

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 obsolete
 5 date; requiring each county or municipal detention
 6 facility to receive periodic state certification from the
 7 Department of Corrections; providing for remedial measures
 8 for violations; authorizing rulemaking to develop
 9 certification standards and for remedial measures;
 10 authorizing a position within the Department of
 11 Corrections; providing an effective date.

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

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

19 951.23 County and municipal detention facilities;
 20 definitions; administration; standards and requirements.—

21 (1) DEFINITIONS.—As used in this section, the term:

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

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

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

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

36 | (d) "Department" means the Department of Corrections.

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

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

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

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

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

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

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

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

67 3. Sentenced misdemeanants.

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

69 5. Awaiting trial on misdemeanor charges only.

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

72 7. Juveniles.

73 8. State parole violators.

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

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

81 1. Permanent legal resident of the United States.

82 2. Legal visitor.

83 3. Undocumented or illegal alien.

84 4. Unknown status.

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- 85 (c) The number of persons housed per day:
- 86 1. Pursuant to part I of chapter 394, "The Florida Mental
- 87 Health Act."
- 88 2. Pursuant to chapter 397, "Substance Abuse Services."
- 89 (d) The cost per day for housing a person in the county
- 90 detention facility.
- 91 (e) The number of persons admitted per month, and the
- 92 number of persons housed on the last day of the month, by age,
- 93 race, and sex, who are:
- 94 1. Felons sentenced to cumulative sentences of
- 95 incarceration of 364 days or less.
- 96 2. Felons sentenced to cumulative sentences of
- 97 incarceration of 365 days or more.
- 98 3. Sentenced misdemeanants.
- 99 4. Awaiting trial on at least one felony charge.
- 100 5. Awaiting trial on misdemeanor charges only.
- 101 6. Convicted felons and misdemeanants who are awaiting
- 102 sentencing.
- 103 7. Juveniles.
- 104 8. State parole violators.
- 105 9. State inmates who were transferred from a state
- 106 correctional facility, as defined in s. 944.02, to the county
- 107 detention facility.
- 108 (f) The number of persons admitted per month, by age,
- 109 race, and sex:
- 110 1. Pursuant to part I of chapter 394, "The Florida Mental
- 111 Health Act."
- 112 2. Pursuant to chapter 397, "Substance Abuse Services."

113 (3) ANALYSIS AND USE OF INFORMATION; LISTS OF CONSTRUCTION
 114 PLANS.—The information shall be analyzed and evaluated by the
 115 department ~~of Corrections~~ for comparisons of various categories
 116 between counties and may be used for the provision of technical
 117 assistance, upon request of the chief correctional officer. Such
 118 assistance may include, but is not limited to, enhancement of
 119 existing pretrial intervention programs and state reimbursement
 120 for operational, renovation, or construction costs for county
 121 detention facilities.

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

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

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

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

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141 | them.

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

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

163 | (8) ASSISTANCE TO LOCAL GOVERNMENT.—Upon the request of a
164 | sheriff, or the chair of the board of county commissioners in a
165 | county in which the chief corrections officer is not a
166 | constitutional officer, the department ~~of Corrections~~ may
167 | provide technical assistance to local governments in the design
168 | and implementation of offender classification systems,

169 | evaluation of construction and financing alternatives, the
 170 | development of community service programs, and the use of mutual
 171 | aid programs in jail-sharing efforts.

172 | (10) RULE VIOLATIONS BY PRISONERS.—It is a misdemeanor of
 173 | the second degree, punishable as provided in s. 775.082 or s.
 174 | 775.083, for a county prisoner or a municipal prisoner in a
 175 | county detention facility to knowingly, on two or more
 176 | occasions, violate a posted jail rule governing the conduct of
 177 | prisoners, if the rule prohibits any of the following acts:

- 178 | (a) Assaulting any person;
- 179 | (b) Fighting with another person;
- 180 | (c) Threatening another with bodily harm, or any offense
 181 | against another person or property;
- 182 | (d) Extortion, blackmail, protection, demanding or
 183 | receiving money or anything of value in return for protection
 184 | against others to avoid bodily harm, or under threat of
 185 | informing;
- 186 | (e) Engaging in sexual acts with others;
- 187 | (f) Making sexual proposals or threats to another;
- 188 | (g) Indecent exposure;
- 189 | (h) Escape;
- 190 | (i) Attempting or planning escape;
- 191 | (j) Wearing a disguise or mask;
- 192 | (k) Setting a fire;
- 193 | (l) Destroying, altering, damaging, or defacing government
 194 | property or the property of another person;
- 195 | (m) Stealing (theft);
- 196 | (n) Tampering with or blocking any locking device;

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- 197 (o) Adulteration of any food or drink;
- 198 (p) Possession or introduction of any explosive,
- 199 ammunition, firearm, or weapon;
- 200 (q) Possession of contraband;
- 201 (r) Misuse of authorized medication;
- 202 (s) Loaning of property or anything of value for profit or
- 203 increased return;
- 204 (t) Possession of anything not authorized for retention or
- 205 receipt by the inmate and not issued to him or her through
- 206 regular institutional channels;
- 207 (u) Mutilating or altering issued clothing, bedding,
- 208 linen, or mattresses;
- 209 (v) Rioting;
- 210 (w) Encouraging others to riot;
- 211 (x) Engaging in or encouraging a group demonstration;
- 212 (y) Refusing to work;
- 213 (z) Encouraging others to refuse to work or participating
- 214 in work stoppage;
- 215 (aa) Refusing to obey a reasonable order of any staff
- 216 member;
- 217 (bb) Unexcused absence from work or any assignment;
- 218 (cc) Malingering; feigning an illness or injury;
- 219 (dd) Failing to perform work as instructed by a
- 220 supervisor;
- 221 (ee) Lying or providing a false statement to a staff
- 222 member;
- 223 (ff) Conduct which disrupts or interferes with the
- 224 security 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
- 229 | gathering;
- 230 | (ii) Being in an unauthorized area;
- 231 | (jj) Failure to follow safety or sanitation regulations;
- 232 | (kk) Using any equipment or machinery contrary to
- 233 | instructions or posted safety standards;
- 234 | (ll) Failing to stand count;
- 235 | (mm) Interfering with the taking of count;
- 236 | (nn) Making intoxicants or being intoxicated;
- 237 | (oo) Smoking where prohibited;
- 238 | (pp) Using abusive or obscene language;
- 239 | (qq) Gambling; preparing or conducting a gambling pool;
- 240 | possession of gambling paraphernalia;
- 241 | (rr) Being unsanitary or untidy; failing to keep one's
- 242 | person and one's quarters in accordance with posted standards;
- 243 | (ss) Tattooing or self-mutilation;
- 244 | (tt) Unauthorized use of mail or telephone;
- 245 | (uu) Unauthorized contacts with the public;
- 246 | (vv) Correspondence or conduct with a visitor in violation
- 247 | of posted regulations;
- 248 | (ww) Giving or offering any official or staff member a
- 249 | bribe or anything of value; or
- 250 | (xx) Giving money or anything of value to, or accepting
- 251 | money or anything of value from another inmate, a member of his
- 252 | or her family, or his or her friend.

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

256 (11) CERTIFICATION OF FACILITIES.—

257 (a) Each county detention facility or municipal detention
258 facility must receive state certification every 2 years that the
259 facility is operated consistent with public safety, security,
260 and efficiency. The department shall be the state agency
261 responsible for developing inspection criteria, conducting
262 inspections, and issuing certifications. If a facility fails
263 inspection, the department shall manage and operate the
264 facility, provide probationary status with a plan to achieve
265 certification, or undertake any other remedial measures in the
266 discretion of the Secretary of Corrections as may be appropriate
267 and commensurate with the determined violations.

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

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

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