

## CHAPTER 2010-123

### Committee Substitute for Senate Bill No. 1012

An act relating to juvenile justice facilities and programs; amending s. 985.03, F.S.; defining the term “ordinary medical care”; amending s. 985.64, F.S.; requiring that the Department of Juvenile Justice adopt rules to ensure the effective delivery of services to children in the care and custody of the department; requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure that the department’s rules do not encroach upon the substantive jurisdiction of those agencies; clarifying that the rules of the Department of Juvenile Justice do not supersede provisions governing consent to treatment and services; amending s. 985.721, F.S.; conforming a cross-reference; providing an effective date.

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

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

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

(39) “Ordinary medical care” means medical procedures that are administered or performed on a routine basis and include, but are not limited to, inoculations, physical examinations, remedial treatment for minor illnesses and injuries, preventive services, medication management, chronic disease detection and treatment, and other medical procedures that are administered or performed on a routine basis and do not involve hospitalization, surgery, the use of general anesthesia, or the provision of psychotropic medications.

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

985.64 Rulemaking.—

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

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

(a) Ordinary medical care.

(b) Mental health services.

(c) Substance abuse treatment services.

(d) Services to youth with developmental disabilities.

The department shall coordinate its rulemaking with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure that the rules adopted under this section do not encroach upon the substantive jurisdiction of those agencies. The department shall include the above-mentioned entities in the rulemaking process, as appropriate. This subsection does not supersede the provisions governing consent to treatment and services found in ss. 39.407, 743.0645, and 985.18, or otherwise provided by law.

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

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

- (1) Any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement;
- (2) Any residential commitment facility described in s. 985.03(45) s. 985.03(44), maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or
- (3) Lawful transportation to or from any such secure detention facility or residential commitment facility,

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

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

Approved by the Governor May 27, 2010.

Filed in Office Secretary of State May 27, 2010.