

By Senator Smith

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A bill to be entitled

An act relating to music therapy; creating part XVII of ch. 468, F.S., entitled "Music Therapy"; creating s. 468.8501, F.S.; defining terms; creating s. 468.8502, F.S.; creating the Music Therapy Advisory Committee within the Department of Health for a specified purpose; providing for membership and meetings of the committee; authorizing the committee to facilitate the development of certain materials and act as a facilitator of statewide dissemination of information between certain entities; requiring the committee to provide an annual analysis of certain licensure data; requiring the department to seek the advice of the committee on issues relating to music therapy; providing for future legislative review and repeal of the committee; creating s. 468.8503, F.S.; requiring the department to issue a license to practice as a professional music therapist to applicants meeting specified criteria; providing for licensure by endorsement; providing for licensure renewal; providing that licensees are responsible for the timely renewal of their licenses; requiring licensees to inform the department of any change in their address within a specified timeframe; providing for expiration and termination of licenses; requiring the department to place an active license on an inactive status upon written request of a licensee; authorizing a license to remain on inactive status for a specified timeframe; providing for reactivation of

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such licenses; creating s. 468.8504, F.S.; specifying collaboration requirements for licensees engaging in the practice of music therapy; providing construction; creating s. 468.8505, F.S.; beginning on a specified date, prohibiting unlicensed individuals from using specified titles related to the practice of music therapy; providing exceptions; authorizing unlicensed individuals meeting specified criteria to practice without a license under the supervision of a licensed professional music therapist for a specified timeframe; creating s. 468.8506, F.S.; providing grounds for disciplinary action; authorizing the department to conduct investigations of alleged misconduct; providing administrative penalties; creating s. 468.8507, F.S.; requiring the department to adopt rules by a specified date; providing an effective date.

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

Section 1. Part XVII of chapter 468, Florida Statutes, consisting of ss. 468.8501-468.8507, Florida Statutes, is created and entitled "Music Therapy."

Section 2. Section 468.8501, Florida Statutes, is created to read:

468.8501 Definitions.—As used in this part, the term:

(1) "Advisory committee" means the Music Therapy Advisory Committee.

(2) "Board-certified music therapist" means an individual

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59 who holds current board certification from the Certification
60 Board for Music Therapists.

61 (3) "Department" means the Department of Health.

62 (4) "Licensed professional music therapist" means a person
63 licensed under this part to practice music therapy.

64 (5) "Practice of music therapy" means clinical and
65 evidence-based music interventions used by a board-certified
66 music therapist within a therapeutic relationship to accomplish
67 individualized goals for people of all ages and ability levels.
68 The term includes all of the following:

69 (a) Accepting referrals for music therapy services from
70 medical, developmental, mental health, or education
71 professionals; family members; clients; caregivers; or other
72 professionals authorized to provide client services.

73 (b) Conducting music therapy assessments of clients to
74 determine whether treatment is indicated. If treatment is
75 indicated, the term includes the collection of systematic,
76 comprehensive, and accurate information to determine the
77 appropriateness and type of music therapy services to provide
78 for the client.

79 (c) Development of music therapy treatment plans
80 individualized to the needs and strengths of the specific
81 client, who may be seen individually or in groups, based upon
82 the results of the music therapy assessment as well as the
83 goals, objectives, and potential strategies for music therapy
84 services to achieve such goals in a manner appropriate for the
85 client and setting.

86 (d) Use of interventions such as music improvisation,
87 receptive music listening, song writing, lyric discussion, music

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88 and imagery, singing, music performance, learning through music,
89 music combined with other arts, music-assisted relaxation,
90 music-based patient education, electronic music technology,
91 adapted music intervention, and movement to music.

92 (e) Implementing an individualized music therapy treatment
93 plan consistent with any other developmental, rehabilitative,
94 habilitative, medical, mental health, preventive, wellness care,
95 or educational services being provided to the client.

96 (f) Evaluating the client's response to music therapy and
97 the music therapy treatment plan, documenting changes and
98 progress, and suggesting modifications, as appropriate.

99 (g) Developing a plan, in collaboration with the client, a
100 physician or other provider of health care or education to the
101 client, family members of the client, and any other appropriate
102 person upon whom the client relies for support, for determining
103 when the provision of music therapy services is no longer
104 needed.

105 (h) Minimizing any barriers to ensure that the client
106 receives music therapy services in the least restrictive
107 environment.

108 (i) Collaborating with and educating the client and the
109 family, caregiver of the client, or any other appropriate person
110 regarding the needs of the client which are being addressed in
111 music therapy and the manner in which the music therapy
112 treatment addresses those needs.

113 (j) Using appropriate knowledge and skills to inform
114 practice, including use of research, reasoning, and problem-
115 solving skills to determine appropriate actions in the context
116 of each specific clinical setting.

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117
118 The term does not include the screening, diagnosis, or
119 assessment of any physical, mental, or communication disorder.

120 Section 3. Section 468.8502, Florida Statutes, is created
121 to read:

122 468.8502 Music Therapy Advisory Committee.—

123 (1) There is created within the department the Music
124 Therapy Advisory Committee to advise the department on its
125 duties under this part.

126 (2) The committee shall consist of five members appointed
127 by the State Surgeon General to serve staggered 4-year terms.

128 (a) Members must be familiar with the practice of music
129 therapy in order to serve on the committee. Three members must
130 be licensed professional music therapists under this part, one
131 member must be a licensed health care practitioner who is not a
132 licensed professional music therapist, and one member must be a
133 consumer. The initial appointments to the committee shall
134 consist of three music therapists who are not licensed under
135 this part but who have been engaged in their respective
136 practices for at least 3 years preceding the appointment. Once
137 licensing under this part is implemented, music therapists
138 appointed to the committee must hold the requisite license.

139 (b) Members may serve consecutive terms at the will of the
140 State Surgeon General. Any vacancy shall be filled in the same
141 manner as the original appointment.

142 (c) Members shall serve without compensation but are
143 entitled to reimbursement for per diem and travel expenses
144 pursuant to s. 112.061.

145 (3) The committee shall meet at least once per year and

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146 upon the call of the State Surgeon General.

147 (4) The committee may facilitate the development of
148 materials that the department may use to educate the public
149 concerning professional music therapist licensure, the benefits
150 of music therapy, and the use of music therapy by individuals
151 and in facilities or institutional settings.

152 (5) The committee may act as a facilitator of statewide
153 dissemination of information between music therapists, the
154 American Music Therapy Association or any successor
155 organization, the Certification Board for Music Therapists or
156 any successor organization, and the department.

157 (6) The committee shall provide analysis of disciplinary
158 actions taken, appeals and denials, or revocation of licenses at
159 least once per year.

160 (7) The department shall seek the advice of the committee
161 for issues related to music therapy which come before the
162 department.

163 (8) In accordance with s. 20.052(8), this section is
164 repealed October 2, 2029, unless reviewed and saved from repeal
165 through reenactment by the Legislature.

166 Section 4. Section 468.8503, Florida Statutes, is created
167 to read:

168 468.8503 Licensure of music therapists.—

169 (1) The department shall issue a license to practice as a
170 professional music therapist to an applicant who meets all of
171 the following requirements:

172 (a) Has submitted a completed application in a form and
173 manner prescribed by department rule.

174 (b) Is at least 18 years of age.

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175 (c) Holds a minimum of a bachelor's degree in a music
176 therapy program, or its equivalent, including clinical training
177 hours, from an accredited college or university.

178 (d) If applicable, is in good standing based on a review of
179 the applicant's music therapy licensure history in other
180 jurisdictions, including a review of any alleged misconduct or
181 negligence in the practice of music therapy on the part of the
182 applicant.

183 (e) Provides proof of passing the examination for board
184 certification offered by the Certification Board for Music
185 Therapists or its successor organization and provides proof that
186 the applicant is currently a board-certified music therapist or
187 in the process of being transitioned to board-certified status.

188 (2) The department shall issue a license by endorsement to
189 practice as a professional music therapist to an applicant who
190 has submitted a completed application in a form and manner as
191 prescribed by department rule and provides evidence satisfactory
192 to the department that he or she is licensed and in good
193 standing as a music therapist in another jurisdiction and that
194 the qualifications required for licensure in that jurisdiction
195 are equal to or greater than those required by this part at the
196 date of application.

197 (3) Professional music therapist licenses must be renewed
198 biennially. Each licensee is responsible for timely renewal of
199 his or her license. The department shall renew a professional
200 music therapist license upon submission of a renewal application
201 and proof of maintenance of the applicant's status as a board-
202 certified music therapist. The department may not renew a
203 license if the applicant is in violation of any provision of

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204 this part at the time of application for renewal.

205 (4) A licensee shall inform the department of any changes
206 to his or her address within 30 days after the change.

207 (5) Failure to renew a license shall result in expiration
208 of the license. Expired licenses may be restored within 1 year
209 after the expiration date. Failure to restore an expired license
210 within 1 year after the date of its expiration results in the
211 automatic termination of the license, after which the individual
212 must reapply for a new license in order to practice under this
213 part.

214 (6) Upon written request of a licensee, the department
215 shall place an active license on an inactive status. The
216 licensee, upon request, may continue on inactive status for a
217 period up to 2 years. An inactive license may be reactivated at
218 any time by making a written request to the department and by
219 fulfilling the applicable requirements for licensure under this
220 section.

221 Section 5. Section 468.8504, Florida Statutes, is created
222 to read:

223 468.8504 Practice standards; collaboration.-

224 (1) Before a licensed professional music therapist provides
225 music therapy services to a client for an identified clinical or
226 developmental need, the licensee shall review the client's
227 diagnosis, treatment needs, and treatment plan with the health
228 care providers involved in the client's care. Before a licensed
229 professional music therapist provides music therapy services to
230 a student for an identified educational need in a special
231 education setting, the licensee shall review with the
232 individualized family service plan team or individualized

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education program team the student's diagnosis, treatment needs, and treatment plan.

(2) During the provision of music therapy services to a client, the licensed professional music therapist shall collaborate, as applicable, with the client's treatment team, including the client's physician, psychologist, licensed clinical social worker, or other mental health professional, if any.

(3) During the provision of music therapy services to a client with a communication disorder, the licensed professional music therapist shall collaborate and discuss the music therapy treatment plan with the client's audiologist or speech-language pathologist so that the music therapist may work with the client and address communication skills. When providing educational or health care services, a licensed professional music therapist may not replace the services provided by an audiologist or a speech-language pathologist. Unless authorized to practice speech-language pathology, music therapists may not evaluate, examine, instruct, or counsel on speech, language, communication, and swallowing disorders and conditions. An individual licensed as a professional music therapist may not represent to the public that the individual is authorized to treat a communication disorder. This subsection does not prohibit an individual licensed as a professional music therapist from representing to the public that the individual may work with clients who have a communication disorder and address communication skills.

Section 6. Section 468.8505, Florida Statutes, is created to read:

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468.8505 Unlicensed practice prohibited; exemptions.—

(1) Beginning January 1, 2027, a person without a license as a professional music therapist is prohibited from using the title "music therapist," "licensed professional music therapist," or similar title to practice music therapy. This section may not be construed to prohibit or restrict any of the following:

(a) A person licensed, certified, or regulated under the laws of this state in another profession or occupation, including, but not limited to, physicians, psychologists, psychoanalysts, registered nurses, marriage and family therapists, mental health counselors, social workers, occupational therapists, speech-language pathologists or audiologists, or personnel supervised by a licensed professional, performing work, including the use of music, incidental to the practice of his or her licensed, certified, or regulated profession or occupation, if that person does not represent himself or herself as a professional music therapist.

(b) The practice of a person whose training and national certification attests to the individual's preparation and ability to practice his or her certified profession or occupation, if that person does not represent himself or herself as a professional music therapist.

(c) Any practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program, if the student does not represent himself or herself as a professional music therapist.

(2) A person who is not a licensed professional music therapist may provide music therapy under the supervision of a

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licensed professional music therapist for a period not to exceed
180 days after the start of practice if:

(a) The person's application to obtain board certification
is pending; and

(b) The person meets the remaining requirements for
licensure under this part.

Section 7. Section 468.8506, Florida Statutes, is created
to read:

468.8506 Discipline.—

(1) The following acts constitute grounds for denial of a
license or for disciplinary action, as applicable:

(a) Failing to comply with the requirements for licensure,
including, but not limited to, failing to maintain board
certification as a music therapist; failing to provide updated
information to the department in a timely manner; or making
misleading, untrue, deceptive, or fraudulent representations on
an initial or renewal licensure application.

(b) Failing to provide requested information to the
department in a timely manner.

(c) Being convicted of a felony.

(d) Being convicted of any crime that reflects an inability
to practice music therapy with due regard for the health and
safety of clients and patients or with due regard for the truth
in filing claims with Medicare, Medicaid, or any third-party
payor.

(e) Being unable or failing to practice music therapy with
reasonable skill and consistent with the welfare of clients,
including, but not limited to, by being negligent in the
practice of music therapy, being intoxicated, being

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incapacitated, abusing a client, or engaging in sexual contact with a client.

(f) Having disciplinary action taken against a license to practice music therapy by another jurisdiction.

(g) Violating any provision of this part.

(2) The department may conduct investigations into allegations of misconduct described in subsection (1).

(3) The department may impose one or more of the following sanctions for a violation of this part:

(a) Suspension, revocation, or denial of a license.

(b) Refusal to renew a license.

(c) Probation with conditions.

(d) A reprimand.

(e) A fine of not less than \$100 and not more than \$1,000 for each violation.

Section 8. Section 468.8507, Florida Statutes, is created to read:

468.8507 Rules.—By October 1, 2026, the department shall adopt rules to implement this part.

Section 9. This act shall take effect July 1, 2026.