

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"; amending s. 491.004,
6 F.S.; requiring the appointment of a licensed
7 practicing professional art therapist to the board;
8 creating s. 491.019, F.S.; providing definitions;
9 requiring the Department of Health to license
10 professional art therapists and register art therapist
11 interns if they meet specified requirements; requiring
12 an art therapist intern to practice under supervision
13 until he or she is licensed as a professional art
14 therapist; providing for licensure by endorsement;
15 requiring the board to waive licensure requirements
16 for certain applicants; requiring the board and
17 department to adopt rules establishing requirements
18 for the annual renewal of professional art therapist
19 licenses and art therapist intern registrations;
20 providing continuing education requirements; providing
21 for inactive licenses and license reactivation;
22 providing for license denial and disciplinary action;
23 prohibiting the practice of professional art therapy
24 for compensation and the use of certain titles,
25 letters, abbreviations, and insignia without a valid,

26 active license; providing criminal penalties;
27 providing construction; exempting certain persons from
28 licensure and registration requirements; requiring the
29 board and department to adopt rules; providing an
30 effective date.

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

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34 Section 1. This act may be cited as the "Professional Art
35 Therapist Licensure Act."

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

50 Section 3. Subsections (11) through (18) of section

51 491.003, Florida Statutes, are renumbered as subsections (12)
 52 through (19), respectively, and a new subsection (11) is added
 53 to that section to read:

54 (11) "Professional art therapist" means a person licensed
 55 under this chapter to practice professional art therapy.

56 Section 4. The first art therapist member appointed to the
 57 Board of Clinical Social Work, Marriage and Family Therapy, and
 58 Mental Health Counseling under s. 491.004, Florida Statutes, as
 59 amended by this act, must meet all qualifications to obtain a
 60 license pursuant to s. 491.019(2), Florida Statutes.

61 Section 5. Subsections (1), (2), and (3) of section
 62 491.004, Florida Statutes, are amended to read:

63 491.004 Board of Clinical Social Work, Marriage and Family
 64 Therapy, and Mental Health Counseling.—

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

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

71 1. Two members shall be licensed practicing clinical
 72 social workers.

73 2. Two members shall be licensed practicing marriage and
 74 family therapists.

75 3. Two members shall be licensed practicing mental health

76 | counselors.

77 | 4. One member shall be a licensed practicing professional
 78 | art therapist.

79 | (b) Three members shall be citizens of the state who are
 80 | not and have never been licensed in a mental health-related
 81 | profession and who are in no way connected with the practice of
 82 | any such profession.

83 | (3) ~~No later than January 1, 1988,~~ The Governor shall
 84 | appoint 11 ~~nine~~ members of the board as follows:

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

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

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

88 | (d) Two licensed practicing professional art therapist
 89 | member for a term of 4 years.

90 | Section 6. Section 491.019, Florida Statutes, is created
 91 | to read:

92 | 491.019 Professional art therapy.-

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

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

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

100 | (c) "Licensed professional art therapist" means an

101 individual who is licensed under this chapter to engage in the
102 practice of professional art therapy.

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

111 1. The use of therapeutic art interventions to facilitate
112 alternative modes of receptive and expressive communication
113 which can circumvent the limitations of verbal articulation and
114 implementation of art-based treatment plans to help clients
115 improve cognitive, sensory, and motor functions; reduce symptoms
116 of depression, anxiety, posttraumatic stress, and attachment
117 disorders; enhance neurological, cognitive, and verbal
118 abilities; foster self-esteem and self-awareness; cultivate
119 emotional resilience; reduce and resolve conflicts, distress,
120 and grief; and enhance educational performance and social
121 functioning.

122 2. Psychological methods used to evaluate, assess,
123 diagnose, treat, and prevent emotional and mental disorders or
124 dysfunctions, including cognitive, affective, and behavioral
125 disorders, alcoholism, and substance abuse, when used within the

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126 context and practice provided under subparagraph 1.

127 3. Consultation, client advocacy, crisis intervention,
128 provision of needed information and education to clients, art-
129 based treatments that relate to multicultural populations,
130 program evaluation, and applied research, when used within the
131 context and practice provided under subparagraph 1.

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

135 (a) Has submitted a completed application.

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

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

142 2. A program that is substantially equivalent to an
143 approved or accredited program in art therapy, as determined by
144 rule of the board.

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

151 experience under this paragraph.

152 (d) Has passed the Art Therapy Credentials Board
 153 Examination offered by the Art Therapy Credentials Board, Inc.,
 154 or an examination offered by any successor organization.

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

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

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

166 1. Has submitted a completed application.

167 2. Has completed the education requirements specified in
 168 paragraph (2)(b).

169 3. Has submitted an acceptable supervision plan, as
 170 determined by rule of the board.

171 4. Has identified a qualified supervisor, as determined by
 172 rule of the board.

173 (c) An individual registered under this subsection must
 174 practice under supervision until he or she is licensed as a
 175 professional art therapist.

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

179 1. Has submitted a completed application.

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

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

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

193 5. Is not under investigation for, and has not been found
194 guilty of, any act that would constitute a violation of this
195 chapter.

196 (b) The department shall waive the requirements of
197 subsection (2) and issue a professional art therapist license to
198 an applicant who, before July 1, 2025, submits a completed
199 application and demonstrates to the board that he or she has met
200 all of the following requirements:

- 201 1. Has passed the Art Therapy Credentials Board
 202 Examination offered by the Art Therapy Credentials Board, Inc.,
 203 or an examination offered by any successor organization.
- 204 2. Has engaged in the practice of professional art therapy
 205 for at least 5 years, which may include up to 1 year of practice
 206 under supervision, as determined by rule of the board.
- 207 3. Has completed appropriate training, as determined by
 208 rule of the board, in the assessment, diagnosis, treatment, or
 209 resolution of mental, behavioral, and emotional disorders and
 210 dysfunctions as part of the approved course of study for his or
 211 her master's or doctoral degree or following completion of such
 212 degree.
- 213 4. Has demonstrated, in a manner designated by rule of the
 214 board, knowledge of the laws and rules governing the practice of
 215 clinical social work, marriage and family therapy, mental health
 216 counseling, and professional art therapy.
- 217 5. Is not under investigation for, and has not been found
 218 guilty of, any act that would constitute a violation of this
 219 chapter.
- 220 (5) (a) The board or department shall adopt rules
 221 establishing requirements for the annual renewal of professional
 222 art therapist licenses.
- 223 (b)1. An applicant for license renewal shall present
 224 satisfactory evidence that, in the period since the license was
 225 issued, the applicant has completed continuing education

226 requirements, as determined by rule of the board or department.

227 2. The board or department shall require continuing
228 education which must include, at a minimum, the continuing
229 education requirements for maintaining national board
230 certification in good standing with the Art Therapy Credentials
231 Boards, Inc., or any successor organization. The board or
232 department may not require more than 100 hours of continuing
233 education in a 5-year period.

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

238 (d) The board or department shall adopt rules establishing
239 requirements for the annual renewal of art therapist intern
240 registrations.

241 (6)(a) Inactive status is the licensure status that
242 results when a licensee has applied to the department to be
243 placed on inactive status.

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

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

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

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

250 2. Committing an act upon a client which would constitute

251 sexual battery or which would constitute sexual misconduct as
252 defined by rule pursuant to s. 491.0111.

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

258 (b) The department may enter an order denying licensure or
259 imposing any of the penalties in s. 456.072(2) against any
260 applicant for licensure, licensee, or registered intern who is
261 found guilty of violating paragraph (a) or s. 456.072(1).

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

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

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

274 3. Use the title "registered art therapist intern,"
275 "registered art therapist," or "art therapist intern," or use

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276 any letters, abbreviations, or insignia to represent himself or
277 herself as a registered art therapist intern, unless he or she
278 holds a valid, active registration issued pursuant to subsection
279 (3).

280 4. Present as his or her own the professional art
281 therapist license or art therapist intern registration of
282 another.

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

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

288 7. Knowingly conceal information relative to violations of
289 this section.

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

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

295 (9) This section does not restrict the activities or
296 practice of an individual licensed or certified under this
297 chapter or any other law of this state from engaging in the
298 profession or practice for which he or she is licensed or
299 certified if he or she is providing services that are within the
300 scope of practice of his or her license or certification and

301 consistent with his or her professional training and if the
302 individual does not hold himself or herself out to the public as
303 a licensed professional art therapist or registered art
304 therapist intern under this section.

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

308 (a) A salaried employee of a government agency; a
309 developmental disability facility or program; a domestic
310 violence center certified pursuant to chapter 39; a mental
311 health, alcohol, or drug abuse facility operating under chapter
312 393, chapter 394, or chapter 397; a child-placing or child-
313 caring agency licensed pursuant to chapter 409; the statewide
314 child care resource and referral network operating under s.
315 1002.92; an accredited academic institution; or a research
316 institution, if such employee is performing duties for which he
317 or she was trained and hired solely within the confines of such
318 agency, facility, program, center, network, or institution, so
319 long as the employee is not held out to the public as a
320 registered art therapist intern or licensed professional art
321 therapist.

322 (b) A salaried employee of a private, nonprofit
323 organization providing counseling services to children, youth,
324 and families, if such services are provided for no charge and
325 such employee is performing duties for which he or she was

326 trained and hired, so long as the employee is not held out to
327 the public as a registered art therapist intern or licensed
328 professional art therapist.

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

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

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

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

342 (11) The board and department shall adopt rules to
343 administer this section.

344 Section 7. This act shall take effect July 1, 2024.