

By Senator Jones

34-01661A-24

2024878\_\_

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 licensed practicing  
7       professional art therapists to the Board of Clinical  
8       Social Work, Marriage and Family Therapy, and Mental  
9       Health Counseling; providing term limits; specifying  
10      requirements for the first art therapist members  
11      appointed to the board; creating s. 491.019, F.S.;  
12      defining terms; requiring the Department of Health to  
13      license professional art therapists and register art  
14      therapist interns if they meet specified requirements;  
15      requiring an art therapist intern to practice under  
16      supervision until he or she is licensed as a  
17      professional art therapist; providing for licensure by  
18      endorsement; requiring the board to waive licensure  
19      requirements for certain applicants; requiring the  
20      board or department to adopt rules establishing  
21      requirements for the annual renewal of professional  
22      art therapist licenses and art therapist intern  
23      registrations; providing continuing education  
24      requirements; providing for inactive licenses and  
25      license reactivation; providing for license denial and  
26      disciplinary action; prohibiting the practice of  
27      professional art therapy for compensation and the use  
28      of certain titles, letters, abbreviations, and  
29      insignia without a valid, active license; providing

34-01661A-24

2024878\_\_

30 criminal penalties; authorizing the department to  
31 institute appropriate judicial proceedings to enjoin  
32 certain violations; providing construction; exempting  
33 certain persons from licensure and registration  
34 requirements; requiring the board and department to  
35 adopt rules; providing an effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

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

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

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

34-01661A-24

2024878\_\_

59 491.003 Definitions.—As used in this chapter:

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

62 Section 4. Subsections (1), (2), and (3) of section  
63 491.004, Florida Statutes, are amended to read:

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

66 (1) There is created within the department the Board of  
67 Clinical Social Work, Marriage and Family Therapy, and Mental  
68 Health Counseling composed of 11 ~~nine~~ members appointed by the  
69 Governor and confirmed by the Senate.

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

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

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

76 3. Two members shall be licensed practicing mental health  
77 counselors.

78 4. Two members shall be licensed practicing professional  
79 art therapists.

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

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

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

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

34-01661A-24

2024878\_\_

88 (c) Five ~~Three~~ members, two of whom must be licensed  
89 practicing professional art therapists, for terms of 4 years  
90 each.

91 Section 5. The first art therapist members appointed to the  
92 Board of Clinical Social Work, Marriage and Family Therapy, and  
93 Mental Health Counseling under s. 491.004, Florida Statutes, as  
94 amended by this act, must meet all qualifications to obtain a  
95 license pursuant to s. 491.019(2), Florida Statutes.

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

98 491.019 Professional art therapy.-

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

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

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

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

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

116 1. The use of therapeutic art interventions to facilitate

34-01661A-24

2024878\_\_

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. Therapeutic or equivalent methods used to evaluate,  
128 assess, treat, and prevent emotional and mental disorders or  
129 dysfunctions, including cognitive, affective, and behavioral  
130 disorders, alcoholism, and substance abuse, when used within the  
131 context and practice of art therapy as provided under  
132 subparagraph 1. This subparagraph may not be construed to  
133 authorize any person licensed, provisionally licensed,  
134 registered, or certified under this chapter to describe or label  
135 any test, report, or procedure as "psychological," except to  
136 relate specifically to the definition of the practice of art  
137 therapy provided in this subsection.

138 3. Consultation, client advocacy, crisis intervention,  
139 provision of needed information and education to clients, art-  
140 based treatments that relate to multicultural populations,  
141 program evaluation, and applied research, when used within the  
142 context and practice of art therapy as provided under  
143 subparagraph 1.

144 (2) The department shall issue a professional art therapist  
145 license to an applicant who the board certifies has met all of

34-01661A-24

2024878\_\_

146 the following requirements:

147 (a) Has submitted a completed application.

148 (b) Holds a minimum of a master's degree from an accredited  
149 college or university in an art therapy program that was  
150 approved by the American Art Therapy Association or accredited  
151 by the Commission on Accreditation of Allied Health Education  
152 Programs at the time the degree was conferred.

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

161 (d) Has passed the Art Therapy Credentials Board  
162 Examination offered by the Art Therapy Credentials Board, Inc.,  
163 or an examination offered by any successor organization.

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

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

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

34-01661A-24

2024878\_\_

175 1. Has submitted a completed application.

176 2. Has completed the education requirements specified in  
177 paragraph (2) (b).

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

180 4. Has identified a qualified supervisor, as determined by  
181 rule of the board.

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

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

188 1. Has submitted a completed application.

189 2. Holds a professional art therapist license in good  
190 standing, or its equivalent, issued by another state or  
191 jurisdiction, if the qualifications for licensure in such other  
192 state or jurisdiction are equal to or greater than those  
193 specified in subsection (2).

194 3. Has demonstrated, in a manner designated by rule of the  
195 board, knowledge of the laws and rules governing the practice of  
196 clinical social work, marriage and family therapy, mental health  
197 counseling, and professional art therapy.

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

202 5. Is not under investigation for, and has not been found  
203 guilty of, any act that would constitute a violation of this

34-01661A-24

2024878\_\_

204 chapter.

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

210 1. Has passed the Art Therapy Credentials Board Examination  
211 offered by the Art Therapy Credentials Board, Inc., or an  
212 examination offered by any successor organization.

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

216 3. Has completed appropriate training, as determined by  
217 rule of the board, in the assessment, diagnosis, treatment, or  
218 resolution of mental, behavioral, and emotional disorders and  
219 dysfunctions as part of the approved course of study for his or  
220 her master's or doctoral degree or following completion of such  
221 degree.

222 4. Has demonstrated, in a manner designated by rule of the  
223 board, knowledge of the laws and rules governing the practice of  
224 clinical social work, marriage and family therapy, mental health  
225 counseling, and professional art therapy.

226 5. Is not under investigation for, and has not been found  
227 guilty of, any act that would constitute a violation of this  
228 chapter.

229 (5) (a) The board or department shall adopt rules  
230 establishing requirements for the annual renewal of professional  
231 art therapist licenses.

232 (b)1. An applicant for license renewal shall present



34-01661A-24

2024878\_\_

233 satisfactory evidence that, in the period since the license was  
234 issued, the applicant has completed continuing education  
235 requirements, as determined by rule of the board or department.

236 2. The board or department shall require continuing  
237 education which must include, at a minimum, the continuing  
238 education requirements for maintaining national board  
239 certification in good standing with the Art Therapy Credentials  
240 Boards, Inc., or any successor organization. The board or  
241 department may not require more than 100 hours of continuing  
242 education in a 5-year period.

243 (c) Continuing education providers, programs, and courses,  
244 and laws and rules governing such providers, programs, and  
245 courses, must be approved by the board or department as  
246 specified in s. 491.0085.

247 (d) The board or department shall adopt rules establishing  
248 requirements for the annual renewal of art therapist intern  
249 registrations.

250 (6) (a) Inactive status is the licensure status that results  
251 when a licensee has applied to the department to be placed on  
252 inactive status.

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

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

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

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

259 2. Committing an act upon a client which would constitute  
260 sexual battery or which would constitute sexual misconduct as  
261 defined by rule pursuant to s. 491.0111.

34-01661A-24

2024878\_\_

262 3. Disclosing confidential information including, but not  
263 limited to, records, artwork, verbal or artistic expression, or  
264 assessment interpretations developed within the client-therapist  
265 relationship without the client's explicit consent, except as  
266 mandated by law or court order.

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

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

272 1. Practice professional art therapy for compensation  
273 unless the person holds a valid, active license issued pursuant  
274 to subsection (2) or subsection (4) or is a registered art  
275 therapist intern pursuant to subsection (3).

276 2. Use the title "licensed professional art therapist,"  
277 "professional art therapist," or "licensed art therapist," or  
278 use any letters, abbreviations, or insignia to represent himself  
279 or herself as licensed to practice professional art therapy,  
280 unless he or she holds a valid, active license issued pursuant  
281 to subsection (2) or subsection (4) or is a registered art  
282 therapist intern pursuant to subsection (3).

283 3. Use the title "registered art therapist intern,"  
284 "registered art therapist," or "art therapist intern," or use  
285 any letters, abbreviations, or insignia to represent himself or  
286 herself as a registered art therapist intern, unless he or she  
287 holds a valid, active registration issued pursuant to subsection  
288 (3).

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

34-01661A-24

2024878\_\_

291 5. Give false or forged evidence to the department or the  
292 board, or a member thereof, for the purpose of obtaining a  
293 license or registration.

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

296 7. Knowingly conceal information relative to violations of  
297 this section.

298 (b) A person who violates paragraph (a) commits a  
299 misdemeanor of the first degree, punishable as provided in s.  
300 775.082 or s. 775.083.

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

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

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

316 (a) A salaried employee of a government agency; a  
317 developmental disability facility or program; a domestic  
318 violence center certified pursuant to chapter 39; a mental  
319 health, alcohol, or drug abuse facility operating under chapter

34-01661A-24

2024878\_\_

320 393, chapter 394, or chapter 397; a child-placing or child-  
321 caring agency licensed pursuant to chapter 409; the statewide  
322 child care resource and referral network operating under s.  
323 1002.92; an accredited academic institution; or a research  
324 institution, if such employee is performing duties for which he  
325 or she was trained and hired solely within the confines of such  
326 agency, facility, program, center, network, or institution, so  
327 long as the employee is not held out to the public as a  
328 registered art therapist intern or licensed professional art  
329 therapist.

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

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

342 (d) A nonresident of this state who offers professional art  
343 therapy services in this state if all of the following  
344 requirements are met:

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

348 2. Such services are performed for no more than 15 days in

34-01661A-24

2024878\_\_

349 any calendar year.

350 (11) The board and department shall adopt rules to  
351 administer this section.

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