

By Senator Jones

13-00974-10

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1 A bill to be entitled
2 An act relating to juvenile justice facilities and
3 programs; amending s. 985.03, F.S.; defining the term
4 "ordinary medical care in department facilities and
5 programs"; amending s. 985.64, F.S.; requiring that
6 the Department of Juvenile Justice adopt rules to
7 ensure the effective delivery of services to children
8 in the care and custody of the department; requiring
9 the department to coordinate its rule-adoption process
10 with the Department of Children and Family Services
11 and the Agency for Persons with Disabilities to ensure
12 that the department's rules do not encroach upon the
13 substantive jurisdiction of those agencies; amending
14 s. 985.721, F.S.; conforming a cross-reference;
15 providing an effective date.

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

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19 Section 1. Present subsections (39) through (57) of section
20 985.03, Florida Statutes, are renumbered as subsections (40)
21 through (58), respectively, and a new subsection (39) is added
22 to that section, to read:

23 985.03 Definitions.—As used in this chapter, the term:
24 (39) "Ordinary medical care in department facilities and
25 programs" means medical procedures that are administered or
26 performed on a routine basis and include, but are not limited
27 to, inoculations, physical examinations, remedial treatment for
28 minor illnesses and injuries, preventive services, medication
29 management, chronic disease detection and treatment, and other

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30 medical procedures that are administered or performed on a
31 routine basis and do not involve hospitalization, surgery, or
32 the use of general anesthesia.

33 Section 2. Section 985.64, Florida Statutes, is amended to
34 read:

35 985.64 Rulemaking.—

36 (1) The department shall adopt rules pursuant to ss.
37 120.536(1) and 120.54 to implement the provisions of this
38 chapter. Such rules may not conflict with the Florida Rules of
39 Juvenile Procedure. All rules and policies must conform to
40 accepted standards of care and treatment.

41 (2) The department shall adopt rules to ensure the
42 effective delivery of services to children in the care and
43 custody of the department. The rules must address the delivery
44 of:

45 (a) Ordinary medical care in department facilities and
46 programs;

47 (b) Mental health services in department facilities and
48 programs;

49 (c) Substance abuse treatment services in department
50 facilities and programs; and

51 (d) Services to children with developmental disabilities in
52 department facilities and programs.

53
54 The department shall coordinate its rulemaking with the
55 Department of Children and Family Services and the Agency for
56 Persons with Disabilities to ensure that the rules adopted under
57 this section do not encroach upon the substantive jurisdiction
58 of those agencies. The department shall include the above-

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59 mentioned entities in the rulemaking process, as appropriate.

60 Section 3. Section 985.721, Florida Statutes, is amended to
61 read:

62 985.721 Escapes from secure detention or residential
63 commitment facility.—An escape from:

64 (1) Any secure detention facility maintained for the
65 temporary detention of children, pending adjudication,
66 disposition, or placement;

67 (2) Any residential commitment facility described in s.
68 985.03(45) ~~s. 985.03(44)~~, maintained for the custody, treatment,
69 punishment, or rehabilitation of children found to have
70 committed delinquent acts or violations of law; or

71 (3) Lawful transportation to or from any such secure
72 detention facility or residential commitment facility,

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74 constitutes escape within the intent and meaning of s. 944.40
75 and is a felony of the third degree, punishable as provided in
76 s. 775.082, s. 775.083, or s. 775.084.

77 Section 4. This act shall take effect July 1, 2010.