

By the Committee on Criminal and Civil Justice Appropriations;  
and Senator Jones

604-04271-10

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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"; amending s. 985.64, F.S.;  
5           requiring that the Department of Juvenile Justice  
6           adopt rules to ensure the effective delivery of  
7           services to children in the care and custody of the  
8           department; requiring the department to coordinate its  
9           rule-adoption process with the Department of Children  
10          and Family Services and the Agency for Persons with  
11          Disabilities to ensure that the department's rules do  
12          not encroach upon the substantive jurisdiction of  
13          those agencies; clarifying that the rules of the  
14          Department of Juvenile Justice do not supersede  
15          provisions governing consent to treatment and  
16          services; amending s. 985.721, F.S.; conforming a  
17          cross-reference; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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

25           985.03 Definitions.—As used in this chapter, the term:

26           (39) "Ordinary medical care" means medical procedures that  
27           are administered or performed on a routine basis and include,  
28           but are not limited to, inoculations, physical examinations,  
29           remedial treatment for minor illnesses and injuries, preventive

604-04271-10

20101012c1

30 services, medication management, chronic disease detection and  
31 treatment, and other medical procedures that are administered or  
32 performed on a routine basis and do not involve hospitalization,  
33 surgery, the use of general anesthesia, or the provision of  
34 psychotropic medications.

35 Section 2. Section 985.64, Florida Statutes, is amended to  
36 read:

37 985.64 Rulemaking.—

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

43 (2) The department shall adopt rules to ensure the  
44 effective provision of health services to youth in facilities or  
45 programs operated or contracted by the department. The rules  
46 shall address the delivery of the following:

47 (a) Ordinary medical care.

48 (b) Mental health services.

49 (c) Substance abuse treatment services.

50 (d) Services to youth with developmental disabilities.

51  
52 The department shall coordinate its rulemaking with the  
53 Department of Children and Family Services and the Agency for  
54 Persons with Disabilities to ensure that the rules adopted under  
55 this section do not encroach upon the substantive jurisdiction  
56 of those agencies. The department shall include the above-  
57 mentioned entities in the rulemaking process, as appropriate.  
58 This subsection does not supersede the provisions governing

604-04271-10

20101012c1

59 consent to treatment and services found in ss. 39.407, 743.0645,  
60 and 985.18, or otherwise provided by law.

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

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

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

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

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

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

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