

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 206

INTRODUCER: Senator Pizzo

SUBJECT: Visiting County and Municipal Detention Facilities

DATE: January 25, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Siples	Jones	CJ	Pre-meeting
2.			CA	
3.			RC	

I. Summary:

SB 206 authorizes the following individuals to visit county and municipal detention facilities at their pleasure:

- The Governor;
- Cabinet members;
- Members of the Legislature;
- State court judges;
- State attorneys; and
- Public defenders.

The bill prohibits a county or municipal detention facility from unreasonably withholding permission to visit such facility from a person who provides sufficient evidence that he or she is a professional journalist or a writer.

The bill provides that all other persons may visit a county or municipal detention facility in accordance with the rules or regulations prescribed by the facility.

The bill is effective July 1, 2021.

II. Present Situation:

County and Municipal Detention Facilities

A county detention facility is any county jail, stockade, work camp, residential probation center, or any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of either a felony or misdemeanor.¹ Sheriffs

¹ Section 951.23(1)(a), F.S.

operate the majority of county detention facilities, with counties operating the remainder.² County detention facilities house inmates who have been arrested and are awaiting trial, as well as inmates who have been convicted and sentenced to less than one year of incarceration.

The Department of Corrections (DOC) reports that approximately 51,197 inmates were incarcerated in the state's county detention facilities during the month of November 2020.³

A municipal detention facility is a city jail, stockade, prison camp, or any other place except a county detention facility used by a municipality or municipal officer for the detention of persons charged with or convicted of a violation of municipal laws or ordinances.⁴

Visitation of County and Municipal Detention Facilities

Each county sheriff's office or board of county commissioners establish the visitation rules for its detention facilities. Such rules may establish visitation hours, dress codes, and admission requirements. Some facilities include exceptions to the visitation rules for private attorneys and public defenders.⁵

Visitation of State Correctional Institutions

The following persons are authorized to visit state correctional institutions at their pleasure:

- The Governor;
- All Cabinet members;
- Members of the Legislature;
- Judges of state courts;
- State attorneys;
- Public defenders; and
- Authorized representatives of the Florida Commission on Offender Review.⁶

Additionally, permission to visit state correctional institutions may not be unreasonably withheld from those who provide the DOC sufficient evidence that they are bona fide reporters or writers.⁷

² For example, the county commissions operate the county detention facilities in Escambia, Gulf, Jackson, Miami-Dade, Okaloosa, Orange, Osceola, and Volusia counties (see <https://myescambia.com/our-services/corrections/community-detention>; http://www.gulfcounty-fl.gov/county_government/detention_facility; <https://jacksoncountyfl.gov/services/correctional-facility/>; <https://www.miamidade.gov/global/corrections/home.page>; <http://www.co.okaloosa.fl.us/corrections/history>; http://www.ocfl.net/tabid/367/default.aspx#.X_MzJthKiU1; <https://www.osceola.org/agencies-departments/corrections/about/>; and <https://www.volusia.org/services/public-protection/corrections/>; respectively (last visited January 21, 2021)).

³ Department of Corrections, *Florida County Detention Facilities Average Inmate Population*, November 2020, p. 2, available at <http://www.dc.state.fl.us/pub/jails/2020/jails-2020-11.pdf> (last visited January 21, 2021).

⁴ Section 951.23(1)(d), F.S.

⁵ For example, see Nassau County Sheriff's Office, *Jail Visitation*, available at <https://nassauso.com/corrections/jail-visitiation/> (last visited January 21, 2021); and Broward County Sheriff's Office, *Attorney Information*, available at <https://www.sheriff.org/DOD/Pages/Attorney-Info.aspx> (last visited January 21, 2021). Also many facilities have adjusted their in-person visitation policies to mitigate risks associated with the coronavirus.

⁶ Section 944.23, F.S.

⁷ *Id.*

Any other persons seeking to enter a state correctional institution may only do so in accordance with the rules prescribed by the DOC.

Visitation of State Juvenile Facilities

In 2018, the Legislature authorized the following individuals to visit all facilities housing juveniles that are operated or overseen by the Department of Juvenile Justice (DJJ) or a county, at their pleasure, between the hours of 6 a.m. and 11 p.m.:

- The Governor;
- A Cabinet member;
- A member of the Legislature;
- A judge of a state court;
- A state attorney;
- A public defender; and
- A person authorized by the secretary of the DJJ.⁸

If one of the individuals listed above seeks to visit a state juvenile facility before 6:00 a.m. or after 11:00 p.m., a request for an after-hours tour must be submitted to and be approved by the Assistant Secretary for Detention at least 14 days prior to the tour.⁹ Such individuals on an after-hours tour may not access areas in which youth are sleeping.¹⁰

The DJJ may not unreasonably withhold permission to visit a state facility housing juveniles from a person who provides sufficient evidence that he or she is a bona fide reporter or writer.

III. Effect of Proposed Changes:

The bill authorizes the following persons to visit county detention facilities, at their pleasure:

- The Governor;
- Cabinet members;
- Members of the Legislature;
- State court judges;
- State attorneys; and
- Public defenders.

A person who is not otherwise authorized by law may not enter a county or municipal detention facility except as provided in the rules or regulations provided by such facility.

The bill also prohibits a county or municipal facility from withholding permission to visit the facility if the person is a professional journalist, as defined in s. 90.5015, F.S., or a writer.¹¹

⁸ Chapter 2018-47, s. 1, L.O.F. (creating s. 985.6885, F.S., effective July 1, 2018).

⁹ Rule 63G-2.023(9)(k), F.A.C.

¹⁰ *Id.*

¹¹ Section 90.5015, F.S., defines “professional journalist” as a person regularly engaged in collecting, photographing, recording, writing, editing, reporting, or publishing news, for gain or livelihood, who obtained the information sought while working as a salaried employee of, or independent contractor for, a newspaper, news journal, news agency, press association, wire service, radio or television station, network, or news magazine. Book authors and others are not professional journalists and are not included in this provision.

The bill is effective July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 951.225 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
