

By the Committee on Juvenile Justice and Representative  
Brown

1                                   A bill to be entitled  
2           An act relating to juvenile sexual offenders;  
3           amending s. 39.045, F.S.; requiring the  
4           Department of Juvenile Justice to notify the  
5           school superintendent of any child who has a  
6           known history of predatory sexual behavior or  
7           who is an adjudicated juvenile sexual offender;  
8           providing that it is a second degree  
9           misdemeanor for a school district employee to  
10          disclose such information to an unauthorized  
11          person; providing penalties; amending s.  
12          39.0571, F.S.; requiring the Department of  
13          Juvenile Justice to conduct inspections of  
14          offender commitment programs operated by the  
15          department based on standards developed for  
16          these types of programs; authorizing a county  
17          juvenile justice council or a district juvenile  
18          justice board or a state attorney to establish  
19          a sexual abuse intervention network; providing  
20          for membership and prescribing duties of such  
21          network; requiring the Office of the Attorney  
22          General to award grants to a sexual abuse  
23          intervention network under certain  
24          circumstances; delineating procedures for grant  
25          awards; requiring the Office of the Attorney  
26          General, in collaboration with the Department  
27          of Juvenile Justice, to establish minimum  
28          standards for juvenile sex offender day  
29          treatment and residential treatment programs  
30          funded pursuant to specified provisions;  
31          providing for implementation; amending s.

1 39.411, F.S.; requiring the Department of  
2 Children and Family Services to notify the  
3 school superintendent of any child who has a  
4 known history of predatory sexual behavior or  
5 who is an adjudicated juvenile sexual offender;  
6 providing that it is a second degree  
7 misdemeanor for a school district employee to  
8 disclose such information to an unauthorized  
9 person; providing penalties; amending s.  
10 490.012, F.S., relating to violations,  
11 penalties, and injunction; defining the offense  
12 of unlicensed practice of "juvenile sexual  
13 offender therapy" for compensation, and  
14 providing penalties therefor; providing for  
15 injunctive relief; 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; providing for  
22 qualifications for licensure under ch. 490,  
23 F.S., as a juvenile sexual offender therapist;  
24 amending s. 491.012, F.S.; defining the offense  
25 of unlawful use of the term "juvenile sexual  
26 offender therapist," and providing penalties  
27 therefor; defining the offense of unlicensed  
28 practice of "juvenile sexual offender therapy"  
29 for compensation, and providing penalties  
30 therefor; providing for injunctive relief;  
31 creating s. 491.0144, F.S.; providing for

1 qualifications for licensure of a juvenile  
2 sexual offender therapist under ch. 491, F.S.,  
3 relating to clinical, counseling, and  
4 psychotherapy services; creating s. 943.17291,  
5 F.S.; requiring the Criminal Justice Standards  
6 and Training Commission to incorporate certain  
7 instruction into certain law enforcement  
8 officer course curriculum; creating s.  
9 943.17295, F.S.; requiring the commission to  
10 incorporate certain subjects into certain law  
11 enforcement officer continuous employment or  
12 appointment curricula; providing effective  
13 dates.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Subsection (5) of section 39.045, Florida  
18 Statutes, 1996 Supplement, is amended to read:

19 39.045 Oaths; records; confidential information.--

20 (5)(a) Except as provided in subsections (3), (8),  
21 (9), and (10), and s. 943.053, all information obtained under  
22 this part in the discharge of official duty by any judge, any  
23 employee of the court, any authorized agent of the Department  
24 of Juvenile Justice, the Parole Commission, the Juvenile  
25 Justice Advisory Board, the Department of Corrections, the  
26 district juvenile justice boards, any law enforcement agent,  
27 or any licensed professional or licensed community agency  
28 representative participating in the assessment or treatment of  
29 a juvenile is confidential and may be disclosed only to the  
30 authorized personnel of the court, the Department of Juvenile  
31 Justice and its designees, the Department of Corrections, the

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

19 (b) The department shall disclose to the school  
20 superintendent the presence of any child in the care and  
21 custody of the department who has a known history of predatory  
22 sexual behavior or who is an adjudicated juvenile sexual  
23 offender, as defined in s. 415.50165. Any employee of a  
24 district school board who knowingly and willfully discloses  
25 such information to an unauthorized person commits a  
26 misdemeanor of the second degree, punishable as provided in s.  
27 775.082 or s. 775.083.

28 Section 2. Subsection (9) of section 39.0571, Florida  
29 Statutes, is amended, subsection (11) of said section is  
30 renumbered as subsection (15), and new subsections (11)  
31 through (14) are added to said section to read:

1           39.0571 Juvenile sexual offender commitment programs;  
2 sexual abuse intervention networks.--

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

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

13           (11) A county juvenile justice council or a district  
14 juvenile justice board as provided in s. 39.025, or a state  
15 attorney, may establish a sexual abuse intervention network  
16 for the purposes of identifying, investigating, prosecuting,  
17 treating, and preventing sexual abuse with special emphasis on  
18 juvenile 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, the Office of  
9 the Attorney General shall award grants to sexual abuse  
10 intervention networks applying for them. Such grants may be  
11 used for training, treatment, public awareness, and other  
12 specified community needs as identified by the network.  
13 Grants shall be awarded based on the applicant's level of  
14 local funding match, level of collaboration, number of  
15 juvenile sexual offenders, number of victims served, and need  
16 for services. The Office of the Attorney General, in  
17 collaboration with the Department of Juvenile Justice, shall  
18 establish minimum standards for residential and day treatment  
19 juvenile sexual offender programs funded under this  
20 subsection.

21           (15)~~(11)~~ The department is authorized to establish  
22 rules and other policy directives necessary to implement the  
23 provisions of this section.

24           Section 3. Subsection (4) of section 39.411, Florida  
25 Statutes, 1996 Supplement, is amended to read:

26           39.411 Oaths, records, and confidential information.--

27           (4)(a) All information obtained pursuant to this part  
28 in the discharge of official duty by any judge, employee of  
29 the court, authorized agent of the department, correctional  
30 probation officer, or law enforcement agent is ~~shall be~~  
31 confidential and exempt from ~~the provisions of~~ s. 119.07(1)

1 and may ~~shall~~ not be disclosed to anyone other than the  
2 authorized personnel of the court, the department and its  
3 designees, correctional probation officers, law enforcement  
4 agents, and others entitled under this chapter to receive that  
5 information, except upon order of the court.

6 (b) The department shall disclose to the school  
7 superintendent the presence of any child in the care and  
8 custody of the department who has a known history of predatory  
9 sexual behavior or who is an adjudicated juvenile sexual  
10 offender, as defined in s. 415.50165. Any employee of a  
11 district school board who knowingly and willfully discloses  
12 such information to an unauthorized person commits a  
13 misdemeanor of the second degree, punishable as provided in s.  
14 775.082 or s. 775.083.

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

19 490.012 Violations; penalties; injunction.--

20 (3) Beginning October 1, 1999, no person shall  
21 practice juvenile sexual offender therapy in this state, as  
22 the practice is defined in s. 490.0145, for compensation,  
23 unless the person holds an active license pursuant to this  
24 chapter and has met the requirements to practice juvenile  
25 sexual offender therapy or the person works for a program  
26 operated by or contracted to the Department of Juvenile  
27 Justice or the Department of Children and Family Services that  
28 has a professional licensed under s. 490.0145 or s. 491.0144  
29 managing or supervising the treatment services.

1           ~~(4)(3)~~ Any person who violates any provision of this  
2 section commits a misdemeanor of the first degree, punishable  
3 as provided in s. 775.082 or s. 775.083.

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

6           ~~(6)(5)~~ Beginning October 1, 1992, no person shall  
7 practice psychology in this state, as such practice is defined  
8 in s. 490.003(4), for compensation, unless such person holds  
9 an active valid license to practice psychology issued pursuant  
10 to this chapter. Nothing in this subsection shall be  
11 construed to limit the practice of school psychology, as such  
12 practice is defined in s. 490.003(6).

13           ~~(7)(6)~~ Beginning October 1, 1992, no person shall  
14 practice school psychology in this state, as such practice is  
15 defined in s. 490.003(6), for compensation, unless such person  
16 holds an active valid license to practice school psychology  
17 issued pursuant to this chapter.

18           Section 5. Section 490.0145, Florida Statutes, is  
19 created to read:

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



1           Section 6. Paragraph (d) of subsection (1) of section  
2 491.012, Florida Statutes, is amended and paragraph (1) is  
3 added to said 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, or  
8 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 in the category of psychiatric mental health and  
12 the use of such terms is within the scope of his practice  
13 based on education, training, and licensure.

14           (1) Beginning October 1, 1999, practice juvenile  
15 sexual offender therapy in this state, as the practice is  
16 defined in s. 491.0144, for compensation, unless the person  
17 holds an active license pursuant to this chapter, and has met  
18 the requirements to practice juvenile sexual offender therapy  
19 or the person works for a program operated by or contracted to  
20 the Department of Juvenile Justice or the Department of  
21 Children and Family Services that has a professional licensed  
22 under s. 490.0145 or s. 491.0144 managing or supervising the  
23 treatment services.

24           (3) Any person who violates any provision of  
25 subsection (1) or subsection (2) commits a misdemeanor of the  
26 first degree, punishable as provided in s. 775.082 or s.  
27 775.083.

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

30           Section 7. Section 491.0144, Florida Statutes, is  
31 created to read:

1           491.0144 The practice of juvenile sexual offender  
2 therapy.--Only a person licensed by this chapter who meets the  
3 qualifications set by the board may hold himself or herself  
4 out as a juvenile sexual offender therapist, except as  
5 provided in s. 490.0145. These qualifications shall be  
6 determined by the board. The board shall require training and  
7 coursework in the specific areas of juvenile sexual offender  
8 behaviors, treatments, and related issues. In establishing  
9 these qualifications, the board may refer to the sexual  
10 disorder and dysfunction sections of the most current edition  
11 of the Diagnostic and Statistical Manual of the American  
12 Psychiatric Association or other relevant publications.

13           Section 8. Section 943.17291, Florida Statutes, is  
14 created to read:

15           943.17291 Basic skills training in juvenile sexual  
16 offender investigation.--The commission shall incorporate  
17 juvenile sexual offender investigation instruction into the  
18 course curriculum required for a law enforcement officer to  
19 obtain initial certification.

20           Section 9. Section 943.17295, Florida Statutes, is  
21 created to read:

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

29           Section 10. Except as otherwise provided herein, this  
30 act shall take effect June 30, 1997.

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