

By Senator Burgess

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1                                   A bill to be entitled  
2       An act relating to mental health professionals;  
3       amending s. 491.003, F.S.; revising definitions;  
4       amending s. 491.0045, F.S.; reclassifying intern  
5       registrations as associate licenses for the  
6       professions of clinical social work, marriage and  
7       family therapy, and mental health counseling; amending  
8       s. 491.005, F.S.; conforming provisions to changes  
9       made by the act; deleting the requirement that a  
10      licensed mental health professional be present on the  
11      premises when registered interns are providing  
12      clinical services in a private practice setting;  
13      amending ss. 491.007, 491.009, 491.012, 491.014, and  
14      491.0149, F.S.; conforming provisions to changes made  
15      by the act; amending s. 916.115, F.S.; revising  
16      qualification requirements for experts appointed in  
17      certain criminal proceedings related to the mental  
18      condition of a defendant; amending s. 1002.394, F.S.;  
19      revising the purposes for which certain funds awarded  
20      under the Family Empowerment Scholarship Program may  
21      be used; amending s. 414.065, F.S.; conforming a  
22      cross-reference; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Present subsections (5) through (14), (15),  
27       (16), and (17) of section 491.003, Florida Statutes, are  
28       redesignated as subsections (8) through (17), (5), (6), and (7),  
29       respectively, and paragraph (c) of present subsection (8),

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30 paragraph (c) of present subsection (9), paragraph (c) of  
31 present subsection (10), and present subsections (15), (16), and  
32 (17) are amended, to read:

33 491.003 Definitions.—As used in this chapter:

34 (11)~~(8)~~ The “practice of clinical social work” is defined  
35 as the use of scientific and applied knowledge, theories, and  
36 methods for the purpose of describing, preventing, evaluating,  
37 and treating individual, couple, marital, family, or group  
38 behavior, based on the person-in-situation perspective of  
39 psychosocial development, normal and abnormal behavior,  
40 psychopathology, unconscious motivation, interpersonal  
41 relationships, environmental stress, differential assessment,  
42 differential planning, and data gathering. The purpose of such  
43 services is the prevention and treatment of undesired behavior  
44 and enhancement of mental health. The practice of clinical  
45 social work includes methods of a psychological nature used to  
46 evaluate, assess, diagnose, treat, and prevent emotional and  
47 mental disorders and dysfunctions (whether cognitive, affective,  
48 or behavioral), sexual dysfunction, behavioral disorders,  
49 alcoholism, and substance abuse. The practice of clinical social  
50 work includes, but is not limited to, psychotherapy,  
51 hypnotherapy, and sex therapy. The practice of clinical social  
52 work also includes counseling, behavior modification,  
53 consultation, client-centered advocacy, crisis intervention, and  
54 the provision of needed information and education to clients,  
55 when using methods of a psychological nature to evaluate,  
56 assess, diagnose, treat, and prevent emotional and mental  
57 disorders and dysfunctions (whether cognitive, affective, or  
58 behavioral), sexual dysfunction, behavioral disorders,

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59 alcoholism, or substance abuse. The practice of clinical social  
60 work may also include clinical research into more effective  
61 psychotherapeutic modalities for the treatment and prevention of  
62 such conditions.

63 (c) The terms "diagnose" and "treat," as used in this  
64 chapter, when considered in isolation or in conjunction with the  
65 rules of the board, may not be construed to permit the  
66 performance of any act which clinical social workers are not  
67 educated and trained to perform, including, but not limited to,  
68 admitting persons to hospitals for treatment of the foregoing  
69 conditions, treating persons in hospitals without medical  
70 supervision, prescribing medicinal drugs as defined in chapter  
71 465, authorizing clinical laboratory procedures, or radiological  
72 procedures, or use of electroconvulsive therapy. In addition,  
73 this definition may not be construed to permit any person  
74 licensed, provisionally licensed, ~~registered~~, or certified  
75 pursuant to this chapter to describe or label any test, report,  
76 or procedure as "psychological," except to relate specifically  
77 to the definition of practice authorized in this subsection.

78 (12)~~(9)~~ The term "practice of marriage and family therapy"  
79 means the use of scientific and applied marriage and family  
80 theories, methods, and procedures for the purpose of describing,  
81 evaluating, and modifying marital, family, and individual  
82 behavior, within the context of marital and family systems,  
83 including the context of marital formation and dissolution, and  
84 is based on marriage and family systems theory, marriage and  
85 family development, human development, normal and abnormal  
86 behavior, psychopathology, human sexuality, and  
87 psychotherapeutic and marriage and family therapy theories and

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88 techniques. The practice of marriage and family therapy includes  
89 methods of a psychological nature used to evaluate, assess,  
90 diagnose, treat, and prevent emotional and mental disorders or  
91 dysfunctions (whether cognitive, affective, or behavioral),  
92 sexual dysfunction, behavioral disorders, alcoholism, and  
93 substance abuse. The practice of marriage and family therapy  
94 includes, but is not limited to, marriage and family therapy,  
95 psychotherapy, including behavioral family therapy,  
96 hypnotherapy, and sex therapy. The practice of marriage and  
97 family therapy also includes counseling, behavior modification,  
98 consultation, client-centered advocacy, crisis intervention, and  
99 the provision of needed information and education to clients,  
100 when using methods of a psychological nature to evaluate,  
101 assess, diagnose, treat, and prevent emotional and mental  
102 disorders and dysfunctions (whether cognitive, affective, or  
103 behavioral), sexual dysfunction, behavioral disorders,  
104 alcoholism, or substance abuse. The practice of marriage and  
105 family therapy may also include clinical research into more  
106 effective psychotherapeutic modalities for the treatment and  
107 prevention of such conditions.

108 (c) The terms "diagnose" and "treat," as used in this  
109 chapter, when considered in isolation or in conjunction with the  
110 rules of the board, may not be construed to permit the  
111 performance of any act that marriage and family therapists are  
112 not educated and trained to perform, including, but not limited  
113 to, admitting persons to hospitals for treatment of the  
114 foregoing conditions, treating persons in hospitals without  
115 medical supervision, prescribing medicinal drugs as defined in  
116 chapter 465, authorizing clinical laboratory procedures or

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117 radiological procedures or the use of electroconvulsive therapy.  
118 In addition, this definition may not be construed to permit any  
119 person licensed, provisionally licensed, ~~registered,~~ or  
120 certified pursuant to this chapter to describe or label any  
121 test, report, or procedure as "psychological," except to relate  
122 specifically to the definition of practice authorized in this  
123 subsection.

124 (13)~~(10)~~ The term "practice of mental health counseling"  
125 means the use of scientific and applied behavioral science  
126 theories, methods, and techniques for the purpose of describing,  
127 preventing, and treating undesired behavior and enhancing mental  
128 health and human development and is based on the person-in-  
129 situation perspectives derived from research and theory in  
130 personality, family, group, and organizational dynamics and  
131 development, career planning, cultural diversity, human growth  
132 and development, human sexuality, normal and abnormal behavior,  
133 psychopathology, psychotherapy, and rehabilitation. The practice  
134 of mental health counseling includes methods of a psychological  
135 nature used to evaluate, assess, diagnose, and treat emotional  
136 and mental dysfunctions or disorders, whether cognitive,  
137 affective, or behavioral, interpersonal relationships, sexual  
138 dysfunction, alcoholism, and substance abuse. The practice of  
139 mental health counseling includes, but is not limited to,  
140 psychotherapy, hypnotherapy, and sex therapy. The practice of  
141 mental health counseling also includes counseling, behavior  
142 modification, consultation, client-centered advocacy, crisis  
143 intervention, and the provision of needed information and  
144 education to clients, when using methods of a psychological  
145 nature to evaluate, assess, diagnose, treat, and prevent

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146 emotional and mental disorders and dysfunctions (whether  
147 cognitive, affective, or behavioral), behavioral disorders,  
148 sexual dysfunction, alcoholism, or substance abuse. The practice  
149 of mental health counseling may also include clinical research  
150 into more effective psychotherapeutic modalities for the  
151 treatment and prevention of such conditions.

152 (c) The terms "diagnose" and "treat," as used in this  
153 chapter, when considered in isolation or in conjunction with any  
154 provision of the rules of the board, may not be construed to  
155 permit the performance of any act that mental health counselors  
156 are not educated and trained to perform, including, but not  
157 limited to, admitting persons to hospitals for treatment of the  
158 foregoing conditions, treating persons in hospitals without  
159 medical supervision, prescribing medicinal drugs as defined in  
160 chapter 465, authorizing clinical laboratory procedures or  
161 radiological procedures, or the use of electroconvulsive  
162 therapy. In addition, this definition may not be construed to  
163 permit any person licensed, provisionally licensed, ~~registered~~,  
164 or certified pursuant to this chapter to describe or label any  
165 test, report, or procedure as "psychological," except to relate  
166 specifically to the definition of practice authorized in this  
167 subsection.

168 ~~(5)~~ ~~(15)~~ "Licensed associate ~~Registered~~ clinical social  
169 worker ~~intern~~" means a person licensed ~~registered~~ under this  
170 chapter who is completing the postgraduate clinical social work  
171 experience requirement specified in s. 491.005(1)(c).

172 ~~(6)~~ ~~(16)~~ "Licensed associate ~~Registered~~ marriage and family  
173 therapist ~~intern~~" means a person licensed ~~registered~~ under this  
174 chapter who is completing the post-master's clinical experience

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175 requirement specified in s. 491.005(3)(c).

176 ~~(7)(17)~~ "Licensed associate ~~Registered~~ mental health  
177 counselor ~~intern~~" means a person licensed ~~registered~~ under this  
178 chapter who is completing the post-master's clinical experience  
179 requirement specified in s. 491.005(4)(c).

180 Section 2. Section 491.0045, Florida Statutes, is amended  
181 to read:

182 491.0045 Associate license ~~Intern registration~~;  
183 requirements.—

184 (1) An individual who has not satisfied the postgraduate or  
185 post-master's level experience requirements, as specified in s.  
186 491.005(1)(c), (3)(c), or (4)(c), must apply for an associate  
187 license ~~register as an intern~~ in the profession for which he or  
188 she is seeking full licensure before commencing the post-  
189 master's experience requirement or an individual who intends to  
190 satisfy part of the required graduate-level practicum,  
191 internship, or field experience, outside the academic arena for  
192 any profession, and must apply for an associate license ~~register~~  
193 ~~as an intern~~ in the profession for which he or she is seeking  
194 full licensure before commencing the practicum, internship, or  
195 field experience.

196 (2) The department shall license ~~register~~ as an associate a  
197 clinical social worker ~~intern~~, associate marriage and family  
198 therapist ~~intern~~, or associate mental health counselor ~~intern~~  
199 each applicant who the board certifies has:

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

203 (b)1. Completed the education requirements as specified in

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204 s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which  
205 he or she is applying for licensure, if needed; and

206 2. Submitted an acceptable supervision plan, as determined  
207 by the board, for meeting the practicum, internship, or field  
208 work required for licensure that was not satisfied in his or her  
209 graduate program.

210 (c) Identified a qualified supervisor.

211 (3) An individual licensed as an associate ~~registered~~ under  
212 this section must remain under supervision while practicing  
213 under associate licensure ~~registered intern~~ status.

214 (4) An individual who fails to comply with this section may  
215 not be granted a full license under this chapter, and any time  
216 spent by the individual completing the experience requirement as  
217 specified in s. 491.005(1)(c), (3)(c), or (4)(c) before being  
218 issued an associate license ~~registering as an intern~~ does not  
219 count toward completion of the requirement.

220 (5) An associate license ~~intern registration~~ is valid for 5  
221 years.

222 (6) ~~A registration issued on or before March 31, 2017,~~  
223 ~~expires March 31, 2022, and may not be renewed or reissued. Any~~  
224 intern registration issued after March 31, 2017, but before July  
225 1, 2023, under former s. 491.0045, Florida Statutes 2022,  
226 expires 60 months after the date it is issued. Any associate  
227 license issued on or after July 1, 2023, expires 60 months after  
228 the date it is issued. The board may make a one-time exception  
229 to the requirements of this subsection in emergency or hardship  
230 cases, as defined by board rule, if the candidate has passed the  
231 theory and practice examination described in s. 491.005(1)(d),  
232 (3)(d), and (4)(d).

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

236 Section 3. Paragraph (c) of subsection (1), paragraph (c)  
237 of subsection (3), and paragraph (c) of subsection (4) of  
238 section 491.005, Florida Statutes, are amended to read:

239 491.005 Licensure by examination.—

240 (1) CLINICAL SOCIAL WORK.—Upon verification of  
241 documentation and payment of a fee not to exceed \$200, as set by  
242 board rule, the department shall issue a license as a clinical  
243 social worker to an applicant whom the board certifies has met  
244 all of the following criteria:

245 (c) Completed at least 2 years of clinical social work  
246 experience, which took place subsequent to completion of a  
247 graduate degree in social work at an institution meeting the  
248 accreditation requirements of this section, under the  
249 supervision of a licensed clinical social worker or the  
250 equivalent who is a qualified supervisor as determined by the  
251 board. An individual who intends to practice in Florida to  
252 satisfy clinical experience requirements must register pursuant  
253 to s. 491.0045 before commencing practice. If the applicant's  
254 graduate program was not a program which emphasized direct  
255 clinical patient or client health care services as described in  
256 subparagraph (b)2., the supervised experience requirement must  
257 take place after the applicant has completed a minimum of 15  
258 semester hours or 22 quarter hours of the coursework required. A  
259 doctoral internship may be applied toward the clinical social  
260 work experience requirement. ~~A licensed mental health~~  
261 ~~professional must be on the premises when clinical services are~~

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262 ~~provided by a registered intern in a private practice setting.~~

263 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of  
264 documentation and payment of a fee not to exceed \$200, as set by  
265 board rule, the department shall issue a license as a marriage  
266 and family therapist to an applicant whom the board certifies  
267 has met all of the following criteria:

268 (c) Completed at least 2 years of clinical experience  
269 during which 50 percent of the applicant's clients were  
270 receiving marriage and family therapy services, which must be at  
271 the post-master's level under the supervision of a licensed  
272 marriage and family therapist with at least 5 years of  
273 experience, or the equivalent, who is a qualified supervisor as  
274 determined by the board. An individual who intends to practice  
275 in Florida to satisfy the clinical experience requirements must  
276 register pursuant to s. 491.0045 before commencing practice. If  
277 a graduate has a master's degree with a major emphasis in  
278 marriage and family therapy or a closely related field which did  
279 not include all of the coursework required by paragraph (b),  
280 credit for the post-master's level clinical experience may not  
281 commence until the applicant has completed a minimum of 10 of  
282 the courses required by paragraph (b), as determined by the  
283 board, and at least 6 semester hours or 9 quarter hours of the  
284 course credits must have been completed in the area of marriage  
285 and family systems, theories, or techniques. Within the 2 years  
286 of required experience, the applicant shall provide direct  
287 individual, group, or family therapy and counseling to cases  
288 including those involving unmarried dyads, married couples,  
289 separating and divorcing couples, and family groups that include  
290 children. A doctoral internship may be applied toward the

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291 clinical experience requirement. ~~A licensed mental health~~  
292 ~~professional must be on the premises when clinical services are~~  
293 ~~provided by a registered intern in a private practice setting.~~

294  
295 For the purposes of dual licensure, the department shall license  
296 as a marriage and family therapist any person who meets the  
297 requirements of s. 491.0057. Fees for dual licensure may not  
298 exceed those stated in this subsection.

299 (4) MENTAL HEALTH COUNSELING.—Upon verification of  
300 documentation and payment of a fee not to exceed \$200, as set by  
301 board rule, the department shall issue a license as a mental  
302 health counselor to an applicant whom the board certifies has  
303 met all of the following criteria:

304 (c) Completed at least 2 years of clinical experience in  
305 mental health counseling, which must be at the post-master's  
306 level under the supervision of a licensed mental health  
307 counselor or the equivalent who is a qualified supervisor as  
308 determined by the board. An individual who intends to practice  
309 in Florida to satisfy the clinical experience requirements must  
310 register pursuant to s. 491.0045 before commencing practice. If  
311 a graduate has a master's degree with a major related to the  
312 practice of mental health counseling which did not include all  
313 the coursework required under sub-subparagraphs (b)1.a. and b.,  
314 credit for the post-master's level clinical experience may not  
315 commence until the applicant has completed a minimum of seven of  
316 the courses required under sub-subparagraphs (b)1.a. and b., as  
317 determined by the board, one of which must be a course in  
318 psychopathology or abnormal psychology. A doctoral internship  
319 may be applied toward the clinical experience requirement. ~~A~~

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320 ~~licensed mental health professional must be on the premises when~~  
321 ~~clinical services are provided by a registered intern in a~~  
322 ~~private practice setting.~~

323 Section 4. Section 491.007, Florida Statutes, is amended to  
324 read:

325 491.007 Renewal of license, ~~registration,~~ or certificate.—

326 (1) The board or department shall prescribe by rule a  
327 method for the biennial renewal of licenses or certificates at a  
328 fee set by rule, not to exceed \$250.

329 (2) Each applicant for renewal shall present satisfactory  
330 evidence that, in the period since the license or certificate  
331 was issued, the applicant has completed continuing education  
332 requirements set by rule of the board or department. Not more  
333 than 25 classroom hours of continuing education per year shall  
334 be required. A certified master social worker is exempt from the  
335 continuing education requirements for the first renewal of the  
336 certificate.

337 Section 5. Subsection (1) of section 491.009, Florida  
338 Statutes, is amended to read:

339 491.009 Discipline.—

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

343 (a) Attempting to obtain, obtaining, or renewing a license, ~~registration,~~  
344 ~~registration,~~ or certificate under this chapter by bribery or  
345 fraudulent misrepresentation or through an error of the board or  
346 the department.

347 (b) Having a license, registration, or certificate to  
348 practice a comparable profession revoked, suspended, or

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349 otherwise acted against, including the denial of certification  
350 or licensure by another state, territory, or country.

351 (c) Being convicted or found guilty of, regardless of  
352 adjudication, or having entered a plea of nolo contendere to, a  
353 crime in any jurisdiction which directly relates to the practice  
354 of his or her profession or the ability to practice his or her  
355 profession. However, in the case of a plea of nolo contendere,  
356 the board shall allow the person who is the subject of the  
357 disciplinary proceeding to present evidence in mitigation  
358 relevant to the underlying charges and circumstances surrounding  
359 the plea.

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

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

365 (f) Maintaining a professional association with any person  
366 who the applicant, licensee, ~~registered intern,~~ or  
367 certificateholder knows, or has reason to believe, is in  
368 violation of this chapter or of a rule of the department or the  
369 board.

370 (g) Knowingly aiding, assisting, procuring, or advising any  
371 nonlicensed, ~~nonregistered,~~ or noncertified person to hold  
372 himself or herself out as licensed, ~~registered,~~ or certified  
373 under this chapter.

374 (h) Failing to perform any statutory or legal obligation  
375 placed upon a person licensed, ~~registered,~~ or certified under  
376 this chapter.

377 (i) Willfully making or filing a false report or record;

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378 failing to file a report or record required by state or federal  
379 law; willfully impeding or obstructing the filing of a report or  
380 record; or inducing another person to make or file a false  
381 report or record or to impede or obstruct the filing of a report  
382 or record. Such report or record includes only a report or  
383 record which requires the signature of a person licensed~~7~~  
384 ~~registered~~, or certified under this chapter.

385 (j) Paying a kickback, rebate, bonus, or other remuneration  
386 for receiving a patient or client, or receiving a kickback,  
387 rebate, bonus, or other remuneration for referring a patient or  
388 client to another provider of mental health care services or to  
389 a provider of health care services or goods; referring a patient  
390 or client to oneself for services on a fee-paid basis when those  
391 services are already being paid for by some other public or  
392 private entity; or entering into a reciprocal referral  
393 agreement.

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

397 (l) Making misleading, deceptive, untrue, or fraudulent  
398 representations in the practice of any profession licensed~~7~~  
399 ~~registered~~, or certified under this chapter.

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

403 (n) Failing to make available to a patient or client, upon  
404 written request, copies of tests, reports, or documents in the  
405 possession or under the control of the licensee~~7~~, ~~registered~~  
406 ~~intern~~, or certificateholder which have been prepared for and

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407 paid for by the patient or client.

408 (o) Failing to respond within 30 days to a written  
409 communication from the department or the board concerning any  
410 investigation by the department or the board, or failing to make  
411 available any relevant records with respect to any investigation  
412 about the licensee's, ~~registered intern's,~~ or  
413 certificateholder's conduct or background.

414 (p) Being unable to practice the profession for which he or  
415 she is licensed, ~~registered,~~ or certified under this chapter  
416 with reasonable skill or competence as a result of any mental or  
417 physical condition or by reason of illness; drunkenness; or  
418 excessive use of drugs, narcotics, chemicals, or any other  
419 substance. In enforcing this paragraph, upon a finding by the  
420 State Surgeon General, the State Surgeon General's designee, or  
421 the board that probable cause exists to believe that the  
422 licensee, ~~registered intern,~~ or certificateholder is unable to  
423 practice the profession because of the reasons stated in this  
424 paragraph, the department shall have the authority to compel a  
425 licensee, ~~registered intern,~~ or certificateholder to submit to a  
426 mental or physical examination by psychologists, physicians, or  
427 other licensees under this chapter, designated by the department  
428 or board. If the licensee, ~~registered intern,~~ or  
429 certificateholder refuses to comply with such order, the  
430 department's order directing the examination may be enforced by  
431 filing a petition for enforcement in the circuit court in the  
432 circuit in which the licensee, ~~registered intern,~~ or  
433 certificateholder resides or does business. The licensee,  ~~434 registered intern,~~ or certificateholder against whom the  
435 petition is filed may not be named or identified by initials in

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436 any public court records or documents, and the proceedings shall  
437 be closed to the public. The department shall be entitled to the  
438 summary procedure provided in s. 51.011. A licensee, ~~registered~~  
439 ~~intern~~, or certificateholder affected under this paragraph shall  
440 at reasonable intervals be afforded an opportunity to  
441 demonstrate that he or she can resume the competent practice for  
442 which he or she is licensed, ~~registered~~, or certified with  
443 reasonable skill and safety to patients.

444 (q) Performing any treatment or prescribing any therapy  
445 which, by the prevailing standards of the mental health  
446 professions in the community, would constitute experimentation  
447 on human subjects, without first obtaining full, informed, and  
448 written consent.

449 (r) Failing to meet the minimum standards of performance in  
450 professional activities when measured against generally  
451 prevailing peer performance, including the undertaking of  
452 activities for which the licensee, ~~registered intern~~, or  
453 certificateholder is not qualified by training or experience.

454 (s) Delegating professional responsibilities to a person  
455 who the licensee, ~~registered intern~~, or certificateholder knows  
456 or has reason to know is not qualified by training or experience  
457 to perform such responsibilities.

458 (t) Violating a rule relating to the regulation of the  
459 profession or a lawful order of the department or the board  
460 previously entered in a disciplinary hearing.

461 (u) Failure of the licensee, ~~registered intern~~, or  
462 certificateholder to maintain in confidence a communication made  
463 by a patient or client in the context of such services, except  
464 as provided in s. 491.0147.

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

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

470 Section 6. Paragraphs (i) through (l) of subsection (1) of  
471 section 491.012, Florida Statutes, are amended to read:

472 491.012 Violations; penalty; injunction.—

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

475 (i) Practice clinical social work in this state for  
476 compensation, unless the person holds a valid, active license to  
477 practice clinical social work issued pursuant to this chapter or  
478 is an associate clinical social worker licensed intern  
479 ~~registered~~ pursuant to s. 491.0045.

480 (j) Practice marriage and family therapy in this state for  
481 compensation, unless the person holds a valid, active license to  
482 practice marriage and family therapy issued pursuant to this  
483 chapter or is an associate marriage and family therapist  
484 licensed intern ~~registered~~ pursuant to s. 491.0045.

485 (k) Practice mental health counseling in this state for  
486 compensation, unless the person holds a valid, active license to  
487 practice mental health counseling issued pursuant to this  
488 chapter or is an associate mental health counselor licensed  
489 ~~intern registered~~ pursuant to s. 491.0045.

490 (l) Use the following titles or any combination thereof,  
491 unless he or she holds a valid associate license ~~registration as~~  
492 ~~an intern~~ issued under ~~pursuant to~~ this chapter:

493 1. "Licensed associate ~~Registered~~ clinical social worker

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494 ~~intern.~~"

495 2. "Licensed associate ~~Registered~~ marriage and family  
496 therapist ~~intern.~~"

497 3. "Licensed associate ~~Registered~~ mental health counselor  
498 ~~intern.~~"

499 Section 7. Subsections (1), (2), and (4) of section  
500 491.014, Florida Statutes, are amended to read:

501 491.014 Exemptions.—

502 (1) No provision of this chapter shall be construed to  
503 limit the practice of physicians licensed pursuant to chapter  
504 458 or chapter 459, or psychologists licensed pursuant to  
505 chapter 490, so long as they do not unlawfully hold themselves  
506 out to the public as possessing a license, provisional license,  
507 ~~registration,~~ or certificate issued pursuant to this chapter or  
508 use a professional title protected by this chapter.

509 (2) No provision of this chapter shall be construed to  
510 limit the practice of nursing, school psychology, psychology, or  
511 occupational therapy, or to prevent qualified members of other  
512 professions from doing work of a nature consistent with their  
513 training and licensure, so long as they do not hold themselves  
514 out to the public as possessing a license, provisional license,  
515 ~~registration,~~ or certificate issued pursuant to this chapter or  
516 use a title protected by this chapter.

517 (4) No person shall be required to be licensed,  
518 provisionally licensed, ~~registered,~~ or certified under this  
519 chapter who:

520 (a) Is a salaried employee of a government agency; a  
521 developmental disability facility or program; a mental health,  
522 alcohol, or drug abuse facility operating under chapter 393,

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523 chapter 394, or chapter 397; the statewide child care resource  
524 and referral network operating under s. 1002.92; a child-placing  
525 or child-caring agency licensed pursuant to chapter 409; a  
526 domestic violence center certified pursuant to chapter 39; an  
527 accredited academic institution; or a research institution, if  
528 such employee is performing duties for which he or she was  
529 trained and hired solely within the confines of such agency,  
530 facility, or institution, so long as the employee is not held  
531 out to the public as a clinical social worker, mental health  
532 counselor, or marriage and family therapist.

533 (b) Is a salaried employee of a private, nonprofit  
534 organization providing counseling services to children, youth,  
535 and families, if such services are provided for no charge, if  
536 such employee is performing duties for which he or she was  
537 trained and hired, so long as the employee is not held out to  
538 the public as a clinical social worker, mental health counselor,  
539 or marriage and family therapist.

540 (c) Is a student providing services regulated under this  
541 chapter who is pursuing a course of study which leads to a  
542 degree in a profession regulated by this chapter, is providing  
543 services in a training setting, provided such services and  
544 associated activities constitute part of a supervised course of  
545 study, and is designated by the title "student intern."

546 (d) Is not a resident of this state but offers services in  
547 this state, provided:

548 1. Such services are performed for no more than 15 days in  
549 any calendar year; and

550 2. Such nonresident is licensed or certified to practice  
551 the services provided by a state or territory of the United

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552 States or by a foreign country or province.

553 Section 8. Subsection (2) of section 491.0149, Florida  
554 Statutes, is amended to read:

555 491.0149 Display of license; use of professional title on  
556 promotional materials.—

557 (2) (a) A person licensed ~~registered~~ under this chapter as  
558 an associate ~~a~~ clinical social worker ~~intern~~, associate marriage  
559 and family therapist ~~intern~~, or associate mental health  
560 counselor ~~intern~~ shall conspicuously display the valid associate  
561 license ~~registration~~ issued by the department or a true copy  
562 thereof at each location at which the licensed associate  
563 ~~registered intern~~ is completing the experience requirements.

564 (b) A licensed associate ~~registered~~ clinical social worker  
565 ~~intern~~ shall include the words "licensed associate ~~registered~~  
566 clinical social worker ~~intern~~," a licensed associate ~~registered~~  
567 marriage and family therapist ~~intern~~ shall include the words  
568 "licensed associate ~~registered~~ marriage and family therapist  
569 ~~intern~~," and a licensed associate ~~registered~~ mental health  
570 counselor ~~intern~~ shall include the words "licensed associate  
571 ~~registered~~ mental health counselor ~~intern~~" on all promotional  
572 materials, including cards, brochures, stationery,  
573 advertisements, and signs, naming the licensed associate  
574 ~~registered intern~~.

575 Section 9. Paragraph (a) of subsection (1) of section  
576 916.115, Florida Statutes, is amended to read:

577 916.115 Appointment of experts.—

578 (1) The court shall appoint no more than three experts to  
579 determine the mental condition of a defendant in a criminal  
580 case, including competency to proceed, insanity, involuntary

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581 placement, and treatment. The experts may evaluate the defendant  
582 in jail or in another appropriate local facility or in a  
583 facility of the Department of Corrections.

584 (a) To the extent possible, the appointed experts shall  
585 have completed forensic evaluator training approved by the  
586 department, and each shall be a psychiatrist or physician  
587 licensed under chapter 458 or chapter 459, a psychologist  
588 licensed under chapter 490, or a mental health professional  
589 licensed under chapter 491 ~~psychologist, or physician.~~

590 Section 10. Paragraph (b) of subsection (4) of section  
591 1002.394, Florida Statutes, is amended to read:

592 1002.394 The Family Empowerment Scholarship Program.—

593 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

594 (b) Program funds awarded to a student with a disability  
595 determined eligible pursuant to paragraph (3) (b) may be used for  
596 the following purposes:

597 1. Instructional materials, including digital devices,  
598 digital periphery devices, and assistive technology devices that  
599 allow a student to access instruction or instructional content  
600 and training on the use of and maintenance agreements for these  
601 devices.

602 2. Curriculum as defined in subsection (2).

603 3. Specialized services by approved providers or by a  
604 hospital in this state which are selected by the parent. These  
605 specialized services may include, but are not limited to:

606 a. Applied behavior analysis services as provided in ss.  
607 627.6686 and 641.31098.

608 b. Services provided by speech-language pathologists as  
609 defined in s. 468.1125(8).

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- 610 c. Occupational therapy as defined in s. 468.203.
- 611 d. Services provided by physical therapists as defined in  
612 s. 486.021(8).
- 613 e. Services provided by listening and spoken language  
614 specialists and an appropriate acoustical environment for a  
615 child who has a hearing impairment, including deafness, and who  
616 has received an implant or assistive hearing device.
- 617 f. Services provided by a mental health counselor as  
618 defined in s. 491.003.
- 619 4. Tuition or fees associated with full-time or part-time  
620 enrollment in a home education program, an eligible private  
621 school, an eligible postsecondary educational institution or a  
622 program offered by the postsecondary educational institution, a  
623 private tutoring program authorized under s. 1002.43, a virtual  
624 program offered by a department-approved private online provider  
625 that meets the provider qualifications specified in s.  
626 1002.45(2)(a), the Florida Virtual School as a private paying  
627 student, or an approved online course offered pursuant to s.  
628 1003.499 or s. 1004.0961.
- 629 5. Fees for nationally standardized, norm-referenced  
630 achievement tests, Advanced Placement Examinations, industry  
631 certification examinations, assessments related to postsecondary  
632 education, or other assessments.
- 633 6. Contributions to the Stanley G. Tate Florida Prepaid  
634 College Program pursuant to s. 1009.98 or the Florida College  
635 Savings Program pursuant to s. 1009.981 for the benefit of the  
636 eligible student.
- 637 7. Contracted services provided by a public school or  
638 school district, including classes. A student who receives

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639 services under a contract under this paragraph is not considered  
640 enrolled in a public school for eligibility purposes as  
641 specified in subsection (6).

642 8. Tuition and fees for part-time tutoring services  
643 provided by a person who holds a valid Florida educator's  
644 certificate pursuant to s. 1012.56, a person who holds an  
645 adjunct teaching certificate pursuant to s. 1012.57, a person  
646 who has a bachelor's degree or a graduate degree in the subject  
647 area in which instruction is given, a person who has  
648 demonstrated a mastery of subject area knowledge pursuant to s.  
649 1012.56(5), or a person certified by a nationally or  
650 internationally recognized research-based training program as  
651 approved by the department. As used in this paragraph, the term  
652 "part-time tutoring services" does not qualify as regular school  
653 attendance as defined in s. 1003.01(13)(e).

654 9. Fees for specialized summer education programs.

655 10. Fees for specialized after-school education programs.

656 11. Transition services provided by job coaches.

657 12. Fees for an annual evaluation of educational progress  
658 by a state-certified teacher under s. 1002.41(1)(f), if this  
659 option is chosen for a home education student.

660 13. Tuition and fees associated with programs offered by  
661 Voluntary Prekindergarten Education Program providers approved  
662 pursuant to s. 1002.55 and school readiness providers approved  
663 pursuant to s. 1002.88.

664 14. Fees for services provided at a center that is a member  
665 of the Professional Association of Therapeutic Horsemanship  
666 International.

667 15. Fees for services provided by a therapist who is

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668 certified by the Certification Board for Music Therapists or  
669 credentialed by the Art Therapy Credentials Board, Inc.

670 Section 11. Paragraph (c) of subsection (4) of section  
671 414.065, Florida Statutes, is amended to read:

672 414.065 Noncompliance with work requirements.—

673 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless otherwise  
674 provided, the situations listed in this subsection shall  
675 constitute exceptions to the penalties for noncompliance with  
676 participation requirements, except that these situations do not  
677 constitute exceptions to the applicable time limit for receipt  
678 of temporary cash assistance:

679 (c) *Noncompliance related to treatment or remediation of*  
680 *past effects of domestic violence.*—An individual who is  
681 determined to be unable to comply with the work requirements  
682 under this section due to mental or physical impairment related  
683 to past incidents of domestic violence may be exempt from work  
684 requirements, except that such individual shall comply with a  
685 plan that specifies alternative requirements that prepare the  
686 individual for self-sufficiency while providing for the safety  
687 of the individual and the individual's dependents. A participant  
688 who is determined to be out of compliance with the alternative  
689 requirement plan shall be subject to the penalties under  
690 subsection (1). The plan must include counseling or a course of  
691 treatment necessary for the individual to resume participation.  
692 The need for treatment and the expected duration of such  
693 treatment must be verified by a physician licensed under chapter  
694 458 or chapter 459; a psychologist licensed under s. 490.005(1),  
695 s. 490.006, or the provision identified as s. 490.013(2) in s.  
696 1, chapter 81-235, Laws of Florida; a therapist as defined in s.

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697 491.003(2) or (10) ~~(7)~~; or a treatment professional who is  
698 registered under s. 39.905(1)(g), is authorized to maintain  
699 confidentiality under s. 90.5036(1)(d), and has a minimum of 2  
700 years' experience at a certified domestic violence center. An  
701 exception granted under this paragraph does not automatically  
702 constitute an exception from the time limitations on benefits  
703 specified under s. 414.105.

704 Section 12. This act shall take effect July 1, 2023.