exceed \$200, as set by  
32 board rule, plus the actual cost of the purchase of the  
33 examination from the Association of Marital and Family Therapy  
34 Regulatory Board, or similar national organization, the  
35 department shall issue a license as a marriage and family  
36 therapist to an applicant who the board certifies has met the  
37 following criteria:

38 (a) ~~Has~~ Submitted an application and paid the appropriate  
39 fee.

40 (b) 1. Obtained one of the following:

41 a. A minimum of a master's degree in marriage and family  
42 therapy from a program accredited by the Commission on  
43 Accreditation for Marriage and Family Therapy Education.

44 b. A minimum of a master's degree with a major emphasis in  
45 marriage and family therapy or a closely related field from a  
46 university program accredited by the Council for Accreditation  
47 of Counseling and Related Educational Programs and graduate  
48 courses approved by the board.

49 c. A minimum of a master's degree with an emphasis in  
50 marriage and family therapy or a closely related field, with a  
51 degree conferred date before July 1, 2026, from an  
52 institutionally accredited college or university and graduate  
53 course approved by the board ~~Has a minimum of a master's degree~~  
54 ~~with major emphasis in marriage and family therapy or a closely~~  
55 ~~related field from a program accredited by the Commission on~~  
56 ~~Accreditation for Marriage and Family Therapy Education or from~~  
57 ~~a Florida university program accredited by the Council for~~  
58 ~~Accreditation of Counseling and Related Educational Programs and~~

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59 ~~graduate courses approved by the Board of Clinical Social Work,~~  
60 ~~Marriage and Family Therapy, and Mental Health Counseling.~~

61       2. If the course title that appears on the applicant's  
62 transcript does not clearly identify the content of the  
63 coursework, the applicant shall provide additional  
64 documentation, including, but not limited to, a syllabus or  
65 catalog description published for the course. The required  
66 master's degree must have been received in an institution of  
67 higher education that, at the time the applicant graduated, was  
68 fully accredited by an institutional ~~a regional~~ accrediting body  
69 recognized by the Commission on Recognition of Postsecondary  
70 Accreditation or publicly recognized as a member in good  
71 standing with the Association of Universities and Colleges of  
72 Canada, or an institution of higher education located outside  
73 the United States and Canada which, at the time the applicant  
74 was enrolled and at the time the applicant graduated, maintained  
75 a standard of training substantially equivalent to the standards  
76 of training of those institutions in the United States which are  
77 accredited by an institutional ~~a regional~~ accrediting body  
78 recognized by the Commission on Recognition of Postsecondary  
79 Accreditation. Such foreign education and training must have  
80 been received in an institution or program of higher education  
81 officially recognized by the government of the country in which  
82 it is located as an institution or program to train students to  
83 practice as professional marriage and family therapists or  
84 psychotherapists. The applicant has the burden of establishing  
85 that the requirements of this provision have been met, and the  
86 board shall require documentation, such as an evaluation by a  
87 foreign equivalency determination service, as evidence that the

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88 applicant's graduate degree program and education were  
89 equivalent to an accredited program in this country. An  
90 applicant with a master's degree from a program that did not  
91 emphasize marriage and family therapy may complete the  
92 coursework requirement in a training institution fully  
93 accredited by the Commission on Accreditation for Marriage and  
94 Family Therapy Education recognized by the United States  
95 Department of Education.

96 (c) ~~Has~~ Had at least 2 years of clinical experience during  
97 which 50 percent of the applicant's clients were receiving  
98 marriage and family therapy services, which must have been ~~be~~ at  
99 the post-master's level under the supervision of a licensed  
100 marriage and family therapist with at least 5 years of  
101 experience, or the equivalent, who is a qualified supervisor as  
102 determined by the board. An individual who intends to practice  
103 in Florida to satisfy the clinical experience requirements must  
104 register pursuant to s. 491.0045 before commencing practice. If  
105 a graduate has a master's degree with a major emphasis in  
106 marriage and family therapy or a closely related field which did  
107 not include all of the coursework required by paragraph (b),  
108 credit for the post-master's level clinical experience may not  
109 commence until the applicant has completed a minimum of 10 of  
110 the courses required by paragraph (b), as determined by the  
111 board, and at least 6 semester hours or 9 quarter hours of the  
112 course credits must have been completed in the area of marriage  
113 and family systems, theories, or techniques. Within the 2 years  
114 of required experience, the applicant must ~~shall~~ provide direct  
115 individual, group, or family therapy and counseling to cases  
116 including those involving unmarried dyads, married couples,

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117 separating and divorcing couples, and family groups that include  
118 children. A doctoral internship may be applied toward the  
119 clinical experience requirement. When a registered intern is  
120 providing clinical services through telehealth, a licensed  
121 mental health professional must be accessible by telephone or  
122 other electronic means ~~A licensed mental health professional~~  
123 ~~must be on the premises when clinical services are provided by a~~  
124 ~~registered intern in a private practice setting.~~

125 (d) ~~Has~~ Passed a theory and practice examination designated  
126 by board rule ~~provided by the department.~~

127 (e) ~~Has~~ Demonstrated, in a manner designated by board rule,  
128 knowledge of the laws and rules governing the practice of  
129 clinical social work, marriage and family therapy, and mental  
130 health counseling.

131

132 For the purposes of dual licensure, the department shall license  
133 as a marriage and family therapist any person who meets the  
134 requirements of s. 491.0057. Fees for dual licensure may not  
135 exceed those stated in this subsection.

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

143 (c) Has had at least 2 years of clinical experience in  
144 mental health counseling, which must be at the post-master's  
145 level under the supervision of a licensed mental health

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146 counselor or the equivalent who is a qualified supervisor as  
147 determined by the board. An individual who intends to practice  
148 in Florida to satisfy the clinical experience requirements must  
149 register pursuant to s. 491.0045 before commencing practice. If  
150 a graduate has a master's degree with a major related to the  
151 practice of mental health counseling which did not include all  
152 the coursework required under sub-subparagraphs (b)1.a. and b.,  
153 credit for the post-master's level clinical experience may not  
154 commence until the applicant has completed a minimum of seven of  
155 the courses required under sub-subparagraphs (b)1.a. and b., as  
156 determined by the board, one of which must be a course in  
157 psychopathology or abnormal psychology. A doctoral internship  
158 may be applied toward the clinical experience requirement. A  
159 ~~licensed mental health professional must be on the premises when~~  
160 ~~eliniical services are provided by a registered intern in a~~  
161 ~~private practice setting.~~

162 Section 2. Paragraph (a) of subsection (1) of section  
163 916.115, Florida Statutes, is amended to read:

164 916.115 Appointment of experts.—

165 (1) The court shall appoint no more than three experts to  
166 determine the mental condition of a defendant in a criminal  
167 case, including competency to proceed, insanity, involuntary  
168 placement, and treatment. The experts may evaluate the defendant  
169 in jail or in another appropriate local facility or in a  
170 facility of the Department of Corrections.

171 (a) To the extent possible, the appointed experts shall  
172 have completed forensic evaluator training approved by the  
173 department, and each shall be a psychiatrist or a physician  
174 licensed under chapter 458 or chapter 459, a ~~licensed~~

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175 psychologist licensed under chapter 490, or a mental health  
176 professional licensed under chapter 491 ~~physician~~.

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