

By Senator Martin

33-00516C-26

20261734__

A bill to be entitled
An act relating to juvenile justice; amending s.
14.33, F.S.; authorizing the Governor to award a Medal
of Heroism to juvenile detention and juvenile
probation officers; amending ss. 112.19 and 112.193,
F.S.; revising the definition of the term "law
enforcement, correctional, or correctional probation
officer" to include juvenile detention and juvenile
probation officers; amending s. 112.194, F.S.;
authorizing certain entities to establish an award
program to award a Medal of Valor to a juvenile
detention officer or probation officer in certain
circumstances; amending s. 787.035, F.S.; specifying
that a certain reference to the department is a
reference to the Department of Juvenile Justice;
amending s. 943.10, F.S.; revising the definition of
the term "officer" to include juvenile detention and
juvenile probation officers; defining the terms
"juvenile detention officer" and "juvenile probation
officer"; amending s. 984.03, F.S.; revising the
definition of the term "family in need of services";
amending s. 984.09, F.S.; providing that a child
subject to proceedings under ch. 984, F.S., may only
be placed in a shelter in certain circumstances;
reenacting s. 112.1912(1)(a), F.S., relating to first
responders, and death benefits for educational
expenses, to incorporate the amendment made to s.
112.19, F.S., in a reference thereto; reenacting ss.
384.287(1), 493.6102(1), 741.31(4)(b), 782.07(4), and

33-00516C-26

20261734__

790.233(3), F.S., relating to screening for sexually transmissible disease, inapplicability of ch. 493, F.S., violation of an injunction for protection against domestic violence, 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, and possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence, stalking, or cyberstalking, and penalties, to incorporate the amendment made to s. 943.10, F.S., in references thereto; reenacting ss. 39.01(1) and (37)(e), 44.1011(2)(d), 44.102(2)(d), 984.04(1), 984.071(1), 984.10(1) and (2), 984.12, 984.13(3), and 985.03(23), F.S., relating to definitions in proceedings relating to children, definitions in dependency mediation, court-ordered mediation, early truancy intervention, families in need of services and children in need of services, procedures and jurisdiction, resources and information, intake, case staffing, services and treatment related to a family in need of services, taking a child into custody, and definitions relating to juvenile justice, respectively, to incorporate the amendment made to s. 984.03, F.S., in references thereto; reenacting ss. 984.03(33), 984.07(1), and 984.151(12), F.S., relating to definitions relating to children and families in need of services, right to

33-00516C-26

20261734__

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

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

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

14.33 Medal of Heroism.—

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

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

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

33-00516C-26

20261734__

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

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

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

(c) "Insurance" means insurance procured from a stock company or mutual company or association or exchange authorized 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

33-00516C-26

20261734__

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

33-00516C-26

20261734__

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

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

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

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

33-00516C-26

20261734__

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

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

(g) Any political subdivision of the state that employs a full-time law enforcement officer as defined in s. 943.10(1) or a full-time correctional officer as defined in s. 943.10(2) who is killed in the line of duty on or after July 1, 1993, as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions shall pay the entire premium of the political subdivision's health insurance plan for the employee's surviving spouse until remarried, and for each dependent child of the 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:

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

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

(h)1. Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury, 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

33-00516C-26

20261734__

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., a law enforcement, correctional, or correctional probation officer or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, the term "conviction" means a determination of

33-00516C-26

20261734__

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

33-00516C-26

20261734__

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.

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

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

(b) Payment of benefits to beneficiaries of state

33-00516C-26

20261734__

employees, or of the premiums to cover the risk, under this section must be paid from existing funds otherwise appropriated to the department employing the law enforcement, correctional, or correctional probation officers.

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

(6) Notwithstanding any provision of this section to the 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

33-00516C-26

20261734__

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

(3) Upon the death of a law enforcement, correctional, ~~or~~ correctional probation, juvenile detention, or juvenile probation officer, the employer may present to the spouse or other beneficiary of the officer, upon request, one complete uniform, including the badge worn by the officer. However, if a law enforcement, correctional, ~~or~~ correctional probation, juvenile detention, or juvenile probation officer is killed in the line of duty, the employer may present, upon request, to the spouse or other beneficiary of the officer the officer's service-issued handgun, if one was issued as part of the officer's equipment. If the employer is not in possession of the service-issued handgun, the employer may, within its discretion, and upon written request of the spouse or other beneficiary, present a similar handgun. The provisions of this section shall also apply in that instance to a law enforcement or correctional officer who died before May 1, 1993. In addition, the officer's service handgun may be presented by the employer for any such

33-00516C-26

20261734__

officer who was killed in the line of duty prior to this act becoming a law.

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

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

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

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

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

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

(1)(a) A person who is not an authorized agent of the Department of Juvenile Justice or the Department of Children and Families may not knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.

33-00516C-26

20261734__

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.

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

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

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

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

33-00516C-26

20261734__

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

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

984.09 Punishment for contempt of court; alternative sanctions.—

(2) PLACEMENT IN A SHELTER.—A child subject to proceedings 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

33-00516C-26

20261734__

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

Section 11. 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 493.6102, Florida Statutes, is reenacted to read:

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

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

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

741.31 Violation of an injunction for protection against

33-00516C-26

20261734__

domestic violence.—

(4)

(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 technician, or paramedic is performing duties that are within

33-00516C-26

20261734__

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

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

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

(3) It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this section does 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 15. For the purpose of incorporating the amendment made by this act to section 984.03, Florida Statutes, in references thereto, subsection (1) and paragraph (e) of subsection (37) of section 39.01, Florida Statutes, are reenacted to read:

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

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

33-00516C-26

20261734__

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

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

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

33-00516C-26

20261734__

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

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

44.1011 Definitions.—As used in this chapter:

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

33-00516C-26

20261734__

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

33-00516C-26

20261734__

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

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

(1) The department shall be responsible for all nonjudicial proceedings involving voluntary family services for 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

33-00516C-26

20261734__

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, Florida Statutes, are reenacted to read:

984.10 Intake.—

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

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

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

33-00516C-26

20261734__

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

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

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

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

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

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

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

(3) The case staffing committee shall:

(a) Identify the family's concerns and contributing

33-00516C-26

20261734__

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

33-00516C-26

20261734__

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

33-00516C-26

20261734__

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

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

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

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

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

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

33-00516C-26

20261734__

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

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

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

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

Section 26. For the purpose of incorporating the amendment

33-00516C-26

20261734__

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.