

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 or under contract with the
21 department based on specified standards;
22 authorizing any child protection team or state
23 attorney to establish a sexual abuse
24 intervention network; providing for membership
25 and prescribing duties of such network;
26 requiring the Office of the Attorney General,
27 the Department of Children and Family Services,
28 the Department of Juvenile Justice, or local
29 juvenile justice councils to award grants to
30 sexual abuse intervention networks; specifying
31 criteria for grant awards; requiring the Office

1 of the Attorney General, in collaboration with
2 the Department of Juvenile Justice and the
3 Department of Children and Family Services, to
4 establish minimum standards for juvenile sex
5 offender day treatment and residential
6 treatment programs funded pursuant to specified
7 provisions; providing rulemaking authority for
8 the Department of Legal Affairs; deleting
9 rulemaking authority for the Department of
10 Juvenile Justice; providing an effective date.
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12 Be It Enacted by the Legislature of the State of Florida:
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14 Section 1. Subsection (4) of section 39.411, Florida
15 Statutes, is amended to read:

16 39.411 Oaths, records, and confidential information.--

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

27 (b) The department shall disclose to the school
28 superintendent the presence of any child in the care and
29 custody or under the jurisdiction or supervision of the
30 department who has a known history of sexual behavior with
31 other juveniles; is an alleged juvenile sex offender, as

1 defined in s. 415.50165; or has pled guilty or nolo contendere
2 to, or has been found to have committed, a violation of
3 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
4 847.0133, regardless of adjudication. Any employee of a
5 district school board who knowingly and willfully discloses
6 such information to an unauthorized person commits a
7 misdemeanor of the second degree, punishable as provided in s.
8 775.082 or s. 775.083.

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

11 490.012 Violations; penalties; injunction.--

12 (8) Effective October 1, 2000, a person may not
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 issued under this
16 chapter and meets the requirements to practice juvenile sexual
17 offender therapy. An unlicensed person may be employed by a
18 program operated by or under contract with the Department of
19 Juvenile Justice or the Department of Children and Family
20 Services if the program employs a professional who is licensed
21 under chapter 458, chapter 459, s. 490.0145, or s. 491.0144
22 who manages or supervises the treatment services.

23 Section 3. Section 490.0145, Florida Statutes, is
24 created to read:

25 490.0145 The practice of juvenile sexual offender
26 therapy.--Only a person licensed by this chapter who meets the
27 qualifications set by the board may hold himself or herself
28 out as a juvenile sexual offender therapist, except as
29 provided in s. 491.0144. These qualifications shall be
30 determined by the board. The board shall require training and
31 coursework in the specific areas of juvenile sexual offender

1 behaviors, treatments, and related issues. In establishing
2 these qualifications, the board may refer to the sexual
3 disorder and dysfunction sections of the most current edition
4 of the Diagnostic and Statistical Manual of the American
5 Psychiatric Association, Association for the Treatment of
6 Sexual Abusers Practitioner's Handbook, or other relevant
7 publications.

8 Section 4. Paragraph (d) of subsection (1) of section
9 491.012, Florida Statutes, is amended, and paragraph (n) is
10 added to that subsection, to read:

11 491.012 Violations; penalty; injunction.--

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

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

22 (n) Effective October 1, 2000, practice juvenile
23 sexual offender therapy in this state, as the practice is
24 defined in s. 491.0144, for compensation, unless the person
25 holds an active license issued under this chapter and meets
26 the requirements to practice juvenile sexual offender therapy.
27 An unlicensed person may be employed by a program operated by
28 or under contract with the Department of Juvenile Justice or
29 the Department of Children and Family Services if the program
30 employs a professional who is licensed under chapter 458,

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1 chapter 459, s. 490.0145, or s. 491.0144 who manages or
2 supervises the treatment services.

3 Section 5. Section 491.0144, Florida Statutes, is
4 created to read:

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

19 Section 6. Section 943.17291, Florida Statutes, is
20 created to read:

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

26 Section 7. Section 943.17295, Florida Statutes, is
27 created to read:

28 943.17295 Continued employment training relating to
29 juvenile sexual offender investigation.--The commission shall
30 incorporate the subject of sexual abuse and assault
31 investigation, with an emphasis on cases involving child

1 victims or juvenile offenders, into the curriculum required
2 for continuous employment or appointment as a law enforcement
3 officer.

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

6 985.04 Oaths; records; confidential information.--

7 (3)(a) Except as provided in subsections (2), (4),
8 (5), and (6), and s. 943.053, all information obtained under
9 this part in the discharge of official duty by any judge, any
10 employee of the court, any authorized agent of the Department
11 of Juvenile Justice, the Parole Commission, the Juvenile
12 Justice Advisory Board, the Department of Corrections, the
13 district juvenile justice boards, any law enforcement agent,
14 or any licensed professional or licensed community agency
15 representative participating in the assessment or treatment of
16 a juvenile is confidential and may be disclosed only to the
17 authorized personnel of the court, the Department of Juvenile
18 Justice and its designees, the Department of Corrections, the
19 Parole Commission, the Juvenile Justice Advisory Board, law
20 enforcement agents, school superintendents and their
21 designees, any licensed professional or licensed community
22 agency representative participating in the assessment or
23 treatment of a juvenile, and others entitled under this
24 chapter to receive that information, or upon order of the
25 court. Within each county, the sheriff, the chiefs of police,
26 the district school superintendent, and the department shall
27 enter into an interagency agreement for the purpose of sharing
28 information about juvenile offenders among all parties. The
29 agreement must specify the conditions under which summary
30 criminal history information is to be made available to
31 appropriate school personnel, and the conditions under which

1 school records are to be made available to appropriate
2 department personnel. Such agreement shall require
3 notification to any classroom teacher of assignment to the
4 teacher's classroom of a juvenile who has been placed in a
5 community control or commitment program for a felony offense.
6 The agencies entering into such agreement must comply with s.
7 943.0525, and must maintain the confidentiality of information
8 that is otherwise exempt from s. 119.07(1), as provided by
9 law.

10 (b) The department shall disclose to the school
11 superintendent the presence of any child in the care and
12 custody or under the jurisdiction or supervision of the
13 department who has a known history of sexual behavior with
14 other juveniles; is an alleged juvenile sex offender, as
15 defined in s. 415.50165; or has pled guilty or nolo contendere
16 to, or has been found to have committed, a violation of
17 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
18 847.0133, regardless of adjudication. Any employee of a
19 district school board who knowingly and willfully discloses
20 such information to an unauthorized person commits a
21 misdemeanor of the second degree, punishable as provided in s.
22 775.082 or s. 775.083.

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

25 985.308 Juvenile sexual offender commitment programs;
26 sexual abuse intervention networks.--

27 (1) In order to provide intensive treatment and
28 psychological services to a juvenile sexual offender committed
29 to the department, it is the intent of the Legislature to
30 establish programs and strategies to effectively respond to
31 juvenile sexual offenders. In designing programs for juvenile

1 sexual offenders, it is the further intent of the Legislature
2 to implement strategies that include:

3 (a) Developing adequate commitment programs and
4 facilities to ensure appropriate and effective treatment and
5 ensure that decisions to release juvenile sexual offenders
6 into the community are not made on the basis of inadequate
7 space.

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

10 (c) Providing intensive postcommitment supervision of
11 juvenile sexual offenders who are released into the community
12 with terms and conditions which may include electronic
13 monitoring of a juvenile sexual offender for the purpose of
14 enhancing public safety.

15 (d) Providing notification to the school to which the
16 juvenile sexual offender is returning, the parents or legal
17 guardians of the victim, and law enforcement, when a juvenile
18 sexual offender returns into the community.

19 (2) Contingent upon a specific appropriation, the
20 department shall implement and operate programs to provide
21 intensive educational and psychological services and other
22 treatment for juvenile sexual offenders.

23 (3) Subject to specific appropriation, a child may be
24 placed in a juvenile sexual offender program when committed to
25 the department.

26 (4) The program shall include educational components,
27 life management training, substance abuse treatment, and
28 intensive psychological treatment provided by appropriate
29 mental health professionals. Juvenile sexual offenders shall
30 be required to participate in all programs and treatment.

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1 (5) The department shall provide an intensive
2 aftercare component for monitoring and assisting the
3 transition of a juvenile sexual offender into the community
4 with terms and conditions which may include electronic
5 monitoring of the juvenile sexual offender.

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

10 (7) The department may contract with private
11 organizations for the operation of a juvenile sexual offender
12 program and aftercare.

13 (8) The Juvenile Justice Standards and Training
14 Commission shall establish criteria for training all contract
15 and department staff or provide a special training program for
16 contract and department staff to effectively manage and
17 provide services and treatment to a juvenile sexual offender
18 in a juvenile sexual offender program.

19 (9) The department shall ~~is required to~~ conduct
20 inspections of and quality assurance activities for each
21 juvenile sexual offender program operated by or under contract
22 with the department, based on standards specifically developed
23 for these types of programs, to determine whether the program
24 complies with department rules for continued operation of the
25 program.

26 (10) The department shall maintain records and other
27 information necessary to evaluate the effectiveness of each
28 juvenile sexual offender program and other outcome evaluation
29 requirements.

30 (11) A child protection team or the state attorney in
31 any judicial circuit may establish a sexual abuse intervention

1 network to assist in identifying, investigating, prosecuting,
2 treating, and preventing sexual abuse with special emphasis on
3 juvenile sexual offenders and victims of sexual abuse.

4 (12) Membership of a sexual abuse intervention network
5 shall include, but are not limited to, representatives from:

6 (a) Local law enforcement agencies;

7 (b) Local school boards;

8 (c) Child protective investigators;

9 (d) The Office of the State Attorney;

10 (e) The Office of the Public Defender;

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

12 (g) Professionals licensed under chapter 458, chapter
13 459, s. 490.0145, or s. 491.0144 providing treatment for
14 juvenile sexual offenders or their victims;

15 (h) The guardian ad litem program;

16 (i) The Department of Juvenile Justice; and

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

18 (13) Each sexual abuse intervention network shall
19 develop a cooperative working agreement describing the roles
20 and responsibilities of all members towards the
21 identification, investigation, prosecution, treatment, and
22 reintegration of juvenile sexual offenders and the treatment
23 of their victims.

24 (14) Subject to specific appropriation, availability
25 of funds, or receipt of appropriate grant funds, the Office of
26 the Attorney General, the Department of Children and Family
27 Services, the Department of Juvenile Justice, or local
28 juvenile justice councils shall award grants to sexual abuse
29 intervention networks that apply for such grants. The grants
30 may be used for training, treatment, aftercare, evaluation,
31 public awareness, and other specified community needs that are

1 identified by the network. A grant shall be awarded based on
2 the applicant's level of local funding, level of
3 collaboration, number of juvenile sexual offenders to be
4 served, number of victims to be served, and level of unmet
5 needs. The Department of Legal Affairs' Office of the Attorney
6 General, in collaboration with the Department of Juvenile
7 Justice and the Department of Children and Family Services,
8 shall establish by rule minimum standards for each respective
9 department for residential and day treatment juvenile sexual
10 offender programs funded under this subsection.

11 (15)(11) The Department of Legal Affairs department
12 may adopt is authorized to establish rules and other policy
13 directives necessary to award grants under implement the
14 provisions of this section.

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

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