

1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 14.33, F.S.; authorizing the Governor to award a Medal
4 of Heroism to juvenile detention and juvenile
5 probation officers; amending ss. 112.19 and 112.193,
6 F.S.; revising the definition of the term "law
7 enforcement, correctional, or correctional probation
8 officer" to include juvenile detention and juvenile
9 probation officers; amending s. 112.194, F.S.;
10 authorizing certain entities to establish an award
11 program to award a Medal of Valor to a juvenile
12 detention officer or probation officer in certain
13 circumstances; amending s. 787.035, F.S.; specifying
14 that a certain reference to the department is a
15 reference to the Department of Juvenile Justice;
16 amending s. 943.10, F.S.; revising the definition of
17 the term "officer" to include juvenile detention and
18 juvenile probation officers; defining the terms
19 "juvenile detention officer" and "juvenile probation
20 officer"; amending s. 984.03, F.S.; revising the
21 definition of the term "family in need of services";
22 amending s. 984.09, F.S.; providing that a child
23 subject to proceedings under ch. 984, F.S., may only
24 be placed in a shelter in certain circumstances;
25 reenacting s. 112.1912(1)(a), F.S., relating to first

26 responders, death benefits for educational expenses,
27 to incorporate the amendment made to s. 112.19, F.S.,
28 in a reference thereto; reenacting ss. 384.287(1),
29 493.6102(1), 741.31(4)(b), 782.07(4), and 790.233(3),
30 F.S., relating to screening for sexually transmissible
31 disease, inapplicability of this chapter, violation of
32 an injunction for protection against domestic
33 violence, manslaughter, aggravated manslaughter of an
34 elderly person or disabled adult, aggravated
35 manslaughter of a child, aggravated manslaughter of an
36 officer, a firefighter, an emergency medical
37 technician, or a paramedic, possession of firearm or
38 ammunition prohibited when person is subject to an
39 injunction against committing acts of domestic
40 violence, stalking, or cyberstalking, penalties, to
41 incorporate the amendment made to s. 943.10, F.S., in
42 references thereto; reenacting ss. 39.01(1) and
43 (37)(e), 44.1011(2)(d), 44.102(2)(d), 984.04(1),
44 984.071(1), 984.10(1) and (2), 984.12, 984.13(3), and
45 985.03(23), F.S., relating to definitions in
46 proceedings relating to children, definitions in
47 dependency mediation, court-ordered mediation, early
48 truancy intervention, families in need of services and
49 children in need of services, procedures and
50 jurisdiction, resources and information, intake, case

51 staffing, services and treatment related to a family
52 in need of services, taking a child into custody, and
53 definitions relating to juvenile justice,
54 respectively, to incorporate the amendment made to s.
55 984.03, F.S., in references thereto; reenacting ss.
56 984.03(33), 984.07(1), and 984.151(12), F.S., relating
57 to definitions relating to children and families in
58 need of services, right to counsel, waiver, appointed
59 counsel, compensation, and early truancy intervention,
60 truancy petition, judgment, respectively, to
61 incorporate the amendment made to s. 984.09, F.S., in
62 references thereto; providing an effective date.

63
64 Be It Enacted by the Legislature of the State of Florida:

65
66 **Section 1. Subsection (1) of section 14.33, Florida**
67 **Statutes, is amended to read:**

68 14.33 Medal of Heroism.—

69 (1) The Governor may award a Medal of Heroism of
70 appropriate design, with ribbons and appurtenances, to a law
71 enforcement, correctional, ~~or~~ correctional probation officer,
72 juvenile detention officer, or juvenile probation officer, as
73 defined in s. 943.10(14); a firefighter, as defined in s.
74 112.191(1)(b); an emergency medical technician, as defined in s.
75 401.23; or a paramedic, as defined in s. 401.23. A recipient

76 must have distinguished himself or herself conspicuously by
77 gallantry and intrepidity, must have risked his or her life
78 deliberately above and beyond the call of duty while performing
79 duty in his or her respective position, and must have engaged in
80 hazardous or perilous activities to preserve lives with the
81 knowledge that such activities might result in great personal
82 harm.

83 **Section 2. Section 112.19, Florida Statutes, is amended to**
84 **read:**

85 112.19 Law enforcement, correctional, and correctional
86 probation officers; death benefits.—

87 (1) As used in this section, the term:

88 (a) "Employer" means a state board, commission,
89 department, division, bureau, or agency, or a county,
90 municipality, or other political subdivision of the state, which
91 employs, appoints, or otherwise engages the services of law
92 enforcement, correctional, or correctional probation officers.

93 (b) "Fresh pursuit" means the pursuit of a person who has
94 committed or is reasonably suspected of having committed a
95 felony, misdemeanor, traffic infraction, or violation of a
96 county or municipal ordinance. The term does not imply instant
97 pursuit, but pursuit without unreasonable delay.

98 (c) "Insurance" means insurance procured from a stock
99 company or mutual company or association or exchange authorized
100 to do business as an insurer in this state.

(d) "Law enforcement, correctional, or correctional probation officer" means any officer as defined in s. 943.10(14) or employee of the state or any political subdivision of the state, including any law enforcement officer, correctional officer, correctional probation officer, juvenile detention officer, juvenile probation officer, state attorney investigator, public defender investigator, or criminal conflict and civil regional counsel investigator, whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; and the term includes any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices. The term also includes any full-time officer or employee of the state or any political subdivision of the state, certified pursuant to chapter 943, whose duties require such officer to serve process or to attend a session of a circuit or county court as bailiff.

(2)(a) The sum of \$75,000 must be paid as provided in this section when a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is accidentally killed or receives accidental bodily injury which results in the loss of the officer's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally

self-inflicted.

(b) The sum of \$75,000 must be paid as provided in this section if a law enforcement, correctional, or correctional probation officer is accidentally killed as specified in paragraph (a) and the accidental death occurs:

1. As a result of the officer's response to fresh pursuit;
2. As a result of the officer's response to what is reasonably believed to be an emergency;
3. At the scene of a traffic accident to which the officer has responded; or
4. While the officer is enforcing what is reasonably believed to be a traffic law or ordinance.

This sum is in addition to any sum provided for in paragraph (a).

(c) If a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act, the sum of \$225,000 must be paid as provided in this section.

(d) Such payments, pursuant to paragraphs (a), (b), and (c), whether secured by insurance or not, must be made to the beneficiary designated by such law enforcement, correctional, or correctional probation officer in writing, signed by the officer

151 and delivered to the employer during the officer's lifetime. If
152 no such designation is made, then the payments must be paid to
153 the officer's surviving child or children and to the officer's
154 surviving spouse in equal portions, and if there is no surviving
155 child or spouse, then to the officer's parent or parents. If a
156 beneficiary is not designated and there is no surviving child,
157 spouse, or parent, then the sum must be paid to the officer's
158 estate.

159 (e) Such payments, pursuant to paragraphs (a), (b), and
160 (c), are in addition to any workers' compensation or retirement
161 plan benefits and are exempt from the claims and demands of
162 creditors of such law enforcement, correctional, or correctional
163 probation officer.

164 (f) If a full-time law enforcement, correctional, or
165 correctional probation officer who is certified pursuant to
166 chapter 943 and employed by a state agency is killed in the line
167 of duty while the officer is engaged in the performance of law
168 enforcement duties or as a result of an assault against the
169 officer under riot conditions:

170 1. The sum of \$10,000 must be paid, as provided for in
171 paragraph (d), toward the funeral and burial expenses of such
172 officer. Such benefits are in addition to any other benefits to
173 which employee beneficiaries and dependents are entitled under
174 the Workers' Compensation Law or any other state or federal
175 statutes; and

176 2. The officer's employing agency may pay up to \$5,000
177 directly toward the venue expenses associated with the funeral
178 and burial services of such officer.

179 (g) Any political subdivision of the state that employs a
180 full-time law enforcement officer as defined in s. 943.10(1) or
181 a full-time correctional officer as defined in s. 943.10(2) who
182 is killed in the line of duty on or after July 1, 1993, as a
183 result of an act of violence inflicted by another person while
184 the officer is engaged in the performance of law enforcement
185 duties or as a result of an assault against the officer under
186 riot conditions shall pay the entire premium of the political
187 subdivision's health insurance plan for the employee's surviving
188 spouse until remarried, and for each dependent child of the
189 employee until the child reaches the age of majority or until
190 the end of the calendar year in which the child reaches the age
191 of 25 if:

192 1. At the time of the employee's death, the child is
193 dependent upon the employee for support; and

194 2. The surviving child continues to be dependent for
195 support, or the surviving child is a full-time or part-time
196 student and is dependent for support.

197 (h)1. Any employer who employs a full-time law
198 enforcement, correctional, or correctional probation officer
199 who, on or after January 1, 1995, suffers a catastrophic injury,
200 as defined in s. 440.02, Florida Statutes 2002, in the line of

duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph.

However:

a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b.,

226 a law enforcement, correctional, or correctional probation
227 officer or other beneficiary who receives or seeks to receive
228 health insurance benefits under this paragraph shall forfeit the
229 right to receive such health insurance benefits, and shall
230 reimburse the employer for all benefits paid due to the fraud or
231 other prohibited activity. For purposes of this sub-
232 subparagraph, the term "conviction" means a determination of
233 guilt that is the result of a plea or trial, regardless of
234 whether adjudication is withheld.

235 2. In order for the officer, spouse, and dependent
236 children to be eligible for such insurance coverage, the injury
237 must have occurred while the officer was in the line of duty or
238 engaged in an official training exercise. Except as otherwise
239 provided herein, this paragraph may not be construed to limit
240 health insurance coverage for which the officer, spouse, or
241 dependent children may otherwise be eligible, except that a
242 person who qualifies under this section is not eligible for the
243 health insurance subsidy provided under chapter 121, chapter
244 175, or chapter 185.

245 (i) The Bureau of Crime Prevention and Training within the
246 Department of Legal Affairs shall adopt rules necessary to
247 implement paragraphs (a), (b), and (c).

248 (3) If a law enforcement, correctional, or correctional
249 probation officer is accidentally killed as specified in
250 paragraph (2)(b) on or after June 22, 1990, but before July 1,

2019, or unlawfully and intentionally killed as specified in paragraph (2)(c) on or after July 1, 1980, but before July 1, 2019, the state must waive certain educational expenses that the child or spouse of the deceased officer incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state must be in an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or spouse may attend a state career center, a Florida College System institution, or a state university on either a full-time or part-time basis. The benefits provided to a child under this subsection shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death.

(a) Upon failure of any child or spouse who receives a waiver in accordance with this subsection to comply with the ordinary and minimum requirements regarding discipline and scholarship of the institution attended, such benefits must be withdrawn as to the child or spouse and no further moneys may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.

(b) Only a student in good standing in his or her respective institution may receive the benefits provided in this subsection.

276 (c) A child or spouse receiving benefits under this
277 subsection must be enrolled according to the customary rules and
278 requirements of the institution attended.

279 (4) (a) The employer of such law enforcement, correctional,
280 or correctional probation officer is liable for the payment of
281 the sums specified in this section and is deemed self-insured,
282 unless it procures and maintains, or has already procured and
283 maintained, insurance to secure such payments. Any such
284 insurance may cover only the risks indicated in this section, in
285 the amounts indicated in this section, or it may cover those
286 risks and additional risks and may be in larger amounts. Any
287 such insurance must be placed by such employer only after public
288 bid of such insurance coverage which must be awarded to the
289 carrier making the lowest best bid.

290 (b) Payment of benefits to beneficiaries of state
291 employees, or of the premiums to cover the risk, under this
292 section must be paid from existing funds otherwise appropriated
293 to the department employing the law enforcement, correctional,
294 or correctional probation officers.

295 (5) The State Board of Education shall adopt rules and
296 procedures, and the Board of Governors shall adopt regulations
297 and procedures, as are appropriate and necessary to implement
298 the educational benefits provisions of this section.

299 (6) Notwithstanding any provision of this section to the
300 contrary, the death benefits provided in paragraphs (2) (c) and

(g) shall also be applicable and paid in cases where an officer received bodily injury before July 1, 1993, and subsequently died on or after July 1, 1993, as a result of such in-line-of-duty injury attributable to an unlawful and intentional act, or an act of violence inflicted by another, or an assault on the officer under riot conditions. Payment of such benefits must be in accordance with this section. This subsection may not be construed to limit death benefits for which those individuals listed in paragraph (2)(d) may otherwise be eligible.

Section 3. Paragraph (b) of subsection (1) and subsections (2) and (3) of section 112.193, Florida Statutes, are amended to read:

112.193 Law enforcement, correctional, ~~and~~ correctional probation, juvenile detention, and juvenile probation officers' commemorative service awards.—

(1) For the purposes of this section, the term:

(b) "Law enforcement, correctional, ~~or~~ correctional probation, juvenile detention, or juvenile probation officer" means any full-time, part-time, or auxiliary officer as defined in s. 943.10(14).

(2) Each employer that employs or appoints law enforcement, correctional, ~~or~~ correctional probation, juvenile detention, or juvenile probation officers may present to each such employee who retires under any provision of a state or municipal retirement system, including medical disability

326 retirement, or who is eligible to retire under any such
327 provision but, instead, resigns from one employer to accept an
328 elected public office, one complete uniform including the badge
329 worn by that officer, the officer's service handgun, if one was
330 issued as part of the officer's equipment, and an identification
331 card clearly marked "RETIRED."

332 (3) Upon the death of a law enforcement, correctional, ~~or~~
333 correctional probation, juvenile detention, or juvenile
334 probation officer, the employer may present to the spouse or
335 other beneficiary of the officer, upon request, one complete
336 uniform, including the badge worn by the officer. However, if a
337 law enforcement, correctional, ~~or~~ correctional probation,
338 juvenile detention, or juvenile probation officer is killed in
339 the line of duty, the employer may present, upon request, to the
340 spouse or other beneficiary of the officer the officer's
341 service-issued handgun, if one was issued as part of the
342 officer's equipment. If the employer is not in possession of the
343 service-issued handgun, the employer may, within its discretion,
344 and upon written request of the spouse or other beneficiary,
345 present a similar handgun. The provisions of this section shall
346 also apply in that instance to a law enforcement or correctional
347 officer who died before May 1, 1993. In addition, the officer's
348 service handgun may be presented by the employer for any such
349 officer who was killed in the line of duty prior to this act
350 becoming a law.

351 **Section 4. Subsections (1) and (3) of section 112.194,**
352 **Florida Statutes, are amended to read:**

353 112.194 Law enforcement ~~and~~ correctional, juvenile
354 detention, and juvenile probation officers' Medal of Valor.—

355 (1) Any state board, commission, department, division,
356 bureau, or agency, or any county or municipality that employs or
357 appoints law enforcement officers, ~~or~~ correctional officers,
358 juvenile detention officers, or juvenile probation officers, as
359 defined in s. 943.10(14), may establish an award program to
360 award a Medal of Valor to any such officer whose actions are
361 extraordinary and expose the officer to peril beyond the call of
362 duty.

363 (3) Upon the death of such a law enforcement officer ~~or~~
364 correctional officer, juvenile detention officer, or juvenile
365 probation officer, the employer may present the Medal of Valor
366 posthumously to the officer's closest living relative.

367 **Section 5. Paragraph (a) of subsection (1) of section**
368 **787.035, Florida Statutes, is amended to read:**

369 787.035 Sheltering unmarried minors; aiding unmarried
370 minor runaways; violations.—

371 (1)(a) A person who is not an authorized agent of the
372 Department of Juvenile Justice or the Department of Children and
373 Families may not knowingly shelter an unmarried minor for more
374 than 24 hours without the consent of the minor's parent or
375 guardian or without notifying a law enforcement officer of the

minor's name and the fact that the minor is being provided shelter.

Section 6. Subsection (14) of section 943.10, Florida Statutes, is amended, and new subsections (23) and (24) are added to that section, to read:

943.10 Definitions; ss. 943.085-943.255.—The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(14) "Officer" means any person employed or appointed as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, ~~or~~ correctional probation officer, juvenile detention officer, or juvenile probation officer.

(23) "Juvenile detention officer" means an officer who is responsible for the direct supervision of youth who are held in secure detention. The term includes all certified supervisor personnel whose duties include, in whole or in part, the supervision, training, and guidance of juvenile detention officers, but does not include support personnel employed by the employing agency.

(24) "Juvenile probation officer" means an authorized agent of the Department of Juvenile Justice who performs the intake, case management, or supervision functions. The term includes all certified supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of juvenile probation officers, but does not include

401 support personnel employed by the employing agency.

402 **Section 7. Subsection (15) of section 984.03, Florida**
403 **Statutes, is amended to read:**

404 984.03 Definitions.—When used in this chapter, the term:

405 (15) "Family in need of services" means a family that has
406 a child who is running away; who is ungovernable and
407 persistently disobeying reasonable and lawful demands of the
408 parent, ~~or~~ legal guardian, or custodian and is beyond the
409 control of the parent, ~~or~~ legal guardian, or custodian; or who
410 is a habitual truant or engaging in other serious behaviors that
411 place the child at risk of future abuse, neglect, or abandonment
412 or at risk of entering the juvenile justice system. The child
413 must be referred to a law enforcement agency, the department, or
414 an agency contracted to provide services to children in need of
415 services. A family is not eligible to receive voluntary family
416 services if, at the time of the referral, the child is currently
417 under court-ordered supervision by the department for
418 delinquency under chapter 985 or under court-ordered supervision
419 by the Department of Children and Families under chapter 39.

420 **Section 8. Subsection (2) of section 984.09, Florida**
421 **Statutes, is amended to read:**

422 984.09 Punishment for contempt of court; alternative
423 sanctions.—

424 (2) PLACEMENT IN A SHELTER.—A child subject to proceedings
425 under this chapter ~~adjudicated as a child in need of services~~

may only be placed in a shelter for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

Section 9. For the purpose of incorporating the amendment made by this act to section 112.19, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 112.1912, Florida Statutes, is reenacted to read:

112.1912 First responders; death benefits for educational expenses.—

(1) As used in this section, the term "first responder" means:

(a) A law enforcement, correctional, or correctional probation officer as defined in s. 112.19(1) who is killed as provided in s. 112.19(2) on or after July 1, 2019;

Section 10. For the purpose of incorporating the amendment made by this act to section 943.10, Florida Statutes, in a reference thereto, subsection (1) of section 384.287, Florida Statutes, is reenacted to read:

384.287 Screening for sexually transmissible disease.—

(1) An officer as defined in s. 943.10(14); support personnel as defined in s. 943.10(11) who are employed by the Department of Law Enforcement, including, but not limited to, any crime scene analyst, forensic technologist, or crime lab analyst; firefighter as defined in s. 633.102; or ambulance

451 driver, paramedic, or emergency medical technician as defined in
452 s. 401.23, acting within the scope of employment, who comes into
453 contact with a person in such a way that significant exposure,
454 as defined in s. 381.004, has occurred may request that the
455 person be screened for a sexually transmissible disease that can
456 be transmitted through a significant exposure.

457 **Section 11. For the purpose of incorporating the amendment**
458 **made by this act to section 943.10, Florida Statutes, in a**
459 **reference thereto, subsection (1) of section 493.6102, Florida**
460 **Statutes, is reenacted to read:**

461 493.6102 Inapplicability of this chapter.—This chapter
462 shall not apply to:

463 (1) Any individual who is an "officer" as defined in s.
464 943.10(14) or is a law enforcement officer of the United States
465 Government, while such local, state, or federal officer is
466 engaged in her or his official duties or when performing off-
467 duty security activities approved by her or his superiors.

468 **Section 12. For the purpose of incorporating the amendment**
469 **made by this act to section 943.10, Florida Statutes, in a**
470 **reference thereto, paragraph (b) of subsection (4) of section**
471 **741.31, Florida Statutes, is reenacted to read:**

472 741.31 Violation of an injunction for protection against
473 domestic violence.—

474 (4)

475 (b)1. It is a violation of s. 790.233, and a misdemeanor

of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.

2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

Section 13. For the purpose of incorporating the amendment made by this act to section 943.10, Florida Statutes, in a reference thereto, subsection (4) of section 782.07, Florida Statutes, is reenacted to read:

782.07 Manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.—

(4) A person who causes the death, through culpable negligence, of an officer as defined in s. 943.10(14), a firefighter as defined in s. 112.191, an emergency medical technician as defined in s. 401.23, or a paramedic as defined in s. 401.23, while the officer, firefighter, emergency medical

501 technician, or paramedic is performing duties that are within
502 the course of his or her employment, commits aggravated
503 manslaughter of an officer, a firefighter, an emergency medical
504 technician, or a paramedic, a felony of the first degree,
505 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

506 **Section 14. For the purpose of incorporating the amendment**
507 **made by this act to section 943.10, Florida Statutes, in a**
508 **reference thereto, subsection (3) of section 790.233, Florida**
509 **Statutes, is reenacted to read:**

510 790.233 Possession of firearm or ammunition prohibited
511 when person is subject to an injunction against committing acts
512 of domestic violence, stalking, or cyberstalking; penalties.—

513 (3) It is the intent of the Legislature that the
514 disabilities regarding possession of firearms and ammunition are
515 consistent with federal law. Accordingly, this section does not
516 apply to a state or local officer as defined in s. 943.10(14),
517 holding an active certification, who receives or possesses a
518 firearm or ammunition for use in performing official duties on
519 behalf of the officer's employing agency, unless otherwise
520 prohibited by the employing agency.

521 **Section 15. For the purpose of incorporating the amendment**
522 **made by this act to section 984.03, Florida Statutes, in**
523 **references thereto, subsection (1) and paragraph (e) of**
524 **subsection (37) of section 39.01, Florida Statutes, are**
525 **reenacted to read:**

526 39.01 Definitions.—When used in this chapter, unless the
527 context otherwise requires:

528 (1) "Abandoned" or "abandonment" means a situation in
529 which the parent or legal custodian of a child or, in the
530 absence of a parent or legal custodian, the caregiver, while
531 being able, has made no significant contribution to the child's
532 care and maintenance or has failed to establish or maintain a
533 substantial and positive relationship with the child, or both.
534 For purposes of this subsection, "establish or maintain a
535 substantial and positive relationship" includes, but is not
536 limited to, frequent and regular contact with the child through
537 frequent and regular visitation or frequent and regular
538 communication to or with the child, and the exercise of parental
539 rights and responsibilities. Marginal efforts and incidental or
540 token visits or communications are not sufficient to establish
541 or maintain a substantial and positive relationship with a
542 child. A man's acknowledgment of paternity of the child does not
543 limit the period of time considered in determining whether the
544 child was abandoned. The term does not include a surrendered
545 infant as described in s. 383.50, a "child in need of services"
546 as defined in chapter 984, or a "family in need of services" as
547 defined in chapter 984. The absence of a parent, legal
548 custodian, or caregiver responsible for a child's welfare, who
549 is a servicemember, by reason of deployment or anticipated
550 deployment as defined in 50 U.S.C. s. 3938(e), may not be

551 considered or used as a factor in determining abandonment. The
552 incarceration, repeated incarceration, or extended incarceration
553 of a parent, legal custodian, or caregiver responsible for a
554 child's welfare may support a finding of abandonment.

555 (37) "Harm" to a child's health or welfare can occur when
556 any person:

557 (e) Abandons the child. Within the context of the
558 definition of "harm," the term "abandoned the child" or
559 "abandonment of the child" means a situation in which the parent
560 or legal custodian of a child or, in the absence of a parent or
561 legal custodian, the caregiver, while being able, has made no
562 significant contribution to the child's care and maintenance or
563 has failed to establish or maintain a substantial and positive
564 relationship with the child, or both. For purposes of this
565 paragraph, "establish or maintain a substantial and positive
566 relationship" includes, but is not limited to, frequent and
567 regular contact with the child through frequent and regular
568 visitation or frequent and regular communication to or with the
569 child, and the exercise of parental rights and responsibilities.
570 Marginal efforts and incidental or token visits or
571 communications are not sufficient to establish or maintain a
572 substantial and positive relationship with a child. The term
573 "abandoned" does not include a surrendered infant as described
574 in s. 383.50, a child in need of services as defined in chapter
575 984, or a family in need of services as defined in chapter 984.

576 The incarceration, repeated incarceration, or extended
577 incarceration of a parent, legal custodian, or caregiver
578 responsible for a child's welfare may support a finding of
579 abandonment.

580 **Section 16. For the purpose of incorporating the amendment**
581 **made by this act to section 984.03, Florida Statutes, in a**
582 **reference thereto, paragraph (d) of subsection (2) of section**
583 **44.1011, Florida Statutes, is reenacted to read:**

584 44.1011 Definitions.—As used in this chapter:

585 (2) "Mediation" means a process whereby a neutral third
586 person called a mediator acts to encourage and facilitate the
587 resolution of a dispute between two or more parties. It is an
588 informal and nonadversarial process with the objective of
589 helping the disputing parties reach a mutually acceptable and
590 voluntary agreement. In mediation, decisionmaking authority
591 rests with the parties. The role of the mediator includes, but
592 is not limited to, assisting the parties in identifying issues,
593 fostering joint problem solving, and exploring settlement
594 alternatives. "Mediation" includes:

595 (d) "Dependency or in need of services mediation," which
596 means mediation of dependency, child in need of services, or
597 family in need of services matters. Negotiations in dependency
598 or in need of services mediation are primarily conducted by the
599 parties. Counsel for each party may attend the mediation
600 conference and privately communicate with their clients.

601 However, presence of counsel is not required and, in the
602 discretion of the mediator and with the agreement of the
603 parties, mediation may proceed in the absence of counsel unless
604 otherwise ordered by the court.

605 **Section 17. For the purpose of incorporating the amendment**
606 **made by this act to section 984.03, Florida Statutes, in a**
607 **reference thereto, paragraph (d) of subsection (2) of section**
608 **44.102, Florida Statutes, is reenacted to read:**

609 44.102 Court-ordered mediation.—

610 (2) A court, under rules adopted by the Supreme Court:

611 (d) In circuits in which a dependency or in need of
612 services mediation program has been established, may refer to
613 mediation all or any portion of a matter relating to dependency
614 or to a child in need of services or a family in need of
615 services.

616 **Section 18. For the purpose of incorporating the amendment**
617 **made by this act to section 984.03, Florida Statutes, in a**
618 **reference thereto, subsection (1) of section 984.04, Florida**
619 **Statutes, is reenacted to read:**

620 984.04 Early truancy intervention; families in need of
621 services and children in need of services; procedures and
622 jurisdiction.—

623 (1) The department shall be responsible for all
624 nonjudicial proceedings involving voluntary family services for
625 a family identified as a family in need of services according to

rules established by the department under chapter 120.

Section 19. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in a reference thereto, subsection (1) of section 984.071, Florida Statutes, is reenacted to read:

984.071 Resources and information.—

(1) The department shall develop and publish an information guide that explains the current process under this chapter for obtaining assistance for a child in need of services or a family in need of services and the community services and resources available to parents. The information guide shall be published in a written format for distribution and shall also be published on the department's website. Each information guide shall be reviewed annually and updated as appropriate. The school district shall distribute this information guide to parents of truant children, and to other parents upon request or as deemed appropriate by the school district. In addition, the department shall distribute the information guide to state and local law enforcement agencies. Any law enforcement officer who has contact with the parent of a child who is locked out of the home, who is ungovernable, or who runs away from home shall make the information guide available to the parent.

Section 20. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in references thereto, subsections (1) and (2) of section 984.10,

651 **Florida Statutes, are reenacted to read:**

652 984.10 Intake.—

653 (1) Intake shall be performed by the department or the
654 department's authorized agent. A report alleging that a child is
655 from a family in need of services shall be made to the intake
656 office operating in the county in which the child is found or in
657 which the case arose. Any person or agency, including, but not
658 limited to, the parent, legal guardian, or custodian, the local
659 school district, a law enforcement agency, or the Department of
660 Children and Families, having knowledge of the facts may make a
661 report.

662 (2) A representative of the department shall make a
663 preliminary determination as to whether the report is complete.
664 The criteria for the completeness of a report with respect to a
665 child alleged to be from a family in need of services while
666 subject to compulsory school attendance shall be governed by s.
667 984.03. In any case in which the representative of the
668 department finds that the report is incomplete, the
669 representative of the department shall return the report without
670 delay to the person or agency originating the report or having
671 knowledge of the facts or to the appropriate law enforcement
672 agency having investigative jurisdiction and request additional
673 information in order to complete the report.

674 **Section 21. For the purpose of incorporating the amendment**
675 **made by this act to section 984.03, Florida Statutes, in a**

676 **reference thereto, section 984.12, Florida Statutes, is**
677 **reenacted to read:**

678 984.12 Case staffing; services and treatment related to a
679 family in need of services.—

680 (1) The appropriate representative of the department shall
681 request a meeting of the family and child with a case staffing
682 committee to review the case of any family or child who the
683 department determines is in need of services if:

684 (a) The family or child is not in agreement with the
685 services or treatment offered;

686 (b) The family or child will not participate in the
687 services or treatment selected; or

688 (c) The representative of the department needs assistance
689 in developing an appropriate plan for services. The time and
690 place selected for the meeting shall be convenient for the child
691 and family.

692 (2) The composition of the case staffing committee shall
693 be based on the needs of the family and child. It shall include
694 a representative from the child's school district and a
695 representative of the department, and may include the
696 department's authorized agent and a supervisor of the
697 department's contracted provider; a representative from the area
698 of health, mental health, substance abuse, or social services; a
699 representative of the state attorney; a representative of law
700 enforcement; and any person recommended by the child, family, or

701 department. The child and the child's parent, legal guardian, or
702 custodian must be invited to attend the committee meeting.

703 (3) The case staffing committee shall:

704 (a) Identify the family's concerns and contributing
705 factors.

706 (b) Request the family and child to identify their needs
707 and concerns.

708 (c) Seek input from the school district and any other
709 persons in attendance with knowledge of the family or child's
710 situation and concerns.

711 (d) Consider the voluntary family services or other
712 community services that have been offered and the results of
713 those services.

714 (e) Identify whether truancy is a concern and evaluate
715 compliance with the remedial strategies provided pursuant to s.
716 1003.26.

717 (f) Reach a timely decision to provide the child or family
718 with services and recommend any appropriate treatment through
719 the development of a plan for services.

720 (4) The plan for services shall contain the following:

721 (a) Statement of the concerns.

722 (b) Needs of the child.

723 (c) Needs of the parents, legal guardian, or custodian.

724 (d) Measurable objectives that address the identified
725 problems and needs.

(e) Services and treatment to be provided, to include:

1. Type of services or treatment.
2. Frequency of services or treatment.
3. Location.
4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

(5) Upon receipt of the plan, the child and family shall acknowledge their position by accepting or rejecting the services and provisions in writing. If the plan is accepted, it shall be implemented as soon as is practicable.

(6) The assigned case manager shall have responsibility for implementing the plan. The department's authorized agent shall periodically review the progress towards achieving the objectives of the plan in order to:

(a) Advise the case staffing committee of the need to make adjustments to the plan;

(b) Recommend a child in need of services petition be filed by the department; or

(c) Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(7) The parent, legal guardian, or custodian may convene a meeting of the case staffing committee. A case staffing committee meeting requested by a parent, guardian, or legal custodian must be convened within 7 days, excluding weekends and legal holidays, after the date the department's representative

receives the request in writing.

(8) Any other member of the committee may convene a meeting if voluntary family services have been offered and the services have been rejected by the child or family, or the child has not made measurable progress toward achieving the service plan goals, and the member finds that doing so is in the best interest of the family or child.

(9) A case staffing committee meeting must be convened within 30 days after the date the case is referred by the court pursuant to s. 984.151.

(10) Within 7 days after meeting, the case staffing committee shall provide the parent, legal guardian, or custodian with a written report that details the reasons for the committee's decision to recommend, or decline to recommend, that the department file a petition alleging that the child is a child in need of services.

(11) The case staffing committee may reconvene from time to time as may be necessary to make adjustments to the plan.

Section 22. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in a reference thereto, subsection (3) of section 984.13, Florida Statutes, is reenacted to read:

984.13 Taking a child into custody.—

(3) If the child is taken into custody and is delivered to a shelter, the department's authorized agent shall review the

776 facts and make such further inquiry as necessary to determine
777 whether the child shall remain in shelter, receive voluntary
778 family services that would allow the child alleged to be from a
779 family in need of services to remain at home, or be released.

780 **Section 23. For the purpose of incorporating the amendment**
781 **made by this act to section 984.03, Florida Statutes, in a**
782 **reference thereto, subsection (23) of section 985.03, Florida**
783 **Statutes, is reenacted to read:**

784 985.03 Definitions.—As used in this chapter, the term:

785 (23) "Family in need of services" has the same meaning as
786 provided in s. 984.03.

787 **Section 24. For the purpose of incorporating the amendment**
788 **made by this act to section 984.09, Florida Statutes, in a**
789 **reference thereto, subsection (33) of section 984.03, Florida**
790 **Statutes, is reenacted to read:**

791 984.03 Definitions.—When used in this chapter, the term:

792 (33) "Shelter" means a department-approved shelter
793 facility for the temporary care of runaway children; for
794 children placed for voluntary shelter respite upon request of
795 the child or the child's parent, legal guardian, or custodian;
796 or for placement of a child who has been adjudicated a child in
797 need of services or who has been found in contempt of court
798 under s. 984.09. Shelters must provide 24-hour continual
799 supervision. A shelter must be licensed by the Department of
800 Children and Families as a licensed child-caring agency.

801 **Section 25. For the purpose of incorporating the amendment**
802 **made by this act to section 984.09, Florida Statutes, in a**
803 **reference thereto, subsection (1) of section 984.07, Florida**
804 **Statutes, is reenacted to read:**

805 984.07 Right to counsel; waiver; appointed counsel;
806 compensation.—

807 (1) When a petition is filed alleging that a child is a
808 child in need of services or if the child is subject to contempt
809 proceedings under s. 984.09, the child must be represented by
810 counsel at each court appearance. The court must appoint counsel
811 unless the child is not indigent and has counsel present to
812 represent the child or the record in that proceeding
813 affirmatively demonstrates by clear and convincing evidence that
814 the child knowingly and intelligently waived the right to
815 counsel after being fully advised by the court of the nature of
816 the proceedings and the dispositional alternatives available to
817 the court. If the child waives counsel at any proceeding, the
818 court shall advise the child with respect to the right to
819 counsel at every subsequent hearing.

820 **Section 26. For the purpose of incorporating the amendment**
821 **made by this act to section 984.09, Florida Statutes, in a**
822 **reference thereto, subsection (12) of section 984.151, Florida**
823 **Statutes, is reenacted to read:**

824 984.151 Early truancy intervention; truancy petition;
825 judgment.—

CS/HB 1153

2026

826 (12) The court may not order a child placed in shelter
827 pursuant to this section unless the court has found the child to
828 be in contempt for violation of a court order under s. 984.09.

829 **Section 27.** This act shall take effect upon becoming a
830 law.