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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2022	.	
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Appropriations Subcommittee on Health and Human Services
(Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 612 - 1340
and insert:

(c) The commission or the executive committee of the
commission may convene in a closed nonpublic meeting if the
chair of the commission declares the specific reasons it is
necessary to close the meeting or a portion thereof in a
document that is a public record and held by the commission and
announces at a public meeting that, in connection with the



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11 performance of the commission's duties, it is necessary that the
12 commission discuss:

13 1. Pending litigation to which the commission is presently
14 a party before a court or administrative agency in accordance
15 with s. 286.011(8).

16 2. Negotiation of contracts under competitive solicitation
17 as provided in s. 286.0113(2).

18 3. Disclosure of trade secrets or commercial or financial
19 information that is privileged or confidential.

20 4. Records made exempt under this section.

21 5. Matters specifically exempted from disclosure by federal
22 or member state law.

23 (d) If a meeting, or portion of a meeting, is closed under
24 this subsection, the commission's legal counsel or designee must
25 certify that the meeting may be closed and must reference each
26 relevant exempting provision.

27 (e) The commission shall keep minutes that fully and
28 clearly describe all matters discussed in a meeting and shall
29 provide a full and accurate summary of actions taken, and the
30 reasons therefore, including a description of the views
31 expressed. All documents considered in connection with an action
32 must be identified in such minutes. All minutes and documents of
33 a closed meeting must remain under seal, subject to release by a
34 majority vote of the commission or order of a court of competent
35 jurisdiction.

36 (4) POWERS.—The commission may do any of the following:

37 (a) Establish the fiscal year of the commission.

38 (b) Establish bylaws.

39 (c) Maintain its financial records in accordance with the



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40 bylaws.

41 (d) Meet and take actions that are consistent with the
42 compact and bylaws.

43 (e) Adopt rules that are binding to the extent and in the
44 manner provided for in the compact.

45 (f) Initiate and prosecute legal proceedings or actions in
46 the name of the commission, provided that the standing of any
47 state licensing board to sue or be sued under applicable law is
48 not affected.

49 (g) Purchase and maintain insurance and bonds.

50 (h) Borrow, accept, or contract for services of personnel,
51 including, but not limited to, employees of a member state.

52 (i) Hire employees and elect or appoint officers; fix
53 compensation for, define duties of, and grant appropriate
54 authority to such employees and officers to carry out the
55 purposes of the compact; and establish the commission's
56 personnel policies and programs relating to conflicts of
57 interest, qualifications of personnel, and other related
58 personnel matters.

59 (j) Accept any and all appropriate donations and grants of
60 money, equipment, supplies, materials, and services, and
61 receive, utilize, and dispose of the same, provided that at all
62 times the commission avoids any appearance of impropriety or
63 conflict of interest.

64 (k) Lease, purchase, accept appropriate gifts or donations
65 of, or otherwise own, hold, improve, or use, any property, real,
66 personal, or mixed, provided that at all times the commission
67 avoids any appearance of impropriety or conflict of interest.

68 (l) Sell, convey, mortgage, pledge, lease, exchange,



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69 abandon, or otherwise dispose of any property, real, personal,
70 or mixed.

71 (m) Establish a budget and make expenditures.

72 (n) Borrow money.

73 (o) Appoint committees, including standing committees
74 consisting of commission members, state regulators, state
75 legislators or their representatives, and consumer
76 representatives, and such other interested persons as may be
77 designated in the compact and bylaws.

78 (p) Provide information to, receive information from, and
79 cooperate with law enforcement agencies.

80 (q) Establish and elect an executive committee.

81 (r) Perform any other function that may be necessary or
82 appropriate to achieve the purposes of the compact and is
83 consistent with the state regulation of professional counseling
84 licensure and practice.

85 (5) THE EXECUTIVE COMMITTEE.—

86 (a) The executive committee may act on behalf of the
87 commission according to the terms of the compact and shall
88 consist of up to 11 members, as follows:

89 1. Seven voting members who are elected by the commission
90 from the current membership of the commission.

91 2. Up to four ex officio, nonvoting members from four
92 recognized national professional counselor organizations. The ex
93 officio members shall be selected by their respective
94 organizations.

95 (b) The commission may remove any member of the executive
96 committee as provided in its bylaws.

97 (c) The executive committee shall meet at least annually.



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98 (d) The executive committee shall do all of the following:

99 1. Make recommendations to the commission for any changes
100 to the rules, bylaws, or compact legislation; fees paid by
101 compact member states; and any fees charged to licensees for the
102 privilege to practice.

103 2. Ensure compact administration services are appropriately
104 provided, contractually or otherwise.

105 3. Prepare and recommend the budget.

106 4. Maintain financial records on behalf of the commission.

107 5. Monitor compact compliance of member states and provide
108 compliance reports to the commission.

109 6. Establish additional committees as necessary.

110 7. Perform any other duties provided for in the rules or
111 bylaws.

112 (6) FINANCING OF THE COMMISSION.—

113 (a) The commission shall pay, or provide for the payment
114 of, the reasonable expenses of its establishment, organization,
115 and ongoing activities.

116 (b) The commission may accept any appropriate revenue
117 sources, donations, or grants of money, equipment, supplies,
118 materials, or services.

119 (c) The commission may levy and collect an annual
120 assessment from each member state or impose fees on other
121 parties to cover the cost of the operations and activities of
122 the commission and its staff. Such assessments and fees must be
123 in a total amount sufficient to cover its annual budget as
124 approved each year for which revenue is not provided by other
125 sources. The aggregate annual assessment amount must be
126 allocated based on a formula to be determined by the commission,



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127 which shall adopt a rule binding on all member states.

128 (d) The commission may not incur obligations of any kind
129 before securing the funds adequate to meet the same; nor may the
130 commission pledge the credit of any of the member states, except
131 by and with the authority of the member state.

132 (e) The commission shall keep accurate accounts of all
133 receipts and disbursements. The receipts and disbursements of
134 the commission are subject to the audit and accounting
135 procedures established under its bylaws. However, all receipts
136 and disbursements of funds handled by the commission must be
137 audited annually by a certified or licensed public accountant,
138 and the report of the audit must be included in and become part
139 of the annual report of the commission.

140 (7) QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.—

141 (a) The members, officers, executive director, employees,
142 and representatives of the commission are immune from suit and
143 liability, either personally or in their official capacity, for
144 any claim for damage to or loss of property or personal injury
145 or other civil liability caused by or arising out of any actual
146 or alleged act, error, or omission that occurred, or that the
147 person against whom the claim is made had a reasonable basis for
148 believing occurred, within the scope of commission employment,
149 duties, or responsibilities. This paragraph may not be construed
150 to protect any such person from suit or liability for any
151 damage, loss, injury, or liability caused by the intentional or
152 willful or wanton misconduct of that person.

153 (b) The commission shall defend any member, officer,
154 executive director, employee, or representative of the
155 commission in any civil action seeking to impose liability



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156 arising out of any actual or alleged act, error, or omission
157 that occurred, or that the person against whom the claim is made
158 had a reasonable basis for believing occurred, within the scope
159 of commission employment, duties, or responsibilities, provided
160 that the actual or alleged act, error, or omission did not
161 result from that person's intentional or willful or wanton
162 misconduct. This paragraph may not be construed to prohibit that
163 person from retaining his or her own counsel.

164 (c) The commission shall indemnify and hold harmless any
165 member, officer, executive director, employee, or representative
166 of the commission for the amount of any settlement or judgment
167 obtained against that person arising out of any actual or
168 alleged act, error, or omission that occurred, or that such
169 person had a reasonable basis for believing occurred, within the
170 scope of commission employment, duties, or responsibilities,
171 provided that the actual or alleged act, error, or omission did
172 not result from the intentional or willful or wanton misconduct
173 of that person.

174
175 ARTICLE X

176 DATA SYSTEM

177 (1) The commission shall provide for the development,
178 operation, and maintenance of a coordinated database and
179 reporting system containing licensure, adverse action, and
180 investigative information on all licensed professional
181 counselors in member states.

182 (2) Notwithstanding any other provision of state law to the
183 contrary, a member state shall submit a uniform data set to the
184 data system on all licensees to whom the compact is applicable,



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185 as required by the rules of the commission, including all of the
186 following:

187 (a) Identifying information.

188 (b) Licensure data.

189 (c) Adverse actions against a license or privilege to
190 practice.

191 (d) Nonconfidential information related to alternative
192 program participation.

193 (e) Any denial of application for licensure and the reason
194 for such denial.

195 (f) Current significant investigative information.

196 (g) Other information that may facilitate the
197 administration of the compact, as determined by the rules of the
198 commission.

199 (3) Investigative information pertaining to a licensee in
200 any member state may be made available only to other member
201 states.

202 (4) The commission shall promptly notify all member states
203 of any adverse action taken against a licensee or an individual
204 applying for a license. Adverse action information pertaining to
205 a licensee in any member state must be made available to any
206 other member state.

207 (5) Member states reporting information to the data system
208 may designate information that may not be shared with the public
209 without the express permission of the reporting state.

210 (6) Any information submitted to the data system which is
211 subsequently required to be expunged by the laws of the member
212 state reporting the information must be removed from the data
213 system.



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214
215 ARTICLE XI

216 RULEMAKING

217 (1) The commission shall adopt reasonable rules to
218 effectively and efficiently achieve the purposes of the compact.
219 If, however, the commission exercises its rulemaking authority
220 in a manner that is beyond the scope of the purposes of the
221 compact, or the powers granted hereunder, then such an action by
222 the commission is invalid and has no force or effect.

223 (2) The commission shall exercise its rulemaking powers
224 pursuant to the criteria set forth in this article and the rules
225 adopted thereunder. Rules and amendments become binding as of
226 the date specified in each rule or amendment.

227 (3) If a majority of the legislatures of the member states
228 rejects a rule by enactment of a statute or resolution in the
229 same manner used to adopt the compact within 4 years after the
230 date of adoption of the rule, such rule does not have further
231 force and effect in any member state.

232 (4) Rules or amendments to the rules must be adopted at a
233 regular or special meeting of the commission.

234 (5) Before adoption of a final rule by the commission, and
235 at least 30 days in advance of the meeting at which the rule
236 will be considered and voted upon, the commission shall file a
237 notice of proposed rulemaking:

238 (a) On the website of the commission or other publicly
239 accessible platform; and

240 (b) On the website of each member state's professional
241 counseling licensing board or other publicly accessible platform
242 or in the publication in which each state would otherwise



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243 publish proposed rules.

244 (6) The notice of proposed rulemaking must include:

245 (a) The proposed time, date, and location of the meeting in
246 which the rule will be considered and voted upon;

247 (b) The text of the proposed rule or amendment and the
248 reason for the proposed rule;

249 (c) A request for comments on the proposed rule from any
250 interested person; and

251 (d) The manner in which interested persons may submit
252 notice to the commission of their intention to attend the public
253 hearing and any written comments.

254 (7) Before adoption of a proposed rule, the commission must
255 allow persons to submit written data, facts, opinions, and
256 arguments, which must be made available to the public.

257 (8) The commission shall grant an opportunity for a public
258 hearing before it adopts a rule or an amendment if a hearing is
259 requested by:

260 (a) At least 25 persons who submit comments independently
261 of each other;

262 (b) A state or federal governmental subdivision or agency;
263 or

264 (c) An association that has at least 25 members.

265 (9) If a hearing is held on the proposed rule or amendment,
266 the commission must publish the place, time, and date of the
267 scheduled public hearing. If the hearing is held through
268 electronic means, the commission must publish the mechanism for
269 access to the electronic hearing.

270 (a) All persons wishing to be heard at the hearing must
271 notify the executive director of the commission or other



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272 designated member in writing of their desire to appear and
273 testify at the hearing at least 5 business days before the
274 scheduled date of the hearing.

275 (b) Hearings must be conducted in a manner providing each
276 person who wishes to comment a fair and reasonable opportunity
277 to comment orally or in writing.

278 (c) All hearings must be recorded. A copy of the recording
279 must be made available on request.

280 (d) This section may not be construed to require a separate
281 hearing on each rule. Rules may be grouped at hearings required
282 by this section for the convenience of the commission.

283 (10) If the commission does not receive a written notice of
284 intent to attend the public hearing by interested parties, the
285 commission may proceed with adoption of the proposed rule
286 without a public hearing.

287 (11) Following the scheduled hearing date, or by the close
288 of business on the scheduled hearing date if the hearing was not
289 held, the commission shall consider all written and oral
290 comments received.

291 (12) The commission, by majority vote of all members, shall
292 take final action on the proposed rule and shall determine the
293 effective date of the rule based on the rulemaking record and
294 the full text of the rule.

295 (13) Upon determination that an emergency exists, the
296 commission may consider and adopt an emergency rule without
297 prior notice, opportunity for comment, or hearing, provided that
298 the usual rulemaking procedures provided in the compact and in
299 this section are retroactively applied to the rule as soon as
300 reasonably possible, but no later than 90 days after the



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301 effective date of the rule. For purposes of this subsection, an
302 emergency rule is one that must be adopted immediately in order
303 to:

304 (a) Meet an imminent threat to public health, safety, or
305 welfare;

306 (b) Prevent a loss of commission or member state funds;

307 (c) Meet a deadline for the adoption of an administrative
308 rule established by federal law or rule; or

309 (d) Protect public health and safety.

310 (14) The commission or an authorized committee of the
311 commission may direct revisions to a previously adopted rule or
312 amendment for purposes of correcting typographical errors,
313 errors in format, errors in consistency, or grammatical errors.
314 Public notice of any revision must be posted on the website of
315 the commission. Revisions are subject to challenge by any person
316 for a period of 30 days after posting. A revision may be
317 challenged only on grounds that the revision results in a
318 material change to a rule. A challenge must be made in writing
319 and delivered to the chair of the commission before the end of
320 the notice period. If a challenge is not made, the revision
321 takes effect without further action. If a revision is
322 challenged, the revision may not take effect without the
323 approval of the commission.

324
325 ARTICLE XII

326 OVERSIGHT; DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION;

327 DISPUTE RESOLUTION; AND ENFORCEMENT

328 (1) OVERSIGHT.—

329 (a) The executive, legislative, and judicial branches of



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330 state government in each member state shall enforce the compact
331 and take all actions necessary and appropriate to effectuate the
332 compact's purposes and intent. The compact and the rules adopted
333 thereunder have standing as statutory law.

334 (b) All courts shall take judicial notice of the compact
335 and the rules in any judicial or administrative proceeding in a
336 member state pertaining to the subject matter of the compact
337 which may affect the powers, responsibilities, or actions of the
338 commission.

339 (c) The commission is entitled to receive service of
340 process in any judicial or administrative proceeding specified
341 in paragraph (b) and has standing to intervene in such a
342 proceeding for all purposes. Failure to provide service of
343 process to the commission renders a judgment or an order void as
344 to the commission, the compact, or adopted rules.

345 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.—

346 (a) If the commission determines that a member state has
347 defaulted in the performance of its obligations or
348 responsibilities under the compact or adopted rules, the
349 commission must:

350 1. Provide written notice to the defaulting state and other
351 member states of the nature of the default, the proposed means
352 of curing the default, and any other action to be taken by the
353 commission; and

354 2. Provide remedial training and specific technical
355 assistance regarding the default.

356 (b) If a state in default fails to cure the default, the
357 defaulting state may be terminated from the compact upon an
358 affirmative vote of a majority of the member states, and all



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359 rights, privileges, and benefits conferred by the compact are
360 terminated on the effective date of termination. A cure of the
361 default does not relieve the offending state of obligations or
362 liabilities incurred during the period of default.

363 (c) Termination of membership in the compact may be imposed
364 only after all other means of securing compliance have been
365 exhausted. The commission shall submit a notice of intent to
366 suspend or terminate a defaulting member state to that state's
367 governor, to the majority and minority leaders of that state's
368 legislature, and to each member state.

369 (d) A member state that has been terminated is responsible
370 for all assessments, obligations, and liabilities incurred
371 through the effective date of termination, including obligations
372 that extend beyond the effective date of termination.

373 (e) The commission may not bear any costs related to a
374 member state that is found to be in default or that has been
375 terminated from the compact, unless agreed upon in writing
376 between the commission and the defaulting member state.

377 (f) The defaulting member state may appeal the action of
378 the commission by petitioning the United States District Court
379 for the District of Columbia or the federal district where the
380 commission has its principal offices. The prevailing party must
381 be awarded all costs of such litigation, including reasonable
382 attorney fees.

383 (3) DISPUTE RESOLUTION.—

384 (a) Upon request by a member state, the commission shall
385 attempt to resolve disputes related to the compact which arise
386 among member states and between member and nonmember states.

387 (b) The commission shall adopt rules providing for both



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388 mediation and binding dispute resolution for disputes as
389 appropriate.

390 (4) ENFORCEMENT.—

391 (a) The commission, in the reasonable exercise of its
392 discretion, shall enforce the provisions and rules of the
393 compact.

394 (b) By majority vote, the commission may initiate legal
395 action in the United States District Court for the District of
396 Columbia or the federal district where the commission has its
397 principal offices against a member state in default to enforce
398 compliance with the compact and its adopted rules and bylaws.
399 The relief sought may include both injunctive relief and
400 damages. If judicial enforcement is necessary, the prevailing
401 party must be awarded all costs of such litigation, including
402 reasonable attorney fees.

403 (c) The remedies under this article are not the exclusive
404 remedies to the commission. The commission may pursue any other
405 remedies available under federal or state law.

407 ARTICLE XIII

408 DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND
409 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

410 (1) The compact becomes effective on the date on which the
411 compact is enacted into law in the 10th member state. The
412 provisions that become effective at that time are limited to the
413 powers granted to the commission relating to assembly and the
414 adoption of rules. Thereafter, the commission shall meet and
415 exercise rulemaking powers necessary for implementation and
416 administration of the compact.



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417 (2) Any state that joins the compact subsequent to the
418 commission's initial adoption of the rules is subject to the
419 rules as they exist on the date on which the compact becomes law
420 in that state. Any rule that has been previously adopted by the
421 commission has the full force and effect of law on the day the
422 compact becomes law in that state.

423 (3) Any member state may withdraw from the compact by
424 enacting a statute repealing the compact.

425 (a) A member state's withdrawal does not take effect until
426 6 months after enactment of the repealing statute.

427 (b) Withdrawal does not affect the continuing requirement
428 of the withdrawing state's professional counseling licensing
429 board to comply with the investigative and adverse action
430 reporting requirements of the compact before the effective date
431 of withdrawal.

432 (4) The compact may not be construed to invalidate or
433 prevent any professional counseling licensure agreement or other
434 cooperative arrangement between a member state and a nonmember
435 state which does not conflict with the compact.

436 (5) The compact may be amended by the member states. An
437 amendment to the compact is not effective and binding upon any
438 member state until it is enacted into the laws of all member
439 states.

440 ARTICLE XIV

441 BINDING EFFECT OF COMPACT AND OTHER LAWS

442 (1) A licensee providing professional counseling services
443 in a remote state under the privilege to practice shall adhere
444 to the laws and regulations, including scope of practice, of the
445 remote state.



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446 (2) The compact does not prevent the enforcement of any
447 other law of a member state which is not inconsistent with the
448 compact.

449 (3) Any laws in a member state which conflict with the
450 compact are superseded to the extent of the conflict.

451 (4) Any lawful actions of the commission, including all
452 rules and bylaws properly adopted by the commission, are binding
453 on the member states.

454 (5) All permissible agreements between the commission and
455 the member states are binding in accordance with their terms.

456 (6) If any provision of the compact exceeds the
457 constitutional limits imposed on the legislature of any member
458 state, the provision shall be ineffective to the extent of the
459 conflict with the constitutional provision in question in that
460 member state.

461
462 ARTICLE XV

463 CONSTRUCTION AND SEVERABILITY

464 The compact must be liberally construed so as to effectuate
465 the purposes thereof. The provisions of the compact are
466 severable, and if any phrase, clause, sentence, or provision of
467 the compact is declared to be contrary to the constitution of
468 any member state or of the United States or the applicability
469 thereof to any government, agency, person, or circumstance is
470 held invalid, the validity of the remainder of the compact and
471 the applicability thereof to any government, agency, person, or
472 circumstance is not affected thereby. If the compact is held
473 contrary to the constitution of any member state, the compact
474 remains in full force and effect as to the remaining member



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475 states and in full force and effect as to the member state
476 affected as to all severable matters.

477 Section 2. Subsection (10) of section 456.073, Florida
478 Statutes, is amended to read:

479 456.073 Disciplinary proceedings.—Disciplinary proceedings
480 for each board shall be within the jurisdiction of the
481 department.

482 (10) The complaint and all information obtained pursuant to
483 the investigation by the department are confidential and exempt
484 from s. 119.07(1) until 10 days after probable cause has been
485 found to exist by the probable cause panel or by the department,
486 or until the regulated professional or subject of the
487 investigation waives his or her privilege of confidentiality,
488 whichever occurs first. The department shall report any
489 significant investigation information relating to a nurse
490 holding a multistate license to the coordinated licensure
491 information system pursuant to s. 464.0095, and any significant
492 investigatory information relating to a health care practitioner
493 practicing under the Professional Counselors Licensure Compact
494 to the data system pursuant to s. 491.017 instead of this
495 subsection. Upon completion of the investigation and a
496 recommendation by the department to find probable cause, and
497 pursuant to a written request by the subject or the subject's
498 attorney, the department shall provide the subject an
499 opportunity to inspect the investigative file or, at the
500 subject's expense, forward to the subject a copy of the
501 investigative file. Notwithstanding s. 456.057, the subject may
502 inspect or receive a copy of any expert witness report or
503 patient record connected with the investigation if the subject



504 agrees in writing to maintain the confidentiality of any
505 information received under this subsection until 10 days after
506 probable cause is found and to maintain the confidentiality of
507 patient records pursuant to s. 456.057. The subject may file a
508 written response to the information contained in the
509 investigative file. Such response must be filed within 20 days
510 of mailing by the department, unless an extension of time has
511 been granted by the department. This subsection does not
512 prohibit the department from providing such information to any
513 law enforcement agency or to any other regulatory agency.

514 Section 3. Subsection (5) of section 456.076, Florida
515 Statutes, is amended to read:

516 456.076 Impaired practitioner programs.—

517 (5) A consultant shall enter into a participant contract
518 with an impaired practitioner and shall establish the terms of
519 monitoring and shall include the terms in a participant
520 contract. In establishing the terms of monitoring, the
521 consultant may consider the recommendations of one or more
522 approved evaluators, treatment programs, or treatment providers.
523 A consultant may modify the terms of monitoring if the
524 consultant concludes, through the course of monitoring, that
525 extended, additional, or amended terms of monitoring are
526 required for the protection of the health, safety, and welfare
527 of the public. If the impaired practitioner is a health care
528 practitioner practicing under the Professional Counselors
529 Licensure Compact pursuant to s. 491.017, the terms of the
530 monitoring contract must include the impaired practitioner's
531 withdrawal from all practice under the compact in this state.

532 Section 4. Effective July 1, 2022, subsections (14), (15),



533 and (16) of section 491.003, Florida Statutes, are amended to
534 read:

535 491.003 Definitions.—As used in this chapter:

536 (14) “Registered associate clinical social worker ~~intern~~”
537 means a person registered under this chapter who is completing
538 the postgraduate clinical social work experience requirement
539 specified in s. 491.005(1)(c).

540 (15) “Registered associate marriage and family therapist
541 ~~intern~~” means a person registered under this chapter who is
542 completing the post-master’s clinical experience requirement
543 specified in s. 491.005(3)(c).

544 (16) “Registered associate mental health counselor ~~intern~~”
545 means a person registered under this chapter who is completing
546 the post-master’s clinical experience requirement specified in
547 s. 491.005(4)(c).

548 Section 5. Subsection (8) is added to section 491.004,
549 Florida Statutes, to read:

550 491.004 Board of Clinical Social Work, Marriage and Family
551 Therapy, and Mental Health Counseling.—

552 (8) The board shall appoint an individual to serve as the
553 state’s delegate on the Counseling Compact Commission, as
554 required under s. 491.017.

555 Section 6. Effective July 1, 2022, section 491.0045,
556 Florida Statutes, is amended to read:

557 491.0045 Associate Intern registration; requirements.—

558 (1) An individual who has not satisfied the postgraduate or
559 post-master’s level experience requirements, as specified in s.
560 491.005(1)(c), (3)(c), or (4)(c), must register as an associate
561 ~~intern~~ in the profession for which he or she is seeking



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562 licensure before commencing the post-master's experience
563 requirement or an individual who intends to satisfy part of the
564 required graduate-level practicum, associateship ~~internship~~, or
565 field experience, outside the academic arena for any profession,
566 and must register as an associate ~~intern~~ in the profession for
567 which he or she is seeking licensure before commencing the
568 practicum, associateship ~~internship~~, or field experience.

569 (2) The department shall register as an associate a
570 clinical social worker ~~intern~~, associate marriage and family
571 therapist ~~intern~~, or associate mental health counselor ~~intern~~
572 each applicant who the board certifies has:

573 (a) Completed the application form and remitted a
574 nonrefundable application fee not to exceed \$200, as set by
575 board rule;

576 (b)1. Completed the education requirements as specified in
577 s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which
578 he or she is applying for licensure, if needed; and

579 2. Submitted an acceptable supervision plan, as determined
580 by the board, for meeting the practicum, associateship
581 ~~internship~~, or field work required for licensure that was not
582 satisfied in his or her graduate program.

583 (c) Identified a qualified supervisor.

584 (3) An individual registered under this section must remain
585 under supervision while practicing under registered associate
586 ~~intern~~ status.

587 (4) An individual who fails to comply with this section may
588 not be granted a license under this chapter, and any time spent
589 by the individual completing the experience requirement as
590 specified in s. 491.005(1)(c), (3)(c), or (4)(c) before



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591 registering as an associate intern does not count toward
592 completion of the requirement.

593 (5) An associate intern registration is valid for 5 years.

594 (6) A registration issued on or before March 31, 2017,
595 expires March 31, 2022, and may not be renewed or reissued. Any
596 registration issued after March 31, 2017, expires 60 months
597 after the date it is issued. The board may make a one-time
598 exception to the requirements of this subsection in emergency or
599 hardship cases, as defined by board rule, ~~if the candidate has~~
600 ~~passed the theory and practice examination described in s.~~
601 ~~491.005(1)(d), (3)(d), and (4)(d).~~

602 (7) An individual who has held a provisional license issued
603 by the board may not apply for an associate intern registration
604 in the same profession.

605 Section 7. Subsection (6) is added to section 491.005,
606 Florida Statutes, to read:

607 491.005 Licensure by examination.—

608 (6) EXEMPTION.—A person licensed as a mental health
609 counselor in another state who is practicing under the
610 Professional Counselors Licensure Compact pursuant to s.
611 491.017, and only within the scope provided therein, is exempt
612 from the licensure requirements of this section, as applicable.

613 Section 8. Subsection (3) is added to section 491.006,
614 Florida Statutes, to read:

615 491.006 Licensure or certification by endorsement.—

616 (3) A person licensed as a mental health counselor in
617 another state who is practicing under the Professional
618 Counselors Licensure Compact pursuant to s. 491.017, and only
619 within the scope provided therein, is exempt from the licensure



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620 requirements of this section, as applicable.

621 Section 9. Section 491.009, Florida Statutes, is amended to
622 read:

623 491.009 Discipline.—

624 (1) The following acts constitute grounds for denial of a
625 license or disciplinary action, as specified in s. 456.072(2) or
626 s. 491.017:

627 (a) Attempting to obtain, obtaining, or renewing a license,
628 registration, or certificate under this chapter by bribery or
629 fraudulent misrepresentation or through an error of the board or
630 the department.

631 (b) Having a license, registration, or certificate to
632 practice a comparable profession revoked, suspended, or
633 otherwise acted against, including the denial of certification
634 or licensure by another state, territory, or country.

635 (c) Being convicted or found guilty of, regardless of
636 adjudication, or having entered a plea of nolo contendere to, a
637 crime in any jurisdiction which directly relates to the practice
638 of his or her profession or the ability to practice his or her
639 profession. However, in the case of a plea of nolo contendere,
640 the board shall allow the person who is the subject of the
641 disciplinary proceeding to present evidence in mitigation
642 relevant to the underlying charges and circumstances surrounding
643 the plea.

644 (d) False, deceptive, or misleading advertising or
645 obtaining a fee or other thing of value on the representation
646 that beneficial results from any treatment will be guaranteed.

647 (e) Advertising, practicing, or attempting to practice
648 under a name other than one's own.



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649 (f) Maintaining a professional association with any person
650 who the applicant, licensee, registered intern, or
651 certificateholder knows, or has reason to believe, is in
652 violation of this chapter or of a rule of the department or the
653 board.

654 (g) Knowingly aiding, assisting, procuring, or advising any
655 nonlicensed, nonregistered, or noncertified person to hold
656 himself or herself out as licensed, registered, or certified
657 under this chapter.

658 (h) Failing to perform any statutory or legal obligation
659 placed upon a person licensed, registered, or certified under
660 this chapter.

661 (i) Willfully making or filing a false report or record;
662 failing to file a report or record required by state or federal
663 law; willfully impeding or obstructing the filing of a report or
664 record; or inducing another person to make or file a false
665 report or record or to impede or obstruct the filing of a report
666 or record. Such report or record includes only a report or
667 record which requires the signature of a person licensed,
668 registered, or certified under this chapter.

669 (j) Paying a kickback, rebate, bonus, or other remuneration
670 for receiving a patient or client, or receiving a kickback,
671 rebate, bonus, or other remuneration for referring a patient or
672 client to another provider of mental health care services or to
673 a provider of health care services or goods; referring a patient
674 or client to oneself for services on a fee-paid basis when those
675 services are already being paid for by some other public or
676 private entity; or entering into a reciprocal referral
677 agreement.



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678 (k) Committing any act upon a patient or client which would
679 constitute sexual battery or which would constitute sexual
680 misconduct as defined pursuant to s. 491.0111.

681 (l) Making misleading, deceptive, untrue, or fraudulent
682 representations in the practice of any profession licensed,
683 registered, or certified under this chapter.

684 (m) Soliciting patients or clients personally, or through
685 an agent, through the use of fraud, intimidation, undue
686 influence, or a form of overreaching or vexatious conduct.

687 (n) Failing to make available to a patient or client, upon
688 written request, copies of tests, reports, or documents in the
689 possession or under the control of the licensee, registered
690 intern, or certificateholder which have been prepared for and
691 paid for by the patient or client.

692 (o) Failing to respond within 30 days to a written
693 communication from the department or the board concerning any
694 investigation by the department or the board, or failing to make
695 available any relevant records with respect to any investigation
696 about the licensee's, registered intern's, or
697 certificateholder's conduct or background.

698 (p) Being unable to practice the profession for which he or
699 she is licensed, registered, or certified under this chapter
700 with reasonable skill or competence as a result of any mental or
701 physical condition or by reason of illness; drunkenness; or
702 excessive use of drugs, narcotics, chemicals, or any other
703 substance. In enforcing this paragraph, upon a finding by the
704 State Surgeon General, the State Surgeon General's designee, or
705 the board that probable cause exists to believe that the
706 licensee, registered intern, or certificateholder is unable to



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707 practice the profession because of the reasons stated in this
708 paragraph, the department shall have the authority to compel a
709 licensee, registered intern, or certificateholder to submit to a
710 mental or physical examination by psychologists, physicians, or
711 other licensees under this chapter, designated by the department
712 or board. If the licensee, registered intern, or
713 certificateholder refuses to comply with such order, the
714 department's order directing the examination may be enforced by
715 filing a petition for enforcement in the circuit court in the
716 circuit in which the licensee, registered intern, or
717 certificateholder resides or does business. The licensee,
718 registered intern, or certificateholder against whom the
719 petition is filed may ~~shall~~ not be named or identified by
720 initials in any public court records or documents, and the
721 proceedings shall be closed to the public. The department shall
722 be entitled to the summary procedure provided in s. 51.011. A
723 licensee, registered intern, or certificateholder affected under
724 this paragraph shall at reasonable intervals be afforded an
725 opportunity to demonstrate that he or she can resume the
726 competent practice for which he or she is licensed, registered,
727 or certified with reasonable skill and safety to patients.

728 (q) Performing any treatment or prescribing any therapy
729 which, by the prevailing standards of the mental health
730 professions in the community, would constitute experimentation
731 on human subjects, without first obtaining full, informed, and
732 written consent.

733 (r) Failing to meet the minimum standards of performance in
734 professional activities when measured against generally
735 prevailing peer performance, including the undertaking of



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736 activities for which the licensee, registered intern, or
737 certificateholder is not qualified by training or experience.

738 (s) Delegating professional responsibilities to a person
739 whom the licensee, registered intern, or certificateholder knows
740 or has reason to know is not qualified by training or experience
741 to perform such responsibilities.

742 (t) Violating a rule relating to the regulation of the
743 profession or a lawful order of the department or the board
744 previously entered in a disciplinary hearing.

745 (u) Failure of the licensee, registered intern, or
746 certificateholder to maintain in confidence a communication made
747 by a patient or client in the context of such services, except
748 as provided in s. 491.0147.

749 (v) Making public statements which are derived from test
750 data, client contacts, or behavioral research and which identify
751 or damage research subjects or clients.

752 (w) Violating any provision of this chapter or chapter 456,
753 or any rules adopted pursuant thereto.

754 (2) (a) The board or, in the case of certified master social
755 workers, the department may enter an order denying licensure or
756 imposing any of the penalties authorized in s. 456.072(2)
757 against any applicant for licensure or any licensee who violates
758 subsection (1) or s. 456.072(1).

759 (b) The board may take adverse action against a mental
760 health counselor's privilege to practice under the Professional
761 Counselors Licensure Compact pursuant to s. 491.017 and may
762 impose any of the penalties in s. 456.072(2) if the mental
763 health counselor commits an act specified in subsection (1) or
764 s. 456.072(1).



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765 Section 10. Paragraph (h) is added to subsection (10) of
766 section 768.28, Florida Statutes, to read:

767 768.28 Waiver of sovereign immunity in tort actions;
768 recovery limits; civil liability for damages caused during a
769 riot; limitation on attorney fees; statute of limitations;
770 exclusions; indemnification; risk management programs.—

771 (10)

772 (h) For purposes of this section, the individual appointed
773 under s. 491.004(8) as the state's delegate on the Counseling
774 Compact Commission, when serving in that capacity pursuant to s.
775 491.017, and any administrator, officer, executive director,
776 employee, or representative of the commission, when acting
777 within the scope of his or her employment, duties, or
778 responsibilities in this state, is considered an agent of the
779 state. The commission shall pay any claims or judgments pursuant
780 to this section and may maintain insurance coverage to pay any
781 such claims or judgments.

782 Section 11. The Department of Health shall notify the
783 Division of Law Revision upon enactment of the Professional
784 Counselors Licensure Compact into law by 10 states.

785 Section 12. Effective July 1, 2022, paragraph (c) of
786 subsection (1), paragraph (c) of subsection (3), and paragraphs
787 (b) and (c) of subsection (4) of section 491.005, Florida
788 Statutes, are amended to read:

789 491.005 Licensure by examination.—

790 (1) CLINICAL SOCIAL WORK.—Upon verification of
791 documentation and payment of a fee not to exceed \$200, as set by
792 board rule, plus the actual per applicant cost to the department
793 for purchase of the examination from the American Association of



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794 State Social Worker's Boards or a similar national organization,
795 the department shall issue a license as a clinical social worker
796 to an applicant who the board certifies:

797 (c) Has had at least 2 years of clinical social work
798 experience, which took place subsequent to completion of a
799 graduate degree in social work at an institution meeting the
800 accreditation requirements of this section, under the
801 supervision of a licensed clinical social worker or the
802 equivalent who is a qualified supervisor as determined by the
803 board. An individual who intends to practice in Florida to
804 satisfy clinical experience requirements must register pursuant
805 to s. 491.0045 before commencing practice. If the applicant's
806 graduate program was not a program which emphasized direct
807 clinical patient or client health care services as described in
808 subparagraph (b)2., the supervised experience requirement must
809 take place after the applicant has completed a minimum of 15
810 semester hours or 22 quarter hours of the coursework required. A
811 doctoral associateship ~~internship~~ may be applied toward the
812 clinical social work experience requirement. A licensed mental
813 health professional must be on the premises when clinical
814 services are provided by a registered associate ~~intern~~ in a
815 private practice setting.

816 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
817 documentation and payment of a fee not to exceed \$200, as set by
818 board rule, plus the actual cost of the purchase of the
819 examination from the Association of Marital and Family Therapy
820 Regulatory Board, or similar national organization, the
821 department shall issue a license as a marriage and family
822 therapist to an applicant who the board certifies:



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823 (c) Has had at least 2 years of clinical experience during
824 which 50 percent of the applicant's clients were receiving
825 marriage and family therapy services, which must be at the post-
826 master's level under the supervision of a licensed marriage and
827 family therapist with at least 5 years of experience, or the
828 equivalent, who is a qualified supervisor as determined by the
829 board. An individual who intends to practice in Florida to
830 satisfy the clinical experience requirements must register
831 pursuant to s. 491.0045 before commencing practice. If a
832 graduate has a master's degree with a major emphasis in marriage
833 and family therapy or a closely related field which did not
834 include all of the coursework required by paragraph (b), credit
835 for the post-master's level clinical experience may not commence
836 until the applicant has completed a minimum of 10 of the courses
837 required by paragraph (b), as determined by the board, and at
838 least 6 semester hours or 9 quarter hours of the course credits
839 must have been completed in the area of marriage and family
840 systems, theories, or techniques. Within the 2 years of required
841 experience, the applicant shall provide direct individual,
842 group, or family therapy and counseling to cases including those
843 involving unmarried dyads, married couples, separating and
844 divorcing couples, and family groups that include children. A
845 doctoral associateship ~~internship~~ may be applied toward the
846 clinical experience requirement. A licensed mental health
847 professional must be on the premises when clinical services are
848 provided by a registered associate ~~intern~~ in a private practice
849 setting.

850
851 For the purposes of dual licensure, the department shall license



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852 as a marriage and family therapist any person who meets the
853 requirements of s. 491.0057. Fees for dual licensure may not
854 exceed those stated in this subsection.

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

862 (b)1. Has a minimum of an earned master's degree from a
863 mental health counseling program accredited by the Council for
864 the Accreditation of Counseling and Related Educational Programs
865 which consists of at least 60 semester hours or 80 quarter hours
866 of clinical and didactic instruction, including a course in
867 human sexuality and a course in substance abuse. If the master's
868 degree is earned from a program related to the practice of
869 mental health counseling which is not accredited by the Council
870 for the Accreditation of Counseling and Related Educational
871 Programs, then the coursework and practicum, associateship
872 internship, or fieldwork must consist of at least 60 semester
873 hours or 80 quarter hours and meet all of the following
874 requirements:

875 a. Thirty-three semester hours or 44 quarter hours of
876 graduate coursework, which must include a minimum of 3 semester
877 hours or 4 quarter hours of graduate-level coursework in each of
878 the following 11 content areas: counseling theories and
879 practice; human growth and development; diagnosis and treatment
880 of psychopathology; human sexuality; group theories and



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881 practice; individual evaluation and assessment; career and
882 lifestyle assessment; research and program evaluation; social
883 and cultural foundations; substance abuse; and legal, ethical,
884 and professional standards issues in the practice of mental
885 health counseling. Courses in research, thesis or dissertation
886 work, practicums, associateships ~~internships~~, or fieldwork may
887 not be applied toward this requirement.

888 b. A minimum of 3 semester hours or 4 quarter hours of
889 graduate-level coursework addressing diagnostic processes,
890 including differential diagnosis and the use of the current
891 diagnostic tools, such as the current edition of the American
892 Psychiatric Association's Diagnostic and Statistical Manual of
893 Mental Disorders. The graduate program must have emphasized the
894 common core curricular experience.

895 c. The equivalent, as determined by the board, of at least
896 700 hours of university-sponsored supervised clinical practicum,
897 associateship ~~internship~~, or field experience that includes at
898 least 280 hours of direct client services, as required in the
899 accrediting standards of the Council for Accreditation of
900 Counseling and Related Educational Programs for mental health
901 counseling programs. This experience may not be used to satisfy
902 the post-master's clinical experience requirement.

903 2. Has provided additional documentation if a course title
904 that appears on the applicant's transcript does not clearly
905 identify the content of the coursework. The documentation must
906 include, but is not limited to, a syllabus or catalog
907 description published for the course.

908
909 Education and training in mental health counseling must have



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910 been received in an institution of higher education that, at the
911 time the applicant graduated, was fully accredited by a regional
912 accrediting body recognized by the Council for Higher Education
913 Accreditation or its successor organization or publicly
914 recognized as a member in good standing with the Association of
915 Universities and Colleges of Canada, or an institution of higher
916 education located outside the United States and Canada which, at
917 the time the applicant was enrolled and at the time the
918 applicant graduated, maintained a standard of training
919 substantially equivalent to the standards of training of those
920 institutions in the United States which are accredited by a
921 regional accrediting body recognized by the Council for Higher
922 Education Accreditation or its successor organization. Such
923 foreign education and training must have been received in an
924 institution or program of higher education officially recognized
925 by the government of the country in which it is located as an
926 institution or program to train students to practice as mental
927 health counselors. The applicant has the burden of establishing
928 that the requirements of this provision have been met, and the
929 board shall require documentation, such as an evaluation by a
930 foreign equivalency determination service, as evidence that the
931 applicant's graduate degree program and education were
932 equivalent to an accredited program in this country. Beginning
933 July 1, 2025, an applicant must have a master's degree from a
934 program that is accredited by the Council for Accreditation of
935 Counseling and Related Educational Programs which consists of at
936 least 60 semester hours or 80 quarter hours to apply for
937 licensure under this paragraph.

938 (c) Has had at least 2 years of clinical experience in



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939 mental health counseling, which must be at the post-master's
940 level under the supervision of a licensed mental health
941 counselor or the equivalent who is a qualified supervisor as
942 determined by the board. An individual who intends to practice
943 in Florida to satisfy the clinical experience requirements must
944 register pursuant to s. 491.0045 before commencing practice. If
945 a graduate has a master's degree with a major related to the
946 practice of mental health counseling which did not include all
947 the coursework required under sub-subparagraphs (b)1.a. and b.,
948 credit for the post-master's level clinical experience may not
949 commence until the applicant has completed a minimum of seven of
950 the courses required under sub-subparagraphs (b)1.a. and b., as
951 determined by the board, one of which must be a course in
952 psychopathology or abnormal psychology. A doctoral associateship
953 internship may be applied toward the clinical experience
954 requirement. A licensed mental health professional must be on
955 the premises when clinical services are provided by a registered
956 associate intern in a private practice setting.

957 Section 13. Effective July 1, 2022, paragraphs (f), (n),
958 (o), (p), (r), (s), and (u) of subsection (1) of section
959 491.009, Florida Statutes, are amended to read:

960 491.009 Discipline.—

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

963 (f) Maintaining a professional association with any person
964 who the applicant, licensee, registered associate intern, or
965 certificateholder knows, or has reason to believe, is in
966 violation of this chapter or of a rule of the department or the
967 board.



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968 (n) Failing to make available to a patient or client, upon
969 written request, copies of tests, reports, or documents in the
970 possession or under the control of the licensee, registered
971 associate intern, or certificateholder which have been prepared
972 for and paid for by the patient or client.

973 (o) Failing to respond within 30 days to a written
974 communication from the department or the board concerning any
975 investigation by the department or the board, or failing to make
976 available any relevant records with respect to any investigation
977 about the licensee's, registered associate's intern's, or
978 certificateholder's conduct or background.

979 (p) Being unable to practice the profession for which he or
980 she is licensed, registered, or certified under this chapter
981 with reasonable skill or competence as a result of any mental or
982 physical condition or by reason of illness; drunkenness; or
983 excessive use of drugs, narcotics, chemicals, or any other
984 substance. In enforcing this paragraph, upon a finding by the
985 State Surgeon General, the State Surgeon General's designee, or
986 the board that probable cause exists to believe that the
987 licensee, registered associate intern, or certificateholder is
988 unable to practice the profession because of the reasons stated
989 in this paragraph, the department shall have the authority to
990 compel a licensee, registered associate intern, or
991 certificateholder to submit to a mental or physical examination
992 by psychologists, physicians, or other licensees under this
993 chapter, designated by the department or board. If the licensee,
994 registered associate intern, or certificateholder refuses to
995 comply with such order, the department's order directing the
996 examination may be enforced by filing a petition for enforcement



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997 in the circuit court in the circuit in which the licensee,
998 registered associate intern, or certificateholder resides or
999 does business. The licensee, registered associate intern, or
1000 certificateholder against whom the petition is filed may ~~shall~~
1001 not be named or identified by initials in any public court
1002 records or documents, and the proceedings must ~~shall~~ be closed
1003 to the public. The department is ~~shall be~~ entitled to the
1004 summary procedure provided in s. 51.011. A licensee, registered
1005 associate intern, or certificateholder affected under this
1006 paragraph shall at reasonable intervals be afforded an
1007 opportunity to demonstrate that he or she can resume the
1008 competent practice for which he or she is licensed, registered,
1009 or certified with reasonable skill and safety to patients.

1010 (r) Failing to meet the minimum standards of performance in
1011 professional activities when measured against generally
1012 prevailing peer performance, including the undertaking of
1013 activities for which the licensee, registered associate intern,
1014 or certificateholder is not qualified by training or experience.

1015 (s) Delegating professional responsibilities to a person
1016 whom the licensee, registered associate intern, or
1017 certificateholder knows or has reason to know is not qualified
1018 by training or experience to perform such responsibilities.

1019 (u) Failure of the licensee, registered associate intern,
1020 or certificateholder to maintain in confidence a communication
1021 made by a patient or client in the context of such services,
1022 except as provided in s. 491.0147.

1023 Section 14. Effective July 1, 2022, paragraphs (i), (j),
1024 (k), and (l) of subsection (1) of section 491.012, Florida
1025 Statutes, are amended to read:



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1026 491.012 Violations; penalty; injunction.—
1027 (1) It is unlawful and a violation of this chapter for any
1028 person to:
1029 (i) Practice clinical social work in this state for
1030 compensation, unless the person holds a valid, active license to
1031 practice clinical social work issued pursuant to this chapter or
1032 is an associate intern registered pursuant to s. 491.0045.
1033 (j) Practice marriage and family therapy in this state for
1034 compensation, unless the person holds a valid, active license to
1035 practice marriage and family therapy issued pursuant to this
1036 chapter or is an associate intern registered pursuant to s.
1037 491.0045.
1038 (k) Practice mental health counseling in this state for
1039 compensation, unless the person holds a valid, active license to
1040 practice mental health counseling issued pursuant to this
1041 chapter or is an associate intern registered pursuant to s.
1042 491.0045.
1043 (l) Use the following titles or any combination thereof,
1044 unless he or she holds a valid registration as an associate
1045 ~~intern~~ issued pursuant to this chapter:
1046 1. "Registered associate clinical social worker ~~intern~~."
1047 2. "Registered associate marriage and family therapist
1048 ~~intern~~."
1049 3. "Registered associate mental health counselor ~~intern~~."
1050 Section 15. Effective July 1, 2022, paragraph (c) of
1051 subsection (4) of section 491.014, Florida Statutes, is amended
1052 to read:
1053 491.014 Exemptions.—
1054 (4) No person shall be required to be licensed,



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1055 provisionally licensed, registered, or certified under this
1056 chapter who:

1057 (c) Is a student providing services regulated under this
1058 chapter who is pursuing a course of study which leads to a
1059 degree in a profession regulated by this chapter, is providing
1060 services in a training setting, provided such services and
1061 associated activities constitute part of a supervised course of
1062 study, and is designated by the title "student associate
1063 intern."

1064 Section 16. Effective July 1, 2022, subsection (3) of
1065 section 491.0145, Florida Statutes, is amended to read:

1066 491.0145 Certified master social worker.—The department may
1067 certify an applicant for a designation as a certified master
1068 social worker upon the following conditions:

1069 (3) The applicant has had at least 3 years' experience, as
1070 defined by rule, including, but not limited to, clinical
1071 services or administrative activities as defined in subsection
1072 (2), 2 years of which must be at the post-master's level under
1073 the supervision of a person who meets the education and
1074 experience requirements for certification as a certified master
1075 social worker, as defined by rule, or licensure as a clinical
1076 social worker under this chapter. A doctoral associateship
1077 internship may be applied toward the supervision requirement.

1078 Section 17. Effective July 1, 2022, subsection (2) of
1079 section 491.0149, Florida Statutes, is amended to read:

1080 491.0149 Display of license; use of professional title on
1081 promotional materials.—

1082 (2) (a) A person registered under this chapter as an
1083 associate a clinical social worker ~~intern~~, associate marriage



1084 and family therapist ~~intern~~, or associate mental health
1085 counselor ~~intern~~ shall conspicuously display the valid
1086 registration issued by the department or a true copy thereof at
1087 each location at which the registered associate ~~intern~~ is
1088 completing the experience requirements.

1089 (b) A registered associate clinical social worker ~~intern~~
1090 shall include the words "registered associate clinical social
1091 worker ~~intern~~," a registered associate marriage and family
1092 therapist ~~intern~~ shall include the words "registered associate
1093 marriage and family therapist ~~intern~~," and a registered
1094 associate mental health counselor ~~intern~~ shall include the words
1095 "registered associate mental health counselor ~~intern~~" on all
1096 promotional materials, including cards, brochures, stationery,
1097 advertisements, and signs, naming the registered associate
1098 ~~intern~~.

1099 Section 18. Except as otherwise expressly provided in this
1100 act and except for this section, which shall take effect upon
1101 this act becoming a law, this act shall take effect upon
1102 enactment of

1104 ===== T I T L E A M E N D M E N T =====

1105 And the title is amended as follows:

1106 Delete lines 2 - 123

1107 and insert:

1108 An act relating to mental health professionals;
1109 creating s. 491.017, F.S.; creating the Professional
1110 Counselors Licensure Compact; providing purposes and
1111 objectives; defining terms; specifying requirements
1112 for state participation in the compact; specifying



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1113 duties of member states; authorizing member states to
1114 charge a fee for granting a privilege to practice
1115 under the compact; specifying that that compact does
1116 not affect an individual's ability to apply for, and a
1117 member state's ability to grant, a single state
1118 license pursuant to the laws of that state; providing
1119 construction; providing for recognition of the
1120 privilege to practice licensed professional counseling
1121 in member states; specifying criteria a licensed
1122 professional counselor must meet for the privilege to
1123 practice under the compact; providing for the
1124 expiration and renewal of the privilege to practice;
1125 providing construction; specifying that a licensee
1126 with a privilege to practice in a remote state must
1127 adhere to the laws and rules of that state;
1128 authorizing member states to act on a licensee's
1129 privilege to practice under certain circumstances;
1130 specifying the consequences and parameters of practice
1131 for a licensee whose privilege to practice has been
1132 acted on or whose home state license is encumbered;
1133 specifying that a licensed professional counselor may
1134 hold a home state license in only one member state at
1135 a time; specifying requirements and procedures for
1136 changing a home state license designation; providing
1137 construction; authorizing active duty military
1138 personnel or their spouses to keep their home state
1139 designation during active duty; specifying how such
1140 individuals may subsequently change their home state
1141 license designation; providing for the recognition of



1142 the practice of professional counseling through
1143 telehealth in member states; specifying that licensees
1144 must adhere to the laws and rules of the remote state
1145 in which they provide professional counseling through
1146 telehealth; authorizing member states to take adverse
1147 actions against licensees and issue subpoenas for
1148 hearings and investigations under certain
1149 circumstances; providing requirements and procedures
1150 for adverse action; authorizing member states to
1151 engage in joint investigations under certain
1152 circumstances; providing that a licensee's privilege
1153 to practice must be deactivated in all member states
1154 for the duration of an encumbrance imposed by the
1155 licensee's home state; providing for notice to the
1156 data system and the licensee's home state of any
1157 adverse action taken against a licensee; providing
1158 construction; establishing the Counseling Compact
1159 Commission; providing for the jurisdiction and venue
1160 for court proceedings; providing construction;
1161 providing for membership, meetings, and powers of the
1162 commission; specifying powers and duties of the
1163 commission's executive committee; providing for the
1164 financing of the commission; providing commission
1165 members, officers, executive directors, employees, and
1166 representatives immunity from civil liability under
1167 certain circumstances; providing exceptions; requiring
1168 the commission to defend the commission's members,
1169 officers, executive directors, employees, and
1170 representatives in civil actions under certain



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1171 circumstances; providing construction; requiring the
1172 commission to indemnify and hold harmless such
1173 individuals for any settlement or judgment obtained in
1174 such actions under certain circumstances; providing
1175 for the development of the data system, reporting
1176 procedures, and the exchange of specified information
1177 between member states; requiring the commission to
1178 notify member states of any adverse action taken
1179 against a licensee or applicant for licensure;
1180 authorizing member states to designate as confidential
1181 information provided to the data system; requiring the
1182 commission to remove information from the data system
1183 under certain circumstances; providing rulemaking
1184 procedures for the commission; providing for member
1185 state enforcement of the compact; specifying that the
1186 compact and commission rules have standing as
1187 statutory law in member states; specifying that the
1188 commission is entitled to receive notice of process,
1189 and has standing to intervene, in certain judicial and
1190 administrative proceedings; rendering certain
1191 judgments and orders void as to the commission, the
1192 compact, or commission rules under certain
1193 circumstances; providing for defaults and termination
1194 of compact membership; providing procedures for the
1195 resolution of certain disputes; providing for
1196 commission enforcement of the compact; providing for
1197 remedies; providing construction; providing for
1198 implementation of, withdrawal from, and amendment to
1199 the compact; providing construction; specifying that



1200 licensees practicing in a remote state under the
1201 compact must adhere to the laws and rules of the
1202 remote state; providing construction; specifying that
1203 the compact, commission rules, and commission actions
1204 are binding on member states; providing construction
1205 and severability; amending s. 456.073, F.S.; requiring
1206 the Department of Health to report certain
1207 investigative information to the data system; amending
1208 s. 456.076, F.S.; requiring monitoring contracts for
1209 impaired practitioners participating in treatment
1210 programs to contain certain terms; amending s.
1211 491.003, F.S.; revising definitions; amending s.
1212 491.004, F.S.; requiring the Board of Clinical Social
1213 Work, Marriage and Family Therapy, and Mental Health
1214 Counseling to appoint an individual to serve as the
1215 state's delegate on the commission; amending s.
1216 491.0045, F.S.; conforming provisions to changes made
1217 by the act; revising circumstances under which the
1218 board may grant a certain one-time exemption from
1219 associate registration requirements; amending ss.
1220 491.005 and 491.006, F.S.; exempting certain persons
1221 from mental health counselor licensure requirements;
1222 amending s. 491.009, F.S.; authorizing certain
1223 disciplinary action under the compact for specified
1224 prohibited acts; amending s. 768.28, F.S.; designating
1225 the state delegate and other members or employees of
1226 the commission as state agents for the purpose of
1227 applying waivers of sovereign immunity; requiring the
1228 commission to pay certain claims or judgments;



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1229 authorizing the commission to maintain insurance
1230 coverage to pay such claims or judgments; requiring
1231 the department to notify the Division of Law Revision
1232 upon enactment of the compact into law by 10 states;
1233 amending ss. 491.005, 491.009, 491.012, 491.014,
1234 491.0145, and 491.0149, F.S.; conforming provisions to
1235 changes made by the act; providing effective dates.