

By Representative Brown

1                                   A bill to be entitled  
2           An act relating to juvenile sexual offenders;  
3           amending s. 39.0571, F.S.; requiring the  
4           Department of Juvenile Justice to establish a  
5           certification process for juvenile sexual  
6           offender commitment programs; prohibiting  
7           uncertified programs from holding themselves  
8           out as juvenile sex offender day treatment or  
9           residential treatment programs as of January 1,  
10          1999; amending s. 212.02, F.S.; revising the  
11          definition of "admissions" to include  
12          admissions to establishments that offer,  
13          advertise, or engage in adult entertainment  
14          services, for purposes of imposition of tax  
15          thereon; amending s. 212.05, F.S.; providing  
16          for imposition of sales tax on charges for  
17          personal escort services; amending s. 212.20,  
18          F.S.; providing for deposit of the proceeds of  
19          said taxes in the Grants and Donations Trust  
20          Fund under the Department of Juvenile Justice  
21          to fund grants under the Sexual Abuse  
22          Intervention Network; amending s. 490.012,  
23          F.S., relating to violations, penalties, and  
24          injunction; defining the offense of unlicensed  
25          practice of "juvenile sexual offender therapy"  
26          for compensation, and providing penalties  
27          therefor; providing for injunctive relief;  
28          creating s. 490.0145, F.S.; providing that only  
29          persons licensed under ch. 490, F.S., relating  
30          to psychological services, or ch. 491, F.S.,  
31          relating to clinical, counseling, and

1 psychotherapy services, may hold themselves out  
2 as juvenile sexual offender therapists;  
3 prescribing qualifications for licensure under  
4 ch. 490, F.S., as a juvenile sexual offender  
5 therapist; providing for adoption of rules by  
6 the Board of Psychology relating to such  
7 qualifications; amending s. 491.003, F.S.;  
8 redefining "practice of clinical social work,"  
9 "practice of marriage and family therapy," and  
10 "practice of mental health counseling" with  
11 respect to ch. 491, F.S., to include juvenile  
12 sexual offender therapy; reenacting s.  
13 491.012(1)(i)-(k), F.S., relating to violations  
14 and penalties, and s. 491.014(7), F.S.,  
15 relating to exemptions, to incorporate said  
16 amendment in references; amending s. 491.012,  
17 F.S.; defining the offenses of unlawful use of  
18 the term "juvenile sexual offender therapist,"  
19 and providing penalties therefor; defining the  
20 offense of unlicensed practice of "juvenile  
21 sexual offender therapy" for compensation, and  
22 providing penalties therefor; defining the  
23 offense of unlawful description of services  
24 using the term, or derivative thereof,  
25 "juvenile sexual offender therapy," and  
26 providing penalties therefor; providing for  
27 injunctive relief with respect to such  
28 offenses; creating s. 491.0144, F.S.;  
29 prescribing qualifications for licensure of a  
30 juvenile sexual offender therapist under ch.  
31 491, F.S.; providing for adoption of rules with

1           respect to such licensure by the Board of  
2           Clinical Social Work, Marriage and Family  
3           Therapy, and Mental Health Counseling; creating  
4           s. 943.17291, F.S.; requiring the Criminal  
5           Justice Standards and Training Commission to  
6           incorporate certain instruction into certain  
7           law enforcement officer course curriculum;  
8           creating s. 943.17295, F.S.; requiring the  
9           commission to incorporate certain subjects into  
10          certain law enforcement officer continuous  
11          employment or appointment curricula; creating  
12          s. 39.0251, F.S.; requiring the department to  
13          establish the Sexual Abuse Intervention  
14          Network; providing for use of the proceeds of  
15          the tax on admissions to establishments  
16          offering, advertising, or engaging in adult  
17          entertainment services and of the tax on  
18          personal escort services to fund grants under  
19          the network; delineating procedures for grant  
20          awards; providing an effective date.

21  
22   Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Subsection (9) of section 39.0571, Florida  
25   Statutes, is amended, subsections (10) and (11) of said  
26   section are renumbered as subsections (11) and (12),  
27   respectively, and a new subsection (10) is added to said  
28   section, to read:

29           39.0571 Juvenile sexual offender commitment  
30   programs.--

31

1           (9) The department is required to conduct inspections  
2 of and quality assurance activities for each juvenile sexual  
3 offender program based on standards specifically developed for  
4 these types of programs to determine whether the program  
5 complies with department rules for continued operation of the  
6 program.

7           (10) The department shall establish a certification  
8 process to certify as juvenile sexual offender programs all  
9 residential and day-treatment sexual offender programs that  
10 meet the standards and requirements established by the  
11 department. No program shall hold itself out as a juvenile sex  
12 offender day treatment or residential treatment program that  
13 is not certified as of January 1, 1999, under this subsection.  
14 At a minimum, a certified program must have a professional  
15 certified under s. 490.0145 or s. 491.0144 or a psychiatrist  
16 licensed under chapter 458 managing and supervising the  
17 treatment services. Any individual who provides juvenile sex  
18 offender therapy must be certified pursuant to s. 490.0145 or  
19 s. 491.0144 or work within a certified juvenile sex offender  
20 treatment program.

21           ~~(11)~~(10) The department shall maintain records and  
22 other information necessary to evaluate the effectiveness of  
23 each juvenile sexual offender program and other outcome  
24 evaluation requirements.

25           ~~(12)~~(11) The department is authorized to establish  
26 rules and other policy directives necessary to implement the  
27 provisions of this section.

28           Section 2. Subsection (1) of section 212.02, Florida  
29 Statutes, 1996 Supplement, is amended, and subsection (27) is  
30 added to said section, to read:

31

1           212.02 Definitions.--The following terms and phrases  
2 when used in this chapter have the meanings ascribed to them  
3 in this section, except where the context clearly indicates a  
4 different meaning:

5           (1) The term "admissions" means and includes the net  
6 sum of money after deduction of any federal taxes for  
7 admitting a person or vehicle or persons to any place of  
8 amusement, sport, or recreation or for the privilege of  
9 entering or staying in any place of amusement, sport, or  
10 recreation, including, but not limited to, theaters, outdoor  
11 theaters, shows, exhibitions, games, races, establishments  
12 offering, advertising, or engaged in adult entertainment  
13 services, or any place where charge is made by way of sale of  
14 tickets, gate charges, seat charges, box charges, season pass  
15 charges, cover charges, greens fees, participation fees,  
16 entrance fees, or other fees or receipts of anything of value  
17 measured on an admission or entrance or length of stay or seat  
18 box accommodations in any place where there is any exhibition,  
19 amusement, sport, or recreation, and all dues and fees paid to  
20 private clubs and membership clubs providing recreational or  
21 physical fitness facilities, including, but not limited to,  
22 golf, tennis, swimming, yachting, boating, athletic, exercise,  
23 and fitness facilities, except physical fitness facilities  
24 owned or operated by any hospital licensed under chapter 395.

25           (27) "Adult entertainment services" includes lingerie  
26 modeling, bikini modeling, body shampoos, body scrubs, private  
27 shower shows, peep shows, nude, seminude, or topless dancing,  
28 nude, seminude, or topless waitressing, lap dancing, friction  
29 dancing, couch dancing, table dancing, erotic massage, erotic  
30 performance, nude modeling, nude photo sessions, and personal  
31 escort services.

1           Section 3. Paragraph (k) of subsection (1) of section  
2 212.05, Florida Statutes, 1996 Supplement, is amended to read:  
3           212.05 Sales, storage, use tax.--It is hereby declared  
4 to be the legislative intent that every person is exercising a  
5 taxable privilege who engages in the business of selling  
6 tangible personal property at retail in this state, including  
7 the business of making mail order sales, or who rents or  
8 furnishes any of the things or services taxable under this  
9 chapter, or who stores for use or consumption in this state  
10 any item or article of tangible personal property as defined  
11 herein and who leases or rents such property within the state.

12           (1) For the exercise of such privilege, a tax is  
13 levied on each taxable transaction or incident, which tax is  
14 due and payable as follows:

15           (k)1. At the rate of 6 percent on charges for all:

16           a. Detective, burglar protection, and other protection  
17 services (SIC Industry Numbers 7381 and 7382). Any law  
18 enforcement officer, as defined in s. 943.10, who is  
19 performing approved duties as determined by his or her local  
20 law enforcement agency in his or her capacity as a law  
21 enforcement officer, and who is subject to the direct and  
22 immediate command of his or her law enforcement agency, and in  
23 the law enforcement officer's uniform as authorized by his or  
24 her law enforcement agency, is performing law enforcement and  
25 public safety services and is not performing detective,  
26 burglar protection, or other protective services, if the law  
27 enforcement officer is performing his or her approved duties  
28 in a geographical area in which the law enforcement officer  
29 has arrest jurisdiction. Such law enforcement and public  
30 safety services are not subject to tax irrespective of whether  
31 the duty is characterized as "extra duty," "off-duty," or

1 "secondary employment," and irrespective of whether the  
2 officer is paid directly or through the officer's agency by an  
3 outside source. The term "law enforcement officer" includes  
4 full-time or part-time law enforcement officers, and any  
5 auxiliary law enforcement officer, when such auxiliary law  
6 enforcement officer is working under the direct supervision of  
7 a full-time or part-time law enforcement officer.

8 b. Nonresidential cleaning and nonresidential pest  
9 control services (SIC Industry Group Number 734).

10 c. Personal escort services, except those subject to  
11 tax as an admission under s. 212.04.

12 2. As used in this paragraph, "SIC" means those  
13 classifications contained in the Standard Industrial  
14 Classification Manual, 1987, as published by the Office of  
15 Management and Budget, Executive Office of the President.

16 3. Charges for detective, burglar protection, and  
17 other protection security services performed in this state but  
18 used outside this state are exempt from taxation. Charges for  
19 detective, burglar protection, and other protection security  
20 services performed outside this state and used in this state  
21 are subject to tax.

22 4. If a transaction involves both the sale or use of a  
23 service taxable under this paragraph and the sale or use of a  
24 service or any other item not taxable under this part, the  
25 consideration paid must be separately identified and stated  
26 with respect to the taxable and exempt portions of the  
27 transaction or the entire transaction shall be presumed  
28 taxable. The burden shall be on the seller of the service or  
29 the purchaser of the service, whichever applicable, to  
30 overcome this presumption by providing documentary evidence as  
31 to which portion of the transaction is exempt from tax. The

1 department is authorized to adjust the amount of consideration  
2 identified as the taxable and exempt portions of the  
3 transaction; however, a determination that the taxable and  
4 exempt portions are inaccurately stated and that the  
5 adjustment is applicable must be supported by substantial  
6 competent evidence.

7           5. Each seller of services subject to sales tax  
8 pursuant to this paragraph shall maintain a monthly log  
9 showing each transaction for which sales tax was not collected  
10 because the services meet the requirements of subparagraph 3.  
11 for out-of-state use. The log must identify the purchaser's  
12 name, location and mailing address, and federal employer  
13 identification number, if a business, or the social security  
14 number, if an individual, the service sold, the price of the  
15 service, the date of sale, the reason for the exemption, and  
16 the sales invoice number. The monthly log shall be maintained  
17 pursuant to the same requirements and subject to the same  
18 penalties imposed for the keeping of similar records pursuant  
19 to this chapter.

20           Section 4. Paragraph (f) of subsection (6) of section  
21 212.20, Florida Statutes, 1996 Supplement, is redesignated as  
22 paragraph (g), and a new paragraph (f) is added to said  
23 subsection to read:

24           212.20 Funds collected, disposition; additional powers  
25 of department; operational expense; refund of taxes  
26 adjudicated unconstitutionally collected.--

27           (6) Distribution of all proceeds under this part shall  
28 be as follows:

29           (f) The proceeds of the tax on admissions to  
30 establishments offering, advertising, or engaging in adult  
31 entertainment services imposed by ss. 212.02(1) and 212.04 and



1 the proceeds of the tax on personal escort services imposed by  
2 s. 212.05(1)(k)1.c. shall be reallocated to the Grants and  
3 Donations Trust Fund under the Department of Juvenile Justice  
4 and deposited into the Sexual Abuse Intervention Network  
5 account for the purpose of awarding grants to programs under  
6 the Sexual Abuse Intervention Network.

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

11 490.012 Violations, penalties, injunction.--

12 (3) Beginning October 1, 1999, no person shall  
13 practice juvenile sexual offender therapy in this state, as  
14 the practice is defined in s. 490.0145, for compensation,  
15 unless the person holds an active license pursuant to this  
16 chapter, and has met the requirements to practice juvenile  
17 sexual offender therapy.

18 ~~(4)(3)~~ Any person who violates any provision of this  
19 section commits a misdemeanor of the first degree, punishable  
20 as provided in s. 775.082 or s. 775.083.

21 ~~(5)(4)~~ The department may institute appropriate  
22 proceedings to enjoin violation of subsection (1).

23 ~~(6)(5)~~ Beginning October 1, 1992, no person shall  
24 practice psychology in this state, as such practice is defined  
25 in s. 490.003(4), for compensation, unless such person holds  
26 an active valid license to practice psychology issued pursuant  
27 to this chapter. Nothing in this subsection shall be  
28 construed to limit the practice of school psychology, as such  
29 practice is defined in s. 490.003(6).

30 ~~(7)(6)~~ Beginning October 1, 1992, no person shall  
31 practice school psychology in this state, as such practice is

1 defined in s. 490.003(6), for compensation, unless such person  
2 holds an active valid license to practice school psychology  
3 issued pursuant to this chapter.

4 Section 6. Section 490.0145, Florida Statutes, is  
5 created to read:

6 490.0145 Juvenile sexual offender therapy.--Only a  
7 person licensed by this chapter who meets the qualifications  
8 set by the board may hold themselves out as a juvenile sexual  
9 offender therapist, except as provided in s. 491.0144. These  
10 qualifications shall include 500 hours of direct service  
11 experience, with a minimum of 200 hours of therapy and 75  
12 hours of assessment as part of these 500 hours; 50 hours of  
13 specific training or coursework; and 20 hours of continuing  
14 education units biennially. The training and coursework may  
15 include, but not be limited to, the areas of: juvenile sexual  
16 arousal patterns, deviate fantasizing, denial and  
17 minimization, sexual abuse thinking errors, sexual  
18 development, compulsivity management, victim empathy,  
19 biomedical approaches, juvenile sexual abuse family dynamics  
20 and interventions, juvenile sexual abuse group counseling  
21 techniques, and arousal control. The board may further define  
22 these qualifications by rule. In establishing these  
23 qualifications, the board may refer to the sexual disorder and  
24 dysfunction sections of the most current edition of the  
25 Diagnostic and Statistical Manual of the American Psychiatric  
26 Association or other relevant publications.

27 Section 7. Subsections (7), (8), and (9) of section  
28 491.003, Florida Statutes, are amended to read:

29 491.003 Definitions.--As used in this chapter:

30 (7) The "practice of clinical social work" is defined  
31 as the use of scientific and applied knowledge, theories, and

1 methods for the purpose of describing, preventing, evaluating,  
2 and treating individual, couple, marital, family, or group  
3 behavior, based on the person-in-situation perspective of  
4 psychosocial development, normal and abnormal behavior,  
5 psychopathology, unconscious motivation, interpersonal  
6 relationships, environmental stress, differential assessment,  
7 differential planning, and data gathering. The purpose of  
8 such services is the prevention and treatment of undesired  
9 behavior and enhancement of mental health. Such practice  
10 includes ~~the use of~~ methods of a psychological nature to  
11 evaluate, assess, diagnose, treat, and prevent emotional and  
12 mental disorders and dysfunctions, whether cognitive,  
13 affective, or behavioral; sexual dysfunction; behavioral  
14 disorders; alcoholism; and substance abuse. Such practice  
15 includes, but is not limited to, psychotherapy, hypnotherapy,  
16 juvenile sexual offender therapy, and sex therapy. Such  
17 practice also includes counseling, behavior modification,  
18 consultation, client-centered advocacy, crisis intervention,  
19 and providing needed information and education to clients,  
20 only when used in the context of this subsection.The practice  
21 of clinical social work may also include clinical research  
22 into more effective psychotherapeutic modalities for the  
23 treatment and prevention of such conditions.

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

- 26 1. ~~Counseling.~~
- 27 2. ~~Psychotherapy.~~
- 28 3. ~~Behavior modification.~~
- 29 4. ~~Hypnotherapy.~~
- 30 5. ~~Sex therapy.~~
- 31 6. ~~Consultation.~~

1           ~~7. Client-centered advocacy.~~

2           ~~8. Crisis intervention.~~

3           ~~9. Providing needed information and education to~~  
4 ~~clients.~~

5           (a)~~(b)~~ Clinical social work may be rendered to  
6 individuals, including individuals affected by the termination  
7 of marriage, and to marriages, couples, families, groups,  
8 organizations, and communities.

9           (b)~~(c)~~ The use of specific methods, techniques, or  
10 modalities within the practice of clinical social work is  
11 restricted to clinical social workers appropriately trained in  
12 the use of such methods, techniques, or modalities.

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

29           (d)~~(e)~~ The definition of "clinical social work"  
30 contained in this subsection includes all services offered  
31 directly to the general public or through organizations,

1 whether public or private, and applies whether payment is  
2 requested or received for services rendered.

3 (8) The "practice of marriage and family therapy" is  
4 defined as the use of scientific and applied marriage and  
5 family theories, methods, and procedures for the purpose of  
6 describing, evaluating, and modifying marital, family, and  
7 individual behavior, within the context of marital and family  
8 systems, including the context of marital formation and  
9 dissolution, and is based on marriage and family systems  
10 theory, marriage and family development, human development,  
11 normal and abnormal behavior, psychopathology, human  
12 sexuality, psychotherapeutic and marriage and family therapy  
13 theories and techniques. Such practice includes ~~the use of~~  
14 methods of a psychological nature to evaluate, assess,  
15 diagnose, treat, and prevent emotional and mental disorders or  
16 dysfunctions, whether cognitive, affective, or behavioral;  
17 sexual dysfunction; behavioral disorders; alcoholism; and  
18 substance abuse. Such practice includes, but is not limited  
19 to, marriage and family therapy, psychotherapy, including  
20 behavioral family therapy, hypnotherapy, juvenile sexual  
21 offender therapy, and sex therapy. Such practice also  
22 includes counseling, behavior modification, consultation,  
23 client advocacy, crisis intervention, and providing needed  
24 information and education to clients, only when used in the  
25 context of this subsection.The practice of marriage and  
26 family therapy may also include clinical research into more  
27 effective psychotherapeutic modalities for the treatment and  
28 prevention of such conditions.

29 ~~(a) Marriage and family therapy treatment includes,~~  
30 ~~but is not limited to:~~

31 1. ~~Marriage and family therapy.~~

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

11           (a)~~(b)~~ Marriage and family therapy may be rendered to  
12 individuals, including individuals affected by termination of  
13 marriage, to couples, whether married or unmarried, to  
14 families, or to groups.

15           (b)~~(c)~~ The use of specific methods, techniques, or  
16 modalities within the practice of marriage and family therapy  
17 is restricted to marriage and family therapists appropriately  
18 trained in the use of such methods, techniques, or modalities.

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

1 test, report, or procedure as "psychological," except to  
2 relate specifically to the definition of practice authorized  
3 in this subsection.

4 ~~(d)(e)~~ The definition of "marriage and family therapy"  
5 contained in paragraphs (a)-(d) includes all services offered  
6 directly to the general public or through organizations,  
7 whether public or private, and applies whether payment is  
8 requested or received for services rendered.

9 (9) The "practice of mental health counseling" is  
10 defined as the use of scientific and applied behavioral  
11 science theories, methods, and techniques for the purpose of  
12 describing, preventing, and treating undesired behavior and  
13 enhancing mental health and human development. Such practice  
14 includes ~~the use of~~ methods of a psychological nature to  
15 evaluate, assess, diagnose, and treat emotional and mental  
16 dysfunctions or disorders, whether cognitive, affective, or  
17 behavioral; behavioral disorders; interpersonal relationships;  
18 sexual dysfunction; alcoholism; and substance abuse. Such  
19 practice includes, but is not limited to, psychotherapy,  
20 hypnotherapy, juvenile sexual offender therapy, and sex  
21 therapy. Such practice also includes counseling, behavior  
22 modification, consultation, client advocacy, crisis  
23 intervention, and providing needed information and education  
24 to clients, only when used in the context of this subsection.

25 The practice of mental health counseling may also include  
26 clinical research into more effective psychotherapeutic  
27 modalities for the treatment and prevention of such  
28 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           (a)~~(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           (b)~~(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           (c)~~(d)~~ The terms "diagnose" and "treat," as used in  
19 this 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 chapter to describe or label any  
31 test, report, or procedure as "psychological," except to



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

3 Section 8. For the purpose of incorporating the  
4 amendment to s. 491.003, Florida Statutes, in references  
5 thereto, the sections or subdivisions of Florida Statutes set  
6 forth below are reenacted to read:

7 491.012 Violations; penalty; injunction.--

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

10 (i) Beginning October 1, 1992, practice clinical  
11 social work in this state, as the practice is defined in s.  
12 491.003(7), for compensation, unless the person holds an  
13 active license to practice clinical social work issued  
14 pursuant to this chapter.

15 (j) Beginning October 1, 1992, practice marriage and  
16 family therapy in this state, as the practice is defined in s.  
17 491.003(8), for compensation, unless the person holds an  
18 active license to practice marriage and family therapy issued  
19 pursuant to this chapter.

20 (k) Beginning October 1, 1992, practice mental health  
21 counseling in this state, as the practice is defined in s.  
22 491.003(9), for compensation, unless the person holds an  
23 active license to practice mental health counseling issued  
24 pursuant to this chapter.

25 491.014 Exemptions.--

26 (7) Any person who is not licensed under this chapter  
27 by October 1, 1992, and who desires to become so licensed  
28 shall register with the department that person's intent to  
29 become fully licensed no later than October 1, 1995. The  
30 costs to the department of such registration shall be borne by  
31 the registrant. The department may require affidavits and

1 supporting documentation sufficient to demonstrate that the  
2 registrant is preparing for examination by October 1, 1995,  
3 under this chapter. The department may adopt rules to  
4 implement this section. Upon receipt of the department's  
5 notice of registration, the registrant may practice services  
6 as defined in s. 491.003(7), (8), and (9), provided that the  
7 registrant uses "trainee" or "intern" with any title or  
8 description of the registrant's work and on any business  
9 correspondence and work product, including, but not limited  
10 to, a business card, letterhead, sign, billing, or report  
11 unless exempt pursuant to this chapter.

12 Section 9. Paragraph (d) of subsection (1) of section  
13 491.012, Florida Statutes, is amended, paragraph (l) is added  
14 to said subsection, and paragraph (k) is added to subsection  
15 (2) of said section, to read:

16 491.012 Violations; penalty; injunction.--

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

19 (d) Use the terms psychotherapist or sex therapist, or  
20 juvenile sexual offender therapist, unless such person is  
21 licensed pursuant to this chapter or chapter 490, or is  
22 certified under s. 464.012 as an advanced registered nurse  
23 practitioner in the category of psychiatric mental health and  
24 the use of such terms is within the scope of his practice  
25 based on education, training, and licensure.

26 (l) Beginning October 1, 1999, practice juvenile  
27 sexual offender therapy in this state, as the practice is  
28 defined in s. 491.0144, for compensation, unless the person  
29 holds an active license pursuant to this chapter, and has met  
30 the requirements to practice juvenile sexual offender therapy.

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1           (2) It is unlawful and a violation of this chapter for  
2 any person to describe his services using the following terms  
3 or any derivative thereof, unless such person holds a valid  
4 active license under this chapter or chapter 490, or is  
5 certified as an advanced registered nurse practitioner in the  
6 category of psychiatric mental health under s. 464.012, and  
7 the use of such terms is within the scope of his practice  
8 based on education, training, and licensure:

- 9           (a) "Psychotherapy."  
10           (b) "Sex therapy."  
11           (c) "Sex counseling."  
12           (d) "Clinical social work."  
13           (e) "Psychiatric social work."  
14           (f) "Marriage and family therapy."  
15           (g) "Marriage and family counseling."  
16           (h) "Marriage counseling."  
17           (i) "Family counseling."  
18           (j) "Mental health counseling."  
19           (k) "Juvenile sexual offender therapy."

20           (3) Any person who violates any provision of  
21 subsection (1) or subsection (2) commits a misdemeanor of the  
22 first degree, punishable as provided in s. 775.082 or s.  
23 775.083.

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

26           Section 10. Section 491.0144, Florida Statutes, is  
27 created to read:

28           491.0144 Juvenile sexual offender therapy.--Only a  
29 person licensed by this chapter who meets the qualifications  
30 set by the board may hold themselves out as a juvenile sexual  
31 offender therapist, except as provided in s. 490.0145. These

1 qualifications shall include 500 hours of direct service  
2 experience, with a minimum of 200 hours of therapy and 75  
3 hours of assessment as part of these 500 hours; 50 hours of  
4 specific training or coursework; and 20 hours of continuing  
5 education units biennially. The training and coursework may  
6 include, but not be limited to, the areas of: juvenile sexual  
7 arousal patterns, deviate fantasizing, denial and  
8 minimization, sexual abuse thinking errors, sexual  
9 development, compulsivity management, victim empathy,  
10 biomedical approaches, and arousal control. The board may  
11 further define these qualifications by rule. In establishing  
12 these qualifications, the board may refer to the sexual  
13 disorder and dysfunction sections of the most current edition  
14 of the Diagnostic and Statistical Manual of the American  
15 Psychiatric Association or other relevant publications.

16 Section 11. Section 943.17291, Florida Statutes, is  
17 created to read:

18 943.17291 Basic skills training in juvenile sexual  
19 offender investigation.--The commission shall incorporate  
20 juvenile sexual offender investigation instruction into the  
21 course curriculum required for a law enforcement officer to  
22 obtain initial certification.

23 Section 12. Section 943.17295, Florida Statutes, is  
24 created to read:

25 943.17295 Continued employment training relating to  
26 juvenile sexual offender investigation.--The commission shall  
27 incorporate the subject of sexual abuse and assault  
28 investigation, with an emphasis on cases involving child  
29 victims or juvenile offenders, into the curriculum required  
30 for continuous employment or appointment as a law enforcement  
31 officer.

1           Section 13. Section 39.0251, Florida Statutes, is  
2 created to read:

3           39.0251 Sexual Abuse Intervention Network.--

4           (1) The Department of Juvenile Justice shall establish  
5 the Sexual Abuse Intervention Network in each of the  
6 department's 15 districts and 4 sub-districts. The Sexual  
7 Abuse Intervention Network shall be a district or sub-district  
8 wide written agreement that minimally includes all school  
9 superintendents, all sheriffs, representatives of city police  
10 chiefs, state attorneys, judges handling cases of sexual abuse  
11 and assault with child victims, public defenders, the  
12 Department of Juvenile Justice, the Department of Children and  
13 Family Services, mental health services, child protection  
14 teams, and community service providers to child sexual abuse  
15 victims or sexual offenders victimizing children.

16           (2) This written agreement must describe the roles,  
17 responsibilities, and the methods of collaboration and  
18 cooperation among the above mentioned parties in identifying,  
19 investigating, prosecuting, treating, and reintegrating child  
20 sexual abuse victims and offenders, as recommended in the  
21 Governor's Task Force on Juvenile Sexual Offenders and Victims  
22 of Juvenile Sexual Abuse and Crimes Final Report of December  
23 1994.

24           (3) The proceeds of the tax on admissions to  
25 establishments offering, advertising, or engaging in adult  
26 entertainment services imposed by ss. 212.02(1) and 212.04 and  
27 the proceeds of the tax on personal escort services imposed by  
28 s. 212.05(1)(k)1.c. shall be deposited in the Grants and  
29 Donations Trust Fund under the Department of Juvenile Justice  
30 in the Sexual Abuse Intervention Network account for the  
31

1 purpose of awarding grants to programs under the Sexual Abuse  
2 Intervention Network.

3 (4) The Department of Juvenile Justice shall award  
4 grants under the Sexual Abuse Intervention Network to provide  
5 for the training of investigators, prosecutors, judges, public  
6 defenders, guardian ad litem, case managers, teachers and  
7 other school personnel, and mental health providers to carry  
8 out the mission of the Sexual Abuse Intervention Networks.  
9 The Department of Juvenile Justice shall also award grants for  
10 the non-residential mental health treatment of children who  
11 are victims of sexual assault and their families.

12 Section 14. This act shall take effect October 1,  
13 1997.

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HOUSE SUMMARY

Requires the Department of Juvenile Justice to establish a certification process for juvenile sexual offender commitment programs. Prohibits uncertified programs from holding themselves out as juvenile sex offender day treatment or residential treatment programs as of January 1, 1999.

Revises the definition of "admissions" to include admissions to establishments that offer, advertise, or engage in adult entertainment services, for purposes of imposition of tax thereon. Provides for imposition of sales tax on charges for personal escort services. Provides for deposit of the proceeds of said taxes in the Grants and Donations Trust Fund under the Department of Juvenile Justice to fund grants under the Sexual Abuse Intervention Network.

Defines the offense of unlicensed practice of "juvenile sexual offender therapy" for compensation, and provides penalties therefor. Provides for injunctive relief. Provides that only persons licensed under ch. 490, F.S., relating to psychological services, or ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, may hold themselves out as juvenile sexual offender therapists. Prescribes qualifications for licensure under ch. 490, F.S., as a juvenile sexual offender therapist. Provides for adoption of rules by the Board of Psychology relating to such qualifications. Redefines "practice of clinical social work," "practice of marriage and family therapy," and "practice of mental health counseling" with respect to ch. 491, F.S., to include juvenile sexual offender therapy. Defines the offenses of unlawful use of the term "juvenile sexual offender therapist," and provides penalties therefor. Defines the offense of unlicensed practice of "juvenile sexual offender therapy" for compensation, and provides penalties therefor. Defines the offense of unlawful description of services using the term, or derivative thereof, "juvenile sexual offender therapy," and provides penalties therefor. Provides for injunctive relief with respect to such offenses. Prescribes qualifications for licensure of a juvenile sexual offender therapist under ch. 491, F.S. Provides for adoption of rules with respect to such licensure by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling. Requires the Criminal Justice Standards and Training Commission to incorporate certain instruction into certain law enforcement officer course curriculum. Requires the commission to incorporate certain subjects into certain law enforcement officer continuous employment or appointment curricula. Requires the department to establish the Sexual Abuse Intervention Network. Provides for use of the proceeds of the tax on admissions to establishments offering, advertising, or engaging in adult entertainment services and of the tax

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1 on personal escort services to fund grants under the  
2 network. Delineates procedures for grant awards.  
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