

By Senator McKay

26-1219-98

1 A bill to be entitled
2 An act relating to juvenile sexual offenders;
3 amending s. 39.411, F.S.; requiring that the
4 Department of Children and Family Services
5 notify the school superintendent of any
6 juvenile who has a known history of sexual
7 behavior with other juveniles or who has been
8 convicted of certain specified sexual offenses;
9 providing that it is a second-degree
10 misdemeanor for a school district employee to
11 disclose such information to an unauthorized
12 person; amending s. 490.012, F.S.; prohibiting
13 the unlicensed practice of juvenile sexual
14 offender therapy for compensation; providing an
15 exception; creating s. 490.0145, F.S.;
16 providing that only certain persons licensed
17 under ch. 490, F.S., relating to psychological
18 services, or ch. 491, F.S., relating to
19 clinical, counseling, and psychotherapy
20 services, may hold themselves out as juvenile
21 sexual offender therapists; requiring the Board
22 of Psychology to require training and
23 coursework for juvenile sexual offender
24 therapists; amending s. 491.012, F.S.; defining
25 the offense of the unlawful use of the term
26 "juvenile sexual offender therapist," and
27 providing penalties therefor; prohibiting the
28 unlicensed practice of juvenile sexual offender
29 therapy for compensation; providing an
30 exception; creating s. 491.0144, F.S.;
31 providing for qualifications for licensure as a

1 juvenile sexual offender therapist under ch.
2 491, F.S., relating to clinical, counseling,
3 and psychotherapy services; creating ss.
4 943.17291, 943.17295, F.S.; requiring that the
5 Criminal Justice Standards and Training
6 Commission incorporate instruction in
7 investigating juvenile sexual offenders into
8 the course curriculum for law enforcement
9 officers; amending s. 985.04, F.S.; requiring
10 that the Department of Juvenile Justice notify
11 the school superintendent of any juvenile who
12 has a known history of sexual behavior with
13 other juveniles or who has been convicted of
14 certain sexual offenses; providing that it is a
15 second-degree misdemeanor for a school district
16 employee to disclose such information to an
17 unauthorized person; amending s. 985.308, F.S.;
18 requiring that the Department of Juvenile
19 Justice inspect offender commitment programs
20 operated by the department based on specified
21 standards; authorizing any state attorney to
22 establish a sexual abuse intervention network;
23 providing for membership and prescribing duties
24 of such network; requiring the Office of the
25 Attorney General, the Department of Children
26 and Family Services, and the Department of
27 Juvenile Justice to award grants to sexual
28 abuse intervention networks; specifying
29 criteria for grant awards; requiring the Office
30 of the Attorney General, in collaboration with
31 the Department of Juvenile Justice and the

1 Department of Children and Family Services, to
2 establish minimum standards for juvenile sex
3 offender day treatment and residential
4 treatment programs funded pursuant to specified
5 provisions; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsection (4) of section 39.411, Florida
10 Statutes, is amended to read:

11 39.411 Oaths, records, and confidential information.--

12 (4)(a) All information obtained pursuant to this part
13 in the discharge of official duty by any judge, employee of
14 the court, authorized agent of the department, correctional
15 probation officer, or law enforcement agent is ~~shall be~~
16 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
17 and may ~~shall~~ not be disclosed to anyone other than the
18 authorized personnel of the court, the department and its
19 designees, correctional probation officers, law enforcement
20 agents, and others entitled under this chapter to receive that
21 information, except upon order of the court.

22 (b) The department shall disclose to the school
23 superintendent the presence of any child in the care and
24 custody or under the jurisdiction or supervision of the
25 department who has a known history of sexual behavior with
26 other juveniles; is a juvenile sex offender, as defined in s.
27 415.50165; or has pled guilty or nolo contendere to, or has
28 been found to have committed, a violation of chapter 794,
29 chapter 796, chapter 800, s. 827.071, or s. 847.0133,
30 regardless of adjudication. Any employee of a district school
31 board who knowingly and willfully discloses such information

1 to an unauthorized person commits a misdemeanor of the second
2 degree, punishable as provided in s. 775.082 or s. 775.083.

3 Section 2. Subsection (8) is added to section 490.012,
4 Florida Statutes, to read:

5 490.012 Violations; penalties; injunction.--

6 (8) Effective October 1, 2000, a person may not
7 practice juvenile sexual offender therapy in this state, as
8 the practice is defined in s. 490.0145, for compensation,
9 unless the person holds an active license issued under this
10 chapter and meets the requirements to practice juvenile sexual
11 offender therapy. An unlicensed person may be employed by a
12 program operated by or under contract with the Department of
13 Juvenile Justice or the Department of Children and Family
14 Services if the program employs a professional who is licensed
15 under s. 490.0145 or s. 491.0144 who manages or supervises the
16 treatment services.

17 Section 3. Section 490.0145, Florida Statutes, is
18 created to read:

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

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1 Section 4. Paragraph (d) of subsection (1) of section
2 491.012, Florida Statutes, is amended, and paragraph (n) is
3 added to that subsection, to read:

4 491.012 Violations; penalty; injunction.--

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

7 (d) Use the terms psychotherapist, ~~or~~ sex therapist,
8 or juvenile sexual offender therapist unless such person is
9 licensed pursuant to this chapter or chapter 490, or is
10 certified under s. 464.012 as an advanced registered nurse
11 practitioner who has been determined by the Board of Nursing
12 as a specialist in psychiatric mental health and the use of
13 such terms is within the scope of her or his practice based on
14 education, training, and licensure.

15 (n) Effective October 1, 2000, practice juvenile
16 sexual offender therapy in this state, as the practice is
17 defined in s. 490.0145, for compensation, unless the person
18 holds an active license issued under this chapter and meets
19 the requirements to practice juvenile sexual offender therapy.
20 An unlicensed person may be employed by a program operated by
21 or under contract with the Department of Juvenile Justice or
22 the Department of Children and Family Services if the program
23 employs a professional who is licensed under s. 490.0145 or s.
24 491.0144 who manages or supervises the treatment services.

25 Section 5. Section 491.0144, Florida Statutes, is
26 created to read:

27 491.0144 The practice of juvenile sexual offender
28 therapy.--Only a person licensed by this chapter who meets the
29 qualifications set by the board may hold himself or herself
30 out as a juvenile sexual offender therapist, except as
31 provided in s. 490.0145. These qualifications shall be

1 determined by the board. The board shall require training and
2 coursework in the specific areas of juvenile sexual offender
3 behaviors, treatments, and related issues. In establishing
4 these qualifications, the board may refer to the sexual
5 disorder and dysfunction sections of the most current edition
6 of the Diagnostic and Statistical Manual of the American
7 Psychiatric Association or other relevant publications.

8 Section 6. Section 943.17291, Florida Statutes, is
9 created to read:

10 943.17291 Basic skills training in juvenile sexual
11 offender investigation.--The commission shall incorporate
12 juvenile sexual offender investigation instruction into the
13 course curriculum required for a law enforcement officer to
14 obtain initial certification.

15 Section 7. Section 943.17295, Florida Statutes, is
16 created to read:

17 943.17295 Continued employment training relating to
18 juvenile sexual offender investigation.--The commission shall
19 incorporate the subject of sexual abuse and assault
20 investigation, with an emphasis on cases involving child
21 victims or juvenile offenders, into the curriculum required
22 for continuous employment or appointment as a law enforcement
23 officer.

24 Section 8. Subsection (3) of section 985.04, Florida
25 Statutes, is amended to read:

26 985.04 Oaths; records; confidential information.--

27 (3)(a) Except as provided in subsections (2), (4),
28 (5), and (6), and s. 943.053, all information obtained under
29 this part in the discharge of official duty by any judge, any
30 employee of the court, any authorized agent of the Department
31 of Juvenile Justice, the Parole Commission, the Juvenile

1 Justice Advisory Board, the Department of Corrections, the
2 district juvenile justice boards, any law enforcement agent,
3 or any licensed professional or licensed community agency
4 representative participating in the assessment or treatment of
5 a juvenile is confidential and may be disclosed only to the
6 authorized personnel of the court, the Department of Juvenile
7 Justice and its designees, the Department of Corrections, the
8 Parole Commission, the Juvenile Justice Advisory Board, law
9 enforcement agents, school superintendents and their
10 designees, any licensed professional or licensed community
11 agency representative participating in the assessment or
12 treatment of a juvenile, and others entitled under this
13 chapter to receive that information, or upon order of the
14 court. Within each county, the sheriff, the chiefs of police,
15 the district school superintendent, and the department shall
16 enter into an interagency agreement for the purpose of sharing
17 information about juvenile offenders among all parties. The
18 agreement must specify the conditions under which summary
19 criminal history information is to be made available to
20 appropriate school personnel, and the conditions under which
21 school records are to be made available to appropriate
22 department personnel. Such agreement shall require
23 notification to any classroom teacher of assignment to the
24 teacher's classroom of a juvenile who has been placed in a
25 community control or commitment program for a felony offense.
26 The agencies entering into such agreement must comply with s.
27 943.0525, and must maintain the confidentiality of information
28 that is otherwise exempt from s. 119.07(1), as provided by
29 law.

30 (b) The department shall disclose to the school
31 superintendent the presence of any child in the care and

1 custody or under the jurisdiction or supervision of the
2 department who has a known history of sexual behavior with
3 other juveniles; is a juvenile sex offender, as defined in s.
4 415.50165; or has pled guilty or nolo contendere to, or has
5 been found to have committed, a violation of chapter 794,
6 chapter 796, chapter 800, s. 827.071, or s. 847.0133,
7 regardless of adjudication.

8 Section 9. Section 985.308, Florida Statutes, is
9 amended to read:

10 985.308 Juvenile sexual offender commitment programs;
11 sexual abuse intervention networks.--

12 (1) In order to provide intensive treatment and
13 psychological services to a juvenile sexual offender committed
14 to the department, it is the intent of the Legislature to
15 establish programs and strategies to effectively respond to
16 juvenile sexual offenders. In designing programs for juvenile
17 sexual offenders, it is the further intent of the Legislature
18 to implement strategies that include:

19 (a) Developing adequate commitment programs and
20 facilities to ensure appropriate and effective treatment and
21 ensure that decisions to release juvenile sexual offenders
22 into the community are not made on the basis of inadequate
23 space.

24 (b) Providing an adequate number of well-trained staff
25 to address the treatment needs of juvenile sexual offenders.

26 (c) Providing intensive postcommitment supervision of
27 juvenile sexual offenders who are released into the community
28 with terms and conditions which may include electronic
29 monitoring of a juvenile sexual offender for the purpose of
30 enhancing public safety.

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1 (d) Providing notification to the school to which the
2 juvenile sexual offender is returning, the parents or legal
3 guardians of the victim, and law enforcement, when a juvenile
4 sexual offender returns into the community.

5 (2) Contingent upon a specific appropriation, the
6 department shall implement and operate programs to provide
7 intensive educational and psychological services and other
8 treatment for juvenile sexual offenders.

9 (3) Subject to specific appropriation, a child may be
10 placed in a juvenile sexual offender program when committed to
11 the department.

12 (4) The program shall include educational components,
13 life management training, substance abuse treatment, and
14 intensive psychological treatment provided by appropriate
15 mental health professionals. Juvenile sexual offenders shall
16 be required to participate in all programs and treatment.

17 (5) The department shall provide an intensive
18 aftercare component for monitoring and assisting the
19 transition of a juvenile sexual offender into the community
20 with terms and conditions which may include electronic
21 monitoring of the juvenile sexual offender.

22 (6) The department shall establish protocol and
23 procedures to notify schools, the appropriate law enforcement
24 agencies, and the court when a juvenile sexual offender
25 returns to the community.

26 (7) The department may contract with private
27 organizations for the operation of a juvenile sexual offender
28 program and aftercare.

29 (8) The Juvenile Justice Standards and Training
30 Commission shall establish criteria for training all contract
31 and department staff or provide a special training program for

1 contract and department staff to effectively manage and
2 provide services and treatment to a juvenile sexual offender
3 in a juvenile sexual offender program.

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

10 (10) The department shall maintain records and other
11 information necessary to evaluate the effectiveness of each
12 juvenile sexual offender program and other outcome evaluation
13 requirements.

14 (11) The state attorney in any judicial circuit may
15 establish a sexual abuse intervention network for the purposes
16 of identifying, investigating, prosecuting, treating, and
17 preventing sexual abuse with special emphasis on juvenile
18 sexual offenders and victims of sexual abuse.

19 (12) Membership of a sexual abuse intervention network
20 shall include, but not be limited to, representatives from:

21 (a) Local law enforcement agencies;

22 (b) Local school boards;

23 (c) Child protective investigators;

24 (d) The Office of the State Attorney;

25 (e) The Office of the Public Defender;

26 (f) The juvenile division of the circuit court;

27 (g) Professionals licensed under s. 490.0145 or s.
28 491.0144 providing treatment for juvenile sexual offenders or
29 their victims;

30 (h) The guardian ad litem program;

31 (i) The Department of Juvenile Justice; and

1 (j) The Department of Children and Family Services.

2 (13) Each sexual abuse intervention network shall
3 develop a cooperative working agreement describing the roles
4 and responsibilities of all members towards the
5 identification, investigation, prosecution, treatment, and
6 reintegration of juvenile sexual offenders and the treatment
7 of their victims.

8 (14) Subject to specific appropriation, availability
9 of funds, or receipt of appropriate grant funds, the Office of
10 the Attorney General, the Department of Children and Family
11 Services, or the Department of Juvenile Justice shall award
12 grants to sexual abuse intervention networks that apply for
13 such grants. The grants may be used for training, treatment,
14 aftercare, evaluation, public awareness, and other specified
15 community needs that are identified by the network. A grant
16 shall be awarded based on the applicant's level of local
17 funding, level of collaboration, number of juvenile sexual
18 offenders to be served, number of victims to be served, and
19 level of unmet needs. The Office of the Attorney General, in
20 collaboration with the Department of Juvenile Justice and the
21 Department of Children and Family Services, shall establish
22 minimum standards for each respective department for
23 residential and day treatment juvenile sexual offender
24 programs funded under this subsection.

25 (15)~~(11)~~ The department may adopt ~~is authorized to~~
26 ~~establish~~ rules and other policy directives necessary to
27 administer ~~implement the provisions of~~ this section.

28 Section 10. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Requires that the Department of Children and Family Services and the Department of Juvenile Justice notify the school superintendent of any juvenile who has a known history of sexual behavior with other juveniles or who has been convicted of certain sexual offenses. Provides that it is a second-degree misdemeanor for a school district employee to disclose such information to an unauthorized person. Requires that the Board of Psychology provide for training courses for juvenile sexual offender therapists. Provides that a person may not practice as a juvenile sexual offender therapist unless the person is licensed under ch. 490 or ch. 491, F.S. Provides an exception for a person employed by a program operated by or under contract with the Department of Juvenile Justice or the Department of Children and Family Services. Requires that the Criminal Justice Standards and Training Commission incorporate instruction in investigating juvenile sexual offenders into the course curriculum for law enforcement officers. Provides for a state attorney to establish a sexual abuse intervention network. Specifies the duties of such a network. (See bill for details.)

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