

By the Committee on Fiscal Policy; and Senator Martin

594-02802-26

20261734c1

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;
amending s. 985.6865, F.S.; requiring the Department
of Juvenile Justice to review county juvenile
detention payments for a certain purpose; requiring
the department to direct the Department of Revenue to
deduct specified amounts owed to the Department of

594-02802-26

20261734c1

Juvenile Justice upon a certain determination;
requiring the Department of Revenue to transfer such
funds into a certain trust fund; specifying
requirements relating to such reductions in amounts
distributed to counties; 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 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,

594-02802-26

20261734c1

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 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

594-02802-26

20261734c1

88 deliberately above and beyond the call of duty while performing
89 duty in his or her respective position, and must have engaged in
90 hazardous or perilous activities to preserve lives with the
91 knowledge that such activities might result in great personal
92 harm.

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

95 112.19 Law enforcement, correctional, and correctional
96 probation officers; death benefits.—

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

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

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

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

111 (d) "Law enforcement, correctional, or correctional
112 probation officer" means any officer as defined in s. 943.10(14)
113 or employee of the state or any political subdivision of the
114 state, including any law enforcement officer, correctional
115 officer, correctional probation officer, juvenile detention
116 officer, juvenile probation officer, state attorney

594-02802-26

20261734c1

investigator, public defender investigator, or criminal conflict and civil regional counsel investigator, whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; and the term includes any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices. The term also includes any full-time officer or employee of the state or any political subdivision of the state, certified pursuant to chapter 943, whose duties require such officer to serve process or to attend a session of a circuit or county court as bailiff.

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

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

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

594-02802-26

20261734c1

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

148
149 This sum is in addition to any sum provided for in paragraph
150 (a).

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

157 (d) Such payments, pursuant to paragraphs (a), (b), and
158 (c), whether secured by insurance or not, must be made to the
159 beneficiary designated by such law enforcement, correctional, or
160 correctional probation officer in writing, signed by the officer
161 and delivered to the employer during the officer's lifetime. If
162 no such designation is made, then the payments must be paid to
163 the officer's surviving child or children and to the officer's
164 surviving spouse in equal portions, and if there is no surviving
165 child or spouse, then to the officer's parent or parents. If a
166 beneficiary is not designated and there is no surviving child,
167 spouse, or parent, then the sum must be paid to the officer's
168 estate.

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

174 (f) If a full-time law enforcement, correctional, or

594-02802-26

20261734c1

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 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

594-02802-26

20261734c1

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

207 (h)1. Any employer who employs a full-time law enforcement,
208 correctional, or correctional probation officer who, on or after
209 January 1, 1995, suffers a catastrophic injury, as defined in s.
210 440.02, Florida Statutes 2002, in the line of duty shall pay the
211 entire premium of the employer's health insurance plan for the
212 injured employee, the injured employee's spouse, and for each
213 dependent child of the injured employee until the child reaches
214 the age of majority or until the end of the calendar year in
215 which the child reaches the age of 25 if the child continues to
216 be dependent for support, or the child is a full-time or part-
217 time student and is dependent for support. The term "health
218 insurance plan" does not include supplemental benefits that are
219 not part of the basic group health insurance plan. If the
220 injured employee subsequently dies, the employer shall continue
221 to pay the entire health insurance premium for the surviving
222 spouse until remarried, and for the dependent children, under
223 the conditions outlined in this paragraph. However:

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

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

594-02802-26

20261734c1

233 c. In addition to any applicable criminal penalty, upon
234 conviction for a violation as described in sub-subparagraph b.,
235 a law enforcement, correctional, or correctional probation
236 officer or other beneficiary who receives or seeks to receive
237 health insurance benefits under this paragraph shall forfeit the
238 right to receive such health insurance benefits, and shall
239 reimburse the employer for all benefits paid due to the fraud or
240 other prohibited activity. For purposes of this sub-
241 subparagraph, the term "conviction" means a determination of
242 guilt that is the result of a plea or trial, regardless of
243 whether adjudication is withheld.

244 2. In order for the officer, spouse, and dependent children
245 to be eligible for such insurance coverage, the injury must have
246 occurred while the officer was in the line of duty or engaged in
247 an official training exercise. Except as otherwise provided
248 herein, this paragraph may not be construed to limit health
249 insurance coverage for which the officer, spouse, or dependent
250 children may otherwise be eligible, except that a person who
251 qualifies under this section is not eligible for the health
252 insurance subsidy provided under chapter 121, chapter 175, or
253 chapter 185.

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

257 (3) If a law enforcement, correctional, or correctional
258 probation officer is accidentally killed as specified in
259 paragraph (2)(b) on or after June 22, 1990, but before July 1,
260 2019, or unlawfully and intentionally killed as specified in
261 paragraph (2)(c) on or after July 1, 1980, but before July 1,

594-02802-26

20261734c1

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

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

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

(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,

594-02802-26

20261734c1

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 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

594-02802-26

20261734c1

(2) and (3) of section 112.193, Florida Statutes, are amended to read:

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

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

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

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

594-02802-26

20261734c1

349 spouse or other beneficiary of the officer the officer's
350 service-issued handgun, if one was issued as part of the
351 officer's equipment. If the employer is not in possession of the
352 service-issued handgun, the employer may, within its discretion,
353 and upon written request of the spouse or other beneficiary,
354 present a similar handgun. The provisions of this section shall
355 also apply in that instance to a law enforcement or correctional
356 officer who died before May 1, 1993. In addition, the officer's
357 service handgun may be presented by the employer for any such
358 officer who was killed in the line of duty prior to this act
359 becoming a law.

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

362 112.194 Law enforcement ~~and~~ correctional, juvenile
363 detention, and juvenile probation officers' Medal of Valor.—

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

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

376 Section 5. Paragraph (a) of subsection (1) of section
377 787.035, Florida Statutes, is amended to read:

594-02802-26

20261734c1

378 787.035 Sheltering unmarried minors; aiding unmarried minor
379 runaways; violations.—

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

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

390 943.10 Definitions; ss. 943.085-943.255.—The following
391 words and phrases as used in ss. 943.085-943.255 are defined as
392 follows:

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

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

404 (24) "Juvenile probation officer" means an authorized agent
405 of the Department of Juvenile Justice who performs the intake,
406 case management, or supervision functions. The term includes all

594-02802-26

20261734c1

certified supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of juvenile probation officers, but does not include support personnel employed by the employing agency.

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 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

594-02802-26

20261734c1

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. Section 985.6865, Florida Statutes, is amended to read:

985.6865 Juvenile detention costs.—

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

(a) "Detention care" means secure detention and respite beds for juveniles charged with a domestic violence crime.

(b) "Fiscally constrained county" means a county within a rural area of opportunity as designated by the Governor pursuant to s. 288.0656 or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the certified school taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1.

(c) "Total shared detention costs" means the amount of funds expended by the department for the costs of detention care for the prior fiscal year. This amount includes the most recent actual certify forward amounts minus any funds it expends on detention care for juveniles residing in fiscally constrained counties or out of state.

(2) Annually by July 15, the department shall calculate and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share by dividing the total number of detention days for juveniles residing in the county for the most recently completed 12-month period by the total number of detention days for juveniles in all counties that are not fiscally constrained counties during the same period. The annual

594-02802-26

20261734c1

percentage share of each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles must be multiplied by 50 percent of the total shared detention costs to determine that county's share of detention costs. Beginning August 1, each such county shall pay to the department its share of detention costs, which shall be paid in 12 equal payments due on the first day of each month. The state shall pay the remaining actual costs of detention care.

(3) Each quarter, the department shall review county juvenile detention payments to ensure that counties fulfill their financial responsibilities required under this section. If the department determines that a county has not met its obligations, the department must direct the Department of Revenue to deduct the amount owed to the department from the funds provided to the county under s. 218.23. The Department of Revenue shall transfer the funds withheld into the Shared County/State Juvenile Detention Trust Fund.

(4) As an assurance to holders of bonds issued by counties before July 1 of each year, for which distributions made pursuant to s. 218.23 are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure, based on information provided by an affected county, that any reduction in amounts distributed pursuant to subsection (3) does not reduce the amount of

594-02802-26

20261734c1

494 distribution to a county below the amount necessary for the
495 timely payment of principal and interest when due on the bonds
496 and the amount necessary to comply with any covenant under the
497 bond resolution or other documents relating to the issuance of
498 the bonds. If a reduction to a county's monthly distribution
499 must be decreased in order to comply with this section, the
500 Department of Revenue must notify the department of the amount
501 of the decrease, and the department must send a bill for payment
502 of such amount to the affected county.

503 (5) The state shall pay all costs of detention care for
504 juveniles residing in a fiscally constrained county and for
505 juveniles residing out of state. The state shall pay all costs
506 of detention care for juveniles housed in state detention
507 centers from counties that provide their own detention care for
508 juveniles.

509 (6)~~(4)~~ Each county that is not a fiscally constrained
510 county and that does not provide its own detention care for
511 juveniles shall incorporate into its annual county budget
512 sufficient funds to pay its annual percentage share of the total
513 shared detention costs required by subsection (2).

514 (7)~~(5)~~ Funds paid by the counties to the department
515 pursuant to this section must be deposited into the Shared
516 County/State Juvenile Detention Trust Fund.

517 ~~(6) The department shall determine each quarter whether the~~
518 ~~counties are remitting funds as required by this section.~~

519 (8)~~(7)~~ Funds received from counties pursuant to this
520 section are not subject to the service charges provided in s.
521 215.20.

522 (9)~~(8)~~ The department may adopt rules to administer this

594-02802-26

20261734c1

section.

Section 10. 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 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 384.287, Florida Statutes, is reenacted to read:

384.287 Screening for sexually transmissible disease.—

(1) An officer as defined in s. 943.10(14); support personnel as defined in s. 943.10(11) who are employed by the Department of Law Enforcement, including, but not limited to, any crime scene analyst, forensic technologist, or crime lab analyst; firefighter as defined in s. 633.102; or ambulance 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 12. For the purpose of incorporating the amendment

594-02802-26

20261734c1

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 13. 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 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

594-02802-26

20261734c1

otherwise prohibited by the employing agency.

Section 14. 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 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 15. 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

594-02802-26

20261734c1

610 apply to a state or local officer as defined in s. 943.10(14),
611 holding an active certification, who receives or possesses a
612 firearm or ammunition for use in performing official duties on
613 behalf of the officer's employing agency, unless otherwise
614 prohibited by the employing agency.

615 Section 16. For the purpose of incorporating the amendment
616 made by this act to section 984.03, Florida Statutes, in
617 references thereto, subsection (1) and paragraph (e) of
618 subsection (37) of section 39.01, Florida Statutes, are
619 reenacted to read:

620 39.01 Definitions.—When used in this chapter, unless the
621 context otherwise requires:

622 (1) "Abandoned" or "abandonment" means a situation in which
623 the parent or legal custodian of a child or, in the absence of a
624 parent or legal custodian, the caregiver, while being able, has
625 made no significant contribution to the child's care and
626 maintenance or has failed to establish or maintain a substantial
627 and positive relationship with the child, or both. For purposes
628 of this subsection, "establish or maintain a substantial and
629 positive relationship" includes, but is not limited to, frequent
630 and regular contact with the child through frequent and regular
631 visitation or frequent and regular communication to or with the
632 child, and the exercise of parental rights and responsibilities.
633 Marginal efforts and incidental or token visits or
634 communications are not sufficient to establish or maintain a
635 substantial and positive relationship with a child. A man's
636 acknowledgment of paternity of the child does not limit the
637 period of time considered in determining whether the child was
638 abandoned. The term does not include a surrendered infant as

594-02802-26

20261734c1

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 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

594-02802-26

20261734c1

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

(d) "Dependency or in need of services mediation," which means mediation of dependency, child in need of services, or family in need of services matters. Negotiations in dependency or in need of services mediation are primarily conducted by the parties. Counsel for each party may attend the mediation conference and privately communicate with their clients. However, presence of counsel is not required and, in the discretion of the mediator and with the agreement of the

594-02802-26

20261734c1

parties, mediation may proceed in the absence of counsel unless otherwise ordered by the court.

Section 18. 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 44.102, Florida Statutes, is reenacted to read:

44.102 Court-ordered mediation.—

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

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

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 984.04, 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 20. 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.—

594-02802-26

20261734c1

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

Section 21. 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

594-02802-26

20261734c1

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

594-02802-26

20261734c1

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 factors.

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

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

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

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

(f) Reach a timely decision to provide the child or family with services and recommend any appropriate treatment through

594-02802-26

20261734c1

the development of a plan for services.

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

(a) Statement of the concerns.

(b) Needs of the child.

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

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

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

1. Type of services or treatment.

2. Frequency of services or treatment.

3. Location.

4. Accountable service providers or staff.

(f) Timeframes for achieving objectives.

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

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

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

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

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

(7) The parent, legal guardian, or custodian may convene a meeting of the case staffing committee. A case staffing

594-02802-26

20261734c1

committee meeting requested by a parent, guardian, or legal custodian must be convened within 7 days, excluding weekends and legal holidays, after the date the department's representative receives the request in writing.

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

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

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

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

Section 23. 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

594-02802-26

20261734c1

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 24. 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 25. 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) "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 26. 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;

594-02802-26

20261734c1

900 compensation.—

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

914 Section 27. For the purpose of incorporating the amendment
915 made by this act to section 984.09, Florida Statutes, in a
916 reference thereto, subsection (12) of section 984.151, Florida
917 Statutes, is reenacted to read:

918 984.151 Early truancy intervention; truancy petition;
919 judgment.—

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

923 Section 28. This act shall take effect upon becoming a law.