

1                   A bill to be entitled  
2           An act relating to youth in solitary confinement;  
3           creating s. 958.155, F.S.; providing a short title;  
4           defining terms; prohibiting the Department of  
5           Corrections or a local governmental body from  
6           subjecting a youth to solitary confinement except  
7           under certain circumstances; limiting cell confinement  
8           of all youth prisoners; providing protection for youth  
9           prisoners held in emergency cell confinement;  
10          prohibiting a youth prisoner from being subjected to  
11          emergency cell confinement under certain  
12          circumstances; requiring facility staff to document  
13          the placement in emergency cell confinement; requiring  
14          that within a specified time and at specified  
15          intervals a mental health clinician evaluate face to  
16          face a youth prisoner who is subjected to emergency  
17          cell confinement; requiring facility staff to perform  
18          visual checks at specified intervals; requiring each  
19          evaluation to be documented; providing for an  
20          individualized suicide crisis intervention plan, if  
21          applicable; requiring the transporting of a youth to a  
22          mental health receiving facility if the youth's  
23          suicide risk is not resolved within a certain time;  
24          requiring that youth prisoners in emergency cell  
25          confinement be allotted services and other benefits

26 | that are made available to prisoners in the general  
27 | prison population; providing for the protection of  
28 | youth prisoners in disciplinary cell confinement;  
29 | prohibiting a youth prisoner from being subjected to  
30 | disciplinary cell confinement for more than a certain  
31 | duration; requiring staff to perform visual checks at  
32 | specified intervals; requiring that youth prisoners in  
33 | disciplinary cells be allotted services and other  
34 | benefits that are made available to prisoners in the  
35 | general prison population; providing reduced isolation  
36 | for youth prisoners in protective custody; requiring  
37 | the department and the boards of county commissioners  
38 | to review their policies relating to youth prisoners  
39 | to evaluate whether the policies are necessary;  
40 | requiring the department and the board of county  
41 | commissioners of each county that administers a  
42 | detention facility or jail to certify compliance in a  
43 | report to the Governor and Legislature by a specified  
44 | date; requiring the department and the boards of  
45 | county commissioners to adopt rules; providing  
46 | construction; amending s. 944.09, F.S.; authorizing  
47 | the department to adopt rules; amending s. 951.23,  
48 | F.S.; requiring sheriffs and chief correctional  
49 | officers to adopt model standards relating to youth  
50 | prisoners; reenacting s. 944.279(1), F.S., relating to

51 disciplinary procedures applicable to a prisoner for  
 52 filing frivolous or malicious actions or bringing  
 53 false information before a court, to incorporate the  
 54 amendment made to s. 944.09, F.S., in a reference  
 55 thereto; providing an effective date.

56  
 57 Be It Enacted by the Legislature of the State of Florida:

58  
 59 Section 1. Section 958.155, Florida Statutes, is created  
 60 to read:

61 958.155 Youthful offenders in solitary confinement.-

62 (1) SHORT TITLE.-This section may be cited as the "Youth  
 63 in Solitary Confinement Reduction Act."

64 (2) DEFINITIONS.-As used in this section, the term:

65 (a) "Disciplinary cell confinement" means a disciplinary  
 66 sanction for a major rule violation in which a youth who is  
 67 found guilty of committing a major rule violation is confined to  
 68 a cell for a specified time.

69 (b) "Emergency cell confinement" means the confinement to  
 70 a cell of a youth who needs to be temporarily removed from the  
 71 general population of prisoners because he or she presents an  
 72 immediate, serious danger to the security or safety of himself  
 73 or herself or others.

74 (c) "Major rule violation" means an act that:

75 1. Is an act of violence which results in or is likely to

76 result in serious injury or death to another;

77 2. Occurs in connection with an act of nonconsensual sex;

78 3. Consists of two or more discrete acts that cause  
79 serious disruption to the security or order of the detention  
80 center or facility operations; or

81 4. Is an escape, attempted escape, or conspiracy to escape  
82 from within a security perimeter or from custody or both.

83 (d) "Mental health clinician" means a psychiatrist,  
84 psychologist, social worker, or nurse practitioner.

85 (e) "Prisoner" means a person incarcerated in a county or  
86 regional jail or in a department facility who is accused of,  
87 convicted of, or sentenced for a violation of criminal law or  
88 the terms and conditions of parole, probation, pretrial release,  
89 or a diversionary program.

90 (f) "Protective custody" means a status for a youth who  
91 requires protection because he or she is in danger of being  
92 victimized by other prisoners in the facility. The term includes  
93 time spent under this status pending review of the youth's  
94 request for protection.

95 (g) "Solitary confinement" means involuntary confinement  
96 in a cell for more than 20 hours a day, in isolation.

97 (h) "Youth" means a person who is younger than 18 years of  
98 age, or a person who is sentenced as a "youthful offender" by a  
99 court or is classified as such by the department pursuant to  
100 this chapter.

101       (3) PROTECTING YOUTH FROM SOLITARY CONFINEMENT.—A youth  
102 prisoner who is held under the jurisdiction of the department or  
103 a local governmental body in this state may not be subjected to  
104 solitary confinement, except as provided in this section. Cell  
105 confinement of all youth prisoners is limited to the types and  
106 parameters of confinement specified in this section.

107       (4) PROTECTING YOUTH HELD IN EMERGENCY CELL CONFINEMENT.—

108       (a) A youth prisoner may be subjected to emergency cell  
109 confinement for a period not to exceed 24 hours.

110       (b) A youth prisoner may not be subjected to emergency  
111 cell confinement unless all other less-restrictive options have  
112 been exhausted. Facility staff shall document the placement of a  
113 youth prisoner in emergency cell confinement and include the  
114 justification for the placement and all the attempts for other  
115 less-restrictive options before the placement.

116       (c) A youth prisoner may be subjected to emergency cell  
117 confinement for the shortest time that is required to address  
118 the safety risk and may not be held in such confinement if a  
119 mental health clinician determines that the confinement is  
120 detrimental to the youth's mental or physical health.

121       (d) A youth prisoner who is subjected to emergency cell  
122 confinement shall be evaluated face to face by a mental health  
123 clinician within 1 hour after placement and at least every 4  
124 hours thereafter to determine if the youth should remain in  
125 emergency cell confinement. The mental health clinician shall

126 document each evaluation and shall include the reason for  
127 continued placement in emergency cell confinement.

128 (e) During the time a youth prisoner is subjected to  
129 emergency cell confinement, the facility staff shall conduct  
130 visual checks at least 4 times an hour and not longer than 15  
131 minutes apart. During the time a youth is awake, the staff shall  
132 speak to the youth during the visual checks. After each visual  
133 check, the staff shall document the status of the youth.

134 (f) Within 4 hours after placing a youth prisoner who has  
135 exhibited suicidal behavior or committed acts of self-harm in  
136 emergency cell confinement, a mental health clinician shall  
137 implement an individualized suicide crisis intervention plan for  
138 the youth and closely monitor the youth's condition in order to  
139 reduce or eliminate the risk of self-harm. If the youth's  
140 suicide risk is not resolved within 24 hours, the youth must be  
141 moved to a mental health receiving facility.

142 (g) A youth prisoner who is subjected to emergency cell  
143 confinement shall be provided:

144 1. At least 1 hour of daily out-of-cell large-muscle  
145 exercise that includes access to outdoor recreation when the  
146 weather allows; and

147 2. Access to the same meals and drinking water, medical  
148 treatment, contact with parents and legal guardians, and legal  
149 assistance as provided to prisoners in the general population.

150 (5) PROTECTING YOUTH HELD IN DISCIPLINARY CELL

151 CONFINEMENT.—

152 (a) A youth prisoner may be subjected to disciplinary cell  
153 confinement by himself or herself for a period not to exceed 72  
154 hours.

155 (b) During the time a youth prisoner is subjected to  
156 disciplinary cell confinement in a cell by himself or herself,  
157 the facility staff shall conduct visual checks at least 4 times  
158 an hour and not longer than 15 minutes apart. During the time  
159 the youth is awake, the staff shall speak to the youth during  
160 the visual checks. After each visual check, the staff shall  
161 document the status of the youth.

162 (c) A youth prisoner who is subjected to disciplinary cell  
163 confinement shall be provided:

164 1. At least 2 hours of daily out-of-cell large-muscle  
165 exercise that includes access to outdoor recreation when the  
166 weather allows;

167 2. Daily showers; and

168 3. Access to the same meals and drinking water, clothing,  
169 medical treatment, educational services, correspondence  
170 privileges, contact with parents and legal guardians, and legal  
171 assistance as provided to prisoners in the general population.

172 (6) REDUCING ISOLATION FOR YOUTH WHO REQUIRE PROTECTIVE  
173 CUSTODY.—If a youth prisoner is subjected to protective custody,  
174 the restrictions to which the youth prisoner is subjected due to  
175 such custody status must be the least restrictive to maintain

176 the safety of the youth prisoner and the facility. At a minimum,  
177 such youth prisoner shall have access to:

178 (a) Educational and programming opportunities consistent  
179 with the youth prisoner's safety and security and any federal  
180 and state law requirements;

181 (b) At least 5 hours a day of out-of-cell time, including  
182 a minimum of 2 hours of daily out-of-cell large-muscle exercise  
183 that includes access to outdoor recreation when the weather  
184 allows;

185 (c) The same meals and drinking water, clothing, and  
186 medical treatment as provided to prisoners in the general  
187 population;

188 (d) Personal property, including televisions and radios,  
189 and access to books, magazines, and other printed materials;

190 (e) Daily showers;

191 (f) The law library; and

192 (g) The same correspondence privileges and number of  
193 visits and phone calls allowed to prisoners in the general  
194 population, including, but not limited to, the same contact with  
195 parents and legal guardians and the same legal assistance.

196 (7) IMPLEMENTATION.—

197 (a) The department and the board of county commissioners  
198 of each county that administers a detention facility or jail  
199 shall review their policies relating to youth prisoners in  
200 solitary confinement or protective custody to determine if the



201 policies are necessary. The department and the board of county  
 202 commissioners of each county that administers a detention  
 203 facility or jail shall certify compliance with this section in a  
 204 report that the department and the commission shall submit to  
 205 the Governor, the President of the Senate, and the Speaker of  
 206 the House of Representatives by January 1, 2020. The department  
 207 and the board of county commissioners of each such county shall  
 208 adopt policies and procedures necessary to administer this act.

209 (b) This act does not conflict with any law providing  
 210 greater or additional protections to youth prisoners in this  
 211 state.

212 Section 2. Paragraph (s) is added to subsection (1) of  
 213 section 944.09, Florida Statutes, to read:

214 944.09 Rules of the department; offenders, probationers,  
 215 and parolees.—

216 (1) The department has authority to adopt rules pursuant  
 217 to ss. 120.536(1) and 120.54 to implement its statutory  
 218 authority. The rules must include rules relating to:

219 (s) Disciplinary procedures and punishment for youth  
 220 prisoners in compliance with the Youth in Solitary Confinement  
 221 Reduction Act.

222 Section 3. Paragraph (a) of subsection (4) of section  
 223 951.23, Florida Statutes, is amended to read:

224 951.23 County and municipal detention facilities;  
 225 definitions; administration; standards and requirements.—

226 (4) STANDARDS FOR SHERIFFS AND CHIEF CORRECTIONAL  
 227 OFFICERS.—

228 (a) There shall be established a five-member working group  
 229 consisting of three persons appointed by the Florida Sheriffs  
 230 Association and two persons appointed by the Florida Association  
 231 of Counties to develop model standards for county and municipal  
 232 detention facilities. ~~By October 1, 1996,~~ Each sheriff and chief  
 233 correctional officer shall adopt, at a minimum, the model  
 234 standards with reference to:

235 1.a. The construction, equipping, maintenance, and  
 236 operation of county and municipal detention facilities.

237 b. The cleanliness and sanitation of county and municipal  
 238 detention facilities; the number of county and municipal  
 239 prisoners who may be housed therein per specified unit of floor  
 240 space; the quality, quantity, and supply of bedding furnished to  
 241 such prisoners; the quality, quantity, and diversity of food  
 242 served to them and the manner in which it is served; the  
 243 furnishing to them of medical attention and health and comfort  
 244 items; and the disciplinary treatment that ~~which~~ may be meted  
 245 out to them.

246  
 247 Notwithstanding the provisions of the otherwise applicable  
 248 building code, a reduced custody housing area may be occupied by  
 249 inmates or may be used for sleeping purposes as allowed in  
 250 subsection (7). The sheriff or chief correctional officer shall

251 provide that a reduced custody housing area shall be governed by  
252 fire and life safety standards which do not interfere with the  
253 normal use of the facility and which affect a reasonable degree  
254 of compliance with rules of the State Fire Marshal for  
255 correctional facilities.

256 2. The confinement of prisoners by classification and  
257 providing, whenever possible, for classifications that ~~which~~  
258 separate males from females, juveniles from adults, felons from  
259 misdemeanants, and those awaiting trial from those convicted  
260 and, in addition, providing for the separation of special risk  
261 prisoners, such as the mentally ill, alcohol or narcotic  
262 addicts, sex deviates, suicide risks, and any other  
263 classification that ~~which~~ the local unit may deem necessary for  
264 the safety of the prisoners and the operation of the facility  
265 pursuant to degree of risk and danger criteria. Nondangerous  
266 felons may be housed with misdemeanants.

267 3. The confinement of prisoners by classification and  
268 providing for classifications that comply with the Youth  
269 Solitary Confinement Reduction Act.

270 Section 4. For the purpose of incorporating the amendment  
271 made by this act to section 944.09, Florida Statutes, in a  
272 reference thereto, subsection (1) of section 944.279, Florida  
273 Statutes, is reenacted to read:

274 944.279 Disciplinary procedures applicable to prisoner for  
275 filing frivolous or malicious actions or bringing false

276 | information before court.—

277 |       (1) At any time, and upon its own motion or on motion of a  
278 | party, a court may conduct an inquiry into whether any action or  
279 | appeal brought by a prisoner was brought in good faith. A  
280 | prisoner who is found by a court to have brought a frivolous or  
281 | malicious suit, action, claim, proceeding, or appeal in any  
282 | court of this state or in any federal court, which is filed  
283 | after June 30, 1996, or to have brought a frivolous or malicious  
284 | collateral criminal proceeding, which is filed after September  
285 | 30, 2004, or who knowingly or with reckless disregard for the  
286 | truth brought false information or evidence before the court, is  
287 | subject to disciplinary procedures pursuant to the rules of the  
288 | Department of Corrections. The court shall issue a written  
289 | finding and direct that a certified copy be forwarded to the  
290 | appropriate institution or facility for disciplinary procedures  
291 | pursuant to the rules of the department as provided in s.  
292 | 944.09.

293 |       Section 5. This act shall take effect July 1, 2019.