

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Civil Justice & Claims offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. This act may be cited as the "Sexual Abuse
Intervention Networks Act."

Section 2. Subsection (3) of section 985.04, Florida
Statutes, is amended to read:

985.04 Oaths; records; confidential information.--

(3)(a) Except as provided in subsections (2), (4),
(5), and (6), and s. 943.053, all information obtained under
this part in the discharge of official duty by any judge, any
employee of the court, any authorized agent of the Department
of Juvenile Justice, the Parole Commission, the Juvenile
Justice Advisory Board, the Department of Corrections, the
district juvenile justice boards, any law enforcement agent,
or any licensed professional or licensed community agency
representative participating in the assessment or treatment of
a juvenile is confidential and may be disclosed only to the

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1 authorized personnel of the court, the Department of Juvenile
2 Justice and its designees, the Department of Corrections, the
3 Parole Commission, the Juvenile Justice Advisory Board, law
4 enforcement agents, school superintendents and their
5 designees, any licensed professional or licensed community
6 agency representative participating in the assessment or
7 treatment of a juvenile, and others entitled under this
8 chapter to receive that information, or upon order of the
9 court. Within each county, the sheriff, the chiefs of police,
10 the district school superintendent, and the department shall
11 enter into an interagency agreement for the purpose of sharing
12 information about juvenile offenders among all parties. The
13 agreement must specify the conditions under which summary
14 criminal history information is to be made available to
15 appropriate school personnel, and the conditions under which
16 school records are to be made available to appropriate
17 department personnel. Such agreement shall require
18 notification to any classroom teacher of assignment to the
19 teacher's classroom of a juvenile who has been placed in a
20 community control or commitment program for a felony offense.
21 The agencies entering into such agreement must comply with s.
22 943.0525, and must maintain the confidentiality of information
23 that is otherwise exempt from s. 119.07(1), as provided by
24 law.

25 (b) The department shall disclose to the school
26 superintendent the presence of any child in the care and
27 custody of the department or under the jurisdiction or
28 supervision of the department who has a known history of
29 sexual behavior with other children, who is an alleged
30 juvenile sexual offender as defined in s. 415.50165(7), or who
31 has entered a plea of guilty or nolo contendere to, or has

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1 been found to have committed, a violation of chapter 794,
2 chapter 796, chapter 800, s. 827.071, or s. 847.0133,
3 regardless of adjudication. Any employee of a district school
4 board who knowingly and willfully discloses such information
5 to an unauthorized person commits a misdemeanor of the second
6 degree, punishable as provided in s. 775.082 or s. 775.083.

7 Section 3. Subsection (9) of section 985.308, Florida
8 Statutes, is amended, subsection (11) of said section is
9 renumbered as subsection (15), and new subsections (11)
10 through (14) are added to said section to read:

11 985.308 Juvenile sexual offender commitment programs;
12 Sexual Abuse Intervention Networks.--

13 (9) The department is required to conduct inspections
14 of and quality assurance activities for each juvenile sexual
15 offender program operated by or under contract to the
16 department based on standards specifically developed for these
17 types of programs to determine whether the program complies
18 with department rules for continued operation of the program.

19 (10) The department shall maintain records and other
20 information necessary to evaluate the effectiveness of each
21 juvenile sexual offender program and other outcome evaluation
22 requirements.

23 (11) A child protection team or the state attorney in
24 any judicial circuit may establish a Sexual Abuse Intervention
25 Network for the purposes of identifying, investigating,
26 prosecuting, treating, and preventing sexual abuse with
27 special emphasis on juvenile sexual offenders and victims of
28 sexual abuse.

29 (12) Membership of a Sexual Abuse Intervention Network
30 shall include, but not be limited to, representatives from:

31 (a) Local law enforcement agencies;

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- 1 (b) Local school boards;
2 (c) Child protective investigators;
3 (d) The Office of the State Attorney;
4 (e) The Office of the Public Defender;
5 (f) The juvenile division of the circuit court;
6 (g) Professionals licensed under ch. 458, ch. 459, s.
7 490.0145 or s. 491.0144 providing treatment for juvenile
8 sexual offenders or their victims;
9 (h) The guardian ad litem program;
10 (i) The Department of Juvenile Justice; and
11 (j) The Department of Children and Family Services.
12 (13) Each Sexual Abuse Intervention Network shall
13 develop a cooperative working agreement describing the roles
14 and responsibilities of all members towards the
15 identification, investigation, prosecution, treatment, and
16 reintegration of juvenile sexual offenders and the treatment
17 of their victims and collaborate on grant applications and
18 disbursements.
19 (14) Subject to specific appropriation, availability
20 of funds, or receipt of appropriate grant funding, the Office
21 of the Attorney General, the Department of Children and Family
22 Services, the Department of Juvenile Justice, or local
23 Juvenile Justice Councils shall award grants to Sexual Abuse
24 Intervention Networks applying for them. Such grants may be
25 used for training, treatment, aftercare, evaluation, public
26 awareness, and other specified community needs as identified
27 by the network. Grants shall be awarded based on the
28 applicant's level of local funding match, level of
29 collaboration, number of juvenile sexual offenders and victims
30 served, and level of unmet need. The Office of the Attorney
31 General, in collaboration with the Department of Juvenile

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1 Justice and the Department of Children and Family Services,
2 shall establish minimum standards for residential and day
3 treatment juvenile sexual offender programs funded under this
4 subsection by their respective departments.

5 (15)~~(11)~~ The department is authorized to establish
6 rules and other policy directives necessary to implement the
7 provisions of this section.

8 Section 4. Subsections (3), (4), (5), (6), and (7) of
9 section 490.012, Florida Statutes, are renumbered as
10 subsections (4), (5), (6), (7), and (8), respectively, and a
11 new subsection (3) is added to said section to read:

12 490.012 Violations; penalties; injunction.--

13 (2)(a) A licensed psychologist shall conspicuously
14 display the valid, active license issued by the department or
15 a true copy thereof at each location at which the licensee
16 practices his or her profession.

17 (b) A licensed psychologist shall include the words
18 "licensed psychologist" on all professional advertisements,
19 including, but not limited to, advertisements in any
20 newspaper, magazine, other print medium, airwave or broadcast
21 transmission, or phone directory listing purchased by or on
22 behalf of a person licensed according to this chapter.

23 (3) Beginning October 1, 2000, no person shall
24 practice juvenile sexual offender therapy in this state, as
25 the practice is defined in s. 490.0145, for compensation,
26 unless the person holds an active license pursuant to this
27 chapter and has met the requirements to practice juvenile
28 sexual offender therapy or the person works for a program
29 operated by or contracted to the Department of Juvenile
30 Justice or the Department of Children and Family Services that
31 has a professional licensed under CH 458, CH 459, s. 490.0145

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1 or s. 491.0144 managing or supervising the treatment services.

2 (4)(3)(a) A person provisionally licensed under this
3 chapter as a provisional psychologist licensee shall
4 conspicuously display the valid provisional license issued by
5 the department or a true copy thereof at each location at
6 which the provisional licensee is providing services.

7 (b) A provisional psychologist licensee shall include
8 the words "provisional psychologist licensee" on all
9 promotional materials, including cards, brochures, stationery,
10 advertisements, and signs, naming the provisional licensee.

11 (5)(4) Any person who violates any provision of this
12 section, except for subsections (2) and (4)(3), commits a
13 misdemeanor of the first degree, punishable as provided in s.
14 775.082 or s. 775.083. Any person who violates any provision
15 of subsection (2) or subsection (4)(3) is subject to
16 disciplinary action under s. 490.009.

17 (6)(5) The department may institute appropriate
18 proceedings to enjoin violation of subsection (1).

19 (7)(6) No person shall practice psychology in this
20 state, as such practice is defined in s. 490.003(4), for
21 compensation, unless such person holds an active, valid
22 license to practice psychology issued pursuant to this
23 chapter. Nothing in this subsection shall be construed to
24 limit the practice of school psychology, as such practice is
25 defined in s. 490.003(5).

26 (8)(7) No person shall practice school psychology in
27 this state, as such practice is defined in s. 490.003(5), for
28 compensation, unless such person holds an active, valid
29 license to practice school psychology issued pursuant to this
30 chapter.

31 Section 5. Section 490.0145, Florida Statutes, is

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1 created to read:

2 490.0145 The practice of juvenile sexual offender
3 therapy.--Only a person licensed by this chapter who meets the
4 qualifications set by the board may hold himself or herself
5 out as a juvenile sexual offender therapist, except as
6 provided in s. 491.0144. These qualifications shall be
7 determined by the board. The board shall require training and
8 coursework in the specific areas of juvenile sexual offender
9 behaviors, treatments, and related issues. In establishing
10 these qualifications, the board may refer to the sexual
11 disorder and dysfunction sections of the most current edition
12 of the Diagnostic and Statistical Manual of the American
13 Psychiatric Association, Association for the Treatment of
14 Sexual Abusers practioner's handbook or other relevant
15 publications.

16 Section 6. Paragraph (d) of subsection (1) of section
17 491.012, Florida Statutes, is amended and paragraph (n) is
18 added to said subsection, to read:

19 491.012 Violations; penalty; injunction.--

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

22 (d) Use the terms psychotherapist, or sex therapist,
23 or juvenile sexual offender therapist unless such person is
24 licensed pursuant to this chapter or chapter 490, or is
25 certified under s. 464.012 as an advanced registered nurse
26 practitioner who has been determined by the Board of Nursing
27 as a specialist in psychiatric mental health and the use of
28 such terms is within the scope of her or his practice based on
29 education, training, and licensure.

30 (n) Beginning October 1, 2000, practice juvenile
31 sexual offender therapy in this state, as the practice is

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1 defined in s. 491.0144, for compensation, unless the person
2 holds an active license pursuant to this chapter, and has met
3 the requirements to practice juvenile sexual offender therapy
4 or the person works for a program operated by or contracted to
5 the Department of Juvenile Justice or the Department of
6 Children and Family Services that has a professional licensed
7 under ch. 458, ch. 459, s. 490.0145 or s. 491.0144 managing or
8 supervising the treatment services.

9 (3) Any person who violates any provision of
10 subsection (1) or subsection (2) commits a misdemeanor of the
11 first degree, punishable as provided in s. 775.082 or s.
12 775.083.

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

15 Section 7. Section 491.0144, Florida Statutes, is
16 created to read:

17 491.0144 The practice of juvenile sexual offender
18 therapy.--Only a person licensed by this chapter who meets the
19 qualifications set by the board may hold himself or herself
20 out as a juvenile sexual offender therapist, except as
21 provided in s. 490.0145. These qualifications shall be
22 determined by the board. The board shall require training and
23 coursework in the specific areas of juvenile sexual offender
24 behaviors, treatments, and related issues. In establishing
25 these qualifications, the board may refer to the sexual
26 disorder and dysfunction sections of the most current edition
27 of the Diagnostic and Statistical Manual of the American
28 Psychiatric Association, the ATSA association handbook or
29 other relevant publications.

30 Section 8. Section 943.17291, Florida Statutes, is
31 created to read:

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1 943.17291 Basic skills training in juvenile sexual
2 offender investigation.--The commission shall incorporate
3 juvenile sexual offender investigation instruction into the
4 course curriculum required for a law enforcement officer to
5 obtain initial certification.

6 Section 9. Section 943.17295, Florida Statutes, is
7 created to read:

8 943.17295 Continued employment training relating to
9 juvenile sexual offender investigation.--The commission shall
10 incorporate the subject of sexual abuse and assault
11 investigation, with an emphasis on cases involving child
12 victims or juvenile offenders, into the curriculum required
13 for continuous employment or appointment as a law enforcement
14 officer.

15 Section 10. Except as otherwise provided herein, this
16 act shall take effect June 30 of the year in which enacted.

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 remove from the title of the bill: the entire title

22

23 and insert in lieu thereof:

24 A bill to be entitled

25 An act relating to juvenile sexual offenders;
26 creating the "Sexual Abuse Intervention
27 Networks Act"; amending s. 985.04, F.S. ;
28 requiring the Department of Juvenile Justice to
29 notify the school superintendent of certain
30 children who have known histories of sexual
31 behavior with other children, who are alleged

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1 juvenile sexual offenders, or who have
2 committed specified offenses; providing that it
3 is a second degree misdemeanor for a school
4 district employee to disclose such information
5 to an unauthorized person; providing penalties;
6 amending s. 985.308, F.S.; requiring the
7 Department of Juvenile Justice to conduct
8 inspections of offender commitment programs
9 operated by or under contract to the department
10 based on standards developed for these types of
11 programs; authorizing the state attorney in any
12 circuit to establish a sexual abuse
13 intervention network; providing for membership
14 and prescribing duties of such network;
15 requiring the Office of the Attorney General,
16 the Department of Children and Family Services,
17 or the Department of Juvenile Justice to award
18 grants to a sexual abuse intervention network
19 under certain circumstances; prescribing
20 criteria and purposes for grant awards;
21 requiring the Office of the Attorney General,
22 in collaboration with the Department of
23 Juvenile Justice and the Department of Children
24 and Family Services, to establish minimum
25 standards for juvenile sex offender day
26 treatment and residential treatment programs
27 funded pursuant to specified provisions;
28 providing for implementation; amending s.
29 490.012, F.S., relating to violations,
30 penalties, and injunction; defining the offense
31 of unlicensed practice of "juvenile sexual

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1 offender therapy" for compensation, and
2 providing penalties therefor; providing for
3 injunctive relief; conforming cross references;
4 creating s. 490.0145, F.S.; providing that only
5 certain persons licensed under ch. 490, F.S.,
6 relating to psychological services, or ch. 491,
7 F.S., relating to clinical, counseling, and
8 psychotherapy services, may hold themselves out
9 as juvenile sexual offender therapists;
10 providing for qualifications for licensure
11 under ch. 490, F.S., as a juvenile sexual
12 offender therapist; amending s. 491.012, F.S.;
13 defining the offense of unlawful use of the
14 term "juvenile sexual offender therapist," and
15 providing penalties therefor; defining the
16 offense of unlicensed practice of "juvenile
17 sexual offender therapy" for compensation, and
18 providing penalties therefor; providing for
19 injunctive relief; creating s. 491.0144, F.S.;
20 providing for qualifications for licensure of a
21 juvenile sexual offender therapist under ch.
22 491, F.S., relating to clinical, counseling,
23 and psychotherapy services; creating s.
24 943.17291, F.S.; requiring the Criminal Justice
25 Standards and Training Commission to
26 incorporate certain instruction into certain
27 law enforcement officer course curriculum;
28 creating s. 943.17295, F.S.; requiring the
29 commission to incorporate certain subjects into
30 certain law enforcement officer continuous
31 employment or appointment curricula; providing

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effective dates.