

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 adopt
 6 rules to ensure the effective delivery of services to
 7 youth in facilities or programs operated or contracted by
 8 the department; requiring the department to coordinate its
 9 rule-adoption process with the Department of Children and
 10 Family Services and the Agency for Persons with
 11 Disabilities to ensure that the department's rules do not
 12 encroach upon the substantive jurisdiction of those
 13 agencies; amending s. 985.721, F.S.; conforming a cross-
 14 reference; providing an effective date.

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

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

22 985.03 Definitions.—As used in this chapter, the term:
 23 (39) "Ordinary medical care" means medical procedures that
 24 are administered or performed on a routine basis and include,
 25 but are not limited to, inoculations, physical examinations,
 26 remedial treatment for minor illnesses and injuries, preventive
 27 services, medication management, chronic disease detection and
 28 treatment, and other medical procedures that are administered or

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29 performed on a routine basis and do not involve hospitalization,
 30 surgery, use of general anesthesia, or the provision of
 31 psychotropic medications for which a separate court order, power
 32 of attorney, or informed consent as provided by law is required.

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 provision of health services to youth in facilities or
 43 programs operated or contracted by the department. The rules
 44 must address the delivery of the following:

- 45 (a) Ordinary medical care.
- 46 (b) Mental health services.
- 47 (c) Substance abuse treatment services.
- 48 (d) Services to youth with developmental disabilities.

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

56 Section 3. Section 985.721, Florida Statutes, is amended

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57 | to read:

58 | 985.721 Escapes from secure detention or residential
59 | commitment facility.—An escape from:

60 | (1) Any secure detention facility maintained for the
61 | temporary detention of children, pending adjudication,
62 | disposition, or placement;

63 | (2) Any residential commitment facility described in s.
64 | 985.03(45)~~(44)~~, maintained for the custody, treatment,
65 | punishment, or rehabilitation of children found to have
66 | committed delinquent acts or violations of law; or

67 | (3) Lawful transportation to or from any such secure
68 | detention facility or residential commitment facility,

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70 | constitutes escape within the intent and meaning of s. 944.40
71 | and is a felony of the third degree, punishable as provided in
72 | s. 775.082, s. 775.083, or s. 775.084.

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