

By Senator Gibson

9-01031C-13

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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:

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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

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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 Florida  
50 Model Jail Standards; ~~-~~

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

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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 shall  
79 ~~must~~ follow the federal regulations that require sight and sound  
80 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.