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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to mental health professionals;
creating s. 491.017, F.S.; creating the Professional
Counselors Licensure Compact; providing purposes and
objectives; defining terms; specifying requirements
for state participation in the compact; specifying
duties of member states; authorizing member states to
charge a fee for granting a privilege to practice
under the compact; specifying that that compact does
not affect an individual's ability to apply for, and a
member state's ability to grant, a single state
license pursuant to the laws of that state; providing
construction; providing for recognition of the
privilege to practice licensed professional counseling
in member states; specifying criteria a licensed
professional counselor must meet for the privilege to
practice under the compact; providing for the
expiration and renewal of the privilege to practice;
providing construction; specifying that a licensee
with a privilege to practice in a remote state must
adhere to the laws and rules of that state;
authorizing member states to act on a licensee's
privilege to practice under certain circumstances;
specifying the consequences and parameters of practice
for a licensee whose privilege to practice has been
acted on or whose home state license is encumbered;
specifying that a licensed professional counselor may



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28 hold a home state license in only one member state at
29 a time; specifying requirements and procedures for
30 changing a home state license designation; providing
31 construction; authorizing active duty military
32 personnel or their spouses to keep their home state
33 designation during active duty; specifying how such
34 individuals may subsequently change their home state
35 license designation; providing for the recognition of
36 the practice of professional counseling through
37 telehealth in member states; specifying that licensees
38 must adhere to the laws and rules of the remote state
39 in which they provide professional counseling through
40 telehealth; authorizing member states to take adverse
41 actions against licensees and issue subpoenas for
42 hearings and investigations under certain
43 circumstances; providing requirements and procedures
44 for adverse action; authorizing member states to
45 engage in joint investigations under certain
46 circumstances; providing that a licensee's privilege
47 to practice must be deactivated in all member states
48 for the duration of an encumbrance imposed by the
49 licensee's home state; providing for notice to the
50 data system and the licensee's home state of any
51 adverse action taken against a licensee; providing
52 construction; establishing the Counseling Compact
53 Commission; providing for the jurisdiction and venue
54 for court proceedings; providing construction;
55 providing for membership, meetings, and powers of the
56 commission; specifying powers and duties of the



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57 commission's executive committee; providing for the
58 financing of the commission; providing commission
59 members, officers, executive directors, employees, and
60 representatives immunity from civil liability under
61 certain circumstances; providing exceptions; requiring
62 the commission to defend the commission's members,
63 officers, executive directors, employees, and
64 representatives in civil actions under certain
65 circumstances; providing construction; requiring the
66 commission to indemnify and hold harmless such
67 individuals for any settlement or judgment obtained in
68 such actions under certain circumstances; providing
69 for the development of the data system, reporting
70 procedures, and the exchange of specified information
71 between member states; requiring the commission to
72 notify member states of any adverse action taken
73 against a licensee or applicant for licensure;
74 authorizing member states to designate as confidential
75 information provided to the data system; requiring the
76 commission to remove information from the data system
77 under certain circumstances; providing rulemaking
78 procedures for the commission; providing for member
79 state enforcement of the compact; specifying that the
80 compact and commission rules have standing as
81 statutory law in member states; specifying that the
82 commission is entitled to receive notice of process,
83 and has standing to intervene, in certain judicial and
84 administrative proceedings; rendering certain
85 judgments and orders void as to the commission, the



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86 compact, or commission rules under certain
87 circumstances; providing for defaults and termination
88 of compact membership; providing procedures for the
89 resolution of certain disputes; providing for
90 commission enforcement of the compact; providing for
91 remedies; providing construction; providing for
92 implementation of, withdrawal from, and amendment to
93 the compact; providing construction; specifying that
94 licensees practicing in a remote state under the
95 compact must adhere to the laws and rules of the
96 remote state; providing construction; specifying that
97 the compact, commission rules, and commission actions
98 are binding on member states; providing construction
99 and severability; amending s. 456.073, F.S.; requiring
100 the Department of Health to report certain
101 investigative information to the data system; amending
102 s. 456.076, F.S.; requiring monitoring contracts for
103 impaired practitioners participating in treatment
104 programs to contain certain terms; amending s.
105 491.003, F.S.; revising definitions; amending s.
106 491.004, F.S.; requiring the Board of Clinical Social
107 Work, Marriage and Family Therapy, and Mental Health
108 Counseling to appoint an individual to serve as the
109 state's delegate on the commission; amending s.
110 491.0045, F.S.; revising circumstances under which the
111 board may grant a certain one-time exemption from
112 associate registration requirements; amending ss.
113 491.005 and 491.006, F.S.; exempting certain persons
114 from mental health counselor licensure requirements;



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115 amending s. 491.009, F.S.; authorizing certain
116 disciplinary action under the compact for specified
117 prohibited acts; amending s. 768.28, F.S.; designating
118 the state delegate and other members or employees of
119 the commission as state agents for the purpose of
120 applying waivers of sovereign immunity; requiring the
121 commission to pay certain claims or judgments;
122 authorizing the commission to maintain insurance
123 coverage to pay such claims or judgments; requiring
124 the department to notify the Division of Law Revision
125 upon enactment of the compact into law by 10 states;
126 amending ss. 491.0045, 491.005, 491.009, 491.012,
127 491.014, 491.0145, and 491.0149, F.S.; conforming
128 provisions to changes made by the act; providing
129 effective dates.

130

131 Be It Enacted by the Legislature of the State of Florida:

132

133 Section 1. Section 491.017, Florida Statutes, is created to
134 read:

135 491.017 Professional Counselors Licensure Compact.—The
136 Professional Counselors Licensure Compact is hereby enacted and
137 entered into by this state with all other jurisdictions legally
138 joining therein in the form substantially as follows:

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ARTICLE I

141

PURPOSE

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The compact is designed to achieve the following purposes
and objectives:



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144 (1) Facilitate interstate practice of licensed professional
145 counseling to increase public access to professional counseling
146 services by providing for the mutual recognition of other member
147 state licenses.

148 (2) Enhance the member states' ability to protect the
149 public's health and safety.

150 (3) Encourage the cooperation of member states in
151 regulating multistate practice of licensed professional
152 counselors.

153 (4) Support spouses of relocating active duty military
154 personnel.

155 (5) Facilitate the exchange of information between member
156 states regarding licensure, investigations, adverse actions, and
157 disciplinary history of licensed professional counselors.

158 (6) Allow for the use of telehealth technology to
159 facilitate increased access to professional counseling services.

160 (7) Support the uniformity of professional counseling
161 licensure requirements throughout member states to promote
162 public safety and public health benefits.

163 (8) Provide member states with the authority to hold a
164 licensed professional counselor accountable for meeting all
165 state practice laws in the state in which the client is located
166 at the time care is rendered through the mutual recognition of
167 member state licenses.

168 (9) Eliminate the necessity for licensed professional
169 counselors to hold licenses in multiple states and provide
170 opportunities for interstate practice by licensed professional
171 counselors who meet uniform licensure requirements.
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173 ARTICLE II

174 DEFINITIONS

175 As used in this compact, the term:

176 (1) "Active duty military" means full-time duty status in
177 the active uniformed service of the United States, including,
178 but not limited to, members of the National Guard and Reserve on
179 active duty orders pursuant to 10 U.S.C. chapters 1209 and 1211.

180 (2) "Adverse action" means any administrative, civil, or
181 criminal action authorized by a state's laws which is imposed by
182 a licensing board or other authority against a licensed
183 professional counselor, including actions against an
184 individual's license or privilege to practice, such as
185 revocation, suspension, probation, monitoring of the licensee,
186 limitation on the licensee's practice, issuance of a cease and
187 desist action, or any other encumbrance on licensure affecting a
188 licensed professional counselor's authorization to practice.

189 (3) "Alternative program" means a nondisciplinary
190 monitoring or practice remediation process approved by a
191 professional counseling licensing board to address impaired
192 practitioners.

193 (4) "Continuing education" means a requirement, as a
194 condition of license renewal, to participate in or complete
195 educational and professional activities relevant to the
196 licensee's practice or area of work.

197 (5) "Counseling Compact Commission" or "commission" means
198 the national administrative body whose membership consists of
199 all states that have enacted the compact.

200 (6) "Current significant investigative information" means:

201 (a) Investigative information that a licensing board, after



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202 a preliminary inquiry that includes notification and an
203 opportunity for the licensed professional counselor to respond,
204 if required by state law, has reason to believe is not
205 groundless and, if proved true, would indicate more than a minor
206 infraction; or

207 (b) Investigative information that indicates that the
208 licensed professional counselor represents an immediate threat
209 to public health and safety, regardless of whether the licensed
210 professional counselor has been notified and had an opportunity
211 to respond.

212 (7) "Data system" means a repository of information about
213 licensees, including, but not limited to, information relating
214 to continuing education, examinations, licensure statuses,
215 investigations, the privilege to practice, and adverse actions.

216 (8) "Encumbered license" means a license in which an
217 adverse action restricts the practice of licensed professional
218 counseling by the licensee and said adverse action has been
219 reported to the National Practitioner Data Bank.

220 (9) "Encumbrance" means a revocation or suspension of, or
221 any limitation on, the full and unrestricted practice of
222 licensed professional counseling by a licensing board.

223 (10) "Executive committee" means a group of directors
224 elected or appointed to act on behalf of, and within the powers
225 granted to them by, the commission.

226 (11) "Home state" means the member state that is the
227 licensee's primary state of residence.

228 (12) "Impaired practitioner" means an individual who has a
229 condition that may impair his or her ability to safely practice
230 as a licensed professional counselor without intervention. Such



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231 impairment may include, but is not limited to, alcohol or drug
232 dependence, mental health conditions, and neurological or
233 physical conditions.

234 (13) "Investigative information" means information,
235 records, or documents received or generated by a professional
236 counseling licensing board pursuant to an investigation.

237 (14) "Jurisprudence requirement," if required by a member
238 state, means the assessment of an individual's knowledge of the
239 laws and rules governing the practice of professional counseling
240 in a state.

241 (15) "Licensed professional counselor" means a mental
242 health counselor licensed under chapter 491 or a counselor
243 licensed by a member state, regardless of the title used by that
244 state, to independently assess, diagnose, and treat behavioral
245 health conditions.

246 (16) "Licensee" means an individual who currently holds an
247 authorization from the state to practice as a licensed
248 professional counselor.

249 (17) "Licensing board" means the agency of a state, or
250 equivalent, that is responsible for the licensing and regulation
251 of licensed professional counselors.

252 (18) "Member state" means a state that has enacted the
253 compact.

254 (19) "Privilege to practice" means a legal authorization,
255 which is equivalent to a license, authorizing the practice of
256 professional counseling in a remote state.

257 (20) "Professional counseling" means the assessment,
258 diagnosis, and treatment of behavioral health conditions by a
259 licensed professional counselor.



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260 (21) "Remote state" means a member state, other than the
261 home state, where a licensee is exercising or seeking to
262 exercise the privilege to practice.

263 (22) "Rule" means a regulation adopted by the commission
264 which has the force of law.

265 (23) "Single state license" means a licensed professional
266 counselor license issued by a member state which authorizes
267 practice only within the issuing state and does not include a
268 privilege to practice in any other member state.

269 (24) "State" means any state, commonwealth, district, or
270 territory of the United States of America which regulates the
271 practice of professional counseling.

272 (25) "Telehealth" means the application of
273 telecommunication technology to deliver professional counseling
274 services remotely to assess, diagnose, and treat behavioral
275 health conditions.

276 (26) "Unencumbered license" means a license that authorizes
277 a licensed professional counselor to engage in the full and
278 unrestricted practice of professional counseling.

280 ARTICLE III

281 STATE PARTICIPATION

282 (1) To participate in the compact, a state must currently
283 do all of the following:

284 (a) License and regulate licensed professional counselors.

285 (b) Require licensees to pass a nationally recognized exam
286 approved by the commission.

287 (c) Require licensees to have a 60 semester hour, or 90
288 quarter hour, master's degree in counseling or 60 semester



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289 hours, or 90 quarter hours, of graduate coursework including all
290 of the following topic areas:

291 1. Professional counseling orientation and ethical
292 practice.

293 2. Social and cultural diversity.

294 3. Human growth and development.

295 4. Career development.

296 5. Counseling and helping relationships.

297 6. Group counseling and group work.

298 7. Diagnosis, assessment, testing, and treatment.

299 8. Research and program evaluation.

300 9. Other areas as determined by the commission.

301 (d) Require licensees to complete a supervised postgraduate
302 professional experience as defined by the commission.

303 (e) Have a mechanism in place for receiving and
304 investigating complaints about licensees.

305 (2) A member state shall do all of the following:

306 (a) Participate fully in the commission's data system,
307 including using the commission's unique identifier as defined in
308 rules adopted by the commission.

309 (b) Notify the commission, in compliance with the terms of
310 the compact and rules adopted by the commission, of any adverse
311 action or the availability of investigative information
312 regarding a licensee.

313 (c) Implement or utilize procedures for considering the
314 criminal history records of applicants for an initial privilege
315 to practice. These procedures must include the submission of
316 fingerprints or other biometric-based information by applicants
317 for the purpose of obtaining an applicant's criminal history



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318 record information from the Federal Bureau of Investigation and
319 the agency responsible for retaining that state's criminal
320 records.

321 1. A member state must fully implement a criminal
322 background check requirement, within a timeframe established by
323 rule, by receiving the results of the Federal Bureau of
324 Investigation record search and shall use the results in making
325 licensure decisions.

326 2. Communication between a member state and the commission
327 and among member states regarding the verification of
328 eligibility for licensure through the compact may not include
329 any information received from the Federal Bureau of
330 Investigation relating to a federal criminal records check
331 performed by a member state under Public Law 92-544.

332 (d) Comply with the rules adopted by the commission.

333 (e) Require an applicant to obtain or retain a license in
334 the home state and meet the home state's qualifications for
335 licensure or renewal of licensure, as well as all other
336 applicable state laws.

337 (f) Grant the privilege to practice to a licensee holding a
338 valid unencumbered license in another member state in accordance
339 with the terms of the compact and rules adopted by the
340 commission.

341 (g) Provide for the attendance of the state's commissioner
342 at the commission meetings.

343 (3) Member states may charge a fee for granting the
344 privilege to practice.

345 (4) Individuals not residing in a member state may continue
346 to apply for a member state's single state license as provided



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347 under the laws of each member state. However, the single state
348 license granted to these individuals may not be recognized as
349 granting a privilege to practice professional counseling under
350 the compact in any other member state.

351 (5) Nothing in this compact affects the requirements
352 established by a member state for the issuance of a single state
353 license.

354 (6) A professional counselor license issued by a home state
355 to a resident of that state must be recognized by each member
356 state as authorizing that licensed professional counselor to
357 practice professional counseling, under a privilege to practice,
358 in each member state.

359
360 ARTICLE IV

361 PRIVILEGE TO PRACTICE

362 (1) To exercise the privilege to practice under the terms
363 and provisions of the compact, the licensee must meet all of the
364 following criteria:

365 (a) Hold a license in the home state.

366 (b) Have a valid United States Social Security Number or
367 national provider identifier.

368 (c) Be eligible for a privilege to practice in any member
369 state in accordance with subsections (4), (7), and (8).

370 (d) Have not had any encumbrance or restriction against any
371 license or privilege to practice within the preceding 2 years.

372 (e) Notify the commission that the licensee is seeking the
373 privilege to practice within a remote state.

374 (f) Pay any applicable fees, including any state fee, for
375 the privilege to practice.



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376 (g) Meet any continuing education requirements established
377 by the home state.

378 (h) Meet any jurisprudence requirements established by the
379 remote state in which the licensee is seeking a privilege to
380 practice.

381 (i) Report to the commission any adverse action,
382 encumbrance, or restriction on a license taken by any nonmember
383 state within 30 days after the action is taken.

384 (2) The privilege to practice is valid until the expiration
385 date of the home state license. The licensee must continue to
386 meet the criteria specified in subsection (1) to renew the
387 privilege to practice in the remote state.

388 (3) For purposes of the compact, the practice of
389 professional counseling occurs in the state where the client is
390 located at the time of the counseling services. The compact does
391 not affect the regulatory authority of states to protect public
392 health and safety through their own system of state licensure.

393 (4) A licensee providing professional counseling in a
394 remote state under the privilege to practice must adhere to the
395 laws and regulations of the remote state.

396 (5) A licensee providing professional counseling services
397 in a remote state is subject to that state's regulatory
398 authority. A remote state may, in accordance with due process
399 and that state's laws, remove a licensee's privilege to practice
400 in the remote state for a specified period of time, impose
401 finances, or take any other action necessary to protect the health
402 and safety of its residents. The licensee may be ineligible for
403 a privilege to practice in any member state until the specific
404 time for removal has passed and all fines are paid.



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405 (6) If a home state license is encumbered, a licensee loses
406 the privilege to practice in any remote state until both of the
407 following conditions are met:

408 (a) The home state license is no longer encumbered.

409 (b) The licensee has not had any encumbrance or restriction
410 against any license or privilege to practice within the
411 preceding 2 years.

412 (7) Once an encumbered license in the licensee's home state
413 is restored to good standing, the licensee may obtain a
414 privilege to practice in any remote state if he or she meets the
415 requirements of subsection (1).

416 (8) If a licensee's privilege to practice in any remote
417 state is removed, the individual may lose the privilege to
418 practice in all other remote states until all of the following
419 conditions are met:

420 (a) The specified period of time for which the privilege to
421 practice was removed has ended.

422 (b) The licensee has paid all fines imposed.

423 (c) The licensee has not had any encumbrance or restriction
424 against any license or privilege to practice within the
425 preceding 2 years.

426 (9) Once the requirements of subsection (8) have been met,
427 the licensee may obtain a privilege to practice in a remote
428 state if he or she meets the requirements in subsection (1).

429
430 ARTICLE V

431 OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO
432 PRACTICE

433 (1) A licensed professional counselor may hold a home state



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434 license, which allows for a privilege to practice in other
435 member states, in only one member state at a time.

436 (2) If a licensed professional counselor changes his or her
437 primary state of residence by moving between two member states,
438 then the licensed professional counselor must file an
439 application for obtaining a new home state license based on a
440 privilege to practice, pay all applicable fees, and notify the
441 current and new home state in accordance with applicable rules
442 adopted by the commission.

443 (3) Upon receipt of an application for obtaining a new home
444 state license based on a privilege to practice, the new home
445 state must verify that the licensed professional counselor meets
446 the criteria outlined in article IV through the data system. The
447 new home state does not need to seek primary source verification
448 for information obtained from the data system, except for the
449 following:

450 (a) A Federal Bureau of Investigation fingerprint-based
451 criminal background check, if not previously performed or
452 updated pursuant to applicable rules adopted by the commission
453 in accordance with Public Law 92-544;

454 (b) Any other criminal background check as required by the
455 new home state; and

456 (c) Proof of completion of any requisite jurisprudence
457 requirements of the new home state.

458 (4) The former home state shall convert the former home
459 state license into a privilege to practice once the new home
460 state has activated the new home state license in accordance
461 with applicable rules adopted by the commission.

462 (5) Notwithstanding any other provision of the compact, if



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463 the licensed professional counselor does not meet the criteria
464 in article IV, the new home state may apply its own requirements
465 for issuing a new single state license.

466 (6) The licensed professional counselor must pay all
467 applicable fees to the new home state in order to be issued a
468 new home state license for purposes of the compact.

469 (7) If a licensed professional counselor changes his or her
470 primary state of residence by moving from a member state to a
471 nonmember state or from a nonmember state to a member state, the
472 new state's own criteria apply for issuance of a single state
473 license in the new state.

474 (8) The compact does not interfere with a licensee's
475 ability to hold a single state license in multiple states.
476 However, for the purposes of the compact, a licensee may have
477 only one home state license.

478 (9) The compact does not affect the requirements
479 established by a member state for the issuance of a single state
480 license.

481
482 ARTICLE VI

483 ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES

484 Active duty military personnel, or their spouse, shall
485 designate a home state where the individual has a current
486 license in good standing. The individual may retain the home
487 state license designation during the period the service member
488 is on active duty. Subsequent to designating a home state, the
489 individual may change his or her home state only through
490 application for licensure in the new state or through the
491 process outlined in article V.



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493 ARTICLE VII

494 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

495 (1) Member states shall recognize the right of a licensed
496 professional counselor, licensed by a home state in accordance
497 with article III and under rules adopted by the commission, to
498 practice professional counseling in any member state through
499 telehealth under a privilege to practice as provided in the
500 compact and rules adopted by the commission.

501 (2) A licensee providing professional counseling services
502 in a remote state through telehealth under the privilege to
503 practice must adhere to the laws and rules of the remote state.

504
505 ARTICLE VIII

506 ADVERSE ACTIONS

507 (1) In addition to the other powers conferred by state law,
508 a remote state has the authority, in accordance with existing
509 state due process law, to do any of the following:

510 (a) Take adverse action against a licensed professional
511 counselor's privilege to practice within that member state.

512 (b) Issue subpoenas for both hearings and investigations
513 that require the attendance and testimony of witnesses or the
514 production of evidence. Subpoenas issued by a licensing board in
515 a member state for the attendance and testimony of witnesses or
516 the production of evidence from another member state must be
517 enforced in the latter state by any court of competent
518 jurisdiction, according to the practice and procedure of that
519 court applicable to subpoenas issued in proceedings pending
520 before it. The issuing authority shall pay any witness fees,



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521 travel expenses, mileage, and other fees required by the service
522 statutes of the state in which the witnesses or evidence is
523 located.

524 (2) Only the home state has the power to take adverse
525 action against a licensed professional counselor's license
526 issued by the home state.

527 (3) For purposes of taking adverse action, the home state
528 shall give the same priority and effect to reported conduct
529 received from a member state as it would if the conduct had
530 occurred within the home state. The home state shall apply its
531 own state laws to determine appropriate action in such cases.

532 (4) The home state shall complete any pending
533 investigations of a licensed professional counselor who changes
534 primary state of residence during the course of the
535 investigations. The home state may also take appropriate action
536 and shall promptly report the conclusions of the investigations
537 to the administrator of the data system. The administrator of
538 the data system shall promptly notify the new home state of any
539 adverse actions.

540 (5) A member state, if authorized by state law, may recover
541 from the affected licensed professional counselor the costs of
542 investigations and dispositions of any cases resulting from
543 adverse action taken against that licensed professional
544 counselor.

545 (6) A member state may take adverse action against a
546 licensed professional counselor based on the factual findings of
547 a remote state, provided that the member state follows its own
548 statutory procedures for taking adverse action.

549 (7) (a) In addition to the authority granted to a member



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550 state by its respective professional counseling practice act or
551 other applicable state law, any member state may participate
552 with other member states in joint investigations of licensees.

553 (b) Member states shall share any investigative,
554 litigation, or compliance materials in furtherance of any joint
555 or individual investigation initiated under the compact.

556 (8) If adverse action is taken by the home state against
557 the license of a professional counselor, the licensed
558 professional counselor's privilege to practice in all other
559 member states must be deactivated until all encumbrances have
560 been removed from the home state license. All home state
561 disciplinary orders that impose adverse action against the
562 license of a professional counselor must include a statement
563 that the licensed professional counselor's privilege to practice
564 is deactivated in all member states while the order is in
565 effect.

566 (9) If a member state takes adverse action, it must
567 promptly notify the administrator of the data system. The
568 administrator shall promptly notify the licensee's home state of
569 any adverse actions by remote states.

570 (10) Nothing in the compact overrides a member state's
571 decision to allow a licensed professional counselor to
572 participate in an alternative program in lieu of adverse action.

574 ARTICLE IX

575 ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

576 (1) COMMISSION CREATED.—The compact member states hereby
577 create and establish a joint public agency known as the
578 Counseling Compact Commission.



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579 (a) The commission is an instrumentality of the compact
580 states.

581 (b) Venue is proper, and judicial proceedings by or against
582 the commission shall be brought solely and exclusively in a
583 court of competent jurisdiction where the principal office of
584 the commission is located. The commission may waive venue and
585 jurisdictional defenses to the extent that it adopts or consents
586 to participate in alternative dispute resolution proceedings.

587 (c) Nothing in the compact may be construed to be a waiver
588 of sovereign immunity.

589 (2) MEMBERSHIP.—

590 (a) The commission shall consist of one voting delegate,
591 appointed by each member state's licensing board. The
592 commission, by rule, shall establish a term of office for
593 delegates and may establish term limits.

594 (b) The delegate must be either:

595 1. A current member of the licensing board at the time of
596 appointment, who is a licensed professional counselor or public
597 member; or

598 2. An administrator of the licensing board.

599 (c) A delegate may be removed or suspended from office as
600 provided by the law of the state from which the delegate is
601 appointed.

602 (d) The member state licensing board must fill any vacancy
603 occurring on the commission within 60 days.

604 (e) Each delegate is entitled to one vote with regard to
605 the adoption of rules and creation of bylaws and shall otherwise
606 participate in the business and affairs of the commission.

607 (f) A delegate shall vote in person or by such other means



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608 as provided in the bylaws. The bylaws may provide for delegates'
609 participation in meetings by telephone or other means of
610 communication.

611 (3) MEETINGS OF THE COMMISSION.—

612 (a) The commission shall meet at least once during each
613 calendar year. Additional meetings must be held as set forth in
614 the bylaws.

615 (b) All meetings must be open to the public, and public
616 notice of meetings must be given in the same manner as required
617 under the rulemaking provisions in article XI.

618 (c) The commission or the executive committee of the
619 commission may convene in a closed nonpublic meeting if the
620 chair of the commission declares the specific reasons it is
621 necessary to close the meeting or a portion thereof in a
622 document that is a public record and held by the commission and
623 announces at a public meeting that, in connection with the
624 performance of the commission's duties, it is necessary that the
625 commission discuss:

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

629 2. Negotiation of contracts under competitive solicitation
630 as provided in s. 286.0113(2).

631 3. Disclosure of trade secrets or commercial or financial
632 information that is privileged or confidential.

633 4. Records made exempt under this section.

634 5. Matters specifically exempted from disclosure by federal
635 or member state law.

636 (d) If a meeting, or portion of a meeting, is closed under



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637 this subsection, the commission's legal counsel or designee must
638 certify that the meeting may be closed and must reference each
639 relevant exempting provision.

640 (e) The commission shall keep minutes that fully and
641 clearly describe all matters discussed in a meeting and shall
642 provide a full and accurate summary of actions taken, and the
643 reasons therefore, including a description of the views
644 expressed. All documents considered in connection with an action
645 must be identified in such minutes. All minutes and documents of
646 a closed meeting must remain under seal, subject to release by a
647 majority vote of the commission or order of a court of competent
648 jurisdiction.

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

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

651 (b) Establish bylaws.

652 (c) Maintain its financial records in accordance with the
653 bylaws.

654 (d) Meet and take actions that are consistent with the
655 compact and bylaws.

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

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

662 (g) Purchase and maintain insurance and bonds.

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

665 (i) Hire employees and elect or appoint officers; fix



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666 compensation for, define duties of, and grant appropriate
667 authority to such employees and officers to carry out the
668 purposes of the compact; and establish the commission's
669 personnel policies and programs relating to conflicts of
670 interest, qualifications of personnel, and other related
671 personnel matters.

672 (j) Accept any and all appropriate donations and grants of
673 money, equipment, supplies, materials, and services, and
674 receive, utilize, and dispose of the same, provided that at all
675 times the commission avoids any appearance of impropriety or
676 conflict of interest.

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

681 (l) Sell, convey, mortgage, pledge, lease, exchange,
682 abandon, or otherwise dispose of any property, real, personal,
683 or mixed.

684 (m) Establish a budget and make expenditures.

685 (n) Borrow money.

686 (o) Appoint committees, including standing committees
687 consisting of commission members, state regulators, state
688 legislators or their representatives, and consumer
689 representatives, and such other interested persons as may be
690 designated in the compact and bylaws.

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

693 (q) Establish and elect an executive committee.

694 (r) Perform any other function that may be necessary or



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695 appropriate to achieve the purposes of the compact and is
696 consistent with the state regulation of professional counseling
697 licensure and practice.

698 (5) THE EXECUTIVE COMMITTEE.-

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

702 1. Seven voting members who are elected by the commission
703 from the current membership of the commission.

704 2. Up to four ex officio, nonvoting members from four
705 recognized national professional counselor organizations. The ex
706 officio members shall be selected by their respective
707 organizations.

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

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

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

712 1. Make recommendations to the commission for any changes
713 to the rules, bylaws, or compact legislation; fees paid by
714 compact member states; and any fees charged to licensees for the
715 privilege to practice.

716 2. Ensure compact administration services are appropriately
717 provided, contractually or otherwise.

718 3. Prepare and recommend the budget.

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

720 5. Monitor compact compliance of member states and provide
721 compliance reports to the commission.

722 6. Establish additional committees as necessary.

723 7. Perform any other duties provided for in the rules or



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724 bylaws.

725 (6) FINANCING OF THE COMMISSION.—

726 (a) The commission shall pay, or provide for the payment
727 of, the reasonable expenses of its establishment, organization,
728 and ongoing activities.

729 (b) The commission may accept any appropriate revenue
730 sources, donations, or grants of money, equipment, supplies,
731 materials, or services.

732 (c) The commission may levy and collect an annual
733 assessment from each member state or impose fees on other
734 parties to cover the cost of the operations and activities of
735 the commission and its staff. Such assessments and fees must be
736 in a total amount sufficient to cover its annual budget as
737 approved each year for which revenue is not provided by other
738 sources. The aggregate annual assessment amount must be
739 allocated based on a formula to be determined by the commission,
740 which shall adopt a rule binding on all member states.

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

745 (e) The commission shall keep accurate accounts of all
746 receipts and disbursements. The receipts and disbursements of
747 the commission are subject to the audit and accounting
748 procedures established under its bylaws. However, all receipts
749 and disbursements of funds handled by the commission must be
750 audited annually by a certified or licensed public accountant,
751 and the report of the audit must be included in and become part
752 of the annual report of the commission.



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

754 (a) The members, officers, executive director, employees,
755 and representatives of the commission are immune from suit and
756 liability, either personally or in their official capacity, for
757 any claim for damage to or loss of property or personal injury
758 or other civil liability caused by or arising out of any actual
759 or alleged act, error, or omission that occurred, or that the
760 person against whom the claim is made had a reasonable basis for
761 believing occurred, within the scope of commission employment,
762 duties, or responsibilities. This paragraph may not be construed
763 to protect any such person from suit or liability for any
764 damage, loss, injury, or liability caused by the intentional or
765 willful or wanton misconduct of that person.

766 (b) The commission shall defend any member, officer,
767 executive director, employee, or representative of the
768 commission in any civil action seeking to impose liability
769 arising out of any actual or alleged act, error, or omission
770 that occurred, or that the person against whom the claim is made
771 had a reasonable basis for believing occurred, within the scope
772 of commission employment, duties, or responsibilities, provided
773 that the actual or alleged act, error, or omission did not
774 result from that person's intentional or willful or wanton
775 misconduct. This paragraph may not be construed to prohibit that
776 person from retaining his or her own counsel.

777 (c) The commission shall indemnify and hold harmless any
778 member, officer, executive director, employee, or representative
779 of the commission for the amount of any settlement or judgment
780 obtained against that person arising out of any actual or
781 alleged act, error, or omission that occurred, or that such



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782 person had a reasonable basis for believing occurred, within the
783 scope of commission employment, duties, or responsibilities,
784 provided that the actual or alleged act, error, or omission did
785 not result from the intentional or willful or wanton misconduct
786 of that person.

787
788 ARTICLE X

789 DATA SYSTEM

790 (1) The commission shall provide for the development,
791 operation, and maintenance of a coordinated database and
792 reporting system containing licensure, adverse action, and
793 investigative information on all licensed professional
794 counselors in member states.

795 (2) Notwithstanding any other provision of state law to the
796 contrary, a member state shall submit a uniform data set to the
797 data system on all licensees to whom the compact is applicable,
798 as required by the rules of the commission, including all of the
799 following:

800 (a) Identifying information.

801 (b) Licensure data.

802 (c) Adverse actions against a license or privilege to
803 practice.

804 (d) Nonconfidential information related to alternative
805 program participation.

806 (e) Any denial of application for licensure and the reason
807 for such denial.

808 (f) Current significant investigative information.

809 (g) Other information that may facilitate the

810 administration of the compact, as determined by the rules of the



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811 commission.

812 (3) Investigative information pertaining to a licensee in
813 any member state may be made available only to other member
814 states.

815 (4) The commission shall promptly notify all member states
816 of any adverse action taken against a licensee or an individual
817 applying for a license. Adverse action information pertaining to
818 a licensee in any member state must be made available to any
819 other member state.

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

823 (6) Any information submitted to the data system which is
824 subsequently required to be expunged by the laws of the member
825 state reporting the information must be removed from the data
826 system.

827

828 ARTICLE XI

829 RULEMAKING

830 (1) The commission shall adopt reasonable rules to
831 effectively and efficiently achieve the purposes of the compact.
832 If, however, the commission exercises its rulemaking authority
833 in a manner that is beyond the scope of the purposes of the
834 compact, or the powers granted hereunder, then such an action by
835 the commission is invalid and has no force or effect.

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



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

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

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

851 (a) On the website of the commission or other publicly
852 accessible platform; and

853 (b) On the website of each member state's professional
854 counseling licensing board or other publicly accessible platform
855 or in the publication in which each state would otherwise
856 publish proposed rules.

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

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

860 (b) The text of the proposed rule or amendment and the
861 reason for the proposed rule;

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

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

867 (7) Before adoption of a proposed rule, the commission must
868 allow persons to submit written data, facts, opinions, and



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869 arguments, which must be made available to the public.

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

873 (a) At least 25 persons who submit comments independently
874 of each other;

875 (b) A state or federal governmental subdivision or agency;
876 or

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

878 (9) If a hearing is held on the proposed rule or amendment,
879 the commission must publish the place, time, and date of the
880 scheduled public hearing. If the hearing is held through
881 electronic means, the commission must publish the mechanism for
882 access to the electronic hearing.

883 (a) All persons wishing to be heard at the hearing must
884 notify the executive director of the commission or other
885 designated member in writing of their desire to appear and
886 testify at the hearing at least 5 business days before the
887 scheduled date of the hearing.

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

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

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

896 (10) If the commission does not receive a written notice of
897 intent to attend the public hearing by interested parties, the



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898 commission may proceed with adoption of the proposed rule
899 without a public hearing.

900 (11) Following the scheduled hearing date, or by the close
901 of business on the scheduled hearing date if the hearing was not
902 held, the commission shall consider all written and oral
903 comments received.

904 (12) The commission, by majority vote of all members, shall
905 take final action on the proposed rule and shall determine the
906 effective date of the rule based on the rulemaking record and
907 the full text of the rule.

908 (13) Upon determination that an emergency exists, the
909 commission may consider and adopt an emergency rule without
910 prior notice, opportunity for comment, or hearing, provided that
911 the usual rulemaking procedures provided in the compact and in
912 this section are retroactively applied to the rule as soon as
913 reasonably possible, but no later than 90 days after the
914 effective date of the rule. For purposes of this subsection, an
915 emergency rule is one that must be adopted immediately in order
916 to:

917 (a) Meet an imminent threat to public health, safety, or
918 welfare;

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

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

922 (d) Protect public health and safety.

923 (14) The commission or an authorized committee of the
924 commission may direct revisions to a previously adopted rule or
925 amendment for purposes of correcting typographical errors,
926 errors in format, errors in consistency, or grammatical errors.



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927 Public notice of any revision must be posted on the website of
928 the commission. Revisions are subject to challenge by any person
929 for a period of 30 days after posting. A revision may be
930 challenged only on grounds that the revision results in a
931 material change to a rule. A challenge must be made in writing
932 and delivered to the chair of the commission before the end of
933 the notice period. If a challenge is not made, the revision
934 takes effect without further action. If a revision is
935 challenged, the revision may not take effect without the
936 approval of the commission.

937
938 ARTICLE XII

939 OVERSIGHT; DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION;
940 DISPUTE RESOLUTION; AND ENFORCEMENT

941 (1) OVERSIGHT.—

942 (a) The executive, legislative, and judicial branches of
943 state government in each member state shall enforce the compact
944 and take all actions necessary and appropriate to effectuate the
945 compact's purposes and intent. The compact and the rules adopted
946 thereunder have standing as statutory law.

947 (b) All courts shall take judicial notice of the compact
948 and the rules in any judicial or administrative proceeding in a
949 member state pertaining to the subject matter of the compact
950 which may affect the powers, responsibilities, or actions of the
951 commission.

952 (c) The commission is entitled to receive service of
953 process in any judicial or administrative proceeding specified
954 in paragraph (b) and has standing to intervene in such a
955 proceeding for all purposes. Failure to provide service of



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956 process to the commission renders a judgment or an order void as
957 to the commission, the compact, or adopted rules.

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

959 (a) If the commission determines that a member state has
960 defaulted in the performance of its obligations or
961 responsibilities under the compact or adopted rules, the
962 commission must:

963 1. Provide written notice to the defaulting state and other
964 member states of the nature of the default, the proposed means
965 of curing the default, and any other action to be taken by the
966 commission; and

967 2. Provide remedial training and specific technical
968 assistance regarding the default.

969 (b) If a state in default fails to cure the default, the
970 defaulting state may be terminated from the compact upon an
971 affirmative vote of a majority of the member states, and all
972 rights, privileges, and benefits conferred by the compact are
973 terminated on the effective date of termination. A cure of the
974 default does not relieve the offending state of obligations or
975 liabilities incurred during the period of default.

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

982 (d) A member state that has been terminated is responsible
983 for all assessments, obligations, and liabilities incurred
984 through the effective date of termination, including obligations



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985 that extend beyond the effective date of termination.

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

990 (f) The defaulting member state may appeal the action of
991 the commission by petitioning the United States District Court
992 for the District of Columbia or the federal district where the
993 commission has its principal offices. The prevailing party must
994 be awarded all costs of such litigation, including reasonable
995 attorney fees.

996 (3) DISPUTE RESOLUTION.—

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

1000 (b) The commission shall adopt rules providing for both
1001 mediation and binding dispute resolution for disputes as
1002 appropriate.

1003 (4) ENFORCEMENT.—

1004 (a) The commission, in the reasonable exercise of its
1005 discretion, shall enforce the provisions and rules of the
1006 compact.

1007 (b) By majority vote, the commission may initiate legal
1008 action in the United States District Court for the District of
1009 Columbia or the federal district where the commission has its
1010 principal offices against a member state in default to enforce
1011 compliance with the compact and its adopted rules and bylaws.
1012 The relief sought may include both injunctive relief and
1013 damages. If judicial enforcement is necessary, the prevailing



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1014 party must be awarded all costs of such litigation, including
1015 reasonable attorney fees.

1016 (c) The remedies under this article are not the exclusive
1017 remedies to the commission. The commission may pursue any other
1018 remedies available under federal or state law.

1019
1020 ARTICLE XIII
1021 DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND
1022 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

1023 (1) The compact becomes effective on the date on which the
1024 compact is enacted into law in the 10th member state. The
1025 provisions that become effective at that time are limited to the
1026 powers granted to the commission relating to assembly and the
1027 adoption of rules. Thereafter, the commission shall meet and
1028 exercise rulemaking powers necessary for implementation and
1029 administration of the compact.

1030 (2) Any state that joins the compact subsequent to the
1031 commission's initial adoption of the rules is subject to the
1032 rules as they exist on the date on which the compact becomes law
1033 in that state. Any rule that has been previously adopted by the
1034 commission has the full force and effect of law on the day the
1035 compact becomes law in that state.

1036 (3) Any member state may withdraw from the compact by
1037 enacting a statute repealing the compact.

1038 (a) A member state's withdrawal does not take effect until
1039 6 months after enactment of the repealing statute.

1040 (b) Withdrawal does not affect the continuing requirement
1041 of the withdrawing state's professional counseling licensing
1042 board to comply with the investigative and adverse action



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1043 reporting requirements of the compact before the effective date
1044 of withdrawal.

1045 (4) The compact may not be construed to invalidate or
1046 prevent any professional counseling licensure agreement or other
1047 cooperative arrangement between a member state and a nonmember
1048 state which does not conflict with the compact.

1049 (5) The compact may be amended by the member states. An
1050 amendment to the compact is not effective and binding upon any
1051 member state until it is enacted into the laws of all member
1052 states.

1053 ARTICLE XIV

1054 BINDING EFFECT OF COMPACT AND OTHER LAWS

1055 (1) A licensee providing professional counseling services
1056 in a remote state under the privilege to practice shall adhere
1057 to the laws and regulations, including scope of practice, of the
1058 remote state.

1059 (2) The compact does not prevent the enforcement of any
1060 other law of a member state which is not inconsistent with the
1061 compact.

1062 (3) Any laws in a member state which conflict with the
1063 compact are superseded to the extent of the conflict.

1064 (4) Any lawful actions of the commission, including all
1065 rules and bylaws properly adopted by the commission, are binding
1066 on the member states.

1067 (5) All permissible agreements between the commission and
1068 the member states are binding in accordance with their terms.

1069 (6) If any provision of the compact exceeds the
1070 constitutional limits imposed on the legislature of any member
1071 state, the provision shall be ineffective to the extent of the



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1072 conflict with the constitutional provision in question in that
1073 member state.

1074

1075 ARTICLE XV

1076 CONSTRUCTION AND SEVERABILITY

1077 The compact must be liberally construed so as to effectuate
1078 the purposes thereof. The provisions of the compact are
1079 severable, and if any phrase, clause, sentence, or provision of
1080 the compact is declared to be contrary to the constitution of
1081 any member state or of the United States or the applicability
1082 thereof to any government, agency, person, or circumstance is
1083 held invalid, the validity of the remainder of the compact and
1084 the applicability thereof to any government, agency, person, or
1085 circumstance is not affected thereby. If the compact is held
1086 contrary to the constitution of any member state, the compact
1087 remains in full force and effect as to the remaining member
1088 states and in full force and effect as to the member state
1089 affected as to all severable matters.

1090 Section 2. Subsection (10) of section 456.073, Florida
1091 Statutes, is amended to read:

1092 456.073 Disciplinary proceedings.—Disciplinary proceedings
1093 for each board shall be within the jurisdiction of the
1094 department.

1095 (10) The complaint and all information obtained pursuant to
1096 the investigation by the department are confidential and exempt
1097 from s. 119.07(1) until 10 days after probable cause has been
1098 found to exist by the probable cause panel or by the department,
1099 or until the regulated professional or subject of the
1100 investigation waives his or her privilege of confidentiality,



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1101 whichever occurs first. The department shall report any
1102 significant investigation information relating to a nurse
1103 holding a multistate license to the coordinated licensure
1104 information system pursuant to s. 464.0095, and any significant
1105 investigatory information relating to a health care practitioner
1106 practicing under the Professional Counselors Licensure Compact
1107 to the data system pursuant to s. 491.017 instead of this
1108 subsection. Upon completion of the investigation and a
1109 recommendation by the department to find probable cause, and
1110 pursuant to a written request by the subject or the subject's
1111 attorney, the department shall provide the subject an
1112 opportunity to inspect the investigative file or, at the
1113 subject's expense, forward to the subject a copy of the
1114 investigative file. Notwithstanding s. 456.057, the subject may
1115 inspect or receive a copy of any expert witness report or
1116 patient record connected with the investigation if the subject
1117 agrees in writing to maintain the confidentiality of any
1118 information received under this subsection until 10 days after
1119 probable cause is found and to maintain the confidentiality of
1120 patient records pursuant to s. 456.057. The subject may file a
1121 written response to the information contained in the
1122 investigative file. Such response must be filed within 20 days
1123 of mailing by the department, unless an extension of time has
1124 been granted by the department. This subsection does not
1125 prohibit the department from providing such information to any
1126 law enforcement agency or to any other regulatory agency.

1127 Section 3. Subsection (5) of section 456.076, Florida
1128 Statutes, is amended to read:

1129 456.076 Impaired practitioner programs.—



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1130 (5) A consultant shall enter into a participant contract
1131 with an impaired practitioner and shall establish the terms of
1132 monitoring and shall include the terms in a participant
1133 contract. In establishing the terms of monitoring, the
1134 consultant may consider the recommendations of one or more
1135 approved evaluators, treatment programs, or treatment providers.
1136 A consultant may modify the terms of monitoring if the
1137 consultant concludes, through the course of monitoring, that
1138 extended, additional, or amended terms of monitoring are
1139 required for the protection of the health, safety, and welfare
1140 of the public. If the impaired practitioner is a health care
1141 practitioner practicing under the Professional Counselors
1142 Licensure Compact pursuant to s. 491.017, the terms of the
1143 monitoring contract must include the impaired practitioner's
1144 withdrawal from all practice under the compact in this state.

1145 Section 4. Effective July 1, 2022, subsections (14), (15),
1146 and (16) of section 491.003, Florida Statutes, are amended to
1147 read:

1148 491.003 Definitions.—As used in this chapter:

1149 (14) "Registered associate clinical social worker ~~intern~~"
1150 means a person registered under this chapter who is completing
1151 the postgraduate clinical social work experience requirement
1152 specified in s. 491.005(1)(c).

1153 (15) "Registered associate marriage and family therapist
1154 ~~intern~~" means a person registered under this chapter who is
1155 completing the post-master's clinical experience requirement
1156 specified in s. 491.005(3)(c).

1157 (16) "Registered associate mental health counselor ~~intern~~"
1158 means a person registered under this chapter who is completing



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1159 the post-master's clinical experience requirement specified in
1160 s. 491.005(4)(c).

1161 Section 5. Subsection (8) is added to section 491.004,
1162 Florida Statutes, to read:

1163 491.004 Board of Clinical Social Work, Marriage and Family
1164 Therapy, and Mental Health Counseling.—

1165 (8) The board shall appoint an individual to serve as the
1166 state's delegate on the Counseling Compact Commission, as
1167 required under s. 491.017.

1168 Section 6. Effective upon this act becoming a law,
1169 subsection (6) of section 491.0045, Florida Statutes, is amended
1170 to read:

1171 491.0045 Intern registration; requirements.—

1172 (6) A registration issued on or before March 31, 2017,
1173 expires March 31, 2022, and may not be renewed or reissued. Any
1174 registration issued after March 31, 2017, expires 60 months
1175 after the date it is issued. The board may make a one-time
1176 exception to the requirements of this subsection in emergency or
1177 hardship cases, as defined by board rule, ~~if the candidate has~~
1178 ~~passed the theory and practice examination described in s.~~
1179 ~~491.005(1)(d), (3)(d), and (4)(d).~~

1180 Section 7. Subsection (6) is added to section 491.005,
1181 Florida Statutes, to read:

1182 491.005 Licensure by examination.—

1183 (6) EXEMPTION.—A person licensed as a mental health
1184 counselor in another state who is practicing under the
1185 Professional Counselors Licensure Compact pursuant to s.
1186 491.017, and only within the scope provided therein, is exempt
1187 from the licensure requirements of this section, as applicable.



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1188 Section 8. Subsection (3) is added to section 491.006,
1189 Florida Statutes, to read:

1190 491.006 Licensure or certification by endorsement.—

1191 (3) A person licensed as a mental health counselor in
1192 another state who is practicing under the Professional
1193 Counselors Licensure Compact pursuant to s. 491.017, and only
1194 within the scope provided therein, is exempt from the licensure
1195 requirements of this section, as applicable.

1196 Section 9. Section 491.009, Florida Statutes, is amended to
1197 read:

1198 491.009 Discipline.—

1199 (1) The following acts constitute grounds for denial of a
1200 license or disciplinary action, as specified in s. 456.072(2) or
1201 s. 491.017:

1202 (a) Attempting to obtain, obtaining, or renewing a license,
1203 registration, or certificate under this chapter by bribery or
1204 fraudulent misrepresentation or through an error of the board or
1205 the department.

1206 (b) Having a license, registration, or certificate to
1207 practice a comparable profession revoked, suspended, or
1208 otherwise acted against, including the denial of certification
1209 or licensure by another state, territory, or country.

1210 (c) Being convicted or found guilty of, regardless of
1211 adjudication, or having entered a plea of nolo contendere to, a
1212 crime in any jurisdiction which directly relates to the practice
1213 of his or her profession or the ability to practice his or her
1214 profession. However, in the case of a plea of nolo contendere,
1215 the board shall allow the person who is the subject of the
1216 disciplinary proceeding to present evidence in mitigation



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1217 relevant to the underlying charges and circumstances surrounding
1218 the plea.

1219 (d) False, deceptive, or misleading advertising or
1220 obtaining a fee or other thing of value on the representation
1221 that beneficial results from any treatment will be guaranteed.

1222 (e) Advertising, practicing, or attempting to practice
1223 under a name other than one's own.

1224 (f) Maintaining a professional association with any person
1225 who the applicant, licensee, registered intern, or
1226 certificateholder knows, or has reason to believe, is in
1227 violation of this chapter or of a rule of the department or the
1228 board.

1229 (g) Knowingly aiding, assisting, procuring, or advising any
1230 nonlicensed, nonregistered, or noncertified person to hold
1231 himself or herself out as licensed, registered, or certified
1232 under this chapter.

1233 (h) Failing to perform any statutory or legal obligation
1234 placed upon a person licensed, registered, or certified under
1235 this chapter.

1236 (i) Willfully making or filing a false report or record;
1237 failing to file a report or record required by state or federal
1238 law; willfully impeding or obstructing the filing of a report or
1239 record; or inducing another person to make or file a false
1240 report or record or to impede or obstruct the filing of a report
1241 or record. Such report or record includes only a report or
1242 record which requires the signature of a person licensed,
1243 registered, or certified under this chapter.

1244 (j) Paying a kickback, rebate, bonus, or other remuneration
1245 for receiving a patient or client, or receiving a kickback,



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1246 rebate, bonus, or other remuneration for referring a patient or
1247 client to another provider of mental health care services or to
1248 a provider of health care services or goods; referring a patient
1249 or client to oneself for services on a fee-paid basis when those
1250 services are already being paid for by some other public or
1251 private entity; or entering into a reciprocal referral
1252 agreement.

1253 (k) Committing any act upon a patient or client which would
1254 constitute sexual battery or which would constitute sexual
1255 misconduct as defined pursuant to s. 491.0111.

1256 (l) Making misleading, deceptive, untrue, or fraudulent
1257 representations in the practice of any profession licensed,
1258 registered, or certified under this chapter.

1259 (m) Soliciting patients or clients personally, or through
1260 an agent, through the use of fraud, intimidation, undue
1261 influence, or a form of overreaching or vexatious conduct.

1262 (n) Failing to make available to a patient or client, upon
1263 written request, copies of tests, reports, or documents in the
1264 possession or under the control of the licensee, registered
1265 intern, or certificateholder which have been prepared for and
1266 paid for by the patient or client.

1267 (o) Failing to respond within 30 days to a written
1268 communication from the department or the board concerning any
1269 investigation by the department or the board, or failing to make
1270 available any relevant records with respect to any investigation
1271 about the licensee's, registered intern's, or
1272 certificateholder's conduct or background.

1273 (p) Being unable to practice the profession for which he or
1274 she is licensed, registered, or certified under this chapter



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1275 with reasonable skill or competence as a result of any mental or
1276 physical condition or by reason of illness; drunkenness; or
1277 excessive use of drugs, narcotics, chemicals, or any other
1278 substance. In enforcing this paragraph, upon a finding by the
1279 State Surgeon General, the State Surgeon General's designee, or
1280 the board that probable cause exists to believe that the
1281 licensee, registered intern, or certificateholder is unable to
1282 practice the profession because of the reasons stated in this
1283 paragraph, the department shall have the authority to compel a
1284 licensee, registered intern, or certificateholder to submit to a
1285 mental or physical examination by psychologists, physicians, or
1286 other licensees under this chapter, designated by the department
1287 or board. If the licensee, registered intern, or
1288 certificateholder refuses to comply with such order, the
1289 department's order directing the examination may be enforced by
1290 filing a petition for enforcement in the circuit court in the
1291 circuit in which the licensee, registered intern, or
1292 certificateholder resides or does business. The licensee,
1293 registered intern, or certificateholder against whom the
1294 petition is filed may ~~shall~~ not be named or identified by
1295 initials in any public court records or documents, and the
1296 proceedings shall be closed to the public. The department shall
1297 be entitled to the summary procedure provided in s. 51.011. A
1298 licensee, registered intern, or certificateholder affected under
1299 this paragraph shall at reasonable intervals be afforded an
1300 opportunity to demonstrate that he or she can resume the
1301 competent practice for which he or she is licensed, registered,
1302 or certified with reasonable skill and safety to patients.

1303 (q) Performing any treatment or prescribing any therapy



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1304 which, by the prevailing standards of the mental health
1305 professions in the community, would constitute experimentation
1306 on human subjects, without first obtaining full, informed, and
1307 written consent.

1308 (r) Failing to meet the minimum standards of performance in
1309 professional activities when measured against generally
1310 prevailing peer performance, including the undertaking of
1311 activities for which the licensee, registered intern, or
1312 certificateholder is not qualified by training or experience.

1313 (s) Delegating professional responsibilities to a person
1314 whom the licensee, registered intern, or certificateholder knows
1315 or has reason to know is not qualified by training or experience
1316 to perform such responsibilities.

1317 (t) Violating a rule relating to the regulation of the
1318 profession or a lawful order of the department or the board
1319 previously entered in a disciplinary hearing.

1320 (u) Failure of the licensee, registered intern, or
1321 certificateholder to maintain in confidence a communication made
1322 by a patient or client in the context of such services, except
1323 as provided in s. 491.0147.

1324 (v) Making public statements which are derived from test
1325 data, client contacts, or behavioral research and which identify
1326 or damage research subjects or clients.

1327 (w) Violating any provision of this chapter or chapter 456,
1328 or any rules adopted pursuant thereto.

1329 (2) (a) The board or, in the case of certified master social
1330 workers, the department may enter an order denying licensure or
1331 imposing any of the penalties authorized in s. 456.072(2)
1332 against any applicant for licensure or any licensee who violates



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1333 subsection (1) or s. 456.072(1).

1334 (b) The board may take adverse action against a mental
1335 health counselor's privilege to practice under the Professional
1336 Counselors Licensure Compact pursuant to s. 491.017 and may
1337 impose any of the penalties in s. 456.072(2) if the mental
1338 health counselor commits an act specified in subsection (1) or
1339 s. 456.072(1).

1340 Section 10. Paragraph (h) is added to subsection (10) of
1341 section 768.28, Florida Statutes, to read:

1342 768.28 Waiver of sovereign immunity in tort actions;
1343 recovery limits; civil liability for damages caused during a
1344 riot; limitation on attorney fees; statute of limitations;
1345 exclusions; indemnification; risk management programs.—

1346 (10)

1347 (h) For purposes of this section, the individual appointed
1348 under s. 491.004(8) as the state's delegate on the Counseling
1349 Compact Commission, when serving in that capacity pursuant to s.
1350 491.017, and any administrator, officer, executive director,
1351 employee, or representative of the commission, when acting
1352 within the scope of his or her employment, duties, or
1353 responsibilities in this state, is considered an agent of the
1354 state. The commission shall pay any claims or judgments pursuant
1355 to this section and may maintain insurance coverage to pay any
1356 such claims or judgments.

1357 Section 11. The Department of Health shall notify the
1358 Division of Law Revision upon enactment of the Professional
1359 Counselors Licensure Compact into law by 10 states.

1360 Section 12. Effective July 1, 2022, section 491.0045,
1361 Florida Statutes, as amended by this act, is amended to read:



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1362 491.0045 Associate Intern registration; requirements.-
1363 (1) An individual who has not satisfied the postgraduate or
1364 post-master's level experience requirements, as specified in s.
1365 491.005(1)(c), (3)(c), or (4)(c), must register as an associate
1366 ~~intern~~ in the profession for which he or she is seeking
1367 licensure before commencing the post-master's experience
1368 requirement or an individual who intends to satisfy part of the
1369 required graduate-level practicum, associateship internship, or
1370 field experience, outside the academic arena for any profession,
1371 and must register as an associate intern in the profession for
1372 which he or she is seeking licensure before commencing the
1373 practicum, associateship internship, or field experience.
1374 (2) The department shall register as an associate a
1375 clinical social worker intern, associate marriage and family
1376 therapist intern, or associate mental health counselor intern
1377 each applicant who the board certifies has:
1378 (a) Completed the application form and remitted a
1379 nonrefundable application fee not to exceed \$200, as set by
1380 board rule;
1381 (b)1. Completed the education requirements as specified in
1382 s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which
1383 he or she is applying for licensure, if needed; and
1384 2. Submitted an acceptable supervision plan, as determined
1385 by the board, for meeting the practicum, associateship
1386 internship, or field work required for licensure that was not
1387 satisfied in his or her graduate program.
1388 (c) Identified a qualified supervisor.
1389 (3) An individual registered under this section must remain
1390 under supervision while practicing under registered associate



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1391 ~~intern~~ status.

1392 (4) An individual who fails to comply with this section may
1393 not be granted a license under this chapter, and any time spent
1394 by the individual completing the experience requirement as
1395 specified in s. 491.005(1)(c), (3)(c), or (4)(c) before
1396 registering as an associate ~~intern~~ does not count toward
1397 completion of the requirement.

1398 (5) An associate ~~intern~~ registration is valid for 5 years.

1399 (6) A registration issued on or before March 31, 2017,
1400 expires March 31, 2022, and may not be renewed or reissued. Any
1401 registration issued after March 31, 2017, expires 60 months
1402 after the date it is issued. The board may make a one-time
1403 exception to the requirements of this subsection in emergency or
1404 hardship cases, as defined by board rule.

1405 (7) An individual who has held a provisional license issued
1406 by the board may not apply for an associate ~~intern~~ registration
1407 in the same profession.

1408 Section 13. Effective July 1, 2022, paragraph (c) of
1409 subsection (1), paragraph (c) of subsection (3), and paragraphs
1410 (b) and (c) of subsection (4) of section 491.005, Florida
1411 Statutes, are amended to read:

1412 491.005 Licensure by examination.—

1413 (1) CLINICAL SOCIAL WORK.—Upon verification of
1414 documentation and payment of a fee not to exceed \$200, as set by
1415 board rule, plus the actual per applicant cost to the department
1416 for purchase of the examination from the American Association of
1417 State Social Worker's Boards or a similar national organization,
1418 the department shall issue a license as a clinical social worker
1419 to an applicant who the board certifies:



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1420 (c) Has had at least 2 years of clinical social work
1421 experience, which took place subsequent to completion of a
1422 graduate degree in social work at an institution meeting the
1423 accreditation requirements of this section, under the
1424 supervision of a licensed clinical social worker or the
1425 equivalent who is a qualified supervisor as determined by the
1426 board. An individual who intends to practice in Florida to
1427 satisfy clinical experience requirements must register pursuant
1428 to s. 491.0045 before commencing practice. If the applicant's
1429 graduate program was not a program which emphasized direct
1430 clinical patient or client health care services as described in
1431 subparagraph (b)2., the supervised experience requirement must
1432 take place after the applicant has completed a minimum of 15
1433 semester hours or 22 quarter hours of the coursework required. A
1434 doctoral associateship ~~internship~~ may be applied toward the
1435 clinical social work experience requirement. A licensed mental
1436 health professional must be on the premises when clinical
1437 services are provided by a registered associate ~~intern~~ in a
1438 private practice setting.

1439 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
1440 documentation and payment of a fee not to exceed \$200, as set by
1441 board rule, plus the actual cost of the purchase of the
1442 examination from the Association of Marital and Family Therapy
1443 Regulatory Board, or similar national organization, the
1444 department shall issue a license as a marriage and family
1445 therapist to an applicant who the board certifies:

1446 (c) Has had at least 2 years of clinical experience during
1447 which 50 percent of the applicant's clients were receiving
1448 marriage and family therapy services, which must be at the post-



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1449 master's level under the supervision of a licensed marriage and
1450 family therapist with at least 5 years of experience, or the
1451 equivalent, who is a qualified supervisor as determined by the
1452 board. An individual who intends to practice in Florida to
1453 satisfy the clinical experience requirements must register
1454 pursuant to s. 491.0045 before commencing practice. If a
1455 graduate has a master's degree with a major emphasis in marriage
1456 and family therapy or a closely related field which did not
1457 include all of the coursework required by paragraph (b), credit
1458 for the post-master's level clinical experience may not commence
1459 until the applicant has completed a minimum of 10 of the courses
1460 required by paragraph (b), as determined by the board, and at
1461 least 6 semester hours or 9 quarter hours of the course credits
1462 must have been completed in the area of marriage and family
1463 systems, theories, or techniques. Within the 2 years of required
1464 experience, the applicant shall provide direct individual,
1465 group, or family therapy and counseling to cases including those
1466 involving unmarried dyads, married couples, separating and
1467 divorcing couples, and family groups that include children. A
1468 doctoral associateship ~~internship~~ may be applied toward the
1469 clinical experience requirement. A licensed mental health
1470 professional must be on the premises when clinical services are
1471 provided by a registered associate ~~intern~~ in a private practice
1472 setting.

1473
1474 For the purposes of dual licensure, the department shall license
1475 as a marriage and family therapist any person who meets the
1476 requirements of s. 491.0057. Fees for dual licensure may not
1477 exceed those stated in this subsection.



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1478 (4) MENTAL HEALTH COUNSELING.—Upon verification of
1479 documentation and payment of a fee not to exceed \$200, as set by
1480 board rule, plus the actual per applicant cost of purchase of
1481 the examination from the National Board for Certified Counselors
1482 or its successor organization, the department shall issue a
1483 license as a mental health counselor to an applicant who the
1484 board certifies:

1485 (b)1. Has a minimum of an earned master's degree from a
1486 mental health counseling program accredited by the Council for
1487 the Accreditation of Counseling and Related Educational Programs
1488 which consists of at least 60 semester hours or 80 quarter hours
1489 of clinical and didactic instruction, including a course in
1490 human sexuality and a course in substance abuse. If the master's
1491 degree is earned from a program related to the practice of
1492 mental health counseling which is not accredited by the Council
1493 for the Accreditation of Counseling and Related Educational
1494 Programs, then the coursework and practicum, associateship
1495 ~~internship~~, or fieldwork must consist of at least 60 semester
1496 hours or 80 quarter hours and meet all of the following
1497 requirements:

1498 a. Thirty-three semester hours or 44 quarter hours of
1499 graduate coursework, which must include a minimum of 3 semester
1500 hours or 4 quarter hours of graduate-level coursework in each of
1501 the following 11 content areas: counseling theories and
1502 practice; human growth and development; diagnosis and treatment
1503 of psychopathology; human sexuality; group theories and
1504 practice; individual evaluation and assessment; career and
1505 lifestyle assessment; research and program evaluation; social
1506 and cultural foundations; substance abuse; and legal, ethical,



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1507 and professional standards issues in the practice of mental
1508 health counseling. Courses in research, thesis or dissertation
1509 work, practicums, associateships ~~internships~~, or fieldwork may
1510 not be applied toward this requirement.

1511 b. A minimum of 3 semester hours or 4 quarter hours of
1512 graduate-level coursework addressing diagnostic processes,
1513 including differential diagnosis and the use of the current
1514 diagnostic tools, such as the current edition of the American
1515 Psychiatric Association's Diagnostic and Statistical Manual of
1516 Mental Disorders. The graduate program must have emphasized the
1517 common core curricular experience.

1518 c. The equivalent, as determined by the board, of at least
1519 700 hours of university-sponsored supervised clinical practicum,
1520 associateship ~~internship~~, or field experience that includes at
1521 least 280 hours of direct client services, as required in the
1522 accrediting standards of the Council for Accreditation of
1523 Counseling and Related Educational Programs for mental health
1524 counseling programs. This experience may not be used to satisfy
1525 the post-master's clinical experience requirement.

1526 2. Has provided additional documentation if a course title
1527 that appears on the applicant's transcript does not clearly
1528 identify the content of the coursework. The documentation must
1529 include, but is not limited to, a syllabus or catalog
1530 description published for the course.

1531
1532 Education and training in mental health counseling must have
1533 been received in an institution of higher education that, at the
1534 time the applicant graduated, was fully accredited by a regional
1535 accrediting body recognized by the Council for Higher Education



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1536 Accreditation or its successor organization or publicly
1537 recognized as a member in good standing with the Association of
1538 Universities and Colleges of Canada, or an institution of higher
1539 education located outside the United States and Canada which, at
1540 the time the applicant was enrolled and at the time the
1541 applicant graduated, maintained a standard of training
1542 substantially equivalent to the standards of training of those
1543 institutions in the United States which are accredited by a
1544 regional accrediting body recognized by the Council for Higher
1545 Education Accreditation or its successor organization. Such
1546 foreign education and training must have been received in an
1547 institution or program of higher education officially recognized
1548 by the government of the country in which it is located as an
1549 institution or program to train students to practice as mental
1550 health counselors. The applicant has the burden of establishing
1551 that the requirements of this provision have been met, and the
1552 board shall require documentation, such as an evaluation by a
1553 foreign equivalency determination service, as evidence that the
1554 applicant's graduate degree program and education were
1555 equivalent to an accredited program in this country. Beginning
1556 July 1, 2025, an applicant must have a master's degree from a
1557 program that is accredited by the Council for Accreditation of
1558 Counseling and Related Educational Programs which consists of at
1559 least 60 semester hours or 80 quarter hours to apply for
1560 licensure under this paragraph.

1561 (c) Has had at least 2 years of clinical experience in
1562 mental health counseling, which must be at the post-master's
1563 level under the supervision of a licensed mental health
1564 counselor or the equivalent who is a qualified supervisor as



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1565 determined by the board. An individual who intends to practice
1566 in Florida to satisfy the clinical experience requirements must
1567 register pursuant to s. 491.0045 before commencing practice. If
1568 a graduate has a master's degree with a major related to the
1569 practice of mental health counseling which did not include all
1570 the coursework required under sub-subparagraphs (b)1.a. and b.,
1571 credit for the post-master's level clinical experience may not
1572 commence until the applicant has completed a minimum of seven of
1573 the courses required under sub-subparagraphs (b)1.a. and b., as
1574 determined by the board, one of which must be a course in
1575 psychopathology or abnormal psychology. A doctoral associateship
1576 ~~internship~~ may be applied toward the clinical experience
1577 requirement. A licensed mental health professional must be on
1578 the premises when clinical services are provided by a registered
1579 associate intern in a private practice setting.

1580 Section 14. Effective July 1, 2022, paragraphs (f), (n),
1581 (o), (p), (r), (s), and (u) of subsection (1) of section
1582 491.009, Florida Statutes, are amended to read:

1583 491.009 Discipline.—

1584 (1) The following acts constitute grounds for denial of a
1585 license or disciplinary action, as specified in s. 456.072(2):

1586 (f) Maintaining a professional association with any person
1587 who the applicant, licensee, registered associate intern, or
1588 certificateholder knows, or has reason to believe, is in
1589 violation of this chapter or of a rule of the department or the
1590 board.

1591 (n) Failing to make available to a patient or client, upon
1592 written request, copies of tests, reports, or documents in the
1593 possession or under the control of the licensee, registered



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1594 associate intern, or certificateholder which have been prepared
1595 for and paid for by the patient or client.

1596 (o) Failing to respond within 30 days to a written
1597 communication from the department or the board concerning any
1598 investigation by the department or the board, or failing to make
1599 available any relevant records with respect to any investigation
1600 about the licensee's, registered associate's intern's, or
1601 certificateholder's conduct or background.

1602 (p) Being unable to practice the profession for which he or
1603 she is licensed, registered, or certified under this chapter
1604 with reasonable skill or competence as a result of any mental or
1605 physical condition or by reason of illness; drunkenness; or
1606 excessive use of drugs, narcotics, chemicals, or any other
1607 substance. In enforcing this paragraph, upon a finding by the
1608 State Surgeon General, the State Surgeon General's designee, or
1609 the board that probable cause exists to believe that the
1610 licensee, registered associate intern, or certificateholder is
1611 unable to practice the profession because of the reasons stated
1612 in this paragraph, the department shall have the authority to
1613 compel a licensee, registered associate intern, or
1614 certificateholder to submit to a mental or physical examination
1615 by psychologists, physicians, or other licensees under this
1616 chapter, designated by the department or board. If the licensee,
1617 registered associate intern, or certificateholder refuses to
1618 comply with such order, the department's order directing the
1619 examination may be enforced by filing a petition for enforcement
1620 in the circuit court in the circuit in which the licensee,
1621 registered associate intern, or certificateholder resides or
1622 does business. The licensee, registered associate intern, or



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1623 certificateholder against whom the petition is filed may ~~shall~~
1624 not be named or identified by initials in any public court
1625 records or documents, and the proceedings must ~~shall~~ be closed
1626 to the public. The department is ~~shall be~~ entitled to the
1627 summary procedure provided in s. 51.011. A licensee, registered
1628 associate intern, or certificateholder affected under this
1629 paragraph shall at reasonable intervals be afforded an
1630 opportunity to demonstrate that he or she can resume the
1631 competent practice for which he or she is licensed, registered,
1632 or certified with reasonable skill and safety to patients.

1633 (r) Failing to meet the minimum standards of performance in
1634 professional activities when measured against generally
1635 prevailing peer performance, including the undertaking of
1636 activities for which the licensee, registered associate intern,
1637 or certificateholder is not qualified by training or experience.

1638 (s) Delegating professional responsibilities to a person
1639 whom the licensee, registered associate intern, or
1640 certificateholder knows or has reason to know is not qualified
1641 by training or experience to perform such responsibilities.

1642 (u) Failure of the licensee, registered associate intern,
1643 or certificateholder to maintain in confidence a communication
1644 made by a patient or client in the context of such services,
1645 except as provided in s. 491.0147.

1646 Section 15. Effective July 1, 2022, paragraphs (i), (j),
1647 (k), and (l) of subsection (1) of section 491.012, Florida
1648 Statutes, are amended to read:

1649 491.012 Violations; penalty; injunction.—

1650 (1) It is unlawful and a violation of this chapter for any
1651 person to:



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1652 (i) Practice clinical social work in this state for
1653 compensation, unless the person holds a valid, active license to
1654 practice clinical social work issued pursuant to this chapter or
1655 is an associate ~~intern~~ registered pursuant to s. 491.0045.

1656 (j) Practice marriage and family therapy in this state for
1657 compensation, unless the person holds a valid, active license to
1658 practice marriage and family therapy issued pursuant to this
1659 chapter or is an associate ~~intern~~ registered pursuant to s.
1660 491.0045.

1661 (k) Practice mental health counseling in this state for
1662 compensation, unless the person holds a valid, active license to
1663 practice mental health counseling issued pursuant to this
1664 chapter or is an associate ~~intern~~ registered pursuant to s.
1665 491.0045.

1666 (l) Use the following titles or any combination thereof,
1667 unless he or she holds a valid registration as an associate
1668 ~~intern~~ issued pursuant to this chapter:

1669 1. "Registered associate clinical social worker ~~intern~~."

1670 2. "Registered associate marriage and family therapist
1671 ~~intern~~."

1672 3. "Registered associate mental health counselor ~~intern~~."

1673 Section 16. Effective July 1, 2022, paragraph (c) of
1674 subsection (4) of section 491.014, Florida Statutes, is amended
1675 to read:

1676 491.014 Exemptions.—

1677 (4) No person shall be required to be licensed,
1678 provisionally licensed, registered, or certified under this
1679 chapter who:

1680 (c) Is a student providing services regulated under this



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1681 chapter who is pursuing a course of study which leads to a
1682 degree in a profession regulated by this chapter, is providing
1683 services in a training setting, provided such services and
1684 associated activities constitute part of a supervised course of
1685 study, and is designated by the title "student associate
1686 ~~intern~~."

1687 Section 17. Effective July 1, 2022, subsection (3) of
1688 section 491.0145, Florida Statutes, is amended to read:

1689 491.0145 Certified master social worker.—The department may
1690 certify an applicant for a designation as a certified master
1691 social worker upon the following conditions:

1692 (3) The applicant has had at least 3 years' experience, as
1693 defined by rule, including, but not limited to, clinical
1694 services or administrative activities as defined in subsection
1695 (2), 2 years of which must be at the post-master's level under
1696 the supervision of a person who meets the education and
1697 experience requirements for certification as a certified master
1698 social worker, as defined by rule, or licensure as a clinical
1699 social worker under this chapter. A doctoral associateship
1700 ~~internship~~ may be applied toward the supervision requirement.

1701 Section 18. Effective July 1, 2022, subsection (2) of
1702 section 491.0149, Florida Statutes, is amended to read:

1703 491.0149 Display of license; use of professional title on
1704 promotional materials.—

1705 (2) (a) A person registered under this chapter as an
1706 associate a clinical social worker ~~intern~~, associate marriage
1707 and family therapist ~~intern~~, or associate mental health
1708 counselor ~~intern~~ shall conspicuously display the valid
1709 registration issued by the department or a true copy thereof at



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1710 each location at which the registered associate ~~intern~~ is
1711 completing the experience requirements.

1712 (b) A registered associate clinical social worker ~~intern~~
1713 shall include the words "registered associate clinical social
1714 worker ~~intern~~," a registered associate marriage and family
1715 therapist ~~intern~~ shall include the words "registered associate
1716 marriage and family therapist ~~intern~~," and a registered
1717 associate mental health counselor ~~intern~~ shall include the words
1718 "registered associate mental health counselor ~~intern~~" on all
1719 promotional materials, including cards, brochures, stationery,
1720 advertisements, and signs, naming the registered associate
1721 ~~intern~~.

1722 Section 19. Except as otherwise expressly provided in this
1723 act and except for this section, which shall take effect upon
1724 this act becoming a law, this act shall take effect upon
1725 enactment of the Professional Counselors Licensure Compact into
1726 law by 10 states.