

ORDINANCE NO. 88-1

AN ORDINANCE TO BE ENTITLED THE HERNANDO COUNTY DETENTION FACILITY ORDINANCE; AUTHORIZING THE OPERATION AND MAINTENANCE OF A COUNTY DETENTION FACILITY BY A PRIVATE ENTITY; PROVIDING FOR THE APPOINTMENT OF CHIEF CORRECTIONAL OFFICER; AUTHORIZING ENTERING INTO A CONTRACT WITH A PRIVATE ENTITY FOR THE OPERATION AND MAINTENANCE OF A COUNTY DETENTION FACILITY; ESTABLISHING TORT LIABILITY FOR A PRIVATE ENTITY OPERATING A COUNTY DETENTION FACILITY; REGULATING ACCESS TO CRIMINAL HISTORY RECORDS; PROVIDING FOR DETAINEE ACCESS TO LAW ENFORCEMENT OFFICERS AND OTHER OFFICIALS; INCORPORATING STATUTORY ESCAPE PROVISIONS; ESTABLISHING STANDARDS FOR PRIVATE CORRECTIONAL OFFICERS AND OTHER EMPLOYEES; PROVIDING FOR THE APPOINTMENT OF A CONTRACT MONITOR; REQUIRING AN ANNUAL AUDIT; AUTHORIZING THE ADOPTION OF REGULATIONS FOR PRIVATELY OPERATED DETENTION FACILITIES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

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HERNANDO COUNTY, FLORIDA  
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WHEREAS, the governing body of Hernando County may desire to enter into a contract with a private entity for the provision of the operation and maintenance of the County Detention Facility and the supervision of county prisoners; and

WHEREAS, Chapter 86-183, Laws of Florida, authorizes the adoption of an ordinance to allow a private entity to operate, maintain and supervise County Detention Facility and prisoners; and

WHEREAS, the Board of County Commissioners of Hernando County have consulted the Sheriff of Hernando County prior to the adoption of this Ordinance.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I SHORT TITLE. This Ordinance shall be known as and may be cited as the Hernando County Detention Facility Ordinance.

SECTION II PRIVATE OPERATION AND MAINTENANCE. County detention facilities including county jails, county prison camps, county stockades and any other place or places, except municipal detention facilities, used by Hernando County or county officers for the detention of persons charged with or convicted of either felony(s) and/or misdemeanor(s), may be operated and maintained by a private entity or private entities and such entity or entities shall supervise the county prisoners detained therein.

SECTION III APPOINTMENT OF A CHIEF CORRECTIONAL OFFICER. Any contract entered into by Hernando County with a private entity for the operation and maintenance of a County Detention Facility and the supervision of county prisoners detained therein, may designate a representative from the private entity as the Chief Correctional Officer.

SECTION IV DETENTION FACILITY CONTRACTS. Hernando County shall have the power to enter into contracts with private entities to operate and maintain county detention facilities and to supervise the county prisoners detained therein.

SECTION V TORT LIABILITY. Any private entity entering into a contract to operate and maintain a County Detention Facility and to supervise the county prisoners detained therein, shall be liable in tort with respect to the care and custody of county prisoners under its supervision.

SECTION VI ACCESS TO CRIMINAL HISTORY RECORDS. Hernando County shall furnish all criminal history records in its control which are needed by private entities and are necessary for proper

operation of facilities under contract with Hernando County unless it is legally impermissible to furnish such records. All such records shall be furnished at the usual and customary charge.

SECTION VII ACCESS TO DETAINEES. Any private entity entering into a contract to operate and maintain a County Detention Facility shall allow all law enforcement officers and other appropriate officials access to county prisoners who are detained therein. Lawyers who represent county prisoners detained in such County Detention Facility shall also be allowed access.

SECTION VIII ESCAPE. In the case of a county prisoner's willful failure to remain within the supervisory control of a private entity who contracted to provide such supervision, such action shall constitute an escape punishable as provided in §944.40, Florida Statutes, as amended.

SECTION IX STANDARDS FOR PRIVATE CORRECTIONAL OFFICERS AND OTHER EMPLOYEES. Correctional officers employed by any private entity entering into a contract to supervise county prisoners shall meet the requirements necessary for certification by the Criminal Justice Standards and Training Commission pursuant to §943.1395, Florida Statutes, as amended. Expenses for such training shall be the responsibility of the private entity. Additional standards may be established from time to time by the Board of County Commissioners.

SECTION X APPOINTMENT OF CONTRACT MONITOR. Should any private entity enter into a contract with Hernando County for the operation and maintenance of a County Detention Facility and the supervision of county prisoners detained therein and after consultation with the Sheriff of Hernando County, a contract monitor who shall be responsible for documenting adherence to the

contract and compliance with any rules, policies, procedures and performance standards established by the Board of County Commissioners shall be appointed by the County.

SECTION XI ANNUAL AUDIT. Any contract which authorizes a private entity to operate and maintain a County Detention Facility shall require an annual audit of the private entity's operation of such facility.

SECTION XII REGULATIONS FOR PRIVATELY OPERATED COUNTY DETENTION FACILITIES. Hernando County may establish regulations, rules, policies, procedures and performance standards for privately operated county detention facilities.

SECTION XIII INCLUSION IN THE CODE. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION XIV SEVERABILITY. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION XV REPEAL. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION XVI EFFECTIVE DATE. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session, by a majority plus one, this 12th day of January, 1988.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

(SEAL)

Attest: Judy S. Korbis, Deputy  
Karen Nicolai  
Clerk

By: David D. Russell Sr.  
Chairman

