

By Senator Martin

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30 790.233(3), F.S., relating to screening for sexually
31 transmissible disease, inapplicability of ch. 493,
32 F.S., violation of an injunction for protection
33 against domestic violence, manslaughter, aggravated
34 manslaughter of an elderly person or disabled adult,
35 aggravated manslaughter of a child, aggravated
36 manslaughter of an officer, a firefighter, an
37 emergency medical technician, or a paramedic, and
38 possession of firearm or ammunition prohibited when
39 person is subject to an injunction against committing
40 acts of domestic violence, stalking, or cyberstalking,
41 and penalties, to incorporate the amendment made to s.
42 943.10, F.S., in references thereto; reenacting ss.
43 39.01(1) and (37)(e), 44.1011(2)(d), 44.102(2)(d),
44 984.04(1), 984.071(1), 984.10(1) and (2), 984.12,
45 984.13(3), and 985.03(23), F.S., relating to
46 definitions in proceedings relating to children,
47 definitions in dependency mediation, court-ordered
48 mediation, early truancy intervention, families in
49 need of services and children in need of services,
50 procedures and jurisdiction, resources and
51 information, intake, case staffing, services and
52 treatment related to a family in need of services,
53 taking a child into custody, and definitions relating
54 to juvenile justice, respectively, to incorporate the
55 amendment made to s. 984.03, F.S., in references
56 thereto; reenacting ss. 984.03(33), 984.07(1), and
57 984.151(12), F.S., relating to definitions relating to
58 children and families in need of services, right to

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59 counsel, waiver, appointed counsel, compensation, and
60 early truancy intervention, truancy petition, and
61 judgment, respectively, to incorporate the amendment
62 made to s. 984.09, F.S., in references thereto;
63 providing an effective date.

64

65 Be It Enacted by the Legislature of the State of Florida:

66

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

69 14.33 Medal of Heroism.—

70 (1) The Governor may award a Medal of Heroism of
71 appropriate design, with ribbons and appurtenances, to a law
72 enforcement, correctional, or correctional probation officer,
73 juvenile detention officer, or juvenile probation officer, as
74 defined in s. 943.10(14); a firefighter, as defined in s.
75 112.191(1)(b); an emergency medical technician, as defined in s.
76 401.23; or a paramedic, as defined in s. 401.23. A recipient
77 must have distinguished himself or herself conspicuously by
78 gallantry and intrepidity, must have risked his or her life
79 deliberately above and beyond the call of duty while performing
80 duty in his or her respective position, and must have engaged in
81 hazardous or perilous activities to preserve lives with the
82 knowledge that such activities might result in great personal
83 harm.

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

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

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

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

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

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

102 (d) "Law enforcement, correctional, or correctional
103 probation officer" means any officer as defined in s. 943.10(14)
104 or employee of the state or any political subdivision of the
105 state, including any law enforcement officer, correctional
106 officer, correctional probation officer, juvenile detention
107 officer, juvenile probation officer, state attorney
108 investigator, public defender investigator, or criminal conflict
109 and civil regional counsel investigator, whose duties require
110 such officer or employee to investigate, pursue, apprehend,
111 arrest, transport, or maintain custody of persons who are
112 charged with, suspected of committing, or convicted of a crime;
113 and the term includes any member of a bomb disposal unit whose
114 primary responsibility is the location, handling, and disposal
115 of explosive devices. The term also includes any full-time
116 officer or employee of the state or any political subdivision of

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117 the state, certified pursuant to chapter 943, whose duties
118 require such officer to serve process or to attend a session of
119 a circuit or county court as bailiff.

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

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

132 1. As a result of the officer's response to fresh pursuit;
133 2. As a result of the officer's response to what is
134 reasonably believed to be an emergency;

135 3. At the scene of a traffic accident to which the officer
136 has responded; or

137 4. While the officer is enforcing what is reasonably
138 believed to be a traffic law or ordinance.

139
140 This sum is in addition to any sum provided for in paragraph
141 (a).

142 (c) If a law enforcement, correctional, or correctional
143 probation officer, while engaged in the performance of the
144 officer's law enforcement duties, is unlawfully and
145 intentionally killed or dies as a result of such unlawful and

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146 intentional act, the sum of \$225,000 must be paid as provided in
147 this section.

148 (d) Such payments, pursuant to paragraphs (a), (b), and
149 (c), whether secured by insurance or not, must be made to the
150 beneficiary designated by such law enforcement, correctional, or
151 correctional probation officer in writing, signed by the officer
152 and delivered to the employer during the officer's lifetime. If
153 no such designation is made, then the payments must be paid to
154 the officer's surviving child or children and to the officer's
155 surviving spouse in equal portions, and if there is no surviving
156 child or spouse, then to the officer's parent or parents. If a
157 beneficiary is not designated and there is no surviving child,
158 spouse, or parent, then the sum must be paid to the officer's
159 estate.

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

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

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

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175 the Workers' Compensation Law or any other state or federal
176 statutes; and

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

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

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

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

198 (h)1. Any employer who employs a full-time law enforcement,
199 correctional, or correctional probation officer who, on or after
200 January 1, 1995, suffers a catastrophic injury, as defined in s.
201 440.02, Florida Statutes 2002, in the line of duty shall pay the
202 entire premium of the employer's health insurance plan for the
203 injured employee, the injured employee's spouse, and for each

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204 dependent child of the injured employee until the child reaches
205 the age of majority or until the end of the calendar year in
206 which the child reaches the age of 25 if the child continues to
207 be dependent for support, or the child is a full-time or part-
208 time student and is dependent for support. The term "health
209 insurance plan" does not include supplemental benefits that are
210 not part of the basic group health insurance plan. If the
211 injured employee subsequently dies, the employer shall continue
212 to pay the entire health insurance premium for the surviving
213 spouse until remarried, and for the dependent children, under
214 the conditions outlined in this paragraph. However:

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

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

224 c. In addition to any applicable criminal penalty, upon
225 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

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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 children
236 to be eligible for such insurance coverage, the injury must have
237 occurred while the officer was in the line of duty or engaged in
238 an official training exercise. Except as otherwise provided
239 herein, this paragraph may not be construed to limit health
240 insurance coverage for which the officer, spouse, or dependent
241 children may otherwise be eligible, except that a person who
242 qualifies under this section is not eligible for the health
243 insurance subsidy provided under chapter 121, chapter 175, or
244 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,
251 2019, or unlawfully and intentionally killed as specified in
252 paragraph (2)(c) on or after July 1, 1980, but before July 1,
253 2019, the state must waive certain educational expenses that the
254 child or spouse of the deceased officer incurs while obtaining a
255 career certificate, an undergraduate education, or a
256 postgraduate education. The amount waived by the state must be
257 in an amount equal to the cost of tuition and matriculation and
258 registration fees for a total of 120 credit hours. The child or
259 spouse may attend a state career center, a Florida College
260 System institution, or a state university on either a full-time
261 or part-time basis. The benefits provided to a child under this

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262 subsection shall continue until the child's 25th birthday. The
263 benefits provided to a spouse under this subsection must
264 commence within 5 years after the death occurs, and entitlement
265 thereto shall continue until the 10th anniversary of that death.

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

273 (b) Only a student in good standing in his or her
274 respective institution may receive the benefits provided in this
275 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

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

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

313 112.193 Law enforcement, correctional, and correctional
314 probation, juvenile detention, and juvenile probation officers'
315 commemorative service awards.—

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

317 (b) "Law enforcement, correctional, or correctional
318 probation, juvenile detention, or juvenile probation officer"
319 means any full-time, part-time, or auxiliary officer as defined

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320 in s. 943.10(14).

321 (2) Each employer that employs or appoints law enforcement,
322 correctional, ~~or~~ correctional probation, juvenile detention, or
323 juvenile probation officers may present to each such employee
324 who retires under any provision of a state or municipal
325 retirement system, including medical disability retirement, or
326 who is eligible to retire under any such provision but, instead,
327 resigns from one employer to accept an elected public office,
328 one complete uniform including the badge worn by that officer,
329 the officer's service handgun, if one was issued as part of the
330 officer's equipment, and an identification card clearly marked
331 "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

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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 minor
370 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
376 minor's name and the fact that the minor is being provided
377 shelter.

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

381 943.10 Definitions; ss. 943.085-943.255.—The following
382 words and phrases as used in ss. 943.085-943.255 are defined as
383 follows:

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

388 (23) "Juvenile detention officer" means an officer who is
389 responsible for the direct supervision of youth who are held in
390 secure detention.

391 (24) "Juvenile probation officer" means an authorized agent
392 of the Department of Juvenile Justice who performs the intake,
393 case management, or supervision functions.

394 Section 7. Subsection (15) of section 984.03, Florida
395 Statutes, is amended to read:

396 984.03 Definitions.—When used in this chapter, the term:

397 (15) "Family in need of services" means a family that has a
398 child who is running away; who is ungovernable and persistently
399 disobeying reasonable and lawful demands of the parent, ~~or~~ legal
400 guardian, or custodian and is beyond the control of the parent, ~~or~~
401 ~~or~~ legal guardian, or custodian; or who is a habitual truant or
402 engaging in other serious behaviors that place the child at risk
403 of future abuse, neglect, or abandonment or at risk of entering
404 the juvenile justice system. The child must be referred to a law
405 enforcement agency, the department, or an agency contracted to
406 provide services to children in need of services. A family is

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407 not eligible to receive voluntary family services if, at the
408 time of the referral, the child is currently under court-ordered
409 supervision by the department for delinquency under chapter 985
410 or under court-ordered supervision by the Department of Children
411 and Families under chapter 39.

412 Section 8. Subsection (2) of section 984.09, Florida
413 Statutes, is amended to read:

414 984.09 Punishment for contempt of court; alternative
415 sanctions.—

416 (2) PLACEMENT IN A SHELTER.—A child subject to proceedings
417 under this chapter adjudicated as a child in need of services
418 may only be placed in a shelter for purposes of punishment for
419 contempt of court if alternative sanctions are unavailable or
420 inappropriate, or if the child has already been ordered to serve
421 an alternative sanction but failed to comply with the sanction.

422 Section 9. For the purpose of incorporating the amendment
423 made by this act to section 112.19, Florida Statutes, in a
424 reference thereto, paragraph (a) of subsection (1) of section
425 112.1912, Florida Statutes, is reenacted to read:

426 112.1912 First responders; death benefits for educational
427 expenses.—

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

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

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

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436 Statutes, is reenacted to read:

437 384.287 Screening for sexually transmissible disease.—

438 (1) An officer as defined in s. 943.10(14); support
439 personnel as defined in s. 943.10(11) who are employed by the
440 Department of Law Enforcement, including, but not limited to,
441 any crime scene analyst, forensic technologist, or crime lab
442 analyst; firefighter as defined in s. 633.102; or ambulance
443 driver, paramedic, or emergency medical technician as defined in
444 s. 401.23, acting within the scope of employment, who comes into
445 contact with a person in such a way that significant exposure,
446 as defined in s. 381.004, has occurred may request that the
447 person be screened for a sexually transmissible disease that can
448 be transmitted through a significant exposure.

449 Section 11. For the purpose of incorporating the amendment
450 made by this act to section 943.10, Florida Statutes, in a
451 reference thereto, subsection (1) of section 493.6102, Florida
452 Statutes, is reenacted to read:

453 493.6102 Inapplicability of this chapter.—This chapter
454 shall not apply to:

455 (1) Any individual who is an "officer" as defined in s.
456 943.10(14) or is a law enforcement officer of the United States
457 Government, while such local, state, or federal officer is
458 engaged in her or his official duties or when performing off-
459 duty security activities approved by her or his superiors.

460 Section 12. For the purpose of incorporating the amendment
461 made by this act to section 943.10, Florida Statutes, in a
462 reference thereto, paragraph (b) of subsection (4) of section
463 741.31, Florida Statutes, is reenacted to read:

464 741.31 Violation of an injunction for protection against

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465 domestic violence.—

466 (4)

467 (b)1. It is a violation of s. 790.233, and a misdemeanor of
468 the first degree, punishable as provided in s. 775.082 or s.
469 775.083, for a person to violate a final injunction for
470 protection against domestic violence by having in his or her
471 care, custody, possession, or control any firearm or ammunition.

472 2. It is the intent of the Legislature that the
473 disabilities regarding possession of firearms and ammunition are
474 consistent with federal law. Accordingly, this paragraph shall
475 not apply to a state or local officer as defined in s.
476 943.10(14), holding an active certification, who receives or
477 possesses a firearm or ammunition for use in performing official
478 duties on behalf of the officer's employing agency, unless
479 otherwise prohibited by the employing agency.

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

484 782.07 Manslaughter; aggravated manslaughter of an elderly
485 person or disabled adult; aggravated manslaughter of a child;
486 aggravated manslaughter of an officer, a firefighter, an
487 emergency medical technician, or a paramedic.—

488 (4) A person who causes the death, through culpable
489 negligence, of an officer as defined in s. 943.10(14), a
490 firefighter as defined in s. 112.191, an emergency medical
491 technician as defined in s. 401.23, or a paramedic as defined in
492 s. 401.23, while the officer, firefighter, emergency medical
493 technician, or paramedic is performing duties that are within

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494 the course of his or her employment, commits aggravated
495 manslaughter of an officer, a firefighter, an emergency medical
496 technician, or a paramedic, a felony of the first degree,
497 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

498 Section 14. For the purpose of incorporating the amendment
499 made by this act to section 943.10, Florida Statutes, in a
500 reference thereto, subsection (3) of section 790.233, Florida
501 Statutes, is reenacted to read:

502 790.233 Possession of firearm or ammunition prohibited when
503 person is subject to an injunction against committing acts of
504 domestic violence, stalking, or cyberstalking; penalties.—

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

513 Section 15. For the purpose of incorporating the amendment
514 made by this act to section 984.03, Florida Statutes, in
515 references thereto, subsection (1) and paragraph (e) of
516 subsection (37) of section 39.01, Florida Statutes, are
517 reenacted to read:

518 39.01 Definitions.—When used in this chapter, unless the
519 context otherwise requires:

520 (1) "Abandoned" or "abandonment" means a situation in which
521 the parent or legal custodian of a child or, in the absence of a
522 parent or legal custodian, the caregiver, while being able, has

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

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

549 (e) Abandons the child. Within the context of the
550 definition of "harm," the term "abandoned the child" or
551 "abandonment of the child" means a situation in which the parent

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552 or legal custodian of a child or, in the absence of a parent or
553 legal custodian, the caregiver, while being able, has made no
554 significant contribution to the child's care and maintenance or
555 has failed to establish or maintain a substantial and positive
556 relationship with the child, or both. For purposes of this
557 paragraph, "establish or maintain a substantial and positive
558 relationship" includes, but is not limited to, frequent and
559 regular contact with the child through frequent and regular
560 visitation or frequent and regular communication to or with the
561 child, and the exercise of parental rights and responsibilities.
562 Marginal efforts and incidental or token visits or
563 communications are not sufficient to establish or maintain a
564 substantial and positive relationship with a child. The term
565 "abandoned" does not include a surrendered infant as described
566 in s. 383.50, a child in need of services as defined in chapter
567 984, or a family in need of services as defined in chapter 984.
568 The incarceration, repeated incarceration, or extended
569 incarceration of a parent, legal custodian, or caregiver
570 responsible for a child's welfare may support a finding of
571 abandonment.

572 Section 16. For the purpose of incorporating the amendment
573 made by this act to section 984.03, Florida Statutes, in a
574 reference thereto, paragraph (d) of subsection (2) of section
575 44.1011, Florida Statutes, is reenacted to read:

576 44.1011 Definitions.—As used in this chapter:

577 (2) "Mediation" means a process whereby a neutral third
578 person called a mediator acts to encourage and facilitate the
579 resolution of a dispute between two or more parties. It is an
580 informal and nonadversarial process with the objective of

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581 helping the disputing parties reach a mutually acceptable and
582 voluntary agreement. In mediation, decisionmaking authority
583 rests with the parties. The role of the mediator includes, but
584 is not limited to, assisting the parties in identifying issues,
585 fostering joint problem solving, and exploring settlement
586 alternatives. "Mediation" includes:

587 (d) "Dependency or in need of services mediation," which
588 means mediation of dependency, child in need of services, or
589 family in need of services matters. Negotiations in dependency
590 or in need of services mediation are primarily conducted by the
591 parties. Counsel for each party may attend the mediation
592 conference and privately communicate with their clients.
593 However, presence of counsel is not required and, in the
594 discretion of the mediator and with the agreement of the
595 parties, mediation may proceed in the absence of counsel unless
596 otherwise ordered by the court.

597 Section 17. For the purpose of incorporating the amendment
598 made by this act to section 984.03, Florida Statutes, in a
599 reference thereto, paragraph (d) of subsection (2) of section
600 44.102, Florida Statutes, is reenacted to read:

601 44.102 Court-ordered mediation.—

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

603 (d) In circuits in which a dependency or in need of
604 services mediation program has been established, may refer to
605 mediation all or any portion of a matter relating to dependency
606 or to a child in need of services or a family in need of
607 services.

608 Section 18. For the purpose of incorporating the amendment
609 made by this act to section 984.03, Florida Statutes, in a

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610 reference thereto, subsection (1) of section 984.04, Florida
611 Statutes, is reenacted to read:

612 984.04 Early truancy intervention; families in need of
613 services and children in need of services; procedures and
614 jurisdiction.—

615 (1) The department shall be responsible for all nonjudicial
616 proceedings involving voluntary family services for a family
617 identified as a family in need of services according to rules
618 established by the department under chapter 120.

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

623 984.071 Resources and information.—

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

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639 the information guide available to the parent.

640 Section 20. For the purpose of incorporating the amendment
641 made by this act to section 984.03, Florida Statutes, in
642 references thereto, subsections (1) and (2) of section 984.10,
643 Florida Statutes, are reenacted to read:

644 984.10 Intake.—

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

654 (2) A representative of the department shall make a
655 preliminary determination as to whether the report is complete.
656 The criteria for the completeness of a report with respect to a
657 child alleged to be from a family in need of services while
658 subject to compulsory school attendance shall be governed by s.
659 984.03. In any case in which the representative of the
660 department finds that the report is incomplete, the
661 representative of the department shall return the report without
662 delay to the person or agency originating the report or having
663 knowledge of the facts or to the appropriate law enforcement
664 agency having investigative jurisdiction and request additional
665 information in order to complete the report.

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

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668 reference thereto, section 984.12, Florida Statutes, is
669 reenacted to read:

670 984.12 Case staffing; services and treatment related to a
671 family in need of services.—

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

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

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

680 (c) The representative of the department needs assistance
681 in developing an appropriate plan for services. The time and
682 place selected for the meeting shall be convenient for the child
683 and family.

684 (2) The composition of the case staffing committee shall be
685 based on the needs of the family and child. It shall include a
686 representative from the child's school district and a
687 representative of the department, and may include the
688 department's authorized agent and a supervisor of the
689 department's contracted provider; a representative from the area
690 of health, mental health, substance abuse, or social services; a
691 representative of the state attorney; a representative of law
692 enforcement; and any person recommended by the child, family, or
693 department. The child and the child's parent, legal guardian, or
694 custodian must be invited to attend the committee meeting.

695 (3) The case staffing committee shall:

696 (a) Identify the family's concerns and contributing

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697 factors.

698 (b) Request the family and child to identify their needs
699 and concerns.700 (c) Seek input from the school district and any other
701 persons in attendance with knowledge of the family or child's
702 situation and concerns.703 (d) Consider the voluntary family services or other
704 community services that have been offered and the results of
705 those services.706 (e) Identify whether truancy is a concern and evaluate
707 compliance with the remedial strategies provided pursuant to s.
708 1003.26.709 (f) Reach a timely decision to provide the child or family
710 with services and recommend any appropriate treatment through
711 the development of a plan for services.

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

713 (a) Statement of the concerns.

714 (b) Needs of the child.

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

716 (d) Measurable objectives that address the identified
717 problems and needs.

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

719 1. Type of services or treatment.

720 2. Frequency of services or treatment.

721 3. Location.

722 4. Accountable service providers or staff.

723 (f) Timeframes for achieving objectives.

724 (5) Upon receipt of the plan, the child and family shall
725 acknowledge their position by accepting or rejecting the

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726 services and provisions in writing. If the plan is accepted, it
727 shall be implemented as soon as is practicable.

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

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

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

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

738 (7) The parent, legal guardian, or custodian may convene a
739 meeting of the case staffing committee. A case staffing
740 committee meeting requested by a parent, guardian, or legal
741 custodian must be convened within 7 days, excluding weekends and
742 legal holidays, after the date the department's representative
743 receives the request in writing.

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

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

753 (10) Within 7 days after meeting, the case staffing
754 committee shall provide the parent, legal guardian, or custodian

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755 with a written report that details the reasons for the
756 committee's decision to recommend, or decline to recommend, that
757 the department file a petition alleging that the child is a
758 child in need of services.

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

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

765 984.13 Taking a child into custody.—

766 (3) If the child is taken into custody and is delivered to
767 a shelter, the department's authorized agent shall review the
768 facts and make such further inquiry as necessary to determine
769 whether the child shall remain in shelter, receive voluntary
770 family services that would allow the child alleged to be from a
771 family in need of services to remain at home, or be released.

772 Section 23. For the purpose of incorporating the amendment
773 made by this act to section 984.03, Florida Statutes, in a
774 reference thereto, subsection (23) of section 985.03, Florida
775 Statutes, is reenacted to read:

776 985.03 Definitions.—As used in this chapter, the term:

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

779 Section 24. For the purpose of incorporating the amendment
780 made by this act to section 984.09, Florida Statutes, in a
781 reference thereto, subsection (33) of section 984.03, Florida
782 Statutes, is reenacted to read:

783 984.03 Definitions.—When used in this chapter, the term:

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

793 Section 25. For the purpose of incorporating the amendment
794 made by this act to section 984.09, Florida Statutes, in a
795 reference thereto, subsection (1) of section 984.07, Florida
796 Statutes, is reenacted to read:

797 984.07 Right to counsel; waiver; appointed counsel;
798 compensation.—

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

812 Section 26. For the purpose of incorporating the amendment

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813 made by this act to section 984.09, Florida Statutes, in a
814 reference thereto, subsection (12) of section 984.151, Florida
815 Statutes, is reenacted to read:

816 984.151 Early truancy intervention; truancy petition;
817 judgment.—

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

821 Section 27. This act shall take effect upon becoming a law.