

By Representatives Wise and Arnold

1 A bill to be entitled
2 An act relating to clinical, counseling, and
3 psychotherapy services; creating part II of
4 chapter 491, F.S., to provide regulatory
5 provisions applicable to social work practice
6 that are separate from those applicable to
7 marriage and family therapy and mental health
8 counseling; creating the Board of Social Work
9 Practice; providing for appointment and terms
10 of members and location of headquarters;
11 providing for rules; providing for different
12 levels of licensure and practice; amending ss.
13 491.002, 491.003, 491.004, 491.005, 491.0055,
14 491.006, 491.0065, 491.007, 491.009, 491.0111,
15 491.0112, 491.012, 491.014, 491.0141, 491.0143,
16 491.0147, 491.0148, and 491.0149, F.S.;
17 providing conforming changes; updating the
18 definition of "department"; repealing s.
19 491.0145, F.S., relating to certified master
20 social workers, to conform; repealing s.
21 491.015, F.S., relating to duties of the
22 Department of Health as to certified master
23 social workers, to conform; creating part I of
24 the remaining provisions of chapter 491, F.S.,
25 as amended, to conform; providing for
26 grandfathering; providing an effective date.

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

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30 Section 1. Part II of chapter 491, Florida Statutes,
31 consisting of sections 491.101, 491.102, 491.103, 491.104,

1 491.105, 491.106, 491.107, 491.108, 491.109, 491.111, 491.112,
2 491.113, 491.114, 491.115, 491.116, 491.117, 491.118, 491.119,
3 491.121, 491.122, and 491.123, is created to read:

4 PART II

5 SOCIAL WORK PRACTICE

6 491.101 Intent.--The Legislature finds that as society
7 becomes increasingly complex, emotional survival is equal in
8 importance to physical survival. Therefore, in order to
9 preserve the health, safety, and welfare of the public, the
10 Legislature must provide privileged communication for members
11 of the public, or those acting on their behalf, to encourage
12 the seeking out of needed or desired counseling, clinical,
13 psychotherapy, social, and other services of a psychological
14 nature that are within the practice of social work. The
15 Legislature further finds that, since such services assist the
16 public with emotional, physical, and psychosocial survival,
17 the practice of social work by persons not qualified to
18 practice such profession presents a danger to the public
19 health, safety, and welfare. The Legislature finds that, to
20 further secure the health, safety, and welfare of the public
21 and also to encourage professional cooperation among all
22 qualified professionals, the Legislature must assist the
23 public in making informed choices of such services by
24 establishing minimum qualifications for entering into and
25 remaining in the social work profession.

26 491.102 Definitions.--As used in this part:

27 (1) "Department" means the Department of Health.

28 (2) "Board" means the Board of Social Work Practice.

29 (3) "Clinical social worker" means a person licensed
30 under this part to practice clinical social work. A clinical

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1 social worker licensed pursuant to this part is also a
2 psychotherapist within the meaning of s. 491.003(7).

3 (4) "Licensed master social worker" means a person
4 licensed under this part to practice master-level social work.

5 (5) "Licensed bachelor social worker" means a person
6 licensed under this part to practice bachelor-level social
7 work.

8 (6) "Clinical social work experience" is defined as a
9 period during which the applicant provides clinical social
10 work services, including assessment, diagnosis, treatment, and
11 evaluation of clients, provided that at least 50 percent of
12 the hours worked consist of providing psychotherapy and
13 counseling services directly to clients.

14 (7) The "practice of clinical social work" is defined
15 as the management and use of scientific and applied knowledge,
16 theories, and methods for the purpose of describing,
17 preventing, evaluating, and treating individual, couple,
18 marital, family, or group behavior, based on the
19 person-in-situation perspective of psychosocial development,
20 normal and abnormal behavior, psychopathology, unconscious
21 motivation, interpersonal relationships, environmental stress,
22 differential assessment, differential planning, and data
23 gathering. The purpose of such services is the prevention and
24 treatment of undesired behavior and enhancement of mental
25 health. Such practice includes the use of methods of a
26 psychological nature to evaluate, assess, diagnose, treat, and
27 prevent emotional and mental disorders and dysfunctions
28 (whether cognitive, affective, or behavioral), sexual
29 dysfunction, behavioral disorders, alcoholism, and substance
30 abuse and management. The practice of clinical social work may
31 also include clinical research into more effective

1 psychotherapeutic modalities for the treatment and prevention
2 of such conditions.

3 (a) Clinical social work treatment includes, but is
4 not limited to:

5 1. Counseling.

6 2. Psychotherapy.

7 3. Behavior modification.

8 4. Hypnotherapy.

9 5. Sex therapy.

10 6. Consultation.

11 7. Client-centered advocacy.

12 8. Crisis intervention.

13 9. The provision of needed information and education
14 to clients.

15 (b) Clinical social work may be rendered to
16 individuals, including individuals affected by the termination
17 of marriage, and to marriages, couples, families, groups,
18 organizations, and communities.

19 (c) The use of specific methods, techniques, or
20 modalities within the practice of clinical social work is
21 restricted to clinical social workers appropriately trained in
22 the use of such methods, techniques, or modalities.

23 (d) The terms "diagnose" and "treat," as used in this
24 part, when considered in isolation or in conjunction with any
25 provision of the rules of the board, may not be construed to
26 permit the performance of any act which clinical social
27 workers are not educated and trained to perform, including,
28 but not limited to, admitting persons to hospitals for
29 treatment of the foregoing conditions, treating persons in
30 hospitals without medical supervision, prescribing medicinal
31 drugs as defined in chapter 465, and authorizing clinical

1 laboratory procedures pursuant to chapter 483, radiological
2 procedures, or electroconvulsive therapy. In addition, this
3 definition may not be construed to permit any person licensed
4 pursuant to this part to describe or label any test, report,
5 or procedure as "psychological," except to relate specifically
6 to the definition of practice authorized in this subsection.

7 (e) The definition of "clinical social work" contained
8 in this subsection includes all services offered directly to
9 the general public or through organizations, whether public or
10 private, and applies whether payment is requested or received
11 for services rendered.

12 (8) The "scope of practice for a licensed clinical
13 social worker" means the following:

14 (a) Use of scientific and applied knowledge, theories,
15 and methods for the purpose of describing, preventing,
16 evaluating, and treating individual, couple, marital, family,
17 or group behavior, based on the person-in-situation
18 perspective of psychosocial development, normal and abnormal
19 behavior, psychopathology, unconscious motivation,
20 interpersonal relationships, environmental stress,
21 differential assessment, differential planning, management,
22 and data gathering. The purpose of these services is the
23 prevention and treatment of undesired behavior and enhancement
24 of mental health.

25 (b) Use, within a licensed clinical social worker's
26 practice, of methods of a psychological nature to evaluate,
27 assess, diagnose, treat, and prevent emotional and mental
28 disorders and dysfunctions (whether cognitive, affective, or
29 behavioral), sexual dysfunction, behavioral disorders,
30 alcoholism, and substance abuse. Such practice includes, but
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1 is not limited to, psychotherapy, hypnotherapy, and sex
2 therapy.
3 (c) Counseling, behavioral modification, consultation,
4 client-centered advocacy, crisis intervention, and provision
5 of needed information and education to clients.
6 (d) Clinical research into more effective
7 psychotherapeutic modalities.
8 (9) The "scope of practice for a licensed master
9 social worker" means the provision of advanced social work
10 services, including the use of scientific and applied
11 knowledge, theories, and methods to provide assessment and
12 referral, casework management, and supportive services to
13 individuals, families, groups, and communities, needed
14 information and education to clients, client-centered
15 advocacy, planning, community organization, supervision and
16 consultation, management, social policy formulation, program
17 development and implementation, problem-solving intervention,
18 and research and program evaluation.
19 (10) The "scope of practice for a licensed bachelor
20 social worker" means the provision of social work services,
21 including the use of scientific and applied knowledge,
22 theories, and methods to provide assessment and referral,
23 needed information, and education to clients, case management
24 and supportive services to individuals, families, groups, and
25 communities, problem-solving interventions, client-centered
26 advocacy, and research.
27 491.103 Board of Social Work Practice.--
28 (1) There is created within the Department of Health a
29 Board of Social Work Practice composed of nine members
30 appointed by the Governor and confirmed by the Senate.
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1 (2)(a) Six members of the board shall be persons
2 licensed under this part as follows:

3 1. Two members shall be licensed bachelor social
4 workers.

5 2. Two members shall be licensed master social
6 workers.

7 3. Two members shall be licensed clinical social
8 workers.

9 (b) Three members of the board shall be citizens who
10 are not connected with the practice of social work.

11 (3) No later than January 1, 1998, the Governor shall
12 appoint nine members of the board as follows:

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

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

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

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

20 (5) The board shall adopt rules to implement and
21 enforce the provisions of this part.

22 (6) All applicable provisions of chapter 455 relating
23 to activities of regulatory boards shall apply to the board.

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

26 491.104 Licensure by examination.--

27 (1) LICENSED CLINICAL SOCIAL WORKER.--

28 (a) Upon verification of documentation and payment of
29 a fee not to exceed \$200, as set by board rule, plus the
30 actual per applicant cost to the department for purchase of
31 the examination from the American Association of State Social

1 Worker's Boards or a similar national organization, the
2 department shall issue a license as a clinical social worker
3 to an applicant who the board certifies:
4 1. Has made application therefor and paid the
5 appropriate fee.
6 2. Has received a doctoral degree in social work from
7 a graduate school of social work which at the time the
8 applicant graduated was accredited by an accrediting agency
9 recognized by the United States Department of Education or has
10 received a master's degree in social work from a graduate
11 school of social work which at the time the applicant
12 graduated:
13 a. Was accredited by the Council on Social Work
14 Education;
15 b. Was accredited by the Canadian Association of
16 Schools of Social Work; or
17 c. Has been determined to have been a program
18 equivalent to programs approved by the Council on Social Work
19 Education by the Foreign Equivalency Determination Service of
20 the Council on Social Work Education. An applicant who
21 graduated from a program at a university or college outside
22 the United States or Canada must present documentation of the
23 equivalency determination from the council in order to
24 qualify. The applicant's college or university program must
25 have emphasized direct clinical patient or client health care
26 services, as provided in paragraph (b), including, but not
27 limited to, coursework in clinical social work, psychiatric
28 social work, medical social work, social casework,
29 psychotherapy, and group therapy.
30 3. Has had at least 3 years of clinical social work
31 experience, 2 years of which must be experience which took

1 place subsequent to completion of a graduate degree in social
2 work at an institution meeting the accreditation requirements
3 of this subsection, under the supervision of a licensed social
4 worker or the equivalent who is a qualified supervisor as
5 determined by the board. If the applicant's graduate program
6 was not a program which emphasized direct clinical patient or
7 client health care services as described in s. 491.102, the
8 supervised experience requirement must take place after the
9 applicant has completed a minimum of 15 semester hours or 22
10 quarter hours of the coursework required. A doctoral
11 internship may be applied toward the supervision requirement.
12 The experience requirement may be met by work performed on or
13 off the premises of the supervising clinical social worker,
14 provided the off-premises work is not the independent private
15 practice rendering of clinical social work that does not have
16 a licensed clinical social worker or the equivalent, as
17 determined by the board, as a member of the group actually
18 rendering services on the premises.

19 4. Has passed an examination provided by the
20 department for this purpose.

21 (b) The applicant's program shall be considered to be
22 a program which emphasized direct clinical patient or client
23 health care services if it included all of the following
24 coursework:

25 1. A supervised field placement which was part of the
26 applicant's advanced concentration in direct practice, during
27 which the applicant provided clinical services directly to
28 clients.

29 2.a. Completion of 24 semester hours or 37 quarter
30 hours in theory of human behavior and practice methods as
31 courses in clinically oriented services, including a minimum

1 of one course in psychopathology taken in a school of social
2 work accredited by the Council on Social Work Education.
3 However, applicants who had completed the required
4 graduate-level degree in social work prior to October 1, 1990,
5 and who submit a completed application for licensure prior to
6 January 1, 1993, shall be required to complete only 21 of the
7 24 required semester hours or 31 of the 37 required quarter
8 hours in clinically oriented services. If the course title
9 which appears on the applicant's transcript does not clearly
10 identify the content of the coursework, the applicant shall be
11 required to provide additional documentation, including, but
12 not limited to, a syllabus or catalog description published
13 for the course.

14 b. Notwithstanding the provisions of sub-subparagraph
15 a., coursework which was taken at a baccalaureate level shall
16 not be considered toward completion of education requirements
17 for licensure unless an official of the graduate program
18 certifies in writing on the graduate school's stationery that
19 a specific course, which students enrolled in the same
20 graduate program were ordinarily required to complete at the
21 graduate level, was waived or exempted based on completion of
22 a similar course at the baccalaureate level. If this condition
23 is met, the board shall apply the baccalaureate course named
24 toward the education requirements.

25 (2) LICENSED MASTER SOCIAL WORKER.--Upon verification
26 of documentation and payment of a fee not to exceed \$200, as
27 set by board rule, plus the actual per applicant cost to the
28 department for purchase of the examination from the American
29 Association of State Social Worker's Boards or a similar
30 national organization, the department shall issue a license as
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1 a licensed master social worker to an applicant who the board
2 certifies:
3 (a) Has made application therefor and paid the
4 appropriate fee.
5 (b) Has received a doctoral degree in social work from
6 a graduate school of social work which at the time the
7 applicant graduated was accredited by an accrediting agency
8 recognized by the United States Department of Education or has
9 received a master's degree in social work from a graduate
10 school of social work which at the time the applicant
11 graduated:
12 1. Was accredited by the Council on Social Work
13 Education;
14 2. Was accredited by the Canadian Association of
15 Schools of Social Work; or
16 3. Has been determined to have been a program
17 equivalent to programs approved by the Council on Social Work
18 Education by the Foreign Equivalency Determination Service of
19 the Council on Social Work Education. An applicant who
20 graduated from a program at a university or college outside
21 the United States or Canada must present documentation of the
22 equivalency determination from the council in order to
23 qualify.
24 (c) The board may adopt the necessary education,
25 training, and additional licensure requirements for
26 examination purposes.
27 (3) LICENSED BACHELOR SOCIAL WORKER.--Upon
28 verification of documentation and payment of a fee not to
29 exceed \$200, as set by board rule, plus the actual per
30 applicant cost to the department for purchase of the
31 examination from the American Association of State Social

1 Worker's Boards or a similar national organization, the
2 department shall issue a license as a licensed bachelor social
3 worker to an applicant who the board certifies:
4 (a) Has made application therefor and paid the
5 appropriate fee.
6 (b) Has received a bachelor's degree in social work
7 from a school of social work which at the time the applicant
8 graduated was accredited by an accrediting agency recognized
9 by the United States Department of Education or has received a
10 bachelor's degree in social work from a graduate school of
11 social work which at the time the applicant graduated:
12 1. Was accredited by the Council on Social Work
13 Education;
14 2. Was accredited by the Canadian Association of
15 Schools of Social Work; or
16 3. Has been determined to have been a program
17 equivalent to programs approved by the Council on Social Work
18 Education by the Foreign Equivalency Determination Service of
19 the Council on Social Work Education. An applicant who
20 graduated from a program at a university or college outside
21 the United States or Canada must present documentation of the
22 equivalency determination from the council in order to
23 qualify.
24 (c) The board may adopt the necessary education,
25 training, and additional licensure requirements for
26 examination purposes.
27 491.105 Licensure by endorsement.--
28 (1) The department shall license a person in a
29 profession regulated by this part who, upon applying to the
30 department and remitting the appropriate fee, demonstrates to
31 the board that he or she:

1 (a) Holds an active, valid license to practice and has
2 actively practiced the profession for which licensure is
3 applied in another state for 3 of the 5 years immediately
4 preceding licensure.

5 (b) Meets the education and experience requirements of
6 this part for the profession for which licensure is applied.

7 (c) Has passed a substantially equivalent licensing
8 examination in another state.

9 (d) Holds a license in good standing, is not under
10 investigation for an act which would constitute a violation of
11 this part, and has not been found to have committed any act
12 which would constitute a violation of this part.

13 (e) Has passed the portion of the examination
14 pertaining to the laws and rules of this state.

15 (2) The department shall not issue a license by
16 endorsement to any applicant who is under investigation in
17 this or another jurisdiction for an act which would constitute
18 a violation of this part until such time as the investigation
19 is complete, at which time the provisions of s. 491.109 shall
20 apply.

21 491.106 Renewal of license.--

22 (1) The board or department shall prescribe by rule a
23 method for the biennial renewal of licenses at a fee set by
24 rule, not to exceed \$150.

25 (2) Each applicant for renewal shall present
26 satisfactory evidence that, in the period since the license
27 was issued, the applicant has completed continuing education
28 requirements set by rule of the board or department. Not more
29 than 30 classroom hours of continuing education per year shall
30 be required.

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1 (3) Any license that is not renewed shall be
2 automatically placed on inactive status.

3 491.107 Inactive status; expiration; reactivation of
4 licenses; fees.--

5 (1) Voluntary inactive status is the licensure status
6 which results when a licensee has applied to be placed on
7 inactive status and has paid a \$50 fee to the department.

8 (a) A voluntarily inactive license may be renewed
9 biennially for \$50 per biennium.

10 (b) A voluntarily inactive license may be reactivated
11 by submitting an application to the department, completing the
12 continuing education requirements, complying with any
13 background investigation required, complying with other
14 requirements prescribed by the board, and paying a \$50
15 reactivation fee plus the current biennial renewal fee at the
16 time of reactivation.

17 (c) Failure to renew a voluntarily inactive license at
18 the time of biennial renewal shall result in the license
19 reverting to involuntary inactive status.

20 (2) Involuntary inactive status is the licensure
21 status which results when a license is not renewed by the end
22 of the license renewal period.

23 (a) A license may be in involuntary inactive status
24 for no more than two consecutive biennial periods. Failure to
25 reactivate an involuntarily inactive license for two
26 consecutive biennial periods shall result in the license
27 becoming null and void without further action of the board.
28 Two years prior to the date on which the license becomes null
29 and void, the department shall give notice to the licensee.

30 (b) An involuntarily inactive license may be
31 reactivated by submitting an application to the department,

1 completing the continuing education requirements, complying
2 with any background investigation required, complying with
3 other requirements prescribed by the board, and paying a \$50
4 reactivation fee plus the current biennial renewal fee at the
5 time of reactivation for each biennium in which the license
6 was inactive.

7 (3) The board may adopt rules relating to inactive
8 licenses and the reactivation of licenses.

9 (4) A licensee whose license has become null and void
10 may reapply to the board, and the board may waive education
11 and experience requirements as provided by rule. Upon
12 reapplication, however, the board may require any additional
13 current requirements for licensure, including reexamination.

14 (5) Each licensee in inactive status shall receive one
15 notice, at the time of commencement of his next biennial
16 period, before his license becomes null and void.

17 491.108 Continuing education; approval of providers,
18 programs, and courses; proof of completion.--

19 (1) Continuing education providers, programs, and
20 courses shall be approved by the department or the board.

21 (2) The department or the board has the authority to
22 set a fee not to exceed \$300 for each provider submitted for
23 approval. Such fees shall be deposited into the Health Care
24 Trust Fund.

25 (3) Proof of completion of the required number of
26 hours of continuing education shall be submitted to the
27 department or the board in the manner and time specified by
28 rule and on forms provided by the department or the board.

29 (4) The department or the board shall adopt rules and
30 guidelines to administer and enforce the provisions of this
31 section.

1 491.109 Discipline.--
2 (1) When the department or the board finds that an
3 applicant or licensee whom it regulates under this part has
4 committed any of the acts set forth in subsection (2), it may
5 issue an order imposing one or more of the following
6 penalties:
7 (a) Denial of an application for licensure, either
8 temporarily or permanently.
9 (b) Revocation of an application for licensure, either
10 temporarily or permanently.
11 (c) Suspension for a period of up to 5 years or
12 revocation of a license, after hearing.
13 (d) Immediate suspension of a license pursuant to s.
14 120.60(6).
15 (e) Imposition of an administrative fine not to exceed
16 \$1,000 for each count or separate offense.
17 (f) Issuance of a public reprimand.
18 (g) Placement of an applicant or licensee on probation
19 for a period of time and subject to such conditions as the
20 board may specify, including, but not limited to, requiring
21 the applicant or licensee to submit to treatment, to attend
22 continuing education courses, to submit to reexamination, or
23 to work under the supervision of a designated licensee.
24 (h) Restriction of practice.
25 (2) The following acts of a licensee or applicant are
26 grounds for which the disciplinary actions listed in
27 subsection (1) may be taken:
28 (a) Attempting to obtain, obtaining, or renewing a
29 license under this part by bribery or fraudulent
30 misrepresentation or through an error of the board or the
31 department.

1 (b) Having a license to practice a comparable
2 profession revoked, suspended, or otherwise acted against,
3 including the denial of licensure by another state, territory,
4 or country.

5 (c) Being convicted or found guilty of, regardless of
6 adjudication, or having entered a plea of nolo contendere to,
7 a crime in any jurisdiction which directly relates to the
8 practice of his or her profession or the ability to practice
9 his or her profession. However, in the case of a plea of nolo
10 contendere, the board shall allow the person who is the
11 subject of the disciplinary proceeding to present evidence in
12 mitigation relevant to the underlying charges and
13 circumstances surrounding the plea.

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

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

19 (f) Maintaining a professional association with any
20 person who the applicant or licensee knows, or has reason to
21 believe, is in violation of this part or of a rule of the
22 department or the board.

23 (g) Knowingly aiding, assisting, procuring, or
24 advising any nonlicensed person to hold himself or herself out
25 as licensed under this part.

26 (h) Failing to perform any statutory or legal
27 obligation placed upon a person licensed under this part.

28 (i) Willfully making or filing a false report or
29 record; failing to file a report or record required by state
30 or federal law; willfully impeding or obstructing the filing
31 of a report or record; or inducing another person to make or

1 file a false report or record or to impede or obstruct the
2 filing of a report or record. Such report or record includes
3 only a report or record which requires the signature of a
4 person licensed under this part.

5 (j) Paying a kickback, rebate, bonus, or other
6 remuneration for receiving a patient or client, or receiving a
7 kickback, rebate, bonus, or other remuneration for referring a
8 patient or client to another provider of mental health care
9 services or to a provider of health care services or goods;
10 referring a patient or client to oneself for services on a
11 fee-paid basis when those services are already being paid for
12 by some other public or private entity; or entering into a
13 reciprocal referral agreement.

14 (k) Committing any act upon a patient or client which
15 would constitute sexual battery or which would constitute
16 sexual misconduct as defined pursuant to s. 491.111.

17 (l) Making misleading, deceptive, untrue, or
18 fraudulent representations in the practice of any profession
19 licensed under this part.

20 (m) Soliciting patients or clients personally, or
21 through an agent, through the use of fraud, intimidation,
22 undue influence, or a form of overreaching or vexatious
23 conduct.

24 (n) Failing to make available to a patient or client,
25 upon written request, copies of tests, reports, or documents
26 in the possession or under the control of the licensee which
27 have been prepared for and paid for by the patient or client.

28 (o) Failing to respond within 30 days to a written
29 communication from the department or the board concerning any
30 investigation by the department or the board, or failing to

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1 make available any relevant records with respect to any
2 investigation about the licensee's conduct or background.

3 (p) Being unable to practice the profession for which
4 he or she is licensed under this part with reasonable skill or
5 competence as a result of any mental or physical condition or
6 by reason of illness; drunkenness; or excessive use of drugs,
7 narcotics, chemicals, or any other substance. In enforcing
8 this paragraph, upon a finding by the secretary, his or her
9 designee, or the board that probable cause exists to believe
10 that the licensee is unable to practice the profession because
11 of the reasons stated in this paragraph, the department shall
12 have the authority to compel a licensee to submit to a mental
13 or physical examination by psychologists, physicians, or
14 licensees under this part, designated by the department or
15 board. If the licensee refuses to comply with such order, the
16 department's order directing the examination may be enforced
17 by filing a petition for enforcement in the circuit court in
18 the circuit in which the licensee resides or does business.
19 The licensee against whom the petition is filed shall not be
20 named or identified by initials in any public court records or
21 documents, and the proceedings shall be closed to the public.
22 The department shall be entitled to the summary procedure
23 provided in s. 51.011. A licensee affected under this
24 paragraph shall at reasonable intervals be afforded an
25 opportunity to demonstrate that he can resume the competent
26 practice for which he or she is licensed with reasonable skill
27 and safety to patients.

28 (q) Violating provisions of this part, or of chapter
29 455, or any rules adopted pursuant thereto.

30 (r) Performing any treatment or prescribing any
31 therapy which, by the prevailing standards of the mental

1 health professions in the community, would constitute
2 experimentation on human subjects, without first obtaining
3 full, informed, and written consent.

4 (s) Failing to meet the minimum standards of
5 performance in professional activities when measured against
6 generally prevailing peer performance, including the
7 undertaking of activities for which the licensee is not
8 qualified by training or experience.

9 (t) Delegating professional responsibilities to a
10 person who the licensee knows or has reason to know is not
11 qualified by training or experience to perform such
12 responsibilities.

13 (u) Violating a rule relating to the regulation of the
14 profession or a lawful order of the department or the board
15 previously entered in a disciplinary hearing.

16 (v) Failure of the licensee to maintain in confidence
17 a communication made by a patient or client in the context of
18 such services, except by written permission or in the face of
19 a clear and immediate probability of bodily harm to the
20 patient or client or to others.

21 (w) Making public statements which are derived from
22 test data, client contacts, or behavioral research and which
23 identify or damage research subjects or clients.

24 491.111 Sexual misconduct.--Sexual misconduct by any
25 person licensed under this part, in the practice of his or her
26 profession, is prohibited. Sexual misconduct shall be defined
27 by rule of the department.

28 491.112 Violations; penalty; injunction.--

29 (1) It is unlawful and a violation of this part for
30 any person to:

31

1 (a) Use the following titles or any combination
2 thereof, unless the person holds a valid active license as a
3 licensed clinical social worker issued pursuant to this part:

- 4 1. "Licensed clinical social worker."
- 5 2. "Clinical social worker."
- 6 3. "Licensed social worker."
- 7 4. "Psychiatric social worker."
- 8 5. "Psychosocial worker."
- 9 6. "Social worker."

10 (b) Use of the following titles or any combination
11 thereof, unless the person holds a valid active license as a
12 licensed master social worker pursuant to this part:

- 13 1. "Licensed master social worker."
- 14 2. "Master social worker."
- 15 3. "Graduate social worker."
- 16 4. "Advanced social worker."
- 17 5. "Registered master social worker intern."
- 18 6. "Professional master social worker licensee."
- 19 7. "Social worker."

20 (c) Use of the following titles or any combination
21 thereof, unless the person holds a valid license as a licensed
22 bachelor social worker licensed pursuant to this part:

- 23 1. "Licensed bachelor social worker."
- 24 2. "Bachelor social worker."
- 25 3. "Baccalaureate social worker."
- 26 4. "Licensed social worker."
- 27 5. "Social worker technician."
- 28 6. "Registered bachelor social worker intern."
- 29 7. "Provisional bachelor social worker licensee."
- 30 8. "Social worker."

31

1 (d) Use the term "psychotherapist" or "sex therapist,"
2 unless such person is licensed pursuant to this part or
3 chapter 490, or is certified under s. 464.012 as an advanced
4 registered nurse practitioner in the category of psychiatric
5 mental health and the use of such terms is within the scope of
6 his or her practice based on education, training, and
7 licensure.

8 (e) Present as his or her own the social work license
9 of another.

10 (f) Give false or forged evidence to the board or a
11 member thereof for the purpose of obtaining a license.

12 (g) Use or attempt to use a license issued pursuant to
13 this part which has been revoked or is under suspension.

14 (h) Knowingly conceal information relative to
15 violations of this part.

16 (i) Beginning January 1, 1998, practice social work in
17 this state, as the practice is defined in s. 491.102, unless
18 the person holds an active license to practice social work
19 issued pursuant to this part.

20 (2) It is unlawful and a violation of this part for
21 any person to describe his or her services using the following
22 terms or any derivative thereof, unless such person holds a
23 valid active license under this part or chapter 490, or is
24 certified as an advanced registered nurse practitioner in the
25 category of psychiatric mental health under s. 464.012, and
26 the use of such terms is within the scope of his or her
27 practice based on education, training, and licensure:

28 (a) "Psychotherapy."

29 (b) "Sex therapy."

30 (c) "Sex counseling."

31 (d) "Clinical social work."

1 (e) "Psychiatric social work."
2 (3) It is unlawful and a violation of this part for
3 any person to describe his or her services using the following
4 terms or any derivative thereof, unless such person holds a
5 valid active license under this part:
6 (a) "Social work."
7 (b) "Social work services."
8 (4) Any person who violates any provision of
9 subsection (1), subsection (2), or subsection (3) commits a
10 misdemeanor of the first degree, punishable as provided in s.
11 775.082 or s. 775.083.
12 (5) The department may institute appropriate judicial
13 proceedings to enjoin violation of this section.
14 491.113 Exemptions.--
15 (1) No provision of this part shall be construed to
16 limit the practice of physicians licensed pursuant to chapter
17 458 or chapter 459, or psychologists licensed pursuant to
18 chapter 490, so long as they do not unlawfully hold themselves
19 out to the public as possessing a license issued pursuant to
20 this part or use a professional title protected by this part.
21 (2) No provision of this part shall be construed to
22 limit the practice of nursing, school psychology, or
23 psychology, or to prevent qualified members of other
24 professions from doing work of a nature consistent with their
25 training and licensure, so long as they do not hold themselves
26 out to the public as possessing a license issued pursuant to
27 this part or use a title protected by this part.
28 (3) No provision of this part shall be construed to
29 limit the performance of activities of a rabbi, priest,
30 minister, or clergyman of any religious denomination or sect,
31 or use of the term "Christian counselor" or "Christian

1 clinical counselor" when the activities are within the scope
2 of the performance of his or her regular or specialized
3 ministerial duties and no compensation is received by him or
4 her, or when such activities are performed, with or without
5 compensation, by a person for or under the auspices or
6 sponsorship, individually or in conjunction with others, of an
7 established and legally cognizable church, denomination, or
8 sect, and when the person rendering service remains
9 accountable to the established authority thereof, so long as
10 such person does not unlawfully hold himself or herself out to
11 the public as possessing a license issued pursuant to this
12 part or use a professional title protected by this part.

13 (4) No person shall be required to be licensed under
14 this part who:

15 (a) Is a salaried employee of a government agency;
16 developmental services program or mental health, alcoholic, or
17 drug abuse facility operating pursuant to chapter 393, chapter
18 394, or chapter 397; subsidized child care, subsidized child
19 care case management, or child care resource and referral
20 program operating pursuant to chapter 402; child-placing or
21 child-caring agency licensed pursuant to chapter 409; domestic
22 violence center certified pursuant to chapter 415; accredited
23 academic institution; or research institution, if such
24 employee is performing duties for which he or she was trained
25 and hired solely within the confines of such agency, facility,
26 or institution.

27 (b) Is a salaried employee of a private, nonprofit
28 organization providing counseling services to children, youth,
29 and families, if such services are provided for no charge, if
30 such employee is performing duties for which he was trained
31 and hired.

1 (c) Is a student who is pursuing a course of study
2 which leads to a degree in medicine or a profession regulated
3 by this part who is providing services in a training setting,
4 provided such activities or services constitute part of a
5 supervised course of study, or is a graduate accumulating the
6 experience required for any licensure under this part,
7 provided such graduate or student is designated by a title
8 such as "student" or "trainee" which clearly indicates the
9 in-training status of the student.

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

12 1. Such services are performed for no more than 5 days
13 in any month and no more than 15 days in any calendar year;

14 and

15 2. Such nonresident is licensed to practice the
16 services provided by a state or territory of the United States
17 or by a foreign country or province.

18
19 The exemptions in paragraphs (a) and (b) expire on January 1,
20 2003, after which no person will be exempt under such
21 conditions unless the person works in a program which
22 administers and maintains a competency-based training program
23 for employees providing social work services, or if the agency
24 maintains external accreditation by an appropriate
25 standard-setting body.

26 (5) No provision of this part shall be construed to
27 limit the practice of any individual who solely engages in
28 behavior analysis so long as he or she does not hold himself
29 or herself out to the public as possessing a license issued
30 pursuant to this part or use a title protected by this part.

31

1 (6) Nothing in subsections (2)-(4) shall exempt any
2 person from the provisions of s. 491.112(1)(a)-(b).

3 (7) Any person who is not licensed under any provision
4 of this part by January 1, 1998, and who desires to become so
5 licensed shall register with the department that person's
6 intent to become fully licensed no later than January 1, 1999.
7 The costs to the department of such registration shall be
8 borne by the registrant. The department may require affidavits
9 and supporting documentation sufficient to demonstrate that
10 the registrant is preparing for examination by January 1,
11 1998, under this part. The department may adopt rules to
12 implement this section. Upon receipt of the department's
13 notice of registration, the registrant may practice services
14 as defined in s. 491.102(7), (8), (9), and (10), provided that
15 the registrant uses "trainee" or "intern" with any title or
16 description of the registrant's work and on any business
17 correspondence and work product, including, but not limited
18 to, a business card, letterhead, sign, billing, or report
19 unless exempt pursuant to this part.

20 491.114 Practice of hypnosis.--A person licensed under
21 this part who is qualified as determined by the board may
22 practice hypnosis as defined in s. 456.32(1). The provisions
23 of this part may not be interpreted to limit or affect the
24 right of any person qualified pursuant to chapter 456 to
25 practice hypnosis pursuant to that chapter or to practice
26 hypnosis for nontherapeutic purposes, so long as such person
27 does not hold himself or herself out to the public as
28 possessing a license issued pursuant to this part or use a
29 title protected by this part.

30 491.115 Practice of sex therapy.--Only a person
31 licensed by this part who meets the qualifications set by the

1 board may hold himself or herself out as a sex therapist. The
2 board shall define these qualifications by rule. In
3 establishing these qualifications, the board may refer to the
4 sexual disorder and sexual dysfunction sections of the most
5 current edition of the Diagnostic and Statistical Manual of
6 the American Psychiatric Association or other relevant
7 publications.

8 491.116 Licensed clinical social worker.--

9 (1) The department may certify an applicant for a
10 designation as a licensed clinical social worker upon the
11 following conditions:

12 (a) The applicant completes an application to be
13 provided by the department and pays a fee not to exceed \$200
14 to be established by rule of the department.

15 (b) The applicant submits proof satisfactory to the
16 department that the applicant has received a doctoral or
17 master's degree in social work, or a master's degree with a
18 major emphasis or specialty in clinical practice or
19 administration, including, but not limited to, agency
20 administration and supervision, program planning and
21 evaluation, staff development, research, community
22 organization, community services, social planning, and human
23 service advocacy. Doctoral degrees must have been received
24 from a graduate school of social work which at the time the
25 applicant was enrolled and graduated was accredited by an
26 accrediting agency approved by the United States Department of
27 Education. Master's degrees must have been received from a
28 graduate school of social work which at the time the applicant
29 was enrolled and graduated was accredited by the Council on
30 Social Work Education or the Canadian Association of Schools
31 of Social Work or by one that meets comparable standards.

1 (c) The applicant has had at least 3 years of clinical
2 social work experience, including, but not limited to,
3 clinical services or administrative activities as defined in
4 paragraph (b), of which 2 years' experience took place
5 following completion of the graduate degree of social work
6 under the supervision of a qualified licensed clinical social
7 worker or the equivalent as determined by the board. An
8 applicant who is completing the clinical social work
9 experience requirement may practice as a clinical social
10 worker intern or trainee under supervision.

11 (d) The applicant has passed an examination required
12 by the department for this purpose. The fee for such
13 examination shall not exceed \$200 as set by department rule.

14 (2) Any person who holds a master's degree in social
15 work from an institution outside the United States may apply
16 to the department if the academic training in social work has
17 been evaluated as equivalent to a degree from a school
18 accredited by the Council on Social Work Education. Any such
19 person shall submit a copy of the academic training from the
20 Foreign Equivalency Determination Service of the Council on
21 Social Work Education.

22 (3) A licensed clinical social worker is required to
23 complete 30 clock hours of social work continuing education
24 during each renewal cycle for license.

25 (4) A licensed clinical social worker, once licensed,
26 is capable of autonomous clinical social work practice.

27 491.117 Licensed master social worker.--

28 (1) The department may certify an applicant for a
29 designation as a licensed master social worker upon the
30 following conditions:

31

1 (a) The applicant completes an application to be
2 provided by the department and pays a fee not to exceed \$200
3 to be established by rule of the department.

4 (b) The applicant submits proof satisfactory to the
5 department that the applicant has received a doctoral or
6 master's degree in social work, or a master's degree with a
7 major emphasis or specialty in clinical practice or
8 administration, including, but not limited to, agency
9 administration and supervision, program planning and
10 evaluation, staff development, research, community
11 organization, community services, social planning, and human
12 service advocacy. Doctoral degrees must have been received
13 from a graduate school of social work which at the time the
14 applicant was enrolled and graduated was accredited by an
15 accrediting agency approved by the United States Department of
16 Education. Master's degrees must have been received from a
17 graduate school of social work which at the time the applicant
18 was enrolled and graduated was accredited by the Council on
19 Social Work Education or the Canadian Association of Schools
20 of Social Work or by one that meets comparable standards.

21 (c) The applicant has had at least 3 years of social
22 work experience, including, but not limited to, direct social
23 work services or management activities as defined in paragraph
24 (b), of which 2 years' experience took place following
25 completion of the graduate degree of social work under the
26 supervision of a qualified licensed master social worker, a
27 licensed clinical social worker, or the equivalent as
28 determined by the board. A person registered under this part
29 who is completing the professional social work requirement may
30 practice as a master social work intern or trainee under
31 supervision.

1 (d) The applicant has passed an examination required
2 by the department for this purpose or holds an ACSW (Academy
3 of Certified Social Workers) credential issued by the National
4 Association of Social Workers in good standing. The fee for
5 such examination shall not exceed \$200 as set by department
6 rule.

7 (2) Any person who holds a master's degree in social
8 work from an institution outside the United States may apply
9 to the department if the academic training in social work has
10 been evaluated as equivalent to a degree from a school
11 accredited by the Council on Social Work Education. Any such
12 person shall submit a copy of the academic training from the
13 Foreign Equivalency Determination Service of the Council on
14 Social Work Education.

15 (3) A licensed master social worker is required to
16 complete 30 clock hours of social work continuing education
17 during each renewal cycle for license.

18 (4) A licensed master social worker, once licensed, is
19 capable of autonomous social work practice that does not
20 include the provision of psychotherapy services.

21 491.118 Licensed bachelor social worker.--

22 (1) The department may certify an applicant for a
23 designation as a licensed bachelor social worker upon the
24 following conditions:

25 (a) The applicant completes an application to be
26 provided by the department and pays a fee not to exceed \$100
27 to be established by rule of the department.

28 (b) The applicant submits proof satisfactory to the
29 department that the applicant has received a baccalaureate
30 degree in social work from an undergraduate school of social
31

1 work accredited, or in candidacy status of accreditation, by
2 the Council on Social Work Education.

3 (c) The applicant has had at least 2 years' experience
4 following completion of the bachelor's degree of social work,
5 and supervised by a qualified licensed bachelor social worker,
6 a licensed master social worker, a licensed clinical social
7 worker, or the equivalent as determined by the board and must
8 maintain such supervision for a minimum of 5 years. A person
9 registered under this part who is completing the baccalaureate
10 social work requirement may practice as a bachelor social work
11 intern or trainee under supervision.

12 (d) The applicant has passed an examination required
13 by the department for this purpose. The fee for such
14 examination shall not exceed \$200 as set by department rule.

15 (2) Any person who holds a bachelor's degree in social
16 work from an institution outside the United States may apply
17 to the department if the academic training in social work has
18 been evaluated as equivalent to a degree from a school
19 accredited by the Council on Social Work Education. Any such
20 person shall submit a copy of the academic training from the
21 Foreign Equivalency Determination Service of the Council on
22 Social Work Education.

23 (3) A licensed bachelor social worker is required to
24 complete 30 clock hours of social work continuing education
25 during each renewal cycle for license.

26 (4) Once licensed, the licensed bachelor social worker
27 does not include the practice of psychotherapy.

28 491.119 Confidentiality and privileged
29 communications.--Any communication between any person licensed
30 under this part and his or her patient or client shall be
31

1 confidential. This secrecy may be waived under the following
2 conditions:

3 (1) When the person licensed under this part is a
4 party defendant to a civil, criminal, or disciplinary action
5 arising from a complaint filed by the patient or client, in
6 which case the waiver shall be limited to that action.

7 (2) When the patient or client agrees to the waiver,
8 in writing, or, when more than one person in a family is
9 receiving therapy, when each family member agrees to the
10 waiver, in writing.

11 (3) When there is a clear and immediate probability of
12 physical harm to the patient or client, to other individuals,
13 or to society and the person licensed under this part
14 communicates the information only to the potential victim,
15 appropriate family member, or law enforcement or other
16 appropriate authorities.

17 498.121 Records.--Each licensed social work
18 professional who provides services as defined in this part
19 shall maintain records. The board may adopt rules defining the
20 minimum requirements for records and reports, including
21 content, length of time records shall be maintained, and
22 transfer of either the records or a report of such records to
23 a subsequent treating practitioner or other individual with
24 written consent of the client or clients.

25 491.122 Display of license; use of professional title
26 on promotional materials.--

27 (1) A person licensed under this part as a licensed
28 social worker shall conspicuously display the valid license
29 issued by the department or a true copy thereof at each
30 location at which the licensee practices his or her
31 profession.

1 (2) Licensed social workers shall include the words
2 "Licensed Clinical Social Worker" or the letters "LCSW,"
3 "Licensed Master Social Worker" or the letters "LMSW,"
4 "Licensed Bachelor Social Worker" or the letters "LBSW" on all
5 promotional materials, including cards, brochures, stationery,
6 advertisements, and signs, naming the licensee.
7 491.123 Reciprocity.--
8 (1) The board may adopt rules for:
9 (a) Entering into reciprocal agreements with other
10 states or territories of the United States for the purpose of
11 licensing persons to perform services and or activities
12 regulated under this part who are currently licensed to
13 perform similar services and or activities in the other states
14 or territories; or
15 (b) Allowing a person who is licensed in another state
16 or territory to perform similar services and or activities in
17 this state, or a temporary and limited basis, without the need
18 for licensure instate.
19 (2) The rules authorized in subsection (1) may be
20 promulgated only if:
21 (a) The other state or territory has requirements
22 which are substantially similar to or greater than those
23 established in this part as determined by the board.
24 (b) The applicant has engaged in licensed services and
25 or activities for at least 1 year in the other state or
26 territory with no disciplinary action against him or her.
27 (c) The Secretary of State or other appropriate
28 authority of the other state or territory agrees to accept
29 service of process for those licensees who are operating in
30 this state on a temporary basis.
31

1 Section 2. Sections 491.002 through 491.0149, Florida
2 Statutes, are designated as part I of chapter 491, Florida
3 Statutes, and entitled "Marriage and Family Therapy and Mental
4 Health Counseling."

5 Section 3. Section 491.002, Florida Statutes, is
6 amended to read:

7 491.002 Intent.--The Legislature finds that as society
8 becomes increasingly complex, emotional survival is equal in
9 importance to physical survival. Therefore, in order to
10 preserve the health, safety, and welfare of the public, the
11 Legislature must provide privileged communication for members
12 of the public or those acting on their behalf to encourage
13 needed or desired counseling, clinical and psychotherapy
14 services, or certain other services of a psychological nature
15 to be sought out. The Legislature further finds that, since
16 such services assist the public primarily with emotional
17 survival, which in turn affects physical and psychophysical
18 survival, the practice of ~~clinical social work~~, marriage and
19 family therapy, and mental health counseling by persons not
20 qualified to practice such professions presents a danger to
21 public health, safety, and welfare. The Legislature finds
22 that, to further secure the health, safety, and welfare of the
23 public and also to encourage professional cooperation among
24 all qualified professionals, the Legislature must assist the
25 public in making informed choices of such services by
26 establishing minimum qualifications for entering into and
27 remaining in the respective professions.

28 Section 4. Section 491.003, Florida Statutes, is
29 amended to read:

30 491.003 Definitions.--As used in this part ~~chapter~~:

1 (1) "Department" means the Department of Health
2 ~~Business and Professional Regulation.~~

3 (2) "Board" means the Board of ~~Clinical Social Work,~~
4 ~~Marriage and Family Therapy, and Mental Health Counseling.~~

5 ~~(3) "Clinical social worker" means a person licensed~~
6 ~~under this chapter to practice clinical social work.~~

7 ~~(4) "Clinical social work experience" is defined as a~~
8 ~~period during which the applicant provides clinical social~~
9 ~~work services, including assessment, diagnosis, treatment, and~~
10 ~~evaluation of clients; provided that at least 50 percent of~~
11 ~~the hours worked consist of providing psychotherapy and~~
12 ~~counseling services directly to clients.~~

13 ~~(3)~~(5) "Marriage and family therapist" means a person
14 licensed under this part ~~chapter~~ to practice marriage and
15 family therapy.

16 ~~(4)~~(6) "Mental health counselor" means a person
17 licensed under this part ~~chapter~~ to practice mental health
18 counseling.

19 ~~(7) The "practice of clinical social work" is defined~~
20 ~~as the use of scientific and applied knowledge, theories, and~~
21 ~~methods for the purpose of describing, preventing, evaluating,~~
22 ~~and treating individual, couple, marital, family, or group~~
23 ~~behavior, based on the person-in-situation perspective of~~
24 ~~psychosocial development, normal and abnormal behavior,~~
25 ~~psychopathology, unconscious motivation, interpersonal~~
26 ~~relationships, environmental stress, differential assessment,~~
27 ~~differential planning, and data gathering. The purpose of~~
28 ~~such services is the prevention and treatment of undesired~~
29 ~~behavior and enhancement of mental health. Such practice~~
30 ~~includes the use of methods of a psychological nature to~~
31 ~~evaluate, assess, diagnose, treat, and prevent emotional and~~

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1 ~~mental disorders and dysfunctions, whether cognitive,~~
2 ~~affective, or behavioral; sexual dysfunction; behavioral~~
3 ~~disorders; alcoholism; and substance abuse. The practice of~~
4 ~~clinical social work may also include clinical research into~~
5 ~~more effective psychotherapeutic modalities for the treatment~~
6 ~~and prevention of such conditions.~~

7 ~~(a) Clinical social work treatment includes, but is~~
8 ~~not limited to:~~

- 9 ~~1. Counseling.~~
- 10 ~~2. Psychotherapy.~~
- 11 ~~3. Behavior modification.~~
- 12 ~~4. Hypnotherapy.~~
- 13 ~~5. Sex therapy.~~
- 14 ~~6. Consultation.~~
- 15 ~~7. Client-centered advocacy.~~
- 16 ~~8. Crisis intervention.~~
- 17 ~~9. Providing needed information and education to~~
18 ~~clients.~~

19 ~~(b) Clinical social work may be rendered to~~
20 ~~individuals, including individuals affected by the termination~~
21 ~~of marriage, and to marriages, couples, families, groups,~~
22 ~~organizations, and communities.~~

23 ~~(c) The use of specific methods, techniques, or~~
24 ~~modalities within the practice of clinical social work is~~
25 ~~restricted to clinical social workers appropriately trained in~~
26 ~~the use of such methods, techniques, or modalities.~~

27 ~~(d) The terms "diagnose" and "treat," as used in this~~
28 ~~chapter, when considered in isolation or in conjunction with~~
29 ~~any provision of the rules of the board, shall not be~~
30 ~~construed to permit the performance of any act which clinical~~
31 ~~social workers are not educated and trained to perform,~~

1 ~~including, but not limited to, admitting persons to hospitals~~
2 ~~for treatment of the foregoing conditions, treating persons in~~
3 ~~hospitals without medical supervision, prescribing medicinal~~
4 ~~drugs as defined in chapter 465, authorizing clinical~~
5 ~~laboratory procedures pursuant to chapter 483, or radiological~~
6 ~~procedures, or use of electroconvulsive therapy. In addition,~~
7 ~~this definition shall not be construed to permit any person~~
8 ~~licensed pursuant to this chapter to describe or label any~~
9 ~~test, report, or procedure as "psychological," except to~~
10 ~~relate specifically to the definition of practice authorized~~
11 ~~in this subsection.~~

12 ~~(e) The definition of "clinical social work" contained~~
13 ~~in this subsection includes all services offered directly to~~
14 ~~the general public or through organizations, whether public or~~
15 ~~private, and applies whether payment is requested or received~~
16 ~~for services rendered.~~

17 (5)~~(8)~~ The "practice of marriage and family therapy"
18 is defined as the use of scientific and applied marriage and
19 family theories, methods, and procedures for the purpose of
20 describing, evaluating, and modifying marital, family, and
21 individual behavior, within the context of marital and family
22 systems, including the context of marital formation and
23 dissolution, and is based on marriage and family systems
24 theory, marriage and family development, human development,
25 normal and abnormal behavior, psychopathology, human
26 sexuality, psychotherapeutic and marriage and family therapy
27 theories and techniques. Such practice includes the use of
28 methods of a psychological nature to evaluate, assess,
29 diagnose, treat, and prevent emotional and mental disorders or
30 dysfunctions, whether cognitive, affective, or behavioral;
31 sexual dysfunction; behavioral disorders; alcoholism; and

1 substance abuse. The practice of marriage and family therapy
2 may also include clinical research into more effective
3 psychotherapeutic modalities for the treatment and prevention
4 of such conditions.

5 (a) Marriage and family therapy treatment includes,
6 but is not limited to:

- 7 1. Marriage and family therapy.
- 8 2. Counseling.
- 9 3. Psychotherapy, including behavioral family therapy.
- 10 4. Behavior modification.
- 11 5. Hypnotherapy.
- 12 6. Sex therapy.
- 13 7. Consultation.
- 14 8. Client advocacy.
- 15 9. Crisis intervention.
- 16 10. Providing needed information and education to
17 clients.

18 (b) Marriage and family therapy may be rendered to
19 individuals, including individuals affected by termination of
20 marriage, to couples, whether married or unmarried, to
21 families, or to groups.

22 (c) The use of specific methods, techniques, or
23 modalities within the practice of marriage and family therapy
24 is restricted to marriage and family therapists appropriately
25 trained in the use of such methods, techniques, or modalities.

26 (d) The terms "diagnose" and "treat," as used in this
27 part ~~chapter~~, when considered in isolation or in conjunction
28 with any provision of the rules of the board, shall not be
29 construed to permit the performance of any act which marriage
30 and family therapists are not educated and trained to perform,
31 including, but not limited to, admitting persons to hospitals

1 for treatment of the foregoing conditions, treating persons in
2 hospitals without medical supervision, prescribing medicinal
3 drugs as defined in chapter 465, authorizing clinical
4 laboratory procedures pursuant to chapter 483, or radiological
5 procedures, or use of electroconvulsive therapy. In addition,
6 this definition shall not be construed to permit any person
7 licensed pursuant to this part ~~chapter~~ to describe or label
8 any test, report, or procedure as "psychological," except to
9 relate specifically to the definition of practice authorized
10 in this subsection.

11 (e) The definition of "marriage and family therapy"
12 contained in paragraphs (a)-(d) includes all services offered
13 directly to the general public or through organizations,
14 whether public or private, and applies whether payment is
15 requested or received for services rendered.

16 ~~(6)(9)~~ The "practice of mental health counseling" is
17 defined as the use of scientific and applied behavioral
18 science theories, methods, and techniques for the purpose of
19 describing, preventing, and treating undesired behavior and
20 enhancing mental health and human development. Such practice
21 includes the use of methods of a psychological nature to
22 evaluate, assess, diagnose, and treat emotional and mental
23 dysfunctions or disorders, whether cognitive, affective, or
24 behavioral; behavioral disorders; interpersonal relationships;
25 sexual dysfunction; alcoholism; and substance abuse. The
26 practice of mental health counseling may also include clinical
27 research into more effective psychotherapeutic modalities for
28 the treatment and prevention of such conditions.

29 (a) Mental health counseling treatment includes, but
30 is not limited to:

31 1. Counseling.

- 1 2. Psychotherapy.
- 2 3. Behavior modification.
- 3 4. Hypnotherapy.
- 4 5. Sex therapy.
- 5 6. Consultation.
- 6 7. Client advocacy.
- 7 8. Crisis intervention.
- 8 9. Providing needed information and education to
- 9 clients.

10 (b) Mental health counseling may be rendered to
11 individuals, including individuals affected by the termination
12 of marriage, and to couples, families, groups, organizations,
13 and communities.

14 (c) The use of specific methods, techniques, or
15 modalities within the practice of mental health counseling is
16 restricted to mental health counselors appropriately trained
17 in the use of such methods, techniques, or modalities.

18 (d) The terms "diagnose" and "treat," as used in this
19 part ~~chapter~~, when considered in isolation or in conjunction
20 with any provision of the rules of the board, shall not be
21 construed to permit the performance of any act which mental
22 health counselors are not educated and trained to perform,
23 including, but not limited to, admitting persons to hospitals
24 for treatment of the foregoing conditions, treating persons in
25 hospitals without medical supervision, prescribing medicinal
26 drugs as defined in chapter 465, authorizing clinical
27 laboratory procedures pursuant to chapter 483, or radiological
28 procedures, or use of electroconvulsive therapy. In addition,
29 this definition shall not be construed to permit any person
30 licensed pursuant to this part ~~chapter~~ to describe or label
31 any test, report, or procedure as "psychological," except to

1 relate specifically to the definition of practice authorized
2 in this subsection.

3 ~~(7)(10)~~ "Psychotherapist" means a clinical social
4 worker licensed pursuant to part II or a marriage and family
5 therapist, or mental health counselor licensed pursuant to
6 this part ~~chapter~~.

7 Section 5. Section 491.004, Florida Statutes, is
8 amended to read:

9 491.004 Board of ~~Clinical Social Work, Marriage and~~
10 Family Therapy, and Mental Health Counseling.--

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

15 (2)(a) Six members of the board shall be persons
16 licensed under this part ~~chapter~~ as follows:

17 ~~1. Two members shall be licensed practicing clinical~~
18 ~~social workers.~~

19 ~~1.2. Three~~ Two members shall be licensed practicing
20 marriage and family therapists.

21 ~~2.3. Three~~ Two members shall be licensed practicing
22 mental health counselors.

23 (b) Three members shall be citizens of the state who
24 are not and have never been licensed in a mental
25 health-related profession and who are in no way connected with
26 the practice of any such profession.

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

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

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

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

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

5 (5) The board shall adopt rules to implement and
6 enforce the provisions of this part ~~chapter~~.

7 (6) All applicable provisions of chapter 455 relating
8 to activities of regulatory boards shall apply to the board.

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

11 Section 6. Section 491.005, Florida Statutes, is
12 amended to read:

13 491.005 Licensure by examination.--

14 ~~(1) Upon verification of documentation and payment of~~
15 ~~a fee not to exceed \$200, as set by board rule, plus the~~
16 ~~actual per applicant cost to the department for purchase of~~
17 ~~the examination from the American Association of State Social~~
18 ~~Worker's Boards or a similar national organization, the~~
19 ~~department shall issue a license as a clinical social worker~~
20 ~~to an applicant who the board certifies:~~

21 ~~(a) Has made application therefor and paid the~~
22 ~~appropriate fee.~~

23 ~~(b) Has received a doctoral degree in social work from~~
24 ~~a graduate school of social work which at the time the~~
25 ~~applicant graduated was accredited by an accrediting agency~~
26 ~~recognized by the United States Department of Education or has~~
27 ~~received a master's degree in social work from a graduate~~
28 ~~school of social work which at the time the applicant~~
29 ~~graduated:~~

30 ~~1. Was accredited by the Council on Social Work~~
31 ~~Education;~~

1 ~~2. Was accredited by the Canadian Association of~~
2 ~~Schools of Social Work; or~~

3 ~~3. Has been determined to have been a program~~
4 ~~equivalent to programs approved by the Council on Social Work~~
5 ~~Education by the Foreign Equivalency Determination Service of~~
6 ~~the Council on Social Work Education. An applicant who~~
7 ~~graduated from a program at a university or college outside of~~
8 ~~the United States or Canada must present documentation of the~~
9 ~~equivalency determination from the council in order to~~
10 ~~qualify.~~

11
12 ~~The applicant's graduate program must have emphasized direct~~
13 ~~clinical patient or client health care services, as provided~~
14 ~~in subsection (2), including, but not limited to, coursework~~
15 ~~in clinical social work, psychiatric social work, medical~~
16 ~~social work, social casework, psychotherapy, or group therapy.~~

17 ~~(c) Has had at least 3 years of clinical social work~~
18 ~~experience, 2 years of which must be experience which took~~
19 ~~place subsequent to completion of a graduate degree in social~~
20 ~~work at an institution meeting the accreditation requirements~~
21 ~~of this section, under the supervision of a licensed clinical~~
22 ~~social worker or the equivalent who is a qualified supervisor~~
23 ~~as determined by the board. If the applicant's graduate~~
24 ~~program was not a program which emphasized direct clinical~~
25 ~~patient or client health care services as described in s.~~
26 ~~491.003, the supervised experience requirement must take place~~
27 ~~after the applicant has completed a minimum of 15 semester~~
28 ~~hours or 22 quarter hours of the coursework required. A~~
29 ~~doctoral internship may be applied toward the supervision~~
30 ~~requirement. The experience requirement may be met by work~~
31 ~~performed on or off the premises of the supervising clinical~~

1 ~~social worker, provided the off-premises work is not the~~
2 ~~independent private practice rendering of clinical social work~~
3 ~~that does not have a licensed clinical social worker or the~~
4 ~~equivalent, as determined by the board, as a member of the~~
5 ~~group actually rendering services on the premises.~~

6 ~~(d) Has passed an examination provided by the~~
7 ~~department for this purpose.~~

8 ~~(2) The applicant's program shall be considered to be~~
9 ~~a program which emphasized direct clinical patient or client~~
10 ~~health care services if it included all of the following~~
11 ~~coursework:~~

12 ~~(a) A supervised field placement which was part of the~~
13 ~~applicant's advanced concentration in direct practice, during~~
14 ~~which the applicant provided clinical services directly to~~
15 ~~clients.~~

16 ~~(b)1. Completion of 24 semester hours or 37 quarter~~
17 ~~hours in theory of human behavior and practice methods as~~
18 ~~courses in clinically oriented services, including a minimum~~
19 ~~of one course in psychopathology taken in a school of social~~
20 ~~work accredited by the Council on Social Work Education.~~
21 ~~However, applicants who had completed the required~~
22 ~~graduate-level degree in social work prior to October 1, 1990,~~
23 ~~and who submit a completed application for licensure prior to~~
24 ~~January 1, 1993, shall be required to complete only 21 of the~~
25 ~~24 required semester hours or 31 of the 37 required quarter~~
26 ~~hours in clinically oriented services. If the course title~~
27 ~~which appears on the applicant's transcript does not clearly~~
28 ~~identify the content of the coursework, the applicant shall be~~
29 ~~required to provide additional documentation, including, but~~
30 ~~not limited to, a syllabus or catalog description published~~
31 ~~for the course.~~

1 2. ~~Notwithstanding the provisions of subparagraph 1.,~~
2 ~~coursework which was taken at a baccalaureate level shall not~~
3 ~~be considered toward completion of education requirements for~~
4 ~~licensure unless an official of the graduate program certifies~~
5 ~~in writing on the graduate school's stationery that a specific~~
6 ~~course, which students enrolled in the same graduate program~~
7 ~~were ordinarily required to complete at the graduate level,~~
8 ~~was waived or exempted based on completion of a similar course~~
9 ~~at the baccalaureate level. If this condition is met, the~~
10 ~~board shall apply the baccalaureate course named toward the~~
11 ~~education requirements.~~

12
13 ~~An applicant from a master's or doctoral program in social~~
14 ~~work which did not emphasize direct patient or client services~~
15 ~~may complete the clinical curriculum content requirement by~~
16 ~~returning to a graduate program accredited by the Council on~~
17 ~~Social Work Education or the Canadian Association of Schools~~
18 ~~of Social Work, or to a clinical social work graduate program~~
19 ~~with comparable standards, in order to complete the education~~
20 ~~requirements for examination. However, a maximum of 6 semester~~
21 ~~or 9 quarter hours of the clinical curriculum content~~
22 ~~requirement may be completed by credit awarded for independent~~
23 ~~study coursework as defined by board rule.~~

24 (1)~~(3)~~ Upon verification of documentation and payment
25 of a fee not to exceed \$200, as set by board rule, plus the
26 actual cost to the department for the purchase of the
27 examination from the Association of Marital and Family Therapy
28 Regulatory Board, or similar national organization, the
29 department shall issue a license as a marriage and family
30 therapist to an applicant who the board certifies:

31

1 (a) Has made application therefor and paid the
2 appropriate fee.

3 (b) Has a minimum of a master's degree with major
4 emphasis in marriage and family therapy, or a closely related
5 field, and has completed all of the following requirements:

6 1. Twenty-seven semester hours or 41 quarter hours of
7 graduate coursework, which must include a minimum of 2
8 semester hours or 3 quarter hours of graduate-level course
9 credits in each of the following nine areas: dynamics of
10 marriage and family systems; marriage therapy and counseling
11 theory and techniques; family therapy and counseling theory
12 and techniques; individual human development theories
13 throughout the life cycle; personality theory;
14 psychopathology; human sexuality theory and counseling
15 techniques; general counseling theory and techniques; and
16 psychosocial theory. Content may be combined, provided no more
17 than two of the nine content areas are included in any one
18 graduate-level course and the applicant can document that the
19 equivalent of 2 semester hours of coursework was devoted to
20 each content area. Courses in research, evaluation, appraisal,
21 assessment, or testing theories and procedures; thesis or
22 dissertation work; or practicums, internships, or fieldwork
23 may not be applied toward this requirement.

24 2. A minimum of one graduate-level course of 2
25 semester hours or 3 quarter hours in legal, ethical, and
26 professional standards issues in the practice of marriage and
27 family therapy or a course determined by the board to be
28 equivalent.

29 3. A minimum of one graduate-level course of 2
30 semester hours or 3 quarter hours in diagnosis, appraisal,
31 assessment, and testing for individual or interpersonal

1 disorder or dysfunction; and a minimum of one 2-semester-hour
2 or 3-quarter-hour graduate-level course in behavioral research
3 which focuses on the interpretation and application of
4 research data as it applies to clinical practice. Credit for
5 thesis or dissertation work, practicums, internships, or
6 fieldwork may not be applied toward this requirement.

7 4. A minimum of one supervised clinical practicum,
8 internship, or field experience in a marriage and family
9 counseling setting, during which the student provided 180
10 direct client contact hours of marriage and family therapy
11 services under the supervision of an individual who met the
12 requirements for supervision under paragraph (c). This
13 requirement may be met by a supervised practice experience
14 which took place outside the academic arena, but which is
15 certified as equivalent to a graduate-level practicum or
16 internship program which required a minimum of 180 direct
17 client contact hours of marriage and family therapy services
18 currently offered within an academic program of a college or
19 university accredited by an accrediting agency approved by the
20 United States Department of Education, or an institution which
21 is publicly recognized as a member in good standing with the
22 Association of Universities and Colleges of Canada or a
23 training institution accredited by the Commission on
24 Accreditation for Marriage and Family Therapy Education
25 recognized by the United States Department of Education.
26 Certification shall be required from an official of such
27 college, university, or training institution.

28
29 The required master's degree must have been received in an
30 institution of higher education which at the time the
31 applicant graduated was: fully accredited by a regional

1 accrediting body recognized by the Commission on Recognition
2 of Postsecondary Accreditation; publicly recognized as a
3 member in good standing with the Association of Universities
4 and Colleges of Canada; or an institution of higher education
5 located outside the United States and Canada, which at the
6 time the applicant was enrolled and at the time the applicant
7 graduated maintained a standard of training substantially
8 equivalent to the standards of training of those institutions
9 in the United States which are accredited by a regional
10 accrediting body recognized by the Commission on Recognition
11 of Postsecondary Accreditation. Such foreign education and
12 training must have been received in an institution or program
13 of higher education officially recognized by the government of
14 the country in which it is located as an institution or
15 program to train students to practice as professional marriage
16 and family therapists or psychotherapists. The burden of
17 establishing that the requirements of this provision have been
18 met shall be upon the applicant, and the board may require
19 documentation, such as, but not limited to, an evaluation by a
20 foreign equivalency determination service, as evidence that
21 the applicant's graduate degree program and education were
22 equivalent to an accredited program in this country. An
23 applicant with a master's degree from a program which did not
24 emphasize marriage and family therapy may complete the
25 coursework requirement in a training institution fully
26 accredited by the Commission on Accreditation for Marriage and
27 Family Therapy Education recognized by the United States
28 Department of Education.

29 (c) Has had not less than 3 years of clinical
30 experience during which 50 percent of the applicant's clients
31 were receiving marriage and family therapy services, 2 years

1 of which must be at the post-master's level under the
2 supervision of a licensed marriage and family therapist with
3 at least 5 years of experience, or the equivalent, who is a
4 qualified supervisor as determined by the board. Within the 3
5 years of required experience for licensure as a marriage and
6 family therapist, the applicant shall provide direct
7 individual, group, or family therapy and counseling, to
8 include the following categories of cases: unmarried dyads,
9 married couples, separating and divorcing couples, and family
10 groups including children. A doctoral internship may be
11 applied toward the supervision requirement. The clinical
12 experience requirement may be met by work performed on or off
13 the premises of the supervising marriage and family therapist,
14 provided the off-premises work is not the independent private
15 practice rendering of marriage and family therapy services
16 that does not have a licensed marriage and family therapist or
17 the equivalent, as determined by the board, as a member of the
18 group actually rendering services on the premises.

19 (d) Has passed an examination provided by the
20 department for this purpose.

21 (2)~~(4)~~ Upon verification of documentation and payment
22 of a fee not to exceed \$200, as set by board rule, plus the
23 actual per applicant cost to the department for purchase of
24 the examination from the Professional Examination Service for
25 the National Academy of Certified Clinical Mental Health
26 Counselors or a similar national organization, the department
27 shall issue a license as a mental health counselor to an
28 applicant who the board certifies:

29 (a) Has made application therefor and paid the
30 appropriate fee.

31

1 (b) Has received a minimum of an earned master's
2 degree with a major related to the practice of mental health
3 counseling, and has completed all of the following
4 requirements:

5 1. Twenty-one semester hours or 32 quarter hours of
6 graduate coursework, which must include a minimum of 2
7 semester hours or 3 quarter hours of graduate-level coursework
8 in each of the following seven content areas: counseling
9 theories and practice; human development theories; personality
10 theory; psychopathology or abnormal psychology; human
11 sexuality theories; group theories and practice; and
12 individual evaluation and assessment. Content may be combined,
13 provided no more than two of the seven content areas are
14 included in any one graduate-level course and the applicant
15 can document that the equivalent of 2 semester hours of
16 content was devoted to each content area. Courses in research,
17 thesis or dissertation work, practicums, internships, or
18 fieldwork may not be applied toward this requirement.

19 2. A minimum of one 2-semester-hour or 3-quarter-hour
20 graduate-level course in research or in career or vocational
21 counseling. Credit for thesis or dissertation work,
22 practicums, internships, or fieldwork may not be applied
23 toward this requirement.

24 3. A minimum of 2 semester hours or 3 quarter hours of
25 graduate-level coursework in legal, ethical, and professional
26 standards issues in the practice of mental health counseling,
27 which includes goals and objectives of professional counseling
28 organizations, codes of ethics, legal considerations,
29 standards of preparation, certifications and licensing, and
30 the role identity of counselors. Courses in research, thesis
31

1 or dissertation work, practicums, internships, or fieldwork
2 may not be applied toward this requirement.

3 4. A minimum of one supervised practicum, internship,
4 or field experience in a counseling setting. This requirement
5 may be met by a supervised practice experience which takes
6 place outside the academic arena, but which is certified as
7 equivalent to a graduate-level practicum in a clinical mental
8 health counseling setting currently offered within an academic
9 program of a college or university accredited by an
10 accrediting agency approved by the United States Department of
11 Education. Such certification shall be required from an
12 official of such college or university. If the course title
13 which appears on the applicant's transcript does not clearly
14 identify the content of the coursework, the applicant shall be
15 required to provide additional documentation, including, but
16 not limited to, a syllabus or catalog description published
17 for the course.

18
19 Except as provided in subparagraph 4., education and training
20 in mental health counseling must have been received in an
21 institution of higher education which at the time the
22 applicant graduated was: fully accredited by a regional
23 accrediting body recognized by the Commission on Recognition
24 of Postsecondary Accreditation; publicly recognized as a
25 member in good standing with the Association of Universities
26 and Colleges of Canada; or an institution of higher education
27 located outside the United States and Canada, which at the
28 time the applicant was enrolled and at the time the applicant
29 graduated maintained a standard of training substantially
30 equivalent to the standards of training of those institutions
31 in the United States which are accredited by a regional

1 accrediting body recognized by the Commission on Recognition
2 of Postsecondary Accreditation. Such foreign education and
3 training must have been received in an institution or program
4 of higher education officially recognized by the government of
5 the country in which it is located as an institution or
6 program to train students to practice as mental health
7 counselors. The burden of establishing that the requirements
8 of this provision have been met shall be upon the applicant,
9 and the board may require documentation, such as, but not
10 limited to, an evaluation by a foreign equivalency
11 determination service, as evidence that the applicant's
12 graduate degree program and education were equivalent to an
13 accredited program in this country.

14 (c) Has had a minimum of 3 years' clinical experience
15 in mental health counseling, 2 years of which must be at the
16 post-master's level under the supervision of a licensed mental
17 health counselor or the equivalent who is a qualified
18 supervisor as determined by the board. A doctoral internship
19 may be applied toward the supervision requirement. The
20 clinical experience requirement may be met by work performed
21 on or off the premises of the supervising mental health
22 counselor, provided the off-premises work is not the
23 independent private practice rendering of services that does
24 not have a licensed mental health counselor or the equivalent,
25 as determined by the board, as a member of the group actually
26 rendering services on the premises.

27 (d) Has passed an examination provided by the
28 department for this purpose.

29 Section 7. Section 491.0055, Florida Statutes, is
30 amended to read:

31

1 491.0055 Licensure as a mental health counselor under
2 special conditions.--The department shall license as a mental
3 health counselor, without examination, any person who between
4 December 1, 1995, and February 28, 1996:

5 (1) Submits an application form created for, and
6 limited to, the purpose of this section, which shall be made
7 available by the department not later than November 1, 1995,
8 and a nonrefundable application fee equal to the application
9 fee required for licensure pursuant to s. 491.005(2)~~(4)~~.

10 (2) Submits documentation that the applicant has
11 received a minimum of a master's degree with a major emphasis
12 in psychology, counseling, or a related field from an
13 institution licensed by the state in which it was located on
14 the date of the granting of such degree and from which the
15 applicant received personal instruction and was supervised by
16 faculty provided for that purpose by the institution.

17 (3) Submits documentation that the applicant has
18 completed at least 4 years' experience in the provision of
19 psychological or counseling services as of the date of
20 application for licensure under this section.

21 (4) Submits affirmation that the applicant is a member
22 in good standing in the Florida Psychological Practitioners
23 Association as of the date of such affirmation, occurring on
24 or after October 1, 1995, and that the applicant was a member
25 of such association on the date of entry of the Stipulated
26 Order of Permanent Injunction entered by the United States
27 District Court for the Middle District of Florida, in
28 Abramson, et al., v. Gonzalez, et al., case number
29 81-735-CIV-ORL-19, August 26, 1992.

30
31

1 This section expires September 30, 1996. Such expiration
2 shall not impair the rights of any applicant under this
3 section whose timely application has not by that date received
4 final action, inclusive of all appeal rights.

5 Section 8. Section 491.006, Florida Statutes, is
6 amended to read:

7 491.006 Licensure ~~or certification~~ by endorsement.--

8 (1) The department shall license ~~or grant a~~
9 ~~certificate~~ to a person in a profession regulated by this part
10 ~~chapter~~ who, upon applying to the department and remitting the
11 appropriate fee, demonstrates to the board that he:

12 (a) Has demonstrated, in a manner designated by rule
13 of the board, knowledge of the laws and rules governing the
14 practice of ~~clinical social work,~~ marriage and family therapy,
15 and mental health counseling.

16 (b)1. Holds an active valid license to practice and
17 has actively practiced the profession for which licensure is
18 applied in another state for 3 of the last 5 years immediately
19 preceding licensure.

20 2. Meets the education requirements of this part
21 ~~chapter~~ for the profession for which licensure is applied.

22 3. Has passed a substantially equivalent licensing
23 examination in another state.

24 4. Holds a license in good standing, is not under
25 investigation for an act which would constitute a violation of
26 this part ~~chapter~~, and has not been found to have committed
27 any act which would constitute a violation of this part
28 ~~chapter~~.

29 (2) The department shall not issue a license ~~or~~
30 ~~certificate~~ by endorsement to any applicant who is under
31 investigation in this or another jurisdiction for an act which

1 would constitute a violation of this part ~~chapter~~ until such
2 time as the investigation is complete, at which time the
3 provisions of s. 491.009 shall apply.

4 Section 9. Section 491.0065, Florida Statutes, is
5 amended to read:

6 491.0065 Requirement for instruction on human
7 immunodeficiency virus and acquired immune deficiency
8 syndrome.--The board shall require, as a condition of granting
9 a license under this part ~~chapter~~, that an applicant making
10 initial application for licensure complete an education course
11 acceptable to the board on human immunodeficiency virus and
12 acquired immune deficiency syndrome. An applicant who has not
13 taken a course at the time of licensure shall, upon submission
14 of an affidavit showing good cause, be allowed 6 months to
15 complete this requirement.

16 Section 10. Section 491.007, Florida Statutes, is
17 amended to read:

18 491.007 Renewal of license ~~or certificate~~--

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

22 (2) Each applicant for renewal shall present
23 satisfactory evidence that, in the period since the license ~~or~~
24 ~~certificate~~ was issued, the applicant has completed continuing
25 education requirements set by rule of the board or department.
26 Not more than 25 classroom hours of continuing education per
27 year shall be required.

28 Section 11. Section 491.009, Florida Statutes, 1996
29 Supplement, is amended to read:

30 491.009 Discipline.--

31

1 (1) When the department or the board finds that an
2 applicant, licensee, ~~or certificateholder~~ whom it regulates
3 under this part ~~chapter~~ has committed any of the acts set
4 forth in subsection (2), it may issue an order imposing one or
5 more of the following penalties:

6 (a) Denial of an application for licensure ~~or~~
7 ~~certification~~, either temporarily or permanently.

8 (b) Revocation of an application for licensure ~~or~~
9 ~~certification~~, either temporarily or permanently.

10 (c) Suspension for a period of up to 5 years or
11 revocation of a license ~~or certificate~~, after hearing.

12 (d) Immediate suspension of a license ~~or certificate~~
13 pursuant to s. 120.60(6).

14 (e) Imposition of an administrative fine not to exceed
15 \$1,000 for each count or separate offense.

16 (f) Issuance of a public reprimand.

17 (g) Placement of an applicant, or licensee, ~~or~~
18 ~~certificateholder~~ on probation for a period of time and
19 subject to such conditions as the board may specify,
20 including, but not limited to, requiring the applicant, or
21 licensee, ~~or certificateholder~~ to submit to treatment, to
22 attend continuing education courses, to submit to
23 reexamination, or to work under the supervision of a
24 designated licensee ~~or certificateholder~~.

25 (h) Restriction of practice.

26 (2) The following acts of a licensee, ~~or~~
27 ~~certificateholder~~, or applicant are grounds for which the
28 disciplinary actions listed in subsection (1) may be taken:

29 (a) Attempting to obtain, obtaining, or renewing a
30 license ~~or certificate~~ under this part ~~chapter~~ by bribery or
31

1 fraudulent misrepresentation or through an error of the board
2 or the department.

3 (b) Having a license ~~or certificate~~ to practice a
4 comparable profession revoked, suspended, or otherwise acted
5 against, including the denial of ~~certification or~~ licensure by
6 another state, territory, or country.

7 (c) Being convicted or found guilty of, regardless of
8 adjudication, or having entered a plea of nolo contendere to,
9 a crime in any jurisdiction which directly relates to the
10 practice of his profession or the ability to practice his
11 profession. However, in the case of a plea of nolo contendere,
12 the board shall allow the person who is the subject of the
13 disciplinary proceeding to present evidence in mitigation
14 relevant to the underlying charges and circumstances
15 surrounding the plea.

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

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

21 (f) Maintaining a professional association with any
22 person whom the applicant, or licensee, ~~or certificateholder~~
23 knows, or has reason to believe, is in violation of this part
24 ~~chapter~~ or of a rule of the department or the board.

25 (g) Knowingly aiding, assisting, procuring, or
26 advising any nonlicensed ~~or noncertified~~ person to hold
27 himself out as licensed ~~or certified~~ under this part ~~chapter~~.

28 (h) Failing to perform any statutory or legal
29 obligation placed upon a person licensed ~~or certified~~ under
30 this part ~~chapter~~.

31

1 (i) Willfully making or filing a false report or
2 record; failing to file a report or record required by state
3 or federal law; willfully impeding or obstructing the filing
4 of a report or record; or inducing another person to make or
5 file a false report or record or to impede or obstruct the
6 filing of a report or record. Such report or record includes
7 only a report or record which requires the signature of a
8 person licensed ~~or certified~~ under this part chapter.

9 (j) Paying a kickback, rebate, bonus, or other
10 remuneration for receiving a patient or client, or receiving a
11 kickback, rebate, bonus, or other remuneration for referring a
12 patient or client to another provider of mental health care
13 services or to a provider of health care services or goods;
14 referring a patient or client to oneself for services on a
15 fee-paid basis when those services are already being paid for
16 by some other public or private entity; or entering into a
17 reciprocal referral agreement.

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

21 (l) Making misleading, deceptive, untrue, or
22 fraudulent representations in the practice of any profession
23 licensed ~~or certified~~ under this part chapter.

24 (m) Soliciting patients or clients personally, or
25 through an agent, through the use of fraud, intimidation,
26 undue influence, or a form of overreaching or vexatious
27 conduct.

28 (n) Failing to make available to a patient or client,
29 upon written request, copies of tests, reports, or documents
30 in the possession or under the control of the licensee ~~or~~

31

1 ~~certificateholder~~ which have been prepared for and paid for by
2 the patient or client.

3 (o) Failing to respond within 30 days to a written
4 communication from the department or the board concerning any
5 investigation by the department or the board, or failing to
6 make available any relevant records with respect to any
7 investigation about the licensee's or the certificateholder's
8 conduct or background.

9 (p) Being unable to practice the profession for which
10 he is licensed ~~or certified~~ under this part ~~chapter~~ with
11 reasonable skill or competence as a result of any mental or
12 physical condition or by reason of illness; drunkenness; or
13 excessive use of drugs, narcotics, chemicals, or any other
14 substance. In enforcing this paragraph, upon a finding by the
15 secretary, his designee, or the board that probable cause
16 exists to believe that the licensee ~~or certificateholder~~ is
17 unable to practice the profession because of the reasons
18 stated in this paragraph, the department shall have the
19 authority to compel a licensee ~~or certificateholder~~ to submit
20 to a mental or physical examination by psychologists,
21 physicians, or other licensees under this part ~~chapter~~,
22 designated by the department or board. If the licensee ~~or~~
23 ~~certificateholder~~ refuses to comply with such order, the
24 department's order directing the examination may be enforced
25 by filing a petition for enforcement in the circuit court in
26 the circuit in which the licensee ~~or certificateholder~~ resides
27 or does business. The licensee ~~or certificateholder~~ against
28 whom the petition is filed shall not be named or identified by
29 initials in any public court records or documents, and the
30 proceedings shall be closed to the public. The department
31 shall be entitled to the summary procedure provided in s.

1 51.011. A licensee ~~or certificateholder~~ affected under this
2 paragraph shall at reasonable intervals be afforded an
3 opportunity to demonstrate that he can resume the competent
4 practice for which he is licensed ~~or certified~~ with reasonable
5 skill and safety to patients.

6 (q) Violating provisions of this part ~~chapter~~, or of
7 chapter 455, or any rules adopted pursuant thereto.

8 (r) Performing any treatment or prescribing any
9 therapy which, by the prevailing standards of the mental
10 health professions in the community, would constitute
11 experimentation on human subjects, without first obtaining
12 full, informed, and written consent.

13 (s) Failing to meet the minimum standards of
14 performance in professional activities when measured against
15 generally prevailing peer performance, including the
16 undertaking of activities for which the licensee ~~or~~
17 ~~certificateholder~~ is not qualified by training or experience.

18 (t) Delegating professional responsibilities to a
19 person whom the licensee ~~or certificateholder~~ knows or has
20 reason to know is not qualified by training or experience to
21 perform such responsibilities.

22 (u) Violating a rule relating to the regulation of the
23 profession or a lawful order of the department or the board
24 previously entered in a disciplinary hearing.

25 (v) Failure of the licensee ~~or certificateholder~~ to
26 maintain in confidence a communication made by a patient or
27 client in the context of such services, except by written
28 permission or in the face of a clear and immediate probability
29 of bodily harm to the patient or client or to others.

30
31

1 (w) Making public statements which are derived from
2 test data, client contacts, or behavioral research and which
3 identify or damage research subjects or clients.

4 Section 12. Section 491.0111, Florida Statutes, is
5 amended to read:

6 491.0111 Sexual misconduct.--Sexual misconduct by any
7 person licensed ~~or certified~~ under this part ~~chapter~~, in the
8 practice of his profession, is prohibited. Sexual misconduct
9 shall be defined by rule.

10 Section 13. Section 491.0112, Florida Statutes, is
11 amended to read:

12 491.0112 Sexual misconduct by a psychotherapist;
13 penalties.--

14 (1) Any psychotherapist who commits sexual misconduct
15 with a client, or former client when the professional
16 relationship was terminated primarily for the purpose of
17 engaging in sexual contact, commits a felony of the third
18 degree, punishable as provided in s. 775.082 or s. 775.083;
19 however, a second or subsequent offense is a felony of the
20 second degree, punishable as provided in s. 775.082, s.
21 775.083, or s. 775.084.

22 (2) Any psychotherapist who violates subsection (1) by
23 means of therapeutic deception commits a felony of the second
24 degree, punishable as provided in s. 775.082, s. 775.083, or
25 s. 775.084.

26 (3) The giving of consent by the client to any such
27 act shall not be a defense to these offenses.

28 (4) For the purposes of this section:

29 (a) ~~The term~~ "Psychotherapist" means any person
30 licensed pursuant to chapter 458, chapter 459, chapter 464,
31 chapter 490, or chapter 491, or any other person who provides

1 or purports to provide treatment, diagnosis, assessment,
2 evaluation, or counseling of any mental or emotional illness,
3 symptom, or condition.

4 (b) "Therapeutic deception" means a representation to
5 the client that sexual contact by the psychotherapist is
6 consistent with or part of the treatment of the client.

7 (c) "Sexual misconduct" means the oral, anal, or
8 vaginal penetration of another by, or contact with, the sexual
9 organ of another or the anal or vaginal penetration of another
10 by any object.

11 (d) "Client" means a person to whom the services of a
12 psychotherapist are provided.

13 Section 14. Section 491.012, Florida Statutes, is
14 amended to read:

15 491.012 Violations; penalty; injunction.--

16 (1) It is unlawful and a violation of this part
17 ~~chapter~~ for any person to:

18 ~~(a) Use the following titles or any combination~~
19 ~~thereof, unless he holds a valid active license as a clinical~~
20 ~~social worker issued pursuant to this chapter:~~

21 1. ~~"Licensed clinical social worker."~~

22 2. ~~"Clinical social worker."~~

23 3. ~~"Licensed social worker."~~

24 4. ~~"Psychiatric social worker."~~

25 5. ~~"Psychosocial worker."~~

26 (a)~~(b)~~ Use the following titles or any combination
27 thereof, unless he holds a valid active license as a marriage
28 and family therapist issued pursuant to this part ~~chapter~~:

29 1. "Licensed marriage and family therapist."

30 2. "Marriage and family therapist."

31 3. "Marriage counselor."

1 4. "Marriage consultant."

2 5. "Family therapist."

3 6. "Family counselor."

4 7. "Family consultant."

5 (b)~~(c)~~ Use the following titles, unless he holds a
6 valid active license as a mental health counselor:

7 1. "Licensed mental health counselor."

8 2. "Mental health counselor."

9 3. "Mental health therapist."

10 4. "Mental health consultant."

11 (c)~~(d)~~ Use the terms psychotherapist or sex therapist,
12 unless such person is licensed pursuant to this part ~~chapter~~
13 or chapter 490, or is certified under s. 464.012 as an
14 advanced registered nurse practitioner in the category of
15 psychiatric mental health and the use of such terms is within
16 the scope of his practice based on education, training, and
17 licensure.

18 (d)~~(e)~~ Present as his own the ~~clinical social work,~~
19 marriage and family therapy, or mental health counseling
20 license of another.

21 (e)~~(f)~~ Give false or forged evidence to the board or a
22 member thereof for the purpose of obtaining a license.

23 (f)~~(g)~~ Use or attempt to use a license issued pursuant
24 to this part ~~chapter~~ which has been revoked or is under
25 suspension.

26 (g)~~(h)~~ Knowingly conceal information relative to
27 violations of this part ~~chapter~~.

28 ~~(i) Beginning October 1, 1992, practice clinical~~
29 ~~social work in this state, as the practice is defined in s.~~
30 ~~491.003(7), for compensation, unless the person holds an~~

31

1 ~~active license to practice clinical social work issued~~
2 ~~pursuant to this chapter.~~

3 (h)~~(j)~~ Beginning October 1, 1992, practice marriage
4 and family therapy in this state, as the practice is defined
5 in s. 491.003(5)~~(8)~~, for compensation, unless the person holds
6 an active license to practice marriage and family therapy
7 issued pursuant to this part ~~chapter~~.

8 (i)~~(k)~~ Beginning October 1, 1992, practice mental
9 health counseling in this state, as the practice is defined in
10 s. 491.003(6)~~(9)~~, for compensation, unless the person holds an
11 active license to practice mental health counseling issued
12 pursuant to this part ~~chapter~~.

13 (2) It is unlawful and a violation of this part
14 ~~chapter~~ for any person to describe his services using the
15 following terms or any derivative thereof, unless such person
16 holds a valid active license under this part ~~chapter~~ or
17 chapter 490, or is certified as an advanced registered nurse
18 practitioner in the category of psychiatric mental health
19 under s. 464.012, and the use of such terms is within the
20 scope of his practice based on education, training, and
21 licensure:

- 22 (a) "Psychotherapy."
23 (b) "Sex therapy."
24 (c) "Sex counseling."
25 ~~(d) "Clinical social work."~~
26 ~~(e) "Psychiatric social work."~~
27 (d)~~(f)~~ "Marriage and family therapy."
28 (e)~~(g)~~ "Marriage and family counseling."
29 (f)~~(h)~~ "Marriage counseling."
30 (g)~~(i)~~ "Family counseling."
31 (h)~~(j)~~ "Mental health counseling."

1 (3) Any person who violates any provision of
2 subsection (1) or subsection (2) commits a misdemeanor of the
3 first degree, punishable as provided in s. 775.082 or s.
4 775.083.

5 (4) The department may institute appropriate judicial
6 proceedings to enjoin violation of this section.

7 Section 15. Section 491.014, Florida Statutes, is
8 amended to read:

9 491.014 Exemptions.--

10 (1) No provision of this part ~~chapter~~ shall be
11 construed to limit the practice of physicians licensed
12 pursuant to chapter 458 or chapter 459, or psychologists
13 licensed pursuant to chapter 490, so long as they do not
14 unlawfully hold themselves out to the public as possessing a
15 license ~~or certificate~~ issued pursuant to this part ~~chapter~~ or
16 use a professional title protected by this part ~~chapter~~.

17 (2) No provision of this part ~~chapter~~ shall be
18 construed to limit the practice of nursing, school psychology,
19 or psychology, or to prevent qualified members of other
20 professions from doing work of a nature consistent with their
21 training and licensure, so long as they do not hold themselves
22 out to the public as possessing a license ~~or certificate~~
23 issued pursuant to this part ~~chapter~~ or use a title protected
24 by this part ~~chapter~~.

25 (3) No provision of this part ~~chapter~~ shall be
26 construed to limit the performance of activities of a rabbi,
27 priest, minister, or clergyman of any religious denomination
28 or sect, or use of the terms "Christian counselor" or
29 "Christian clinical counselor" when the activities are within
30 the scope of the performance of his regular or specialized
31 ministerial duties and no compensation is received by him, or

1 when such activities are performed, with or without
2 compensation, by a person for or under the auspices or
3 sponsorship, individually or in conjunction with others, of an
4 established and legally cognizable church, denomination, or
5 sect, and when the person rendering service remains
6 accountable to the established authority thereof.

7 (4) No person shall be required to be licensed ~~or~~
8 ~~certified~~ under this part ~~chapter~~ who:

9 (a) Is a salaried employee of a government agency;
10 developmental services program, mental health, alcohol, or
11 drug abuse facility operating pursuant to chapter 393, chapter
12 394, or chapter 397; subsidized child care program, subsidized
13 child care case management, or child care resource and
14 referral program, operating pursuant to chapter 402;
15 child-placing or child-caring agency licensed pursuant to
16 chapter 409; domestic violence center certified pursuant to
17 chapter 415; accredited academic institution; or research
18 institution, if such employee is performing duties for which
19 he was trained and hired solely within the confines of such
20 agency, facility, or institution.

21 (b) Is a salaried employee of a private, nonprofit
22 organization providing counseling services to children, youth,
23 and families, if such services are provided for no charge, if
24 such employee is performing duties for which he was trained
25 and hired.

26 (c) Is a student who is pursuing a course of study
27 which leads to a degree in medicine or a profession regulated
28 by this part ~~chapter~~ who is providing services in a training
29 setting, provided such activities or services constitute part
30 of a supervised course of study, or is a graduate accumulating
31 the experience required for any licensure ~~or certification~~

1 under this part ~~chapter~~, provided such graduate or student is
2 designated by a title such as "intern" or "trainee" which
3 clearly indicates the in-training status of the student.

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

6 1. Such services are performed for no more than 5 days
7 in any month and no more than 15 days in any calendar year;
8 and

9 2. Such nonresident is licensed ~~or certified~~ to
10 practice the services provided by a state or territory of the
11 United States or by a foreign country or province.

12 (5) No provision of this part ~~chapter~~ shall be
13 construed to limit the practice of any individual who solely
14 engages in behavior analysis so long as he does not hold
15 himself out to the public as possessing a license issued
16 pursuant to this part ~~chapter~~ or use a title protected by this
17 part ~~chapter~~.

18 (6) Nothing in subsections (2)-(4) shall exempt any
19 person from the provisions of s. 491.012(1)(a)-(b)(a)-(c).

20 ~~(7) Any person who is not licensed under this chapter~~
21 ~~by October 1, 1992, and who desires to become so licensed~~
22 ~~shall register with the department that person's intent to~~
23 ~~become fully licensed no later than October 1, 1995. The~~
24 ~~costs to the department of such registration shall be borne by~~
25 ~~the registrant. The department may require affidavits and~~
26 ~~supporting documentation sufficient to demonstrate that the~~
27 ~~registrant is preparing for examination by October 1, 1995,~~
28 ~~under this chapter. The department may adopt rules to~~
29 ~~implement this section. Upon receipt of the department's~~
30 ~~notice of registration, the registrant may practice services~~
31 ~~as defined in s. 491.003(7), (8), and (9), provided that the~~

1 ~~registrant uses "trainee" or "intern" with any title or~~
2 ~~description of the registrant's work and on any business~~
3 ~~correspondence and work product, including, but not limited~~
4 ~~to, a business card, letterhead, sign, billing, or report~~
5 ~~unless exempt pursuant to this chapter.~~

6 (7)~~(8)~~ The exemptions contained in subsection (4) do
7 not apply to any person licensed under this part ~~chapter~~ whose
8 license has been suspended or revoked by another jurisdiction.

9 (8)~~(9)~~ Nothing in this section shall be construed to
10 exempt a person from meeting the minimum standards of
11 performance in professional activities when measured against
12 generally prevailing peer performance, including the
13 undertaking of activities for which the person is not
14 qualified by training or experience.

15 Section 16. Section 491.0141, Florida Statutes, is
16 amended to read:

17 491.0141 Practice of hypnosis.--A person licensed
18 under this part ~~chapter~~ who is qualified as determined by the
19 board may practice hypnosis as defined in s. 456.32(1). The
20 provisions of this part ~~chapter~~ may not be interpreted to
21 limit or affect the right of any person qualified pursuant to
22 chapter 456 to practice hypnosis pursuant to that chapter or
23 to practice hypnosis for nontherapeutic purposes, so long as
24 such person does not hold himself out to the public as
25 possessing a license issued pursuant to this part ~~chapter~~ or
26 use a title protected by this part ~~chapter~~.

27 Section 17. Section 491.0143, Florida Statutes, is
28 amended to read:

29 491.0143 Practice of sex therapy.--Only a person
30 licensed by this part ~~chapter~~ who meets the qualifications set
31 by the board may hold himself out as a sex therapist. The

1 board shall define these qualifications by rule. In
2 establishing these qualifications, the board may refer to the
3 sexual disorder and sexual dysfunction sections of the most
4 current edition of the Diagnostic and Statistical Manual of
5 the American Psychiatric Association or other relevant
6 publications.

7 Section 18. Section 491.0145, Florida Statutes, is
8 hereby repealed.

9 Section 19. Section 491.0147, Florida Statutes, is
10 amended to read:

11 491.0147 Confidentiality and privileged
12 communications.--Any communication between any person licensed
13 ~~or certified~~ under this part chapter and his patient or client
14 shall be confidential. This secrecy may be waived under the
15 following conditions:

16 (1) When the person licensed ~~or certified~~ under this
17 part chapter is a party defendant to a civil, criminal, or
18 disciplinary action arising from a complaint filed by the
19 patient or client, in which case the waiver shall be limited
20 to that action.

21 (2) When the patient or client agrees to the waiver,
22 in writing, or, when more than one person in a family is
23 receiving therapy, when each family member agrees to the
24 waiver, in writing.

25 (3) When there is a clear and immediate probability of
26 physical harm to the patient or client, to other individuals,
27 or to society and the person licensed ~~or certified~~ under this
28 part chapter communicates the information only to the
29 potential victim, appropriate family member, or law
30 enforcement or other appropriate authorities.

31

1 Section 20. Section 491.0148, Florida Statutes, is
2 amended to read:

3 491.0148 Records.--Each psychotherapist who provides
4 services as defined in this part ~~chapter~~ shall maintain
5 records. The board may adopt rules defining the minimum
6 requirements for records and reports, including content,
7 length of time records shall be maintained, and transfer of
8 either the records or a report of such records to a subsequent
9 treating practitioner or other individual with written consent
10 of the client or clients.

11 Section 21. Section 491.0149, Florida Statutes, is
12 amended to read:

13 491.0149 Display of license; use of professional title
14 on promotional materials.--

15 (1) A person licensed under this part ~~chapter~~ as a
16 ~~clinical social worker, marriage and family therapist, or~~
17 ~~mental health counselor, or certified as a master social~~
18 ~~worker~~ shall conspicuously display the valid license issued by
19 the department or a true copy thereof at each location at
20 which the licensee practices his profession.

21 ~~(2) A licensed clinical social worker shall include~~
22 ~~the words "licensed clinical social worker" or the letters~~
23 ~~"LCSW" on all promotional materials, including cards,~~
24 ~~brochures, stationery, advertisements, and signs, naming the~~
25 ~~licensee.~~

26 (2)~~(3)~~ A licensed mental health counselor shall
27 include the words "licensed mental health counselor" or the
28 letters "LMHC" on all promotional materials, including cards,
29 brochures, stationery, advertisements, and signs, naming the
30 licensee.

31

1 ~~(3)(4)~~ A licensed marriage and family therapist shall
2 include the words "licensed marriage and family therapist" or
3 the letters "LMFT" on all promotional materials, including
4 cards, brochures, stationery, advertisements, and signs,
5 naming the licensee.

6 Section 22. Section 491.015, Florida Statutes, is
7 hereby repealed.

8 Section 23. Any person who, on the effective date of
9 this act, holds an active, valid license or certificate to
10 practice clinical social work under chapter 491, Florida
11 Statutes, as it existed immediately prior to the effective
12 date of this act, may continue to practice under such license
13 or certificate until that license or certificate expires or
14 until January 1, 1998, whichever occurs sooner, after which
15 the provisions of part II of chapter 491, Florida Statutes, as
16 created by this act, shall control.

17 Section 24. This act shall take effect October 1,
18 1997.

19
20 *****

21 HOUSE SUMMARY

22
23 Creates part II of chapter 491, F.S., to provide
24 regulatory provisions applicable to social work practice
25 that are separate from those applicable to marriage and
26 family therapy and mental health counseling. Amends and
27 repeals various provisions of chapter 491, F.S., and
28 creates part I of the remaining provisions of such
29 chapter, as amended, to conform. Creates the Board of
30 Social Work Practice and provides for appointment and
31 terms of members and location of headquarters. Provides
for different levels of licensure and practice. Provides
for grandfathering. See bill for details.