

1 A bill to be entitled
 2 An act relating to mental health professionals;
 3 amending s. 491.003, F.S.; revising definitions;
 4 amending s. 491.0045, F.S.; reclassifying intern
 5 registrations as associate registrations for the
 6 professions of clinical social work, marriage and
 7 family therapy, and mental health counseling; amending
 8 s. 491.005, F.S.; conforming provisions to changes
 9 made by the act; deleting the requirement that a
 10 licensed mental health professional be present on the
 11 premises when registered associates, formerly
 12 classified as registered interns, are providing
 13 clinical services in a private practice setting;
 14 amending ss. 491.007, 491.009, 491.012, 491.014, and
 15 491.0149, F.S.; conforming provisions to changes made
 16 by the act; amending s. 414.065, F.S.; conforming a
 17 cross-reference; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Present subsections (5) through (14) and (15),
 22 (16), and (17) of section 491.003, Florida Statutes, are
 23 redesignated as subsections (8) through (17) and (5), (6), and
 24 (7), respectively, and paragraph (c) of present subsection (8),
 25 paragraph (c) of present subsection (9), paragraph (c) of

26 present subsection (10), and present subsections (15), (16), and
27 (17) of that section are amended, to read:

28 491.003 Definitions.—As used in this chapter:

29 (11)~~(8)~~ The "practice of clinical social work" is defined
30 as the use of scientific and applied knowledge, theories, and
31 methods for the purpose of describing, preventing, evaluating,
32 and treating individual, couple, marital, family, or group
33 behavior, based on the person-in-situation perspective of
34 psychosocial development, normal and abnormal behavior,
35 psychopathology, unconscious motivation, interpersonal
36 relationships, environmental stress, differential assessment,
37 differential planning, and data gathering. The purpose of such
38 services is the prevention and treatment of undesired behavior
39 and enhancement of mental health. The practice of clinical
40 social work includes methods of a psychological nature used to
41 evaluate, assess, diagnose, treat, and prevent emotional and
42 mental disorders and dysfunctions (whether cognitive, affective,
43 or behavioral), sexual dysfunction, behavioral disorders,
44 alcoholism, and substance abuse. The practice of clinical social
45 work includes, but is not limited to, psychotherapy,
46 hypnotherapy, and sex therapy. The practice of clinical social
47 work also includes counseling, behavior modification,
48 consultation, client-centered advocacy, crisis intervention, and
49 the provision of needed information and education to clients,
50 when using methods of a psychological nature to evaluate,

51 assess, diagnose, treat, and prevent emotional and mental
52 disorders and dysfunctions (whether cognitive, affective, or
53 behavioral), sexual dysfunction, behavioral disorders,
54 alcoholism, or substance abuse. The practice of clinical social
55 work may also include clinical research into more effective
56 psychotherapeutic modalities for the treatment and prevention of
57 such conditions.

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

73 (12)~~(9)~~ The term "practice of marriage and family therapy"
74 means the use of scientific and applied marriage and family
75 theories, methods, and procedures for the purpose of describing,

76 | evaluating, and modifying marital, family, and individual
 77 | behavior, within the context of marital and family systems,
 78 | including the context of marital formation and dissolution, and
 79 | is based on marriage and family systems theory, marriage and
 80 | family development, human development, normal and abnormal
 81 | behavior, psychopathology, human sexuality, and
 82 | psychotherapeutic and marriage and family therapy theories and
 83 | techniques. The practice of marriage and family therapy includes
 84 | methods of a psychological nature used to evaluate, assess,
 85 | diagnose, treat, and prevent emotional and mental disorders or
 86 | dysfunctions (whether cognitive, affective, or behavioral),
 87 | sexual dysfunction, behavioral disorders, alcoholism, and
 88 | substance abuse. The practice of marriage and family therapy
 89 | includes, but is not limited to, marriage and family therapy,
 90 | psychotherapy, including behavioral family therapy,
 91 | hypnotherapy, and sex therapy. The practice of marriage and
 92 | family therapy also includes counseling, behavior modification,
 93 | consultation, client-centered advocacy, crisis intervention, and
 94 | the provision of needed information and education to clients,
 95 | when using methods of a psychological nature to evaluate,
 96 | assess, diagnose, treat, and prevent emotional and mental
 97 | disorders and dysfunctions (whether cognitive, affective, or
 98 | behavioral), sexual dysfunction, behavioral disorders,
 99 | alcoholism, or substance abuse. The practice of marriage and
 100 | family therapy may also include clinical research into more

101 effective psychotherapeutic modalities for the treatment and
 102 prevention of such conditions.

103 (c) The terms "diagnose" and "treat," as used in this
 104 chapter, when considered in isolation or in conjunction with the
 105 rules of the board, may not be construed to permit the
 106 performance of any act that marriage and family therapists are
 107 not educated and trained to perform, including, but not limited
 108 to, admitting persons to hospitals for treatment of the
 109 foregoing conditions, treating persons in hospitals without
 110 medical supervision, prescribing medicinal drugs as defined in
 111 chapter 465, authorizing clinical laboratory procedures or
 112 radiological procedures or the use of electroconvulsive therapy.
 113 In addition, this definition may not be construed to permit any
 114 person licensed, provisionally licensed, registered, or
 115 certified pursuant to this chapter to describe or label any
 116 test, report, or procedure as "psychological," except to relate
 117 specifically to the definition of practice authorized in this
 118 subsection.

119 (13)~~(10)~~ The term "practice of mental health counseling"
 120 means the use of scientific and applied behavioral science
 121 theories, methods, and techniques for the purpose of describing,
 122 preventing, and treating undesired behavior and enhancing mental
 123 health and human development and is based on the person-in-
 124 situation perspectives derived from research and theory in
 125 personality, family, group, and organizational dynamics and

126 development, career planning, cultural diversity, human growth
127 and development, human sexuality, normal and abnormal behavior,
128 psychopathology, psychotherapy, and rehabilitation. The practice
129 of mental health counseling includes methods of a psychological
130 nature used to evaluate, assess, diagnose, and treat emotional
131 and mental dysfunctions or disorders, whether cognitive,
132 affective, or behavioral, interpersonal relationships, sexual
133 dysfunction, alcoholism, and substance abuse. The practice of
134 mental health counseling includes, but is not limited to,
135 psychotherapy, hypnotherapy, and sex therapy. The practice of
136 mental health counseling also includes counseling, behavior
137 modification, consultation, client-centered advocacy, crisis
138 intervention, and the provision of needed information and
139 education to clients, when using methods of a psychological
140 nature to evaluate, assess, diagnose, treat, and prevent
141 emotional and mental disorders and dysfunctions (whether
142 cognitive, affective, or behavioral), behavioral disorders,
143 sexual dysfunction, alcoholism, or substance abuse. The practice
144 of mental health counseling may also include clinical research
145 into more effective psychotherapeutic modalities for the
146 treatment and prevention of such conditions.

147 (c) The terms "diagnose" and "treat," as used in this
148 chapter, when considered in isolation or in conjunction with any
149 provision of the rules of the board, may not be construed to
150 permit the performance of any act that mental health counselors

151 are not educated and trained to perform, including, but not
 152 limited to, admitting persons to hospitals for treatment of the
 153 foregoing conditions, treating persons in hospitals without
 154 medical supervision, prescribing medicinal drugs as defined in
 155 chapter 465, authorizing clinical laboratory procedures or
 156 radiological procedures, or the use of electroconvulsive
 157 therapy. In addition, this definition may not be construed to
 158 permit any person licensed, provisionally licensed, registered,
 159 or certified pursuant to this chapter to describe or label any
 160 test, report, or procedure as "psychological," except to relate
 161 specifically to the definition of practice authorized in this
 162 subsection.

163 (5)~~(15)~~ "Registered associate clinical social worker
 164 ~~intern~~" means a person registered under this chapter who is
 165 completing the postgraduate clinical social work experience
 166 requirement specified in s. 491.005(1)(c).

167 (6)~~(16)~~ "Registered associate marriage and family
 168 therapist ~~intern~~" means a person registered under this chapter
 169 who is completing the post-master's clinical experience
 170 requirement specified in s. 491.005(3)(c).

171 (7)~~(17)~~ "Registered associate mental health counselor
 172 ~~intern~~" means a person registered under this chapter who is
 173 completing the post-master's clinical experience requirement
 174 specified in s. 491.005(4)(c).

175 Section 2. Section 491.0045, Florida Statutes, is amended

176 to read:

177 491.0045 Intern registration; requirements.—

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

189 (2) The department shall register as an associate a
 190 clinical social worker intern, associate marriage and family
 191 therapist intern, or associate mental health counselor intern
 192 each applicant whom ~~who~~ the board certifies has:

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

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

199 2. Submitted an acceptable supervision plan, as determined
 200 by the board, for meeting the practicum, internship, or field

201 work required for licensure that was not satisfied in his or her
 202 graduate program.

203 (c) Identified a qualified supervisor.

204 (3) An individual registered under this section must
 205 remain under supervision while practicing under registered
 206 associate ~~intern~~ status.

207 (4) An individual who fails to comply with this section
 208 may not be granted a full license under this chapter, and any
 209 time spent by the individual completing the experience
 210 requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c)
 211 before registering as an associate ~~intern~~ does not count toward
 212 completion of the requirement.

213 (5) An associate ~~intern~~ registration is valid for 5 years.

214 (6) Any registration issued after March 31, 2017, expires
 215 60 months after the date it is issued. The board may make a one-
 216 time exception to the requirements of this subsection in
 217 emergency or hardship cases, as defined by board rule, if the
 218 candidate has passed the theory and practice examination
 219 described in s. 491.005(1)(d), (3)(d), and (4)(d).

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

223 Section 3. Paragraph (c) of subsection (1), paragraph (c)
 224 of subsection (3), and paragraphs (b) and (c) of subsection (4)
 225 of section 491.005, Florida Statutes, are amended to read:

226 491.005 Licensure by examination.—

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

232 (c) Completed at least 2 years of clinical social work
 233 experience, which took place subsequent to completion of a
 234 graduate degree in social work at an institution meeting the
 235 accreditation requirements of this section, under the
 236 supervision of a licensed clinical social worker or the
 237 equivalent who is a qualified supervisor as determined by the
 238 board. An individual who intends to practice in Florida to
 239 satisfy clinical experience requirements must register pursuant
 240 to s. 491.0045 before commencing practice. If the applicant's
 241 graduate program was not a program which emphasized direct
 242 clinical patient or client health care services as described in
 243 subparagraph (b)2., the supervised experience requirement must
 244 take place after the applicant has completed a minimum of 15
 245 semester hours or 22 quarter hours of the coursework required. A
 246 doctoral internship may be applied toward the clinical social
 247 work experience requirement. ~~A licensed mental health~~
 248 ~~professional must be on the premises when clinical services are~~
 249 ~~provided by a registered intern in a private practice setting.~~

250 (3) MARRIAGE AND FAMILY THERAPY.—Upon verification of

251 documentation and payment of a fee not to exceed \$200, as set by
 252 board rule, the department shall issue a license as a marriage
 253 and family therapist to an applicant whom the board certifies
 254 has met all of the following criteria:

255 (c) Completed at least 2 years of clinical experience
 256 during which 50 percent of the applicant's clients were
 257 receiving marriage and family therapy services, which must be at
 258 the post-master's level under the supervision of a licensed
 259 marriage and family therapist with at least 5 years of
 260 experience, or the equivalent, who is a qualified supervisor as
 261 determined by the board. An individual who intends to practice
 262 in Florida to satisfy the clinical experience requirements must
 263 register pursuant to s. 491.0045 before commencing practice. If
 264 a graduate has a master's degree with a major emphasis in
 265 marriage and family therapy or a closely related field which did
 266 not include all of the coursework required by paragraph (b),
 267 credit for the post-master's level clinical experience may not
 268 commence until the applicant has completed a minimum of 10 of
 269 the courses required by paragraph (b), as determined by the
 270 board, and at least 6 semester hours or 9 quarter hours of the
 271 course credits must have been completed in the area of marriage
 272 and family systems, theories, or techniques. Within the 2 years
 273 of required experience, the applicant must ~~shall~~ provide direct
 274 individual, group, or family therapy and counseling to cases
 275 including those involving unmarried dyads, married couples,

276 separating and divorcing couples, and family groups that include
 277 children. A doctoral internship may be applied toward the
 278 clinical experience requirement. ~~A licensed mental health
 279 professional must be on the premises when clinical services are
 280 provided by a registered intern in a private practice setting.~~

281
 282 For the purposes of dual licensure, the department shall license
 283 as a marriage and family therapist any person who meets the
 284 requirements of s. 491.0057. Fees for dual licensure may not
 285 exceed those stated in this subsection.

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

291 (b)1. Attained a minimum of an earned master's degree from
 292 a mental health counseling program accredited by the Council for
 293 the Accreditation of Counseling and Related Educational Programs
 294 which consists of at least 60 semester hours or 80 quarter hours
 295 of clinical and didactic instruction, including a course in
 296 human sexuality and a course in substance abuse. If the master's
 297 degree is earned from a program related to the practice of
 298 mental health counseling which is not accredited by the Council
 299 for the Accreditation of Counseling and Related Educational
 300 Programs, ~~then~~ the coursework and practicum, internship, or

301 fieldwork must consist of at least 60 semester hours or 80
302 quarter hours and meet all of the following requirements:

303 a. Thirty-three semester hours or 44 quarter hours of
304 graduate coursework, which must include a minimum of 3 semester
305 hours or 4 quarter hours of graduate-level coursework in each of
306 the following 11 content areas: counseling theories and
307 practice; human growth and development; diagnosis and treatment
308 of psychopathology; human sexuality; group theories and
309 practice; individual evaluation and assessment; career and
310 lifestyle assessment; research and program evaluation; social
311 and cultural foundations; substance abuse; and legal, ethical,
312 and professional standards issues in the practice of mental
313 health counseling. Courses in research, thesis or dissertation
314 work, practicums, internships, or fieldwork may not be applied
315 toward this requirement.

316 b. A minimum of 3 semester hours or 4 quarter hours of
317 graduate-level coursework addressing diagnostic processes,
318 including differential diagnosis and the use of the current
319 diagnostic tools, such as the current edition of the American
320 Psychiatric Association's Diagnostic and Statistical Manual of
321 Mental Disorders. The graduate program must have emphasized the
322 common core curricular experience.

323 c. The equivalent, as determined by the board, of at least
324 700 hours of university-sponsored supervised clinical practicum,
325 internship, or field experience that includes at least 280 hours

326 of direct client services, as required in the accrediting
 327 standards of the Council for Accreditation of Counseling and
 328 Related Educational Programs for mental health counseling
 329 programs. This experience may not be used to satisfy the post-
 330 master's clinical experience requirement.

331 2. Provided additional documentation if a course title
 332 that appears on the applicant's transcript does not clearly
 333 identify the content of the coursework. The documentation must
 334 include, but is not limited to, a syllabus or catalog
 335 description published for the course.

336
 337 Education and training in mental health counseling must have
 338 been received in an institution of higher education that, at the
 339 time the applicant graduated, was fully accredited by an
 340 institutional accrediting body recognized by the Council for
 341 Higher Education Accreditation or its successor organization or
 342 was a member in good standing with Universities Canada, or an
 343 institution of higher education located outside the United
 344 States and Canada which, at the time the applicant was enrolled
 345 and at the time the applicant graduated, maintained a standard
 346 of training substantially equivalent to the standards of
 347 training of those institutions in the United States which are
 348 accredited by an institutional accrediting body recognized by
 349 the Council for Higher Education Accreditation or its successor
 350 organization. Such foreign education and training must have been

351 received in an institution or program of higher education
 352 officially recognized by the government of the country in which
 353 it is located as an institution or program to train students to
 354 practice as mental health counselors. The applicant has the
 355 burden of establishing that the requirements of this provision
 356 have been met, and the board shall require documentation, such
 357 as an evaluation by a foreign equivalency determination service,
 358 as evidence that the applicant's graduate degree program and
 359 education were equivalent to an accredited program in this
 360 country. Beginning July 1, 2025, an applicant must have a
 361 master's degree from a program that is accredited by the Council
 362 for Accreditation of Counseling and Related Educational
 363 Programs, the Masters in Psychology and Counseling Accreditation
 364 Council, or an equivalent accrediting body which consists of at
 365 least 60 semester hours or 80 quarter hours to apply for
 366 licensure under this paragraph.

367 (c) Completed at least 2 years of clinical experience in
 368 mental health counseling, which must be at the post-master's
 369 level under the supervision of a licensed mental health
 370 counselor or the equivalent who is a qualified supervisor as
 371 determined by the board. An individual who intends to practice
 372 in Florida to satisfy the clinical experience requirements must
 373 register pursuant to s. 491.0045 before commencing practice. If
 374 a graduate has a master's degree with a major related to the
 375 practice of mental health counseling which did not include all

376 the coursework required under sub-subparagraphs (b)1.a. and b.,
 377 credit for the post-master's level clinical experience may not
 378 commence until the applicant has completed a minimum of seven of
 379 the courses required under sub-subparagraphs (b)1.a. and b., as
 380 determined by the board, one of which must be a course in
 381 psychopathology or abnormal psychology. A doctoral internship
 382 may be applied toward the clinical experience requirement. A
 383 ~~licensed mental health professional must be on the premises when~~
 384 ~~clinical services are provided by a registered intern in a~~
 385 ~~private practice setting.~~

386 Section 4. Section 491.007, Florida Statutes, is amended
 387 to read:

388 491.007 Renewal of license, registration, or certificate.—

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

392 (2) Each applicant for renewal must ~~shall~~ present
 393 satisfactory evidence that, in the period since the license or
 394 certificate was issued, the applicant has completed continuing
 395 education requirements set by rule of the board or department.
 396 No ~~Not~~ more than 25 classroom hours of continuing education per
 397 year may ~~shall~~ be required. A certified master social worker is
 398 exempt from the continuing education requirements for the first
 399 renewal of the certificate.

400 Section 5. Subsection (1) of section 491.009, Florida

401 Statutes, is amended to read:

402 491.009 Discipline.—

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

406 (a) Attempting to obtain, obtaining, or renewing a
 407 license, registration, or certificate under this chapter by
 408 bribery or fraudulent misrepresentation or through an error of
 409 the board or the department.

410 (b) Having a license, registration, or certificate to
 411 practice a comparable profession revoked, suspended, or
 412 otherwise acted against, including the denial of certification
 413 or licensure by another state, territory, or country.

414 (c) Being convicted or found guilty of, regardless of
 415 adjudication, or having entered a plea of nolo contendere to, a
 416 crime in any jurisdiction which directly relates to the practice
 417 of his or her profession or the ability to practice his or her
 418 profession. However, in the case of a plea of nolo contendere,
 419 the board shall allow the person who is the subject of the
 420 disciplinary proceeding to present evidence in mitigation
 421 relevant to the underlying charges and circumstances surrounding
 422 the plea.

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

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

428 (f) Maintaining a professional association with any person
 429 who the applicant, licensee, registered associate ~~intern~~, or
 430 certificateholder knows, or has reason to believe, is in
 431 violation of this chapter or of a rule of the department or the
 432 board.

433 (g) Knowingly aiding, assisting, procuring, or advising
 434 any nonlicensed, nonregistered, or noncertified person to hold
 435 himself or herself out as licensed, registered, or certified
 436 under this chapter.

437 (h) Failing to perform any statutory or legal obligation
 438 placed upon a person licensed, registered, or certified under
 439 this chapter.

440 (i) Willfully making or filing a false report or record;
 441 failing to file a report or record required by state or federal
 442 law; willfully impeding or obstructing the filing of a report or
 443 record; or inducing another person to make or file a false
 444 report or record or to impede or obstruct the filing of a report
 445 or record. Such report or record includes only a report or
 446 record which requires the signature of a person licensed,
 447 registered, or certified under this chapter.

448 (j) Paying a kickback, rebate, bonus, or other
 449 remuneration for receiving a patient or client, or receiving a
 450 kickback, rebate, bonus, or other remuneration for referring a

451 patient or client to another provider of mental health care
 452 services or to a provider of health care services or goods;
 453 referring a patient or client to oneself for services on a fee-
 454 paid basis when those services are already being paid for by
 455 some other public or private entity; or entering into a
 456 reciprocal referral agreement.

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

460 (l) Making misleading, deceptive, untrue, or fraudulent
 461 representations in the practice of any profession licensed,
 462 registered, or certified under this chapter.

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

466 (n) Failing to make available to a patient or client, upon
 467 written request, copies of tests, reports, or documents in the
 468 possession or under the control of the licensee, registered
 469 intern, or certificateholder which have been prepared for and
 470 paid for by the patient or client.

471 (o) Failing to respond within 30 days to a written
 472 communication from the department or the board concerning any
 473 investigation by the department or the board, or failing to make
 474 available any relevant records with respect to any investigation
 475 about the licensee's, registered associate ~~intern's~~, or

476 certificateholder's conduct or background.

477 (p) Being unable to practice the profession for which he
478 or she is licensed, registered, or certified under this chapter
479 with reasonable skill or competence as a result of any mental or
480 physical condition or by reason of illness; drunkenness; or
481 excessive use of drugs, narcotics, chemicals, or any other
482 substance. In enforcing this paragraph, upon a finding by the
483 State Surgeon General, the State Surgeon General's designee, or
484 the board that probable cause exists to believe that the
485 licensee, registered associate intern, or certificateholder is
486 unable to practice the profession because of the reasons stated
487 in this paragraph, the department shall have the authority to
488 compel a licensee, registered associate intern, or
489 certificateholder to submit to a mental or physical examination
490 by psychologists, physicians, or other licensees under this
491 chapter, designated by the department or board. If the licensee,
492 registered associate intern, or certificateholder refuses to
493 comply with such order, the department's order directing the
494 examination may be enforced by filing a petition for enforcement
495 in the circuit court in the circuit in which the licensee,
496 registered associate intern, or certificateholder resides or
497 does business. The licensee, registered associate intern, or
498 certificateholder against whom the petition is filed may not be
499 named or identified by initials in any public court records or
500 documents, and the proceedings must ~~shall~~ be closed to the

501 public. The department is ~~shall~~ be entitled to the summary
 502 procedure provided in s. 51.011. A licensee, registered
 503 associate intern, or certificateholder affected under this
 504 paragraph must, ~~shall~~ at reasonable intervals, be afforded an
 505 opportunity to demonstrate that he or she can resume the
 506 competent practice for which he or she is licensed, registered,
 507 or certified with reasonable skill and safety to patients.

508 (q) Performing any treatment or prescribing any therapy
 509 which, by the prevailing standards of the mental health
 510 professions in the community, would constitute experimentation
 511 on human subjects, without first obtaining full, informed, and
 512 written consent.

513 (r) Failing to meet the minimum standards of performance
 514 in professional activities when measured against generally
 515 prevailing peer performance, including the undertaking of
 516 activities for which the licensee, registered associate intern,
 517 or certificateholder is not qualified by training or experience.

518 (s) Delegating professional responsibilities to a person
 519 who the licensee, registered associate intern, or
 520 certificateholder knows or has reason to know is not qualified
 521 by training or experience to perform such responsibilities.

522 (t) Violating a rule relating to the regulation of the
 523 profession or a lawful order of the department or the board
 524 previously entered in a disciplinary hearing.

525 (u) Failure of the licensee, registered associate intern,

526 or certificateholder to maintain in confidence a communication
 527 made by a patient or client in the context of such services,
 528 except as provided in s. 491.0147.

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

532 (w) Violating any provision of this chapter or chapter
 533 456, or any rules adopted pursuant thereto.

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

536 491.012 Violations; penalty; injunction.—

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

539 (i) Practice clinical social work in this state for
 540 compensation, unless the person holds a valid, active license to
 541 practice clinical social work issued under ~~pursuant to~~ this
 542 chapter or is an associate intern registered pursuant to s.
 543 491.0045.

544 (j) Practice marriage and family therapy in this state for
 545 compensation, unless the person holds a valid, active license to
 546 practice marriage and family therapy issued under ~~pursuant to~~
 547 this chapter or is an associate intern ~~registered~~ pursuant to s.
 548 491.0045.

549 (k) Practice mental health counseling in this state for
 550 compensation, unless the person holds a valid, active license to

551 practice mental health counseling issued under ~~pursuant to~~ this
 552 chapter or is an associate ~~intern~~ registered pursuant to s.
 553 491.0045.

554 (1) Use the following titles or any combination thereof,
 555 unless he or she holds a valid registration as an associate
 556 ~~intern~~ issued under ~~pursuant to~~ this chapter:

557 1. "Registered associate clinical social worker ~~intern~~."

558 2. "Registered associate marriage and family therapist
 559 ~~intern~~."

560 3. "Registered associate mental health counselor ~~intern~~."

561 Section 7. Subsections (1), (2), and (4) of section
 562 491.014, Florida Statutes, are amended to read:

563 491.014 Exemptions.—

564 (1) No provision of this chapter shall be construed to
 565 limit the practice of physicians licensed pursuant to chapter
 566 458 or chapter 459, or psychologists licensed pursuant to
 567 chapter 490, so long as they do not unlawfully hold themselves
 568 out to the public as possessing a license, provisional license,
 569 registration, or certificate issued pursuant to this chapter or
 570 use a professional title protected by this chapter.

571 (2) No provision of this chapter shall be construed to
 572 limit the practice of nursing, school psychology, psychology, or
 573 occupational therapy, or to prevent qualified members of other
 574 professions from doing work of a nature consistent with their
 575 training and licensure, so long as they do not hold themselves

576 out to the public as possessing a license, provisional license,
 577 registration, or certificate issued pursuant to this chapter or
 578 use a title protected by this chapter.

579 (4) No person shall be required to be licensed,
 580 provisionally licensed, registered, or certified under this
 581 chapter who:

582 (a) Is a salaried employee of a government agency; a
 583 developmental disability facility or program; a mental health,
 584 alcohol, or drug abuse facility operating under chapter 393,
 585 chapter 394, or chapter 397; the statewide child care resource
 586 and referral network operating under s. 1002.92; a child-placing
 587 or child-caring agency licensed pursuant to chapter 409; a
 588 domestic violence center certified pursuant to chapter 39; an
 589 accredited academic institution; or a research institution, if
 590 such employee is performing duties for which he or she was
 591 trained and hired solely within the confines of such agency,
 592 facility, or institution, so long as the employee is not held
 593 out to the public as a clinical social worker, mental health
 594 counselor, or marriage and family therapist.

595 (b) Is a salaried employee of a private, nonprofit
 596 organization providing counseling services to children, youth,
 597 and families, if such services are provided for no charge, if
 598 such employee is performing duties for which he or she was
 599 trained and hired, so long as the employee is not held out to
 600 the public as a clinical social worker, mental health counselor,

601 or marriage and family therapist.

602 (c) Is a student providing services regulated under this
 603 chapter who is pursuing a course of study which leads to a
 604 degree in a profession regulated by this chapter, is providing
 605 services in a training setting, provided such services and
 606 associated activities constitute part of a supervised course of
 607 study, and is designated by the title "student associate
 608 ~~intern~~."

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

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

613 2. Such nonresident is licensed or certified to practice
 614 the services provided by a state or territory of the United
 615 States or by a foreign country or province.

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

618 491.0149 Display of license; use of professional title on
 619 promotional materials.—

620 (2)(a) A person registered under this chapter as an
 621 associate a clinical social worker ~~intern~~, associate marriage
 622 and family therapist ~~intern~~, or associate mental health
 623 counselor ~~intern~~ shall conspicuously display the valid
 624 registration issued by the department or a true copy thereof at
 625 each location at which the registered associate ~~intern~~ is

626 completing the experience requirements.

627 (b) A registered associate clinical social worker ~~intern~~
 628 shall include the words "registered associate clinical social
 629 worker ~~intern~~," a registered associate marriage and family
 630 therapist ~~intern~~ shall include the words "registered associate
 631 marriage and family therapist ~~intern~~," and a registered
 632 associate mental health counselor ~~intern~~ shall include the words
 633 "registered associate mental health counselor ~~intern~~" on all
 634 promotional materials, including cards, brochures, stationery,
 635 advertisements, and signs, naming the registered associate
 636 ~~intern~~.

637 Section 9. Paragraph (c) of subsection (4) of section
 638 414.065, Florida Statutes, is amended to read:

639 414.065 Noncompliance with work requirements.—

640 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.—Unless
 641 otherwise provided, the situations listed in this subsection
 642 shall constitute exceptions to the penalties for noncompliance
 643 with participation requirements, except that these situations do
 644 not constitute exceptions to the applicable time limit for
 645 receipt of temporary cash assistance:

646 (c) *Noncompliance related to treatment or remediation of*
 647 *past effects of domestic violence.*—An individual who is
 648 determined to be unable to comply with the work requirements
 649 under this section due to mental or physical impairment related
 650 to past incidents of domestic violence may be exempt from work

651 requirements, except that such individual shall comply with a
652 plan that specifies alternative requirements that prepare the
653 individual for self-sufficiency while providing for the safety
654 of the individual and the individual's dependents. A participant
655 who is determined to be out of compliance with the alternative
656 requirement plan shall be subject to the penalties under
657 subsection (1). The plan must include counseling or a course of
658 treatment necessary for the individual to resume participation.
659 The need for treatment and the expected duration of such
660 treatment must be verified by a physician licensed under chapter
661 458 or chapter 459; a psychologist licensed under s. 490.005(1),
662 s. 490.006, or the provision identified as s. 490.013(2) in s.
663 1, chapter 81-235, Laws of Florida; a therapist as defined in s.
664 491.003(2) or (10) ~~(7)~~; or a treatment professional who is
665 registered under s. 39.905(1)(g), is authorized to maintain
666 confidentiality under s. 90.5036(1)(d), and has a minimum of 2
667 years' experience at a certified domestic violence center. An
668 exception granted under this paragraph does not automatically
669 constitute an exception from the time limitations on benefits
670 specified under s. 414.105.

671 Section 10. This act shall take effect July 1, 2024.