

ADDENDUM A

STIPULATED PARTIAL AMENDMENT OF SETTLEMENT AGREEMENT

This is an Amendment to the Settlement Agreement, dated December 22, 2017 and approved by the Court on February 7, 2018, between the Florida Department of Corrections (“FDC”) and Disability Rights Florida, Inc. (“DRF”) regarding the provision of inpatient mental health services within FDC (“Agreement.”)

WHEREAS:

Counsel for the above-referenced parties have met and conferred regarding their Joint Motion to Modify Settlement Agreement by Extending Jurisdiction.

Pursuant to section VIII. of the Settlement Agreement, Plaintiff notified FDC in December 2019 of its belief that FDC was not in substantial compliance with the Agreement at several prison locations based upon findings from the first round of compliance assessments conducted in 2018 and 2019.

The parties engaged in negotiations regarding specific findings from the first round of monitoring that were not in compliance with Section VI, Paragraph (A) 7 of the Settlement Agreement, resulting in the implementation by FDC of corrective action plans to address the findings reported by the Corrections Medical Authority (“CMA”) during the first round of compliance assessment.

During the corrective active plan negotiations, the COVID-19 pandemic erupted, significantly impacting FDC operations and causing several prisons to go on extended active outbreak status, requiring widespread quarantines of prison dormitories.

Due to the COVID-19 pandemic and the resulting prison facility disruption, it was impossible to conduct the second-round monitoring activities required in the Agreement to be completed by October 2020 (Dkt. 10 at 17, § VI. B. 3.).

The parties have conferred and agree that extension of the Court’s jurisdiction described in section XIII. of the Agreement should occur to allow for the completion of a six-month corrective action process and for a second round of compliance assessments as originally contemplated by the Agreement (Dkt. 19 at 21, § XIII. C.)

Based on the proposed estimated schedule in Exhibit 1 attached hereto, the parties agree that the Court’s jurisdiction should be extended. Notwithstanding Paragraph XIII. C. 3. of the Agreement, the jurisdiction of the Court is hereby extended to June 30, 2022. However, in acknowledgment of the ongoing pandemic and of the potential need to reschedule compliance assessments based upon unforeseen outbreaks or emergency conditions, the parties agree that the second-round compliance assessment schedule will be modifiable upon mutual agreement of the

parties without leave of court, so long as the modification would not require an additional extension of the Court's jurisdiction.

In light of the foregoing, and in accordance with Section XI of the Agreement, the Agreement is hereby modified as follows.

AMENDMENTS TO THE DECEMBER 22, 2017 SETTLEMENT AGREEMENT

VI. COMPLIANCE ASSESSMENTS

Section VI.B.3., Compliance Assessments, is hereby revised to read:

[...]

B. Implementation

This Agreement shall be implemented as follows:

[...]

3. The second monitoring period and the final reports shall be completed no later than May 2, 2022.

[...]

XIII. COURT APPROVAL AND JURISDICTION

Sections XIII.C.2. and C.3., Court Approval and Jurisdiction, are hereby revised to read:

[...]

C. Jurisdiction:

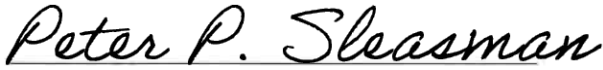
[...]

2. The terms of this Agreement and the jurisdiction of the Court shall commence upon the date of the Court's adoption of this Agreement as an order of the Court and shall extend from the date of adoption until June 30, 2022.

3. The jurisdiction of the Court shall terminate on June 30, 2022, unless the parties jointly file a motion to extend the jurisdiction due to any reasonable inability to complete the second-round compliance assessment schedule or if Plaintiff files a motion to extend jurisdiction based on the argument that prospective relief remains necessary to correct a current and ongoing violation of the Federal rights.

IN WITNESS WHEREOF, the Parties to the Stipulated Partial Amendment of Settlement Agreement have executed the same through the signatories below:

For Plaintiff:



Peter Sleasman
Executive Director
Disability Rights Florida, Inc.

Dated:

12/09.2020

For Defendants:



Mark S. Inch
Secretary
Florida Department of Corrections

Dated:

12 / 8 / 2020

EXHIBIT 1

AMENDED SCHEDULING OF COMPLIANCE ASSESSMENTS

A. FDC Corrective Action Period

Pursuant to negotiations between the parties, FDC and its contracted services provider have engaged in a period of corrective action and internal monitoring before the second round of CMA compliance assessments begins. This corrective action period will include Behavior Risk Management Team (“BRMT”) desktop audits of compliance with corrective action plans conducted between October and December 2020. The BRMT will conduct onsite audits between January and March 2021. Compliance assessments by the CMA will resume in May of 2021.

B. Second-Round Compliance Assessments

Categorization of Inpatient Mental Health Units and Scheduling of Compliance Assessments

Institutions designated below as “Category 1” typically house smaller inpatient populations or are anticipated to be less burdensome for the CMA to assess. After the onsite assessment of a Category 1 institution is concluded, the next assessment will occur in approximately 30 days. In contrast, a “Category 2” institution typically features a larger mental health unit or is anticipated to present more complex issues to be addressed in CMA’s monitoring analysis. Accordingly, the proposed schedule below establishes an approximate 45-day interim between the conclusion of a Category 2 institution onsite compliance assessment and any subsequent assessment of another institution.

Category 1 Facilities

1. Zephyrhills Correctional Institution
2. Reception and Medical Center
3. Florida Women’s Reception Center
4. Wakulla Correctional Institution Annex

Category 2 Facilities

1. Santa Rosa Correctional Institution Annex
2. Suwannee Correctional Institution
3. Lake Correctional Institution
4. Dade Correctional Institution

Schedule for Monitoring

1. Category 1 Institution - May 4-5, 2021
2. Category 1 Institution – Florida Women’s Reception Center – June 1-3, 2021
3. Category 2 Institution – Week of July 5-9, 2021
4. Category 2 Institution – Week of August 23-27, 2021

5. Category 1 Institution – Week of October 11-15, 2021
6. Category 2 Institution – Week of November 15- 19, 2021
7. Category 2 Institution – Week of January 24 – 28, 2022
8. Category 1 Institution – Week of March 14-18, 2022

Based upon the original time frames established in the Settlement Agreement, the CMA's final report (detailing findings for the last institution monitored and including any feedback from the parties) will be completed no later than May 2, 2022 under this enlarged time frame.