

By Senator Sachs

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1 A bill to be entitled

2 An act relating to county and municipal detention
3 facilities; amending s. 951.23, F.S.; providing a
4 definition; conforming provisions; deleting an
5 obsolete date; requiring each county or municipal
6 detention facility to receive periodic state
7 certification from the Department of Corrections;
8 providing for remedial measures for violations;
9 authorizing rulemaking to develop certification
10 standards and for remedial measures; authorizing a
11 position within the Department of Corrections;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsections (1), (2), and (3), paragraph (a) of
17 subsection (4), and subsections (8) and (10) of section 951.23,
18 Florida Statutes, are amended, and subsection (11) is added to
19 that section, to read:

20 951.23 County and municipal detention facilities;
21 definitions; administration; standards and requirements.-

22 (1) DEFINITIONS.-As used in this section, the term:

23 (a) "County detention facility" means a county jail, a
24 county stockade, a county work camp, a county residential
25 probation center, and any other place except a municipal
26 detention facility used by a county or county officer for the
27 detention of persons charged with or convicted of either felony
28 or misdemeanor.

29 (b) "County residential probation center" means a county-

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30 operated facility housing offenders serving misdemeanor
31 sentences or first-time felony sentences. Such facilities shall
32 provide or contract for the provision of the programs
33 established under s. 951.231.

34 (c) "County prisoner" means a person who is detained in a
35 county detention facility by reason of being charged with or
36 convicted of either felony or misdemeanor.

37 (d) "Department" means the Department of Corrections.

38 (e)~~(d)~~ "Municipal detention facility" means a city jail, a
39 city stockade, a city prison camp, and any other place except a
40 county detention facility used by a municipality or municipal
41 officer for the detention of persons charged with or convicted
42 of violation of municipal laws or ordinances.

43 (f)~~(e)~~ "Municipal prisoner" means a person who is detained
44 in a municipal detention facility by reason of being charged
45 with or convicted of violation of municipal law or ordinance.

46 (g)~~(f)~~ "Reduced custody housing area" means that area of a
47 county detention facility or municipal detention facility which
48 is designed to hold a large number of prisoners in a dormitory
49 or barracks-type setting. The area may or may not have a
50 security exterior, limited access, or exterior walls constructed
51 of canvas, cloth, or any material similarly flexible or woven,
52 which is flame resistant and is supported by a structural frame
53 of metal or similar durable material.

54 (2) COLLECTION OF INFORMATION.—In conjunction with the
55 administrators of county detention facilities, the department ~~of~~
56 ~~Corrections~~ shall develop an instrument for the collection of
57 information from the administrator of each county detention
58 facility. Whenever possible, the information shall be

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59 transmitted by the administrator to the department of
60 ~~Corrections~~ electronically or in a computer readable format. The
61 information shall be provided on a monthly basis and shall
62 include, but is not limited to, the following:

63 (a) The number of persons housed per day who are:

64 1. Felons sentenced to cumulative sentences of
65 incarceration of 364 days or less.

66 2. Felons sentenced to cumulative sentences of
67 incarceration of 365 days or more.

68 3. Sentenced misdemeanants.

69 4. Awaiting trial on at least one felony charge.

70 5. Awaiting trial on misdemeanor charges only.

71 6. Convicted felons and misdemeanants who are awaiting
72 sentencing.

73 7. Juveniles.

74 8. State parole violators.

75 9. State inmates who were transferred from a state
76 correctional facility, as defined in s. 944.02, to the county
77 detention facility.

78 (b) The number of persons housed per day, admitted per
79 month, and housed on the last day of the month, by age, race,
80 sex, country of citizenship, country of birth, and immigration
81 status classified as one of the following:

82 1. Permanent legal resident of the United States.

83 2. Legal visitor.

84 3. Undocumented or illegal alien.

85 4. Unknown status.

86 (c) The number of persons housed per day:

87 1. Pursuant to part I of chapter 394, "The Florida Mental

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88 Health Act.”

89 2. Pursuant to chapter 397, “Substance Abuse Services.”

90 (d) The cost per day for housing a person in the county
91 detention facility.

92 (e) The number of persons admitted per month, and the
93 number of persons housed on the last day of the month, by age,
94 race, and sex, who are:

95 1. Felons sentenced to cumulative sentences of
96 incarceration of 364 days or less.

97 2. Felons sentenced to cumulative sentences of
98 incarceration of 365 days or more.

99 3. Sentenced misdemeanants.

100 4. Awaiting trial on at least one felony charge.

101 5. Awaiting trial on misdemeanor charges only.

102 6. Convicted felons and misdemeanants who are awaiting
103 sentencing.

104 7. Juveniles.

105 8. State parole violators.

106 9. State inmates who were transferred from a state
107 correctional facility, as defined in s. 944.02, to the county
108 detention facility.

109 (f) The number of persons admitted per month, by age, race,
110 and sex:

111 1. Pursuant to part I of chapter 394, “The Florida Mental
112 Health Act.”

113 2. Pursuant to chapter 397, “Substance Abuse Services.”

114 (3) ANALYSIS AND USE OF INFORMATION; LISTS OF CONSTRUCTION
115 PLANS.—The information shall be analyzed and evaluated by the
116 department ~~of Corrections~~ for comparisons of various categories

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117 between counties and may be used for the provision of technical
118 assistance, upon request of the chief correctional officer. Such
119 assistance may include, but is not limited to, enhancement of
120 existing pretrial intervention programs and state reimbursement
121 for operational, renovation, or construction costs for county
122 detention facilities.

123 (4) STANDARDS FOR SHERIFFS AND CHIEF CORRECTIONAL
124 OFFICERS.—

125 (a) There shall be established a five-member working group
126 consisting of three persons appointed by the Florida Sheriffs
127 Association and two persons appointed by the Florida Association
128 of Counties to develop model standards for county and municipal
129 detention facilities. ~~By October 1, 1996,~~ Each sheriff and chief
130 correctional officer shall adopt, at a minimum, the model
131 standards with reference to:

132 1.a. The construction, equipping, maintenance, and
133 operation of county and municipal detention facilities.

134 b. The cleanliness and sanitation of county and municipal
135 detention facilities; the number of county and municipal
136 prisoners who may be housed therein per specified unit of floor
137 space; the quality, quantity, and supply of bedding furnished to
138 such prisoners; the quality, quantity, and diversity of food
139 served to them and the manner in which it is served; the
140 furnishing to them of medical attention and health and comfort
141 items; and the disciplinary treatment which may be meted out to
142 them.

143

144 Notwithstanding the provisions of the otherwise applicable
145 building code, a reduced custody housing area may be occupied by

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146 inmates or may be used for sleeping purposes as allowed in
147 subsection (7). The sheriff or chief correctional officer shall
148 provide that a reduced custody housing area shall be governed by
149 fire and life safety standards which do not interfere with the
150 normal use of the facility and which affect a reasonable degree
151 of compliance with rules of the State Fire Marshal for
152 correctional facilities.

153 2. The confinement of prisoners by classification and
154 providing, whenever possible, for classifications which separate
155 males from females, juveniles from adults, felons from
156 misdemeanants, and those awaiting trial from those convicted
157 and, in addition, providing for the separation of special risk
158 prisoners, such as the mentally ill, alcohol or narcotic
159 addicts, sex deviates, suicide risks, and any other
160 classification which the local unit may deem necessary for the
161 safety of the prisoners and the operation of the facility
162 pursuant to degree of risk and danger criteria. Nondangerous
163 felons may be housed with misdemeanants.

164 (8) ASSISTANCE TO LOCAL GOVERNMENT.—Upon the request of a
165 sheriff, or the chair of the board of county commissioners in a
166 county in which the chief corrections officer is not a
167 constitutional officer, the department ~~of Corrections~~ may
168 provide technical assistance to local governments in the design
169 and implementation of offender classification systems,
170 evaluation of construction and financing alternatives, the
171 development of community service programs, and the use of mutual
172 aid programs in jail-sharing efforts.

173 (10) RULE VIOLATIONS BY PRISONERS.—It is a misdemeanor of
174 the second degree, punishable as provided in s. 775.082 or s.

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175 775.083, for a county prisoner or a municipal prisoner in a
176 county detention facility to knowingly, on two or more
177 occasions, violate a posted jail rule governing the conduct of
178 prisoners, if the rule prohibits any of the following acts:

- 179 (a) Assaulting any person;
- 180 (b) Fighting with another person;
- 181 (c) Threatening another with bodily harm, or any offense
182 against another person or property;
- 183 (d) Extortion, blackmail, protection, demanding or
184 receiving money or anything of value in return for protection
185 against others to avoid bodily harm, or under threat of
186 informing;
- 187 (e) Engaging in sexual acts with others;
- 188 (f) Making sexual proposals or threats to another;
- 189 (g) Indecent exposure;
- 190 (h) Escape;
- 191 (i) Attempting or planning escape;
- 192 (j) Wearing a disguise or mask;
- 193 (k) Setting a fire;
- 194 (l) Destroying, altering, damaging, or defacing government
195 property or the property of another person;
- 196 (m) Stealing (theft);
- 197 (n) Tampering with or blocking any locking device;
- 198 (o) Adulteration of any food or drink;
- 199 (p) Possession or introduction of any explosive,
200 ammunition, firearm, or weapon;
- 201 (q) Possession of contraband;
- 202 (r) Misuse of authorized medication;
- 203 (s) Loaning of property or anything of value for profit or

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204 increased return;

205 (t) Possession of anything not authorized for retention or
206 receipt by the inmate and not issued to him or her through
207 regular institutional channels;

208 (u) Mutilating or altering issued clothing, bedding, linen,
209 or mattresses;

210 (v) Rioting;

211 (w) Encouraging others to riot;

212 (x) Engaging in or encouraging a group demonstration;

213 (y) Refusing to work;

214 (z) Encouraging others to refuse to work or participating
215 in work stoppage;

216 (aa) Refusing to obey a reasonable order of any staff
217 member;

218 (bb) Unexcused absence from work or any assignment;

219 (cc) Malingering; feigning an illness or injury;

220 (dd) Failing to perform work as instructed by a supervisor;

221 (ee) Lying or providing a false statement to a staff
222 member;

223 (ff) Conduct which disrupts or interferes with the security
224 or orderly running of the institution;

225 (gg) Counterfeiting, forging, or unauthorized reproduction
226 of any document, article, or identification, money, security, or
227 official paper;

228 (hh) Participating in an unauthorized meeting or gathering;

229 (ii) Being in an unauthorized area;

230 (jj) Failure to follow safety or sanitation regulations;

231 (kk) Using any equipment or machinery contrary to
232 instructions or posted safety standards;

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- 233 (ll) Failing to stand count;
- 234 (mm) Interfering with the taking of count;
- 235 (nn) Making intoxicants or being intoxicated;
- 236 (oo) Smoking where prohibited;
- 237 (pp) Using abusive or obscene language;
- 238 (qq) Gambling; preparing or conducting a gambling pool;
- 239 possession of gambling paraphernalia;
- 240 (rr) Being unsanitary or untidy; failing to keep one's
- 241 person and one's quarters in accordance with posted standards;
- 242 (ss) Tattooing or self-mutilation;
- 243 (tt) Unauthorized use of mail or telephone;
- 244 (uu) Unauthorized contacts with the public;
- 245 (vv) Correspondence or conduct with a visitor in violation
- 246 of posted regulations;
- 247 (ww) Giving or offering any official or staff member a
- 248 bribe or anything of value; or
- 249 (xx) Giving money or anything of value to, or accepting
- 250 money or anything of value from another inmate, a member of his
- 251 or her family, or his or her friend.

252

253 Punishment for a violation of this subsection shall run
 254 consecutive to any other sentence.

255 (11) CERTIFICATION OF FACILITIES.—

256 (a) Each county detention facility or municipal detention
 257 facility must receive state certification every 2 years that the
 258 facility is operated consistent with public safety, security,
 259 and efficiency. The department is the state agency responsible
 260 for developing inspection criteria, conducting inspections, and
 261 issuing certifications. If a facility fails inspection, the

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262 department shall manage and operate the facility, provide
263 probationary status, along with a plan to achieve certification,
264 or undertake any other remedial measures that the Secretary of
265 Corrections deems appropriate and commensurate with the
266 determined violations.

267 (b) The department may adopt rules concerning certification
268 standards for facilities under this subsection, for penalties,
269 finances, or any other penalty measures to ensure compliance with
270 this subsection, and for reimbursements by local governments to
271 the state for costs incurred when it becomes necessary for the
272 department to manage and operate a facility under this
273 subsection.

274 Section 2. For the 2011-2012 fiscal year, the Department of
275 Corrections is authorized one additional full-time equivalent
276 position to conduct the inspections and perform other duties
277 required by s. 951.23(11), Florida Statutes, as created by this
278 act.

279 Section 3. This act shall take effect July 1, 2011.