

By Senator Rouson

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1                                   A bill to be entitled  
2       An act relating to art therapy; providing a short  
3       title; providing legislative findings and intent;  
4       amending s. 491.003, F.S.; defining the term  
5       "professional art therapist"; exempting the first art  
6       therapist appointed to the Board of Clinical Social  
7       Work, Marriage and Family Therapy, and Mental Health  
8       Counseling from paying fees; amending s. 491.004,  
9       F.S.; requiring the appointment of a licensed  
10      practicing professional art therapist to the board;  
11      creating s. 491.019, F.S.; defining terms; requiring  
12      the Department of Health to license professional art  
13      therapists and register art therapist interns if they  
14      meet specified requirements; requiring an art  
15      therapist intern to practice under supervision until  
16      he or she is licensed as a professional art therapist;  
17      providing for licensure by endorsement; requiring the  
18      department to waive licensure requirements for certain  
19      applicants; requiring the board and department to  
20      adopt rules establishing requirements for the annual  
21      renewal of professional art therapist licenses and art  
22      therapist intern registrations; providing continuing  
23      education requirements; providing for inactive  
24      licenses and license reactivation; providing for  
25      license denial and disciplinary action; prohibiting  
26      the practice of professional art therapy for  
27      compensation and the use of certain titles, letters,  
28      abbreviations, and insignia without a valid, active  
29      license or registration; providing criminal penalties;

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30 providing construction; exempting certain persons from  
31 licensure and registration requirements; requiring the  
32 board and the department to adopt rules; providing an  
33 effective date.

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
37 Section 1. This act may be cited as the "Professional Art  
38 Therapist Licensure Act."

39 Section 2. The Legislature finds that understanding the  
40 power of art and art making to stimulate memories and reveal  
41 emotions, and the skill to safely manage and interpret the  
42 reactions different art processes may evoke, are competencies  
43 unique to professionally trained art therapists. The Legislature  
44 further finds that the practice of professional art therapy  
45 presents a danger to public health, safety, and welfare if  
46 applied beyond the competence of a professional art therapist or  
47 if applied by an individual without the appropriate training. It  
48 is the intent of this act to secure the health, safety, and  
49 welfare of the public, and to assist the public in making  
50 informed choices regarding art therapy services, by establishing  
51 minimum qualifications for entry into and continuing the  
52 practice of professional art therapy.

53 Section 3. Present subsections (11) through (18) of section  
54 491.003, Florida Statutes, are redesignated as subsections (12)  
55 through (19), respectively, and a new subsection (11) is added  
56 to that section to read:

57 491.003 Definitions.—As used in this chapter:

58 (11) "Professional art therapist" means a person licensed

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59 under this chapter to practice professional art therapy.

60 Section 4. The first art therapist member appointed to the  
61 Board of Clinical Social Work, Marriage and Family Therapy, and  
62 Mental Health Counseling under s. 491.004, Florida Statutes, as  
63 amended by this act, must meet all qualifications, other than  
64 payment of fees, to obtain a license pursuant to s. 491.019(2),  
65 Florida Statutes.

66 Section 5. Subsections (1), (2), and (3) of section  
67 491.004, Florida Statutes, are amended to read:

68 491.004 Board of Clinical Social Work, Marriage and Family  
69 Therapy, and Mental Health Counseling.—

70 (1) There is created within the department the Board of  
71 Clinical Social Work, Marriage and Family Therapy, and Mental  
72 Health Counseling composed of 10 ~~nine~~ members appointed by the  
73 Governor and confirmed by the Senate.

74 (2) (a) Seven ~~Six~~ members of the board shall be persons  
75 licensed under this chapter as follows:

76 1. Two members shall be licensed practicing clinical social  
77 workers.

78 2. Two members shall be licensed practicing marriage and  
79 family therapists.

80 3. Two members shall be licensed practicing mental health  
81 counselors.

82 4. One member shall be a licensed practicing professional  
83 art therapist.

84 (b) Three members shall be citizens of the state who are  
85 not and have never been licensed in a mental health-related  
86 profession and who are in no way connected with the practice of  
87 any such profession.

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88 (3) ~~No later than January 1, 1988,~~ The Governor shall  
89 appoint 10 ~~nine~~ members of the board as follows:

90 (a) Three members for terms of 2 years each.

91 (b) Three members for terms of 3 years each.

92 (c) Three members for terms of 4 years each.

93 (d) One licensed practicing professional art therapist  
94 member for a term of 4 years.

95 Section 6. Section 491.019, Florida Statutes, is created to  
96 read:

97 491.019 Professional art therapy.-

98 (1) As used in this section, the term:

99 (a) "Art therapist intern" means a person registered under  
100 subsection (3) who is completing the post-master's clinical  
101 experience pursuant to paragraph (2) (c).

102 (b) "Board-certified art therapist" means an individual who  
103 holds a credential in good standing with the Art Therapy  
104 Credentials Board, Inc., or any successor organization.

105 (c) "Licensed professional art therapist" means an  
106 individual who is licensed under this chapter to engage in the  
107 practice of professional art therapy.

108 (d) "Practice of professional art therapy" means the  
109 integrated use of psychotherapeutic principles and methods with  
110 specialized graduate training in art media, the neurobiological  
111 implications of art making, and art-based assessment models in  
112 the assessment, diagnosis, prevention, treatment, and  
113 amelioration of mental, developmental, behavioral, and emotional  
114 disorders and conditions in clients of all ages. The term  
115 includes:

116 1. The use of therapeutic art interventions to facilitate

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117 alternative modes of receptive and expressive communication  
118 which can circumvent the limitations of verbal articulation and  
119 implementation of art-based treatment plans to help clients  
120 improve cognitive, sensory, and motor functions; reduce symptoms  
121 of depression, anxiety, posttraumatic stress, and attachment  
122 disorders; enhance neurological, cognitive, and verbal  
123 abilities; foster self-esteem and self-awareness; cultivate  
124 emotional resilience; reduce and resolve conflicts, distress,  
125 and grief; and enhance educational performance and social  
126 functioning.

127 2. Psychological methods used to evaluate, assess,  
128 diagnose, treat, and prevent emotional and mental disorders or  
129 dysfunctions, including cognitive, affective, and behavioral  
130 disorders, alcoholism, and substance abuse.

131 3. Consultation, client advocacy, crisis intervention,  
132 provision of needed information and education to clients, art-  
133 based treatments that relate to multicultural populations,  
134 program evaluation, and applied research.

135 (2) The department shall issue a professional art therapist  
136 license to an applicant who the board certifies has met all of  
137 the following requirements:

138 (a) Has submitted a completed application.

139 (b) Holds a minimum of a master's degree from an accredited  
140 college or university in:

141 1. An art therapy program that was approved by the American  
142 Art Therapy Association or accredited by the Commission on  
143 Accreditation of Allied Health Education Programs at the time  
144 the degree was conferred; or

145 2. A program that is substantially equivalent to an

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146 approved or accredited program in art therapy, as determined by  
147 board rule.

148 (c) Has completed at least 2 years of clinical experience  
149 in professional art therapy, which must be at the post-master's  
150 level under the supervision of a licensed practicing  
151 professional art therapist, a board-certified art therapist, or  
152 another qualified mental health professional, as determined by  
153 board rule. A doctoral internship may qualify as clinical  
154 experience under this paragraph.

155 (d) Has passed the Art Therapy Credentials Board  
156 Examination offered by the Art Therapy Credentials Board, Inc.,  
157 or an examination offered by any successor organization.

158 (e) Has demonstrated, in a manner designated by board rule,  
159 knowledge of the laws and rules governing the practice of  
160 clinical social work, marriage and family therapy, mental health  
161 counseling, and professional art therapy.

162 (3) (a) If an individual intends to practice art therapy to  
163 satisfy the post-master's clinical experience pursuant to  
164 paragraph (2) (c), he or she must register with the department as  
165 an art therapist intern before beginning such practice.

166 (b) The department shall register an applicant as an art  
167 therapist intern after the board certifies that he or she has  
168 met all of the following requirements:

169 1. Has submitted a completed application.

170 2. Has completed the education requirements specified in  
171 paragraph (2) (b).

172 3. Has submitted an acceptable supervision plan, as  
173 determined by board rule.

174 4. Has identified a qualified supervisor, as determined by

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175 board rule.

176 (c) An individual registered as an art therapist intern  
177 under this subsection must practice under supervision until he  
178 or she is licensed as a professional art therapist.

179 (4) (a) The department shall issue a license by endorsement  
180 to an applicant who the board certifies has met all of the  
181 following requirements:

182 1. Has submitted a completed application.

183 2. Holds a professional art therapist license in good  
184 standing, or its equivalent, issued by another state or  
185 jurisdiction, if the qualifications for licensure in such other  
186 state or jurisdiction are equal to or greater than those  
187 specified in subsection (2).

188 3. Has demonstrated, in a manner designated by board rule,  
189 knowledge of the laws and rules governing the practice of  
190 clinical social work, marriage and family therapy, mental health  
191 counseling, and professional art therapy.

192 4. Has actively engaged in the practice of professional art  
193 therapy in such other state or jurisdiction for 3 of the 5 years  
194 immediately preceding his or her application for licensure by  
195 endorsement under this subsection.

196 5. Is not under investigation for, and has not been found  
197 guilty of, any act that would constitute a violation of this  
198 chapter.

199 (b) The department shall waive the requirements of  
200 subsection (2) and issue a professional art therapist license to  
201 an applicant who, before July 1, 2024, submits a completed  
202 application and demonstrates to the board that he or she has met  
203 all of the following requirements:

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204       1. Has passed the Art Therapy Credentials Board Examination  
205 offered by the Art Therapy Credentials Board, Inc., or an  
206 examination offered by any successor organization.

207       2. Has engaged in the practice of professional art therapy  
208 for at least 5 years, which may include up to 1 year of practice  
209 under supervision, as determined by board rule.

210       3. Has completed appropriate training, as determined by  
211 board rule, in the assessment, diagnosis, treatment, or  
212 resolution of mental, behavioral, and emotional disorders and  
213 dysfunctions as part of the approved course of study for his or  
214 her master's or doctoral degree or following completion of such  
215 degree.

216       4. Has demonstrated, in a manner designated by board rule,  
217 knowledge of the laws and rules governing the practice of  
218 clinical social work, marriage and family therapy, mental health  
219 counseling, and professional art therapy.

220       5. Is not under investigation for, and has not been found  
221 guilty of, any act that would constitute a violation of this  
222 chapter.

223       (5) (a) The board or department shall adopt rules  
224 establishing requirements for the annual renewal of professional  
225 art therapist licenses.

226       (b)1. An applicant for license renewal shall present  
227 satisfactory evidence that, in the period since the license was  
228 issued, the applicant has completed continuing education  
229 requirements, as determined by board or department rule.

230       2. The board or department shall require continuing  
231 education, which must include, at a minimum, the continuing  
232 education requirements for maintaining national board



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233 certification in good standing with the Art Therapy Credentials  
234 Board, Inc., or any successor organization. The board or  
235 department may not require more than 100 hours of continuing  
236 education in a 5-year period.

237 (c) Continuing education providers, programs, and courses,  
238 and laws and rules governing such providers, programs, and  
239 courses, must be approved by the board or department as  
240 specified in s. 491.0085.

241 (d) The board or department shall adopt rules establishing  
242 requirements for the annual renewal of art therapist intern  
243 registrations.

244 (6) (a) Inactive status is the licensure status that results  
245 when a licensee has applied to the department to be placed on  
246 inactive status.

247 (b) An inactive license may be renewed annually.

248 (c) An inactive license may be reactivated by submitting a  
249 completed application to the department.

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

252 1. Committing any act specified in s. 491.009(1).

253 2. Committing an act upon a client which would constitute  
254 sexual battery or which would constitute sexual misconduct as  
255 defined by rule pursuant to s. 491.0111.

256 3. Disclosing confidential information, including, but not  
257 limited to, records, artwork, verbal or artistic expression, or  
258 assessment interpretations developed within the client-therapist  
259 relationship without the client's explicit consent, except as  
260 mandated by law or court order.

261 (b) The department may enter an order denying licensure or

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262 imposing any of the penalties in s. 456.072(2) against any  
263 applicant for licensure, licensee, or registered intern who is  
264 found guilty of violating paragraph (a) or s. 456.072(1).

265 (8) (a) A person may not:

266 1. Practice professional art therapy for compensation  
267 unless the person holds a valid, active license issued pursuant  
268 to subsection (2) or subsection (4) or is a registered art  
269 therapist intern pursuant to subsection (3).

270 2. Use the title "licensed professional art therapist,"  
271 "professional art therapist," or "licensed art therapist," or  
272 use any letters, abbreviations, or insignia to represent himself  
273 or herself as licensed to practice professional art therapy,  
274 unless he or she holds a valid, active license issued pursuant  
275 to subsection (2) or subsection (4) or is a registered art  
276 therapist intern pursuant to subsection (3).

277 3. Use the title "registered art therapist intern,"  
278 "registered art therapist," or "art therapist intern," or use  
279 any letters, abbreviations, or insignia to represent himself or  
280 herself as a registered art therapist intern, unless he or she  
281 holds a valid, active registration issued pursuant to subsection  
282 (3).

283 4. Present as his or her own the professional art therapist  
284 license or art therapist intern registration of another.

285 5. Give false or forged evidence to the department or the  
286 board, or a member thereof, for the purpose of obtaining a  
287 license or registration.

288 6. Use or attempt to use a license or registration issued  
289 pursuant to this section which has been revoked or suspended.

290 7. Knowingly conceal information relative to violations of

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291 this section.

292 (b) A person who violates paragraph (a) commits a  
293 misdemeanor of the first degree, punishable as provided in s.  
294 775.082 or s. 775.083.

295 (c) The department may institute appropriate judicial  
296 proceedings to enjoin violations of this subsection.

297 (9) This section does not restrict the activities or  
298 practice of an individual licensed or certified under this  
299 chapter or any other law of this state from engaging in the  
300 profession or practice for which he or she is licensed or  
301 certified if he or she is providing services that are within the  
302 scope of practice of his or her license or certification and  
303 consistent with his or her professional training, provided that  
304 the individual does not hold himself or herself out to the  
305 public as a licensed professional art therapist or registered  
306 art therapist intern under this section.

307 (10) The following persons are not required to be licensed  
308 to practice professional art therapy or to be registered art  
309 therapist interns under this section:

310 (a) A salaried employee of a government agency; a  
311 developmental disability facility or program; a domestic  
312 violence center certified under chapter 39; a mental health,  
313 alcohol, or drug abuse facility operating under chapter 393,  
314 chapter 394, or chapter 397, respectively; a child-placing or  
315 child-caring agency licensed under chapter 409; the statewide  
316 child care resource and referral network operating under s.  
317 1002.92; an accredited academic institution; or a research  
318 institution, if such employee is performing only duties for  
319 which he or she was trained and hired solely within the confines

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320 of such agency, facility, program, center, network, or  
321 institution, so long as the employee is not held out to the  
322 public as a registered art therapist intern or licensed  
323 professional art therapist.

324 (b) A salaried employee of a private, nonprofit  
325 organization providing counseling services to children, youth,  
326 and families, if such services are provided at no charge and  
327 such employee is performing duties for which he or she was  
328 trained and hired, so long as the employee is not held out to  
329 the public as a registered art therapist intern or licensed  
330 professional art therapist.

331 (c) A student providing professional art therapy services  
332 regulated under this section who is enrolled in a post-master's  
333 or doctoral program in professional art therapy if such services  
334 are provided under supervision as part of an approved course of  
335 study.

336 (d) A nonresident of this state who offers professional art  
337 therapy services in this state if all of the following  
338 requirements are met:

339 1. The nonresident is licensed or certified to practice  
340 professional art therapy in another state or territory of the  
341 United States or in a foreign country or province.

342 2. Such services are performed for no more than 15 days in  
343 any calendar year.

344 (11) The board and department shall adopt rules to  
345 administer this section.

346 Section 7. This act shall take effect July 1, 2023.