

By the Committee on Criminal Justice and Senator McKay

307-1786-98

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. 491.0144, 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. Any employee of a district school  
8 board who knowingly and willfully discloses such information  
9 to an unauthorized person commits a misdemeanor of the second  
10 degree, punishable as provided in s. 775.082 or s. 775.083.

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

13 985.308 Juvenile sexual offender commitment programs;  
14 sexual abuse intervention networks.--

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

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

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

29 (c) Providing intensive postcommitment supervision of  
30 juvenile sexual offenders who are released into the community  
31 with terms and conditions which may include electronic



1 monitoring of a juvenile sexual offender for the purpose of  
2 enhancing public safety.

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

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

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

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

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

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

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

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1           (8) The Juvenile Justice Standards and Training  
2 Commission shall establish criteria for training all contract  
3 and department staff or provide a special training program for  
4 contract and department staff to effectively manage and  
5 provide services and treatment to a juvenile sexual offender  
6 in a juvenile sexual offender program.

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

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

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

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

24           (a) Local law enforcement agencies;

25           (b) Local school boards;

26           (c) Child protective investigators;

27           (d) The Office of the State Attorney;

28           (e) The Office of the Public Defender;

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

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1           (g) Professionals licensed under s. 490.0145 or s.  
2 491.0144 providing treatment for juvenile sexual offenders or  
3 their victims;

4           (h) The guardian ad litem program;

5           (i) The Department of Juvenile Justice; and

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

7           (13) Each sexual abuse intervention network shall  
8 develop a cooperative working agreement describing the roles  
9 and responsibilities of all members towards the  
10 identification, investigation, prosecution, treatment, and  
11 reintegration of juvenile sexual offenders and the treatment  
12 of their victims.

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

1           (15)~~(11)~~ The department may adopt ~~is authorized to~~  
2 ~~establish~~ rules and other policy directives necessary to  
3 administer ~~implement the provisions of~~ this section.

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

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6                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
7   COMMITTEE SUBSTITUTE FOR  
8   Senate Bill 1796

9 Provides that a second degree misdemeanor penalty applies when  
10 a school district employee discloses to an unauthorized person  
11 certain information from the Department of Juvenile Justice  
12 about juvenile sexual offenders.  
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