

1 A bill to be entitled
 2 An act relating to mental health counseling and
 3 evaluations; amending s. 491.005, F.S.; removing a
 4 provision requiring a licensed mental health
 5 professional to be on the premises when certain
 6 services are provided by a registered intern in a
 7 specified setting; providing a definition; amending s.
 8 916.115, F.S.; revising the list of appointed experts
 9 to determine the mental condition of a defendant in a
 10 criminal case to include licensed physicians and
 11 mental health professionals; providing an effective
 12 date.

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

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 16 Section 1. Paragraph (c) of subsection (4) of section
 17 491.005, Florida Statutes, is amended to read:

18 491.005 Licensure by examination.—

19 (4) MENTAL HEALTH COUNSELING.—Upon verification of
 20 documentation and payment of a fee not to exceed \$200, as set by
 21 board rule, plus the actual per applicant cost of purchase of
 22 the examination from the National Board for Certified Counselors
 23 or its successor organization, the department shall issue a
 24 license as a mental health counselor to an applicant who the
 25 board certifies:

26 (c)1. Has had at least 2 years of clinical experience in
27 mental health counseling, which must be at the post-master's
28 level under the supervision of a licensed mental health
29 counselor or the equivalent who is a qualified supervisor as
30 determined by the board. An individual who intends to practice
31 in Florida to satisfy the clinical experience requirements must
32 register pursuant to s. 491.0045 before commencing practice. If
33 a graduate has a master's degree with a major related to the
34 practice of mental health counseling which did not include all
35 the coursework required under sub-subparagraphs (b)1.a. and b.,
36 credit for the post-master's level clinical experience may not
37 commence until the applicant has completed a minimum of seven of
38 the courses required under sub-subparagraphs (b)1.a. and b., as
39 determined by the board, one of which must be a course in
40 psychopathology or abnormal psychology. A doctoral internship
41 may be applied toward the clinical experience requirement. ~~A~~
42 ~~licensed mental health professional must be on the premises when~~
43 ~~clinical services are provided by a registered intern in a~~
44 ~~private practice setting.~~

45 2. For the purpose of this paragraph, "supervision" means
46 responsible supervision and control. Except in cases of
47 emergency, such supervision requires the accessibility or
48 physical presence of the qualified supervisor for consultation
49 and direction of the actions of the mental health counseling
50 intern. For the purposes of this definition, the term

51 "accessibility" includes the ability to communicate by way of
52 telecommunication.

53 Section 2. Paragraph (a) of subsection (1) of section
54 916.115, Florida Statutes, is amended to read:

55 916.115 Appointment of experts.-

56 (1) The court shall appoint up to ~~no more than~~ three
57 experts to determine the mental condition of a defendant in a
58 criminal case, including competency to proceed, insanity,
59 involuntary placement, and treatment. The experts may evaluate
60 the defendant in jail or in another appropriate local facility
61 or in a facility of the Department of Corrections.

62 (a) To the extent possible, the appointed experts shall
63 have completed forensic evaluator training approved by the
64 department, and each shall be a psychiatrist or a physician
65 licensed under chapter 458 or chapter 459, licensed a
66 psychologist licensed under chapter 490, or a mental health
67 professional licensed under chapter 491 ~~physician.~~

68 Section 3. This act shall take effect July 1, 2021.