

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 1012

INTRODUCER: Senator Jones

SUBJECT: The Department of Juvenile Justice/Facilities & Programs

DATE: February 22, 2010      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	<b>Favorable</b>
2.	_____	_____	CF	_____
3.	_____	_____	JA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 1012 provides rulemaking authority to govern the procedure for ordinary medical care, mental health, substance abuse, and developmental disability services within the Department of Juvenile Justice (DJJ) facilities and programs.

This bill amends the following sections of the Florida Statutes: 985.03, 985.64, and 985.721.

**II. Present Situation:**

Section 985.03(37), F.S., provides a definition of “necessary medical treatment” to mean necessary care to prevent the deterioration of a child’s condition or to alleviate a child’s immediate pain. However, the statute does not provide a definition of “ordinary medical care.”

Section 985.601(9)(b)7., F.S., requires the DJJ to adopt rules governing medical attention, health, and comfort items in detention facilities. There are no such requirements in the rules for providing medical attention in other areas of the department’s continuum of care. As a result, the provision of basic health care is left to department policies and manuals. The DJJ currently relies upon the 2006 Health Service Manual that serves as a guide for contracted health services.

**III. Effect of Proposed Changes:**

Senate Bill 1012 creates a definition of “ordinary medical care in department facilities and programs” to include routine medical procedures such as “inoculations, physical examinations, remedial treatment for minor illnesses and injuries, preventive services, medication management,

chronic disease detection and treatment, and other routine medical procedures that . . . do not involve hospitalization, surgery, or use of general anesthesia.” Section 985.03(39), F.S.

The bill also amends s. 985.64, F.S., the department’s rulemaking statute, to require the DJJ to adopt rules for ordinary medical care, mental health services, substance abuse treatment services, and developmental disabilities services. Additionally, the bill requires the DJJ to coordinate its rulemaking effort with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure there is no encroachment on either agency’s substantive jurisdiction. As appropriate, the DJJ must include the above agencies in its rulemaking process.

Finally, SB 1012 makes a technical change to s. 985.721, F.S., by conforming a cross-reference.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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