

HB 947

2013

1 A bill to be entitled
2 An act relating to administering county and municipal
3 delinquency programs and facilities; amending s.
4 985.688, F.S.; deleting language that required the
5 Department of Juvenile Justice to charge, and the
6 county or municipal government to pay, a monitoring
7 fee to cover a portion of the direct operating costs
8 of the juvenile detention facility; establishing
9 criteria to demonstrate that the county or
10 municipality is in compliance with standards for
11 operating juvenile delinquency programs and detention
12 facilities; deleting a provision providing that a
13 sheriff who complies with the subsection is not
14 subject to any additional training, procedures, or
15 inspections; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:
18

19 Section 1. Paragraph (b) of subsection (9) and subsection
20 (11) of section 985.688, Florida Statutes, are amended to read:
21 985.688 Administering county and municipal delinquency
22 programs and facilities.—

23 (9) A county or municipal government may establish and
24 operate a juvenile detention facility in compliance with this
25 section, if such facility is certified by the department.

26 (b) The department is required to conduct quarterly
27 inspections and evaluations of each county or municipal
28 government juvenile detention facility to determine whether the

29 facility complies with the department's rules for continued
 30 operation. ~~The department shall charge, and the county or~~
 31 ~~municipal government shall pay, a monitoring fee equal to 0.5~~
 32 ~~percent of the direct operating costs of the program.~~ The
 33 operation of a facility that ~~which~~ fails to pass the
 34 department's quarterly inspection and evaluation due to a, ~~if~~
 35 ~~the deficiency that~~ causing the failure is material shall, ~~must~~
 36 be terminated if the ~~such~~ deficiency is not corrected by the
 37 next quarterly inspection.

38 (11) (a) Notwithstanding the provisions of this section, a
 39 county is in compliance with this section if:

40 1. The county provides the full cost for preadjudication
 41 detention for juveniles;

42 2. The county authorizes the county sheriff, any other
 43 county jail operator, or a contracted provider located inside or
 44 outside the county to provide preadjudication detention care for
 45 juveniles;

46 3. The county sheriff or other county jail operator is
 47 accredited by the Florida Corrections Accreditation Commission
 48 or American Correctional Association; ~~and~~

49 4. The facility is inspected annually and meets the
 50 Florida Model Jail Standards; ~~and~~

51 5. The county or municipal program prohibits program
 52 personnel from carrying chemical and electric restraints on
 53 their person while in the presence of children. If a facility
 54 has chemical and electric restraints on site, the restraints
 55 shall be locked away from direct-care staff, they may be used
 56 only in exigent circumstances, such as a riot, they may be used

HB 947

2013

57 only with the approval of the facility director, and chemical
58 restraints must be weighed after any and all uses;

59 6. The direct-care staff are stationed inside the living
60 areas where children are housed at a staff-to-child ratio of 1
61 adult to 8 children during waking hours and a ratio of 1 adult
62 to 10 children when the children are asleep;

63 7. The program limits the use of video or audio recording
64 equipment as the sole method used to monitor children in the
65 program;

66 8. The program uses a positive behavior management system
67 that tracks each child and specifies rewards and consequences
68 for specific behavior;

69 9. The program uses programming, recreation, and
70 educational materials and activities that ensure that children
71 are not confined to their cells except for sleeping; and

72 10. The program does not use isolation, solitary
73 confinement, or cell confinement unless recommended by a
74 licensed physician.

75 (b) A county or county sheriff may form regional detention
76 facilities through an interlocal agreement in order to meet the
77 requirements of this section.

78 (c) Each county sheriff or other county jail operator
79 shall ~~must~~ follow the federal regulations that require sight and
80 sound separation of juvenile inmates from adult inmates.

81 ~~(d) A county or county sheriff that complies with this~~
82 ~~subsection is not subject to any additional training,~~
83 ~~procedures, or inspections required by this chapter.~~

84 Section 2. This act shall take effect July 1, 2013.