

By the Committees on Appropriations; and Health Policy; and  
Senator Rodriguez

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1                                   A bill to be entitled  
2           An act relating to mental health professionals;  
3           creating s. 491.017, F.S.; creating the Professional  
4           Counselors Licensure Compact; providing purposes and  
5           objectives; defining terms; specifying requirements  
6           for state participation in the compact; specifying  
7           duties of member states; authorizing member states to  
8           charge a fee for granting a privilege to practice  
9           under the compact; specifying that that compact does  
10          not affect an individual's ability to apply for, and a  
11          member state's ability to grant, a single state  
12          license pursuant to the laws of that state; providing  
13          construction; providing for recognition of the  
14          privilege to practice licensed professional counseling  
15          in member states; specifying criteria a licensed  
16          professional counselor must meet for the privilege to  
17          practice under the compact; providing for the  
18          expiration and renewal of the privilege to practice;  
19          providing construction; specifying that a licensee  
20          with a privilege to practice in a remote state must  
21          adhere to the laws and rules of that state;  
22          authorizing member states to act on a licensee's  
23          privilege to practice under certain circumstances;  
24          specifying the consequences and parameters of practice  
25          for a licensee whose privilege to practice has been  
26          acted on or whose home state license is encumbered;  
27          specifying that a licensed professional counselor may  
28          hold a home state license in only one member state at  
29          a time; specifying requirements and procedures for

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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  
57 commission's executive committee; providing for the  
58 financing of the commission; providing commission

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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  
86 compact, or commission rules under certain  
87 circumstances; providing for defaults and termination

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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;  
115 amending s. 491.009, F.S.; authorizing certain  
116 disciplinary action under the compact for specified

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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:

139

140 ARTICLE I

141 PURPOSE

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

144 (1) Facilitate interstate practice of licensed professional  
145 counseling to increase public access to professional counseling

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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.

172  
173 ARTICLE II

174 DEFINITIONS

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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  
202 a preliminary inquiry that includes notification and an  
203 opportunity for the licensed professional counselor to respond,

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



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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.

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

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

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

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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  
347 under the laws of each member state. However, the single state  
348 license granted to these individuals may not be recognized as

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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.

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

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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.

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

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

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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  
463 the licensed professional counselor does not meet the criteria  
464 in article IV, the new home state may apply its own requirements



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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.

492  
493 ARTICLE VII

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COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

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

ARTICLE VIIIADVERSE ACTIONS

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

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

(b) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses or the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence is

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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  
550 state by its respective professional counseling practice act or  
551 other applicable state law, any member state may participate

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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.

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

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

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

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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  
666 compensation for, define duties of, and grant appropriate  
667 authority to such employees and officers to carry out the

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



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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  
724 bylaws.

725 (6) FINANCING OF THE COMMISSION.—

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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.

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

754 (a) The members, officers, executive director, employees,

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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  
782 person had a reasonable basis for believing occurred, within the  
783 scope of commission employment, duties, or responsibilities,

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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  
811 commission.

812 (3) Investigative information pertaining to a licensee in

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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.

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

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

870 (8) The commission shall grant an opportunity for a public

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

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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.  
927 Public notice of any revision must be posted on the website of  
928 the commission. Revisions are subject to challenge by any person



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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 XII939 OVERSIGHT; DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION;940 DISPUTE RESOLUTION; AND ENFORCEMENT941 (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  
956 process to the commission renders a judgment or an order void as  
957 to the commission, the compact, or adopted rules.

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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  
985 that extend beyond the effective date of termination.

986 (e) The commission may not bear any costs related to a

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

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

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

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1102ARTICLE XVCONSTRUCTION AND SEVERABILITY

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

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

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

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. The department shall report any significant investigation information relating to a nurse

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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.—

1130 (5) A consultant shall enter into a participant contract  
1131 with an impaired practitioner and shall establish the terms of

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



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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.

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

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

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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,  
1246 rebate, bonus, or other remuneration for referring a patient or  
1247 client to another provider of mental health care services or to

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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  
1275 with reasonable skill or competence as a result of any mental or  
1276 physical condition or by reason of illness; drunkenness; or

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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  
1304 which, by the prevailing standards of the mental health  
1305 professions in the community, would constitute experimentation

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

1334 (b) The board may take adverse action against a mental

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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:

1362 491.0045 Associate Intern registration; requirements.—

1363 (1) An individual who has not satisfied the postgraduate or

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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  
1391 ~~intern~~ status.

1392 (4) An individual who fails to comply with this section may



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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 ~~intern~~ does not count toward  
1397 completion of the requirement.

1398 (5) An associate intern ~~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 ~~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:

1420 (c) Has had at least 2 years of clinical social work  
1421 experience, which took place subsequent to completion of a

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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-  
1449 master's level under the supervision of a licensed marriage and  
1450 family therapist with at least 5 years of experience, or the

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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.

1478 (4) MENTAL HEALTH COUNSELING.—Upon verification of  
1479 documentation and payment of a fee not to exceed \$200, as set by

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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,  
1507 and professional standards issues in the practice of mental  
1508 health counseling. Courses in research, thesis or dissertation

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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  
1536 Accreditation or its successor organization or publicly  
1537 recognized as a member in good standing with the Association of

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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  
1565 determined by the board. An individual who intends to practice  
1566 in Florida to satisfy the clinical experience requirements must

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

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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  
1623 certificateholder against whom the petition is filed may ~~shall~~  
1624 not be named or identified by initials in any public court



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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:

1652 (i) Practice clinical social work in this state for  
1653 compensation, unless the person holds a valid, active license to

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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  
1681 chapter who is pursuing a course of study which leads to a  
1682 degree in a profession regulated by this chapter, is providing

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

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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.