

1 A bill to be entitled
2 An act relating to clinical, counseling, and
3 psychotherapy services; amending s. 491.004, F.S.;
4 deleting an obsolete provision; conforming provisions;
5 amending s. 491.0045, F.S.; requiring registered
6 interns to remain under supervision while maintaining
7 registered intern status; providing for noncompliance;
8 providing for the expiration of intern registrations
9 and registered intern licenses; prohibiting specified
10 persons from applying for an intern registration;
11 amending s. 491.0046, F.S.; correcting cross-
12 references; prohibiting specified persons from
13 applying for a provisional license; amending s.
14 491.005, F.S.; revising the requirements for a
15 clinical social worker license, a marriage and family
16 therapist license, and a mental health counselor
17 license; deleting a provision requiring certain
18 registered interns to be certified as having met
19 specified licensure requirements; amending s.
20 491.0057, F.S.; providing for future repeal of
21 provisions providing for dual licensure as a marriage
22 and family therapist; amending s. 491.006, F.S.;
23 revising requirements of licensure or certification by
24 endorsement; amending s. 491.007, F.S.; deleting a
25 provision providing certified master social workers a
26 limited exemption from continuing education
27 requirements; deleting a provision requiring the Board
28 of Clinical Social Work, Marriage and Family Therapy,

29 | and Mental Health Counseling to establish a procedure
30 | for the biennial renewal of intern registrations;
31 | amending s. 491.009, F.S.; revising acts constituting
32 | grounds for the denial of a license or disciplinary
33 | action; authorizing the board and the Department of
34 | Health to deny licensure or impose specified penalties
35 | against an applicant or licensee for certain
36 | violations; amending s. 491.0112, F.S.; revising a
37 | provision providing that a psychotherapist who commits
38 | sexual misconduct with a client or former client
39 | commits a felony of the third degree; amending s.
40 | 491.012, F.S.; prohibiting a person from using the
41 | title "mental health counselor coach" without a valid
42 | mental health counselor license; deleting an obsolete
43 | provision; amending s. 491.0145, F.S.; providing
44 | certified master social workers a limited exemption
45 | from continuing education requirements; amending s.
46 | 491.0149, F.S.; requiring the use of applicable
47 | professional titles by licensees, provisional
48 | licensees, and registrants on social media and other
49 | specified materials; creating s. 491.017, F.S.;
50 | providing a presumption of good faith for the actions
51 | of a court-appointed mental health professional who
52 | develops a parenting plan recommendation; prohibiting
53 | anonymous complaints; providing prerequisites for a
54 | parent to bring a suit against a mental health
55 | professional; providing for the awarding of attorney
56 | fees and court costs; providing an effective date.

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

Section 1. Subsections (3) through (7) of section 491.004, Florida Statutes, are amended to read:

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

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

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

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

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

(3)~~(4)~~ As the terms of the ~~initial~~ members expire, the Governor shall appoint successors for terms of 4 years; and those members shall serve until their successors are appointed.

(4)~~(5)~~ The board shall adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to implement and enforce the provisions of this chapter.

(5)~~(6)~~ All applicable provisions of chapter 456 relating to activities of regulatory boards shall apply to the board.

(6)~~(7)~~ The board shall maintain its official headquarters in the City of Tallahassee.

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

491.0045 Intern registration; requirements.—

(1) ~~Effective January 1, 1998, An individual who has not satisfied intends to practice in Florida to satisfy the~~ postgraduate or post-master's level experience requirements, as

85 | specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register
 86 | as an intern in the profession for which he or she is seeking
 87 | licensure before ~~prior to~~ commencing the post-master's
 88 | experience requirement. ~~or~~ An individual who intends to satisfy
 89 | part of the required graduate-level practicum, internship, or
 90 | field experience, outside the academic arena for any profession,
 91 | must register as an intern in the profession for which he or she
 92 | is seeking licensure before ~~prior to~~ commencing the practicum,
 93 | internship, or field experience.

94 | (2) The department shall register as a clinical social
 95 | worker intern, marriage and family therapist intern, or mental
 96 | health counselor intern each applicant who the board certifies
 97 | has:

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

101 | (b)1. Completed the education requirements as specified in
 102 | s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which
 103 | he or she is applying for licensure, if needed; and

104 | 2. Submitted an acceptable supervision plan, as determined
 105 | by the board, for meeting the practicum, internship, or field
 106 | work required for licensure that was not satisfied in his or her
 107 | graduate program.

108 | (c) Identified a qualified supervisor.

109 | (3) An individual registered under this section must
 110 | remain under supervision while practicing under registered
 111 | intern status ~~until he or she is in receipt of a license or a~~
 112 | ~~letter from the department stating that he or she is licensed to~~

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113 ~~practice the profession for which he or she applied.~~

114 ~~(4) An individual who has applied for intern registration~~
115 ~~on or before December 31, 2001, and has satisfied the education~~
116 ~~requirements of s. 491.005 that are in effect through December~~
117 ~~31, 2000, will have met the educational requirements for~~
118 ~~licensure for the profession for which he or she has applied.~~

119 ~~(4)-(5) Individuals who have commenced the experience~~
120 ~~requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c)~~
121 ~~but failed to register as required by subsection (1) shall~~
122 ~~register with the department before January 1, 2000. Individuals~~
123 ~~who fail to comply with this section ~~subsection~~ shall not be~~
124 ~~granted a license under this chapter, and any time spent by the~~
125 ~~individual completing the experience requirement as specified in~~
126 ~~s. 491.005(1)(c), (3)(c), or (4)(c) before prior to registering~~
127 ~~as an intern shall not count toward completion of the ~~such~~~~
128 ~~requirement.~~

129 ~~(5) Intern registration shall be valid for 5 years. Any~~
130 ~~subsequent intern registration must result from applying for and~~
131 ~~meeting the requirements adopted by the board by rule.~~

132 ~~(6) A registered intern license issued before July 1,~~
133 ~~2013, shall expire 60 months after the date it was issued and~~
134 ~~may not be renewed or reissued. Any subsequent intern~~
135 ~~registration shall be issued at the discretion of the board.~~

136 ~~(7) A person who has held a provisional license issued by~~
137 ~~the board may not apply for an intern registration in the same~~
138 ~~profession.~~

139 Section 3. Paragraph (c) of subsection (2) of section
140 491.0046, Florida Statutes, is amended, and subsection (5) is

141 added to that section, to read:

142 491.0046 Provisional license; requirements.—

143 (2) The department shall issue a provisional clinical
 144 social worker license, provisional marriage and family therapist
 145 license, or provisional mental health counselor license to each
 146 applicant who the board certifies has:

147 (c) Has met the following minimum coursework requirements:

148 1. For clinical social work, a minimum of 15 semester
 149 hours or 22 quarter hours of the coursework required by s.
 150 491.005(1)(b)2.b.

151 2. For marriage and family therapy, 10 of the courses
 152 required by s. 491.005(3)(b)1.a. ~~491.005(3)(b)1.a.-c.~~, as
 153 determined by the board, and at least 6 semester hours or 9
 154 quarter hours of the course credits must have been completed in
 155 the area of marriage and family systems, theories, or
 156 techniques.

157 3. For mental health counseling, a minimum of seven of the
 158 courses required under s. 491.005(4)(b)1.a. ~~491.005(b)1.a.-c.~~

159 (5) A person who has held an intern registration issued by
 160 the board may not apply for a provisional license in the same
 161 profession.

162 Section 4. Section 491.005, Florida Statutes, is amended
 163 to read:

164 491.005 Licensure by examination.—

165 (1) CLINICAL SOCIAL WORK.—Upon verification of
 166 documentation and payment of a fee not to exceed \$200, as set by
 167 board rule, plus the actual per applicant cost to the department
 168 for purchase of the examination from the American Association of

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169 State Social Worker's Boards or a similar national organization,
170 the department shall issue a license as a clinical social worker
171 to an applicant who the board certifies:

172 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid
173 the appropriate fee.

174 (b)1. Has received a doctoral degree in social work from a
175 graduate school of social work which at the time the applicant
176 graduated was accredited by an accrediting agency recognized by
177 the United States Department of Education or has received a
178 master's degree in social work from a graduate school of social
179 work which at the time the applicant graduated:

180 a. Was accredited by the Council on Social Work Education;

181 b. Was accredited by the Canadian Association of Schools
182 of Social Work; or

183 c. Has been determined to have been a program equivalent
184 to programs approved by the Council on Social Work Education by
185 the Foreign Equivalency Determination Service of the Council on
186 Social Work Education. An applicant who graduated from a program
187 at a university or college outside of the United States or
188 Canada must present documentation of the equivalency
189 determination from the council in order to qualify.

190 2. The applicant's graduate program must have emphasized
191 direct clinical patient or client health care services,
192 including, but not limited to, coursework in clinical social
193 work, psychiatric social work, medical social work, social
194 casework, psychotherapy, or group therapy. The applicant's
195 graduate program must have included all of the following
196 coursework:

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197 a. A supervised field placement which was part of the
198 applicant's advanced concentration in direct practice, during
199 which the applicant provided clinical services directly to
200 clients.

201 b. Completion of 24 semester hours or 32 quarter hours in
202 theory of human behavior and practice methods as courses in
203 clinically oriented services, including a minimum of one course
204 in psychopathology, and no more than one course in research,
205 taken in a school of social work accredited or approved pursuant
206 to subparagraph 1.

207 3. If the course title which appears on the applicant's
208 transcript does not clearly identify the content of the
209 coursework, the applicant shall be required to provide
210 additional documentation, including, but not limited to, a
211 syllabus or catalog description published for the course.

212 (c) Has had at least ~~not less than~~ 2 years of clinical
213 social work experience, which took place subsequent to
214 completion of a graduate degree in social work at an institution
215 meeting the accreditation requirements of this section, under
216 the supervision of a licensed clinical social worker or the
217 equivalent who is a qualified supervisor as determined by the
218 board. An individual who intends to practice in Florida to
219 satisfy clinical experience requirements must register pursuant
220 to s. 491.0045 before ~~prior to~~ commencing practice. If the
221 applicant's graduate program was not a program which emphasized
222 direct clinical patient or client health care services as
223 described in subparagraph (b)2., the supervised experience
224 requirement must take place after the applicant has completed a

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225 | minimum of 15 semester hours or 22 quarter hours of the
226 | coursework required. A doctoral internship may be applied toward
227 | the clinical social work experience requirement. A licensed
228 | mental health professional must be on the premises when clinical
229 | services are provided by a registered intern in a private
230 | practice setting. A registered intern may not engage in his or
231 | her own independent private practice. ~~The experience requirement~~
232 | ~~may be met by work performed on or off the premises of the~~
233 | ~~supervising clinical social worker or the equivalent, provided~~
234 | ~~the off-premises work is not the independent private practice~~
235 | ~~rendering of clinical social work that does not have a licensed~~
236 | ~~mental health professional, as determined by the board, on the~~
237 | ~~premises at the same time the intern is providing services.~~

238 | (d) Has passed a theory and practice examination provided
239 | by the department for this purpose.

240 | (e) Has demonstrated, in a manner designated by rule of
241 | the board, knowledge of the laws and rules governing the
242 | practice of clinical social work, marriage and family therapy,
243 | and mental health counseling.

244 | (2) CLINICAL SOCIAL WORK.—

245 | (a) Notwithstanding the provisions of paragraph (1) (b),
246 | coursework which was taken at a baccalaureate level shall not be
247 | considered toward completion of education requirements for
248 | licensure unless an official of the graduate program certifies
249 | in writing on the graduate school's stationery that a specific
250 | course, which students enrolled in the same graduate program
251 | were ordinarily required to complete at the graduate level, was
252 | waived or exempted based on completion of a similar course at

253 | the baccalaureate level. If this condition is met, the board
 254 | shall apply the baccalaureate course named toward the education
 255 | requirements.

256 | (b) An applicant from a master's or doctoral program in
 257 | social work which did not emphasize direct patient or client
 258 | services may complete the clinical curriculum content
 259 | requirement by returning to a graduate program accredited by the
 260 | Council on Social Work Education or the Canadian Association of
 261 | Schools of Social Work, or to a clinical social work graduate
 262 | program with comparable standards, in order to complete the
 263 | education requirements for examination. However, a maximum of 6
 264 | semester or 9 quarter hours of the clinical curriculum content
 265 | requirement may be completed by credit awarded for independent
 266 | study coursework as defined by board rule.

267 | (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of
 268 | documentation and payment of a fee not to exceed \$200, as set by
 269 | board rule, plus the actual cost to the department for the
 270 | purchase of the examination from the Association of Marital and
 271 | Family Therapy Regulatory Board, or its successor ~~similar~~
 272 | ~~national organization~~, the department shall issue a license as a
 273 | marriage and family therapist to an applicant who the board
 274 | certifies:

275 | (a) Has submitted an ~~made~~ application ~~therefor~~ and paid
 276 | the appropriate fee.

277 | (b)1. Has a minimum of a master's degree from a program
 278 | accredited by the Commission on Accreditation for Marriage and
 279 | Family Therapy Education, from a mental health counseling
 280 | program with a marriage and family track from a university in

281 this state accredited by the Council for Accreditation of
 282 Counseling and Related Educational Programs, from a program
 283 accepted by the board as meeting these coursework requirements
 284 ~~with major emphasis in marriage and family therapy, or a program~~
 285 in a closely related field as determined by the board, and has
 286 completed all of the following requirements:

287 a. Sixty ~~Thirty-six~~ semester hours or 80 ~~48~~ quarter hours
 288 ~~of graduate coursework, which must include a minimum of 3~~
 289 ~~semester hours or 4 quarter hours~~ of graduate-level coursework
 290 ~~course credits~~ in each of the following ~~nine~~ areas: dynamics of
 291 marriage and family systems; marriage therapy and counseling
 292 theory and techniques; family therapy and counseling theory and
 293 techniques; individual human development theories throughout the
 294 life cycle; personality theory or general counseling theory and
 295 techniques; psychopathology; human sexuality theory and
 296 counseling techniques; psychosocial theory; ~~and~~ substance abuse
 297 theory and counseling techniques; legal, ethical, and
 298 professional standards issues in the practice of marriage and
 299 family therapy; individual evaluation, assessment, and testing;
 300 and behavioral research which focuses on the interpretation and
 301 application of research data as it applies to clinical practice.
 302 ~~Courses in research, evaluation, appraisal, assessment, or~~
 303 ~~testing theories and procedures; thesis or dissertation work; or~~
 304 ~~practicums, internships, or fieldwork may not be applied toward~~
 305 ~~this requirement.~~

306 b. A minimum of one graduate-level course of 3 semester
 307 hours or 4 quarter hours in legal, ethical, and professional
 308 standards issues in the practice of marriage and family therapy

309 or a course determined by the board to be equivalent.

310 c. A minimum of one graduate-level course of 3 semester
 311 hours or 4 quarter hours in diagnosis, appraisal, assessment,
 312 and testing for individual or interpersonal disorder or
 313 dysfunction; and a minimum of one 3-semester-hour or 4-quarter-
 314 hour graduate-level course in behavioral research which focuses
 315 on the interpretation and application of research data as it
 316 applies to clinical practice. Credit for thesis or dissertation
 317 work, practicums, internships, or fieldwork may not be applied
 318 toward this requirement.

319 d. A minimum of one supervised clinical practicum,
 320 internship, or field experience in a marriage and family
 321 counseling setting, during which the student provided 400 ~~180~~
 322 direct client contact hours of marriage and family therapy
 323 services under the supervision of an individual who met the
 324 requirements for supervision under paragraph (c). This
 325 requirement may be met by a supervised practice experience which
 326 took place outside the academic arena, but which is certified as
 327 equivalent to a graduate-level practicum or internship program
 328 which required a minimum of 400 ~~180~~ direct client contact hours
 329 of marriage and family therapy services currently offered within
 330 an academic program of a college or university accredited by an
 331 accrediting agency approved by the United States Department of
 332 Education, or an institution which is publicly recognized as a
 333 member in good standing with the Association of Universities and
 334 Colleges of Canada or a training institution accredited by the
 335 Commission on Accreditation for Marriage and Family Therapy
 336 Education ~~recognized by the United States Department of~~

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337 ~~Education.~~ Certification shall be required from an official of
338 such college, university, or training institution.

339 2. If the course title which appears on the applicant's
340 transcript does not clearly identify the content of the
341 coursework, the applicant shall be required to provide
342 additional documentation, including, but not limited to, a
343 syllabus or catalog description published for the course.

344

345 The required master's degree must have been received in an
346 institution of higher education which at the time the applicant
347 graduated was: fully accredited by a regional accrediting body
348 recognized by the Commission on Recognition of Postsecondary
349 Accreditation; publicly recognized as a member in good standing
350 with the Association of Universities and Colleges of Canada; or
351 an institution of higher education located outside the United
352 States and Canada, which at the time the applicant was enrolled
353 and at the time the applicant graduated maintained a standard of
354 training substantially equivalent to the standards of training
355 of those institutions in the United States which are accredited
356 by a regional accrediting body recognized by the Commission on
357 Recognition of Postsecondary Accreditation. Such foreign
358 education and training must have been received in an institution
359 or program of higher education officially recognized by the
360 government of the country in which it is located as an
361 institution or program to train students to practice as
362 professional marriage and family therapists or psychotherapists.
363 The burden of establishing that the requirements of this
364 provision have been met shall be upon the applicant, and the

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365 board shall require documentation, such as, but not limited to,
366 an evaluation by a foreign equivalency determination service, as
367 evidence that the applicant's graduate degree program and
368 education were equivalent to an accredited program in this
369 country. An applicant with a master's degree from a program
370 which did not emphasize marriage and family therapy may complete
371 the coursework requirement in a training institution fully
372 accredited by the Commission on Accreditation for Marriage and
373 Family Therapy Education or the Council for Accreditation of
374 Counseling and Related Educational Programs ~~recognized by the~~
375 ~~United States Department of Education.~~

376 (c) Has had at least ~~not less than~~ 2 years of clinical
377 experience during which 50 percent of the applicant's clients
378 were receiving marriage and family therapy services, which must
379 be at the post-master's level under the supervision of a
380 licensed marriage and family therapist with at least 5 years of
381 experience, or the equivalent, who is a qualified supervisor as
382 determined by the board. An individual who intends to practice
383 in Florida to satisfy the clinical experience requirements must
384 register pursuant to s. 491.0045 before ~~prior to~~ commencing
385 practice. If a graduate has a master's degree with a major
386 emphasis in marriage and family therapy or a closely related
387 field that did not include all the coursework required under
388 sub-subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, credit
389 for the post-master's level clinical experience shall not
390 commence until the applicant has completed coursework in at
391 least a minimum of 10 of the areas ~~courses~~ required under sub-
392 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a.-c.~~, as determined

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393 | by the board, and at least 6 semester hours or 9 quarter hours
394 | of the course credits must have been completed in the area of
395 | marriage and family systems, theories, or techniques. Within the
396 | 2 ~~3~~ years of required experience, the applicant shall provide
397 | direct individual, group, or family therapy and counseling, to
398 | include the following categories of cases: unmarried dyads,
399 | married couples, separating and divorcing couples, and family
400 | groups including children. A doctoral internship may be applied
401 | toward the clinical experience requirement. A licensed mental
402 | health professional must be on the premises when clinical
403 | services are provided by a registered intern in a private
404 | practice setting. A registered intern may not engage in his or
405 | her own independent private practice ~~The clinical experience~~
406 | ~~requirement may be met by work performed on or off the premises~~
407 | ~~of the supervising marriage and family therapist or the~~
408 | ~~equivalent, provided the off-premises work is not the~~
409 | ~~independent private practice rendering of marriage and family~~
410 | ~~therapy services that does not have a licensed mental health~~
411 | ~~professional, as determined by the board, on the premises at the~~
412 | ~~same time the intern is providing services.~~

413 | (d) Has passed a theory and practice examination
414 | designated ~~provided~~ by the board ~~department~~ for this purpose.

415 | (e) Has demonstrated, ~~in a manner designated by rule of~~
416 | ~~the board,~~ knowledge of the laws and rules governing the
417 | practice of clinical social work, marriage and family therapy,
418 | and mental health counseling as determined by the board.

419 | (f) For the purposes of dual licensure, the department
420 | shall license as a marriage and family therapist any person who

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421 meets the requirements of s. 491.0057. Fees for dual licensure
422 shall not exceed those stated in this subsection. This paragraph
423 expires July 1, 2020.

424 (4) MENTAL HEALTH COUNSELING.—Upon verification of
425 documentation and payment of a fee not to exceed \$200, as set by
426 board rule, plus the actual per applicant cost to the department
427 for purchase of the National Clinical Mental Health Counselor
428 Examination ~~from the Professional Examination Service for the~~
429 ~~National Academy of Certified Clinical Mental Health Counselors~~
430 ~~or a similar national organization,~~ an examination managed by
431 the National Board of Certified Counselors or its successor, the
432 department shall issue a license as a mental health counselor to
433 an applicant who the board certifies:

434 (a) Has submitted an ~~made~~ application ~~therefor~~ and paid
435 the appropriate fee.

436 (b)1. Has a minimum of an earned master's degree from a
437 mental health counseling program accredited by the Council for
438 ~~the~~ Accreditation of Counseling and Related Educational Programs
439 that consists of at least 60 semester hours or 80 quarter hours
440 of clinical and didactic instruction, including a course in
441 human sexuality and a course in substance abuse. If the master's
442 degree is earned from a program related to the practice of
443 mental health counseling that is not accredited by the Council
444 for ~~the~~ Accreditation of Counseling and Related Educational
445 Programs, then the coursework and practicum, internship, or
446 fieldwork must consist of at least 60 semester hours or 80
447 quarter hours and meet the following requirements:

448 a. Thirty-three semester hours or 44 quarter hours of

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449 graduate coursework, which must include a minimum of 3 semester
450 hours or 4 quarter hours of graduate-level coursework in each of
451 the following 11 content areas: counseling theories and
452 practice; human growth and development; diagnosis and treatment
453 of psychopathology; human sexuality; group theories and
454 practice; individual evaluation and assessment; career and
455 lifestyle assessment; research and program evaluation; social
456 and cultural foundations; ~~counseling in community settings; and~~
457 substance abuse; and legal, ethical, and professional standards
458 issues in the practice of mental health counseling. Courses in
459 research, thesis or dissertation work, practicums, internships,
460 or fieldwork may not be applied toward this requirement.

461 b. ~~A minimum of 3 semester hours or 4 quarter hours of~~
462 ~~graduate-level coursework in legal, ethical, and professional~~
463 ~~standards issues in the practice of mental health counseling,~~
464 ~~which includes goals, objectives, and practices of professional~~
465 ~~counseling organizations, codes of ethics, legal considerations,~~
466 ~~standards of preparation, certifications and licensing, and the~~
467 ~~role identity and professional obligations of mental health~~
468 ~~counselors. Courses in research, thesis or dissertation work,~~
469 ~~practicums, internships, or fieldwork may not be applied toward~~
470 ~~this requirement.~~

471 e. The equivalent, as determined by the board, of at least
472 700 ~~1,000~~ hours of university-sponsored supervised clinical
473 practicum, internship, or field experience that includes at
474 least 280 hours of direct client services, as required in the
475 accrediting standards of the Council for Accreditation of
476 Counseling and Related Educational Programs for mental health

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477 counseling programs. This experience may not be used to satisfy
478 the post-master's clinical experience requirement.

479 2. If the course title which appears on the applicant's
480 transcript does not clearly identify the content of the
481 coursework, the applicant shall be required to provide
482 additional documentation, including, but not limited to, a
483 syllabus or catalog description published for the course.

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485 Education and training in mental health counseling must have
486 been received in an institution of higher education which at the
487 time the applicant graduated was: fully accredited by a regional
488 accrediting body recognized by the Council for Higher Education
489 or its successor ~~Commission on Recognition of Postsecondary~~
490 ~~Accreditation~~; publicly recognized as a member in good standing
491 with the Association of Universities and Colleges of Canada; or
492 an institution of higher education located outside the United
493 States and Canada, which at the time the applicant was enrolled
494 and at the time the applicant graduated maintained a standard of
495 training substantially equivalent to the standards of training
496 of those institutions in the United States which are accredited
497 by a regional accrediting body recognized by the Council for
498 Higher Education or its successor ~~Commission on Recognition of~~
499 ~~Postsecondary Accreditation~~. Such foreign education and training
500 must have been received in an institution or program of higher
501 education officially recognized by the government of the country
502 in which it is located as an institution or program to train
503 students to practice as mental health counselors. The burden of
504 establishing that the requirements of this provision have been

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505 met shall be upon the applicant, and the board shall require
506 documentation, such as, but not limited to, an evaluation by a
507 foreign equivalency determination service, as evidence that the
508 applicant's graduate degree program and education were
509 equivalent to an accredited program in this country. Effective
510 July 1, 2020, an applicant must have a master's degree
511 accredited by the Council for Accreditation of Counseling and
512 Related Educational Programs consisting of at least 60 semester
513 hours or 80 quarter hours to apply for licensure under this
514 subsection. The applicant's graduate program must have
515 emphasized the common core curricular experience to include at
516 least 3 semester hours or 4 quarter hours of coursework
517 specifically addressing the diagnostic process, including
518 differential diagnosis and the use of the current diagnostic
519 tools, such as the current edition of the Diagnostic and
520 Statistical Manual of Mental Disorders.

521 (c) Has had at least ~~not less than~~ 2 years of clinical
522 experience in mental health counseling, which must be at the
523 post-master's level under the supervision of a licensed mental
524 health counselor or the equivalent who is a qualified supervisor
525 as determined by the board. An individual who intends to
526 practice in Florida to satisfy the clinical experience
527 requirements must register pursuant to s. 491.0045 before ~~prior~~
528 ~~to~~ commencing practice. If a graduate has a master's degree in
529 ~~with a major related to the practice of~~ mental health counseling
530 or a closely related field that did not include all the
531 coursework required under sub-subparagraph (b)1.a. ~~sub-~~
532 ~~subparagraphs (b)1.a.-b.,~~ credit for the post-master's level

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533 clinical experience shall not commence until the applicant has
534 completed a minimum of seven of the courses required under sub-
535 subparagraph (b)1.a. ~~sub-subparagraphs (b)1.a. b., as determined~~
536 ~~by the board, one of which must be a course in psychopathology~~
537 ~~or abnormal psychology. A doctoral internship may be applied~~
538 ~~toward the clinical experience requirement. A licensed mental~~
539 ~~health professional must be on the premises when clinical~~
540 ~~services are provided by a registered intern in a private~~
541 ~~practice setting. No registered intern may engage in his or her~~
542 ~~own independent practice~~ The clinical experience requirement may
543 ~~be met by work performed on or off the premises of the~~
544 ~~supervising mental health counselor or the equivalent, provided~~
545 ~~the off-premises work is not the independent private practice~~
546 ~~rendering of services that does not have a licensed mental~~
547 ~~health professional, as determined by the board, on the premises~~
548 ~~at the same time the intern is providing services.~~

549 (d) Has passed a theory and practice examination
550 designated ~~provided~~ by the department ~~for this purpose.~~

551 (e) Has demonstrated, ~~in a manner designated by rule of~~
552 ~~the board,~~ knowledge of the laws and rules governing the
553 practice of clinical social work, marriage and family therapy,
554 and mental health counseling as determined by the board.

555 ~~(5) INTERNSHIP. An individual who is registered as an~~
556 ~~intern and has satisfied all of the educational requirements for~~
557 ~~the profession for which the applicant seeks licensure shall be~~
558 ~~certified as having met the educational requirements for~~
559 ~~licensure under this section.~~

560 (5)(6) RULES.—The board may adopt rules necessary to

561 implement any education or experience requirement of this
 562 section for licensure as a clinical social worker, marriage and
 563 family therapist, or mental health counselor.

564 Section 5. Section 491.0057, Florida Statutes, is amended
 565 to read:

566 491.0057 Dual licensure as a marriage and family
 567 therapist.—

568 (1) The department shall license as a marriage and family
 569 therapist a ~~any~~ person who demonstrates to the board that he or
 570 she:

571 (a) ~~(1)~~ Holds a valid, active license as a psychologist
 572 under chapter 490 or as a clinical social worker or mental
 573 health counselor under this chapter, or is certified under s.
 574 464.012 as an advanced registered nurse practitioner who has
 575 been determined by the Board of Nursing as a specialist in
 576 psychiatric mental health.

577 (b) ~~(2)~~ Has held a valid, active license for at least 3
 578 years.

579 (c) ~~(3)~~ Has passed the examination provided by the
 580 department for marriage and family therapy.

581 (2) This section is repealed July 1, 2020.

582 Section 6. Subsection (1) of section 491.006, Florida
 583 Statutes, is amended to read:

584 491.006 Licensure or certification by endorsement.—

585 (1) The department shall license or grant a certificate to
 586 a person in a profession regulated by this chapter who, upon
 587 applying to the department and remitting the appropriate fee,
 588 demonstrates to the board that he or she:

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589 (a) Has demonstrated, ~~in a manner designated by rule of~~
590 ~~the board,~~ knowledge of the laws and rules governing the
591 practice of clinical social work, marriage and family therapy,
592 and mental health counseling as defined by rule of the board.

593 (b)1. Holds an active valid license to practice in the
594 profession for which the applicant seeks licensure ~~and has~~
595 ~~actively practiced the profession for which licensure is applied~~
596 ~~in another state for 3 of the last 5 years immediately preceding~~
597 ~~licensure.~~

598 2. Meets the education requirements of this chapter for
599 the profession for which licensure is applied or has
600 demonstrated proof of substantially equivalent education as
601 defined by rule of the board.

602 3. Has passed the licensure examination designated by the
603 board or has passed a substantially equivalent licensing
604 examination in another state for the profession which the
605 applicant seeks licensure ~~a substantially equivalent licensing~~
606 ~~examination in another state or has passed the licensure~~
607 ~~examination in this state in the profession for which the~~
608 ~~applicant seeks licensure.~~

609 4. Holds a license in good standing, is not under
610 investigation for an act that would constitute a violation of
611 this chapter, and has not been found to have committed any act
612 that would constitute a violation of this chapter. ~~The fees paid~~
613 ~~by any applicant for certification as a master social worker~~
614 ~~under this section are nonrefundable.~~

615 Section 7. Subsections (2) and (3) of section 491.007,
616 Florida Statutes, are amended to read:

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617 491.007 Renewal of license, registration, or certificate.—

618 (2) Each applicant for renewal shall present satisfactory
619 evidence that, in the period since the license or certificate
620 was issued, the applicant has completed continuing education
621 requirements set by rule of the board or department. The board
622 may not require ~~Not~~ more than 25 classroom hours of continuing
623 education per year ~~shall be required. A certified master social~~
624 ~~worker is exempt from the continuing education requirements for~~
625 ~~the first renewal of the certificate.~~

626 ~~(3) The board or department shall prescribe by rule a~~
627 ~~method for the biennial renewal of an intern registration at a~~
628 ~~fee set by rule, not to exceed \$100.~~

629 Section 8. Paragraph (c) of subsection (1) and subsection
630 (2) of section 491.009, Florida Statutes, are amended to read:

631 491.009 Discipline.—

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

634 (c) Being convicted or found guilty of, or entering
635 ~~regardless of adjudication, or having entered~~ a plea of nolo
636 contendere to, a crime in any jurisdiction which directly
637 relates to the practice of his or her profession or the ability
638 to practice his or her profession, regardless of adjudication.
639 ~~However, in the case of a plea of nolo contendere, the board~~
640 ~~shall allow the person who is the subject of the disciplinary~~
641 ~~proceeding to present evidence in mitigation relevant to the~~
642 ~~underlying charges and circumstances surrounding the plea.~~

643 (2) The board ~~department~~, or, in the case of certified
644 master social workers ~~psychologists~~, the department ~~board~~, may

645 enter an order denying licensure or imposing any of the
 646 penalties in s. 456.072(2) against any applicant for licensure
 647 or licensee who is found guilty of violating any provision of
 648 subsection (1) of this section or who is found guilty of
 649 violating any provision of s. 456.072(1).

650 Section 9. Subsection (1) of section 491.0112, Florida
 651 Statutes, is amended to read:

652 491.0112 Sexual misconduct by a psychotherapist;
 653 penalties.—

654 (1) Any psychotherapist who commits sexual misconduct with
 655 a client, ~~or former client when the professional relationship~~
 656 ~~was terminated primarily for the purpose of engaging in sexual~~
 657 ~~contact,~~ commits a felony of the third degree, punishable as
 658 provided in s. 775.082 or s. 775.083; however, a second or
 659 subsequent offense is a felony of the second degree, punishable
 660 as provided in s. 775.082, s. 775.083, or s. 775.084.

661 Section 10. Paragraphs (c) and (n) of subsection (1) of
 662 section 491.012, Florida Statutes, are amended to read:

663 491.012 Violations; penalty; injunction.—

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

666 (c) Use the following titles or any combination thereof,
 667 unless she or he holds a valid, active license as a mental
 668 health counselor issued pursuant to this chapter:

- 669 1. "Licensed mental health counselor."
- 670 2. "Mental health counselor."
- 671 3. "Mental health therapist."
- 672 4. "Mental health consultant."

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673 | 5. "Mental health counselor coach."

674 | (n) ~~Effective October 1, 2000,~~ Practice juvenile sexual
675 | offender therapy in this state, as the practice is defined in s.
676 | 491.0144, for compensation, unless the person holds an active
677 | license issued under this chapter and meets the requirements to
678 | practice juvenile sexual offender therapy. An unlicensed person
679 | may be employed by a program operated by or under contract with
680 | the Department of Juvenile Justice or the Department of Children
681 | and Families ~~Family Services~~ if the program employs a
682 | professional who is licensed under chapter 458, chapter 459, s.
683 | 490.0145, or s. 491.0144 who manages or supervises the treatment
684 | services.

685 | Section 11. Section 491.0145, Florida Statutes, is amended
686 | to read:

687 | 491.0145 Certified master social worker.—

688 | (1) The department may certify an applicant for a
689 | designation as a certified master social worker upon the
690 | following conditions:

691 | (a)~~(1)~~ The applicant completes an application to be
692 | provided by the department and pays a nonrefundable fee not to
693 | exceed \$250 to be established by rule of the department. The
694 | completed application must be received by the department at
695 | least 60 days before the date of the examination in order for
696 | the applicant to qualify to take the scheduled exam.

697 | (b)~~(2)~~ The applicant submits proof satisfactory to the
698 | department that the applicant has received a doctoral degree in
699 | social work, or a master's degree with a major emphasis or
700 | specialty in clinical practice or administration, including, but

701 not limited to, agency administration and supervision, program
 702 planning and evaluation, staff development, research, community
 703 organization, community services, social planning, and human
 704 service advocacy. Doctoral degrees must have been received from
 705 a graduate school of social work which at the time the applicant
 706 was enrolled and graduated was accredited by an accrediting
 707 agency approved by the United States Department of Education.
 708 Master's degrees must have been received from a graduate school
 709 of social work which at the time the applicant was enrolled and
 710 graduated was accredited by the Council on Social Work Education
 711 or the Canadian Association of Schools of Social Work or by one
 712 that meets comparable standards.

713 (c)~~(3)~~ The applicant has had at least 3 years' experience,
 714 as defined by rule, including, but not limited to, clinical
 715 services or administrative activities as defined in paragraph
 716 (b) ~~subsection (2)~~, 2 years of which must be at the post-
 717 master's level under the supervision of a person who meets the
 718 education and experience requirements for certification as a
 719 certified master social worker, as defined by rule, or licensure
 720 as a clinical social worker under this chapter. A doctoral
 721 internship may be applied toward the supervision requirement.

722 (d)~~(4)~~ Any person who holds a master's degree in social
 723 work from an institution ~~institutions~~ outside the United States
 724 may apply to the department for certification if the academic
 725 training in social work has been evaluated as equivalent to a
 726 degree from a school accredited by the Council on Social Work
 727 Education. Any such person shall submit a copy of the academic
 728 training from the Foreign Equivalency Determination Service of

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729 the Council on Social Work Education.

730 (e)~~(5)~~ The applicant has passed an examination required by
731 the department for this purpose. The nonrefundable fee for such
732 examination may not exceed \$250 as set by department rule.

733 (2) A certified master social worker is exempt from the
734 continuing education requirements for the first renewal of the
735 certificate.

736 (3)~~(6)~~ ~~Nothing in~~ This chapter does not ~~shall be construed~~
737 ~~to~~ authorize a certified master social worker to provide
738 clinical social work services.

739 Section 12. Section 491.0149, Florida Statutes, is amended
740 to read:

741 491.0149 Display of license; use of professional title ~~on~~
742 ~~promotional materials.~~

743 (1) (a) A person licensed under this chapter as a clinical
744 social worker, marriage and family therapist, or mental health
745 counselor, or certified as a master social worker shall
746 conspicuously display the valid license issued by the department
747 or a true copy thereof at each location at which the licensee
748 practices his or her profession.

749 (b)1. A licensed clinical social worker shall include the
750 words "licensed clinical social worker" or the letters "LCSW" on
751 all promotional materials, including cards, brochures,
752 stationery, advertisements, ~~and~~ signs, and social media, naming
753 the licensee.

754 2. A licensed marriage and family therapist shall include
755 the words "licensed marriage and family therapist" or the
756 letters "LMFT" on all promotional materials, including cards,

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757 brochures, stationery, advertisements, ~~and~~ signs, and social
758 media, naming the licensee.

759 3. A licensed mental health counselor shall include the
760 words "licensed mental health counselor" or the letters "LMHC"
761 on all promotional materials, including cards, brochures,
762 stationery, advertisements, ~~and~~ signs, and social media, naming
763 the licensee.

764 (2) (a) A person registered under this chapter as a
765 clinical social worker intern, marriage and family therapist
766 intern, or mental health counselor intern shall conspicuously
767 display the valid registration issued by the department or a
768 true copy thereof at each location at which the registered
769 intern is completing the experience requirements.

770 (b) A registered clinical social worker intern shall
771 include the words "registered clinical social worker intern," a
772 registered marriage and family therapist intern shall include
773 the words "registered marriage and family therapist intern," and
774 a registered mental health counselor intern shall include the
775 words "registered mental health counselor intern" on all
776 records, reports, and promotional materials, including cards,
777 brochures, stationery, advertisements, ~~and~~ signs, and social
778 media, naming the registered intern.

779 (3) (a) A person provisionally licensed under this chapter
780 as a provisional clinical social worker licensee, provisional
781 marriage and family therapist licensee, or provisional mental
782 health counselor licensee shall conspicuously display the valid
783 provisional license issued by the department or a true copy
784 thereof at each location at which the provisional licensee is

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785 providing services.

786 (b) A provisional clinical social worker licensee shall
787 include the words "provisional clinical social worker licensee,"
788 a provisional marriage and family therapist licensee shall
789 include the words "provisional marriage and family therapist
790 licensee," and a provisional mental health counselor licensee
791 shall include the words "provisional mental health counselor
792 licensee" on all promotional materials, including cards,
793 brochures, stationery, advertisements, ~~and~~ signs, and social
794 media, naming the provisional licensee.

795 Section 13. Section 491.017, Florida Statutes, is created
796 to read:

797 491.017 Parenting plan recommendation; presumption of good
798 faith; prerequisite to parent's filing suit; award of fees,
799 costs, reimbursement.-

800 (1) A mental health professional licensed under this
801 chapter who has been appointed by the court to develop a
802 parenting plan recommendation in a dissolution of marriage, a
803 case of domestic violence, or a paternity matter involving the
804 relationship of a child and a parent, including time-sharing of
805 children, is presumed to be acting in good faith if the mental
806 health professional's recommendation has been reached under
807 standards that a reasonable mental health professional would use
808 to develop a parenting plan recommendation.

809 (2) An administrative complaint against a court-appointed
810 mental health professional which relates to a parenting plan
811 recommendation developed by the mental health professional may
812 not be filed anonymously. The individual who files an

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813 administrative complaint must include in the complaint his or
814 her name, address, and telephone number.

815 (3) A parent who desires to file a legal action against a
816 court-appointed mental health professional who has acted in good
817 faith in developing a parenting plan recommendation must
818 petition the judge who presided over the dissolution of
819 marriage, case of domestic violence, or paternity matter
820 involving the relationship of a child and a parent, including
821 time-sharing of children, to appoint another mental health
822 professional. Upon the parent's showing of good cause, the court
823 shall appoint another mental health professional. The court
824 shall determine who is responsible for all court costs and
825 attorney fees associated with making such an appointment.

826 (4) If a legal action, whether it be a civil action, a
827 criminal action, or an administrative proceeding, is filed
828 against a court-appointed mental health professional in a
829 dissolution of marriage, case of domestic violence, or paternity
830 matter involving the relationship of a child and a parent,
831 including time-sharing of children, the claimant is responsible
832 for all reasonable costs and reasonable attorney fees associated
833 with the action for both parties if the mental health
834 professional is held not liable. If the mental health
835 professional is held liable in civil court, the mental health
836 professional must pay all reasonable costs and reasonable
837 attorney fees for the claimant.

838 Section 14. This act shall take effect July 1, 2013.