

By Senator Jones

35-00828-22

20221236\_\_

1                   A bill to be entitled  
2           An act relating to county and municipal detention  
3           facilities; amending s. 951.23, F.S.; revising the  
4           definitions of the terms "county detention facility"  
5           and "municipal detention facility"; creating the  
6           Florida Model Jail Standards Commission to supersede a  
7           working group; prescribing the commission's  
8           membership; specifying that each entity that operates  
9           a municipal or county detention facility shall adopt  
10          the Florida Model Jail Standards approved by the  
11          commission; specifying minimum commission standards;  
12          creating s. 951.2302, F.S.; defining terms; requiring  
13          the jail standards to include criteria and standards  
14          for what actions result in serious violations and  
15          notable violations; specifying that the jail standards  
16          must require that each county detention facility and  
17          municipal detention facility be inspected, at a  
18          minimum, twice annually; prohibiting any person in  
19          charge of a county detention facility or municipal  
20          detention facility from refusing to be inspected or  
21          refusing access to commission inspectors; providing  
22          annual inspection requirements; providing procedures  
23          and requirements for reinspections of detention  
24          facilities due to noncompliance; providing timeframes  
25          within which detention facilities must correct  
26          violations; providing financial penalties for persons  
27          in charge of detention facilities who refuse to allow  
28          inspections or who refuse to provide access to  
29          detention facilities, or for facilities found to be

35-00828-22

20221236\_\_

30 noncompliant with the jail standards during an annual  
31 inspection or any reinspection; requiring certain  
32 noncompliant detention facilities to cease operations  
33 and contract with other detention facilities for  
34 inmate housing under certain circumstances; requiring  
35 that the assessed financial penalties be deposited  
36 into the detention facility's inmate welfare fund;  
37 providing an effective date.

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Paragraphs (a) and (d) of subsection (1) and  
42 paragraph (a) of subsection (4) of section 951.23, Florida  
43 Statutes, are amended to read:

44 951.23 County and municipal detention facilities;  
45 definitions; administration; standards and requirements.-

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

47 (a) "County detention facility" means a county jail, a  
48 county stockade, a county work camp, a county residential  
49 probation center, and any other place except a municipal  
50 detention facility used by a county or county officer for the  
51 detention of persons charged with or convicted of a either  
52 felony or a misdemeanor, regardless of whether such facility is  
53 operated by a board of county commissioners, a sheriff, or any  
54 other entity.

55 (d) "Municipal detention facility" means a city jail, a  
56 city stockade, a city prison camp, and any other place except a  
57 county detention facility used by a municipality or municipal  
58 officer for the detention of persons charged with or convicted

35-00828-22

20221236\_\_

59 of violation of municipal laws or ordinances, regardless of  
60 whether such facility is operated by a city or any other entity.

61 (4) STANDARDS FOR SHERIFFS AND CHIEF CORRECTIONAL  
62 OFFICERS.—

63 (a) There is ~~shall be~~ established the Florida Model Jail  
64 Standards Commission, a seven-member commission ~~five-member~~  
65 ~~working group~~ consisting of four ~~three~~ persons appointed by the  
66 Florida Sheriffs Association, three of whom must be currently  
67 elected sheriffs and one of whom must be a Florida licensed  
68 physician with at least 2 years of experience in correctional  
69 health care, and three ~~two~~ persons appointed by the Florida  
70 Association of Counties, of whom one must be a currently elected  
71 county commissioner, one must be an experienced jail  
72 administrator of a Florida county jail operated by a county, and  
73 one must be a Florida licensed psychiatrist with at least 2  
74 years of experience in correctional psychiatry, to develop and  
75 maintain minimum model standards for county and municipal  
76 detention facilities. Every sheriff, county, city, or other  
77 entity that operates a municipal detention facility or a county  
78 detention facility ~~By October 1, 1996, each sheriff and chief~~  
79 ~~correctional officer~~ shall adopt, at a minimum, the Florida  
80 Model Jail Standards approved by the commission with reference  
81 to all of the following:

82 1.a. The construction, equipping, maintenance, and  
83 operation of county and municipal detention facilities.

84 b. The cleanliness and sanitation of county and municipal  
85 detention facilities; the number of county and municipal  
86 prisoners who may be housed therein per specified unit of floor  
87 space; the quality, quantity, and supply of bedding furnished to

35-00828-22

20221236\_\_

88 such prisoners; the quality, quantity, and diversity of food  
89 served to them and the manner in which it is served; the  
90 furnishing to them of medical attention and health and comfort  
91 items; and the disciplinary treatment which may be meted out to  
92 them.

93  
94 Notwithstanding the provisions of the otherwise applicable  
95 building code, a reduced custody housing area may be occupied by  
96 inmates or may be used for sleeping purposes as allowed in  
97 subsection (7). The sheriff or chief correctional officer shall  
98 provide that a reduced custody housing area shall be governed by  
99 fire and life safety standards which do not interfere with the  
100 normal use of the facility and which affect a reasonable degree  
101 of compliance with rules of the State Fire Marshal for  
102 correctional facilities.

103       2. The confinement of prisoners by classification and  
104 providing, whenever possible, for classifications which separate  
105 males from females, juveniles from adults, and felons from  
106 misdemeanants, and ~~those awaiting trial from those convicted~~  
107 ~~and~~, in addition, providing for the separation of special risk  
108 prisoners, such as the mentally ill, alcohol or narcotic  
109 addicts, sex deviates, suicide risks, and any other  
110 classification which the local unit may deem necessary for the  
111 safety of the prisoners and the operation of the facility  
112 pursuant to degree of risk and danger criteria. Nondangerous  
113 felons may be housed with misdemeanants. Special consideration  
114 must be given to the appropriate housing of pregnant women.

115       3. The additional jail standard requirements provided for  
116 under s. 951.2302.

35-00828-22

20221236\_\_

117 Section 2. Section 951.2302, Florida Statutes, is created  
118 to read:

119 951.2302 Inspection of county and municipal detention  
120 facilities; penalties for noncompliance with jail standards.-

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

122 (a) "Commission" means the Florida Model Jail Standards  
123 Commission as provided in s. 951.23(4) (a).

124 (b) "County detention facility" has the same meaning as in  
125 s. 951.23.

126 (c) "Jail standards" means the Florida Model Jail Standards  
127 established by the commission, as set forth in s. 951.23(4) (a).

128 (d) "Municipal detention facility" has the same meaning as  
129 in s. 951.23.

130 (2) VIOLATIONS CRITERIA.-The jail standards must create and  
131 identify criteria and standards for which noncompliance with  
132 those provisions results in a serious violation or a notable  
133 violation.

134 (3) TYPE AND FREQUENCY OF INSPECTIONS.-The jail standards  
135 must require that each county detention facility and municipal  
136 detention facility be inspected, at a minimum, twice annually,  
137 as outlined in this section, for compliance with the jail  
138 standards. Each inspection must occur at least 120 days apart. A  
139 county detention facility or municipal detention facility may  
140 not refuse to be inspected or refuse access to the facility by  
141 commission inspectors. If any person in charge of a county  
142 detention facility or municipal detention facility refuses to  
143 allow inspection of the facility or to provide access to the  
144 facility, he or she shall be subject to the penalties in  
145 paragraph (5) (f).

35-00828-22

20221236\_\_

146 (a) One of the annual inspections must be announced, with  
147 advance notice of the date on which the inspection will commence  
148 provided to the detention facility. The announced annual  
149 inspection must include an inspection of compliance with all  
150 jail standards.

151 (b) One of the annual inspections must be a limited,  
152 unannounced inspection, with no advance notice provided to the  
153 detention facility. The scope of the unannounced annual  
154 inspection must be limited to a review for serious violations.

155 (4) REINSPECTIONS.—

156 (a) If an announced or unannounced annual inspection finds  
157 a detention facility to be noncompliant with the jail standards  
158 for a notable violation, the facility must correct the  
159 noncompliance within 30 days and must be reinspected within 10  
160 days after the 30-day correction period, or upon the facility  
161 notifying the commission that it has corrected its  
162 noncompliance, whichever is earlier. If upon reinspection the  
163 detention facility is still found to be noncompliant, the  
164 facility must correct the noncompliance within 15 days and must  
165 have a second reinspection within 48 hours thereafter. If the  
166 detention facility is found to be noncompliant during the second  
167 reinspection, the penalties and procedures set forth in  
168 paragraph (5)(e) shall apply. This paragraph does not prevent  
169 reinspection from occurring before the expiration of the  
170 timeframes stated in this paragraph if a detention facility  
171 notifies the commission that it has cured the noncompliance  
172 before the expiration of such timeframes.

173 (b) If an announced or unannounced annual inspection finds  
174 a detention facility to be noncompliant with the jail standards

35-00828-22

20221236\_\_

175 for a serious violation, the facility must correct the  
176 noncompliance within 24 hours and must be reinspected within 48  
177 hours after the violation was first observed. This paragraph  
178 does not prevent reinspection from occurring before the  
179 expiration of the 24-hour period if a detention facility  
180 notifies the commission that it has cured the noncompliance  
181 before such time. If the detention facility is found to be  
182 noncompliant during the reinspection, the penalties and  
183 procedures set forth in paragraph (5)(e) shall apply.

184 (5) PENALTIES FOR NONCOMPLIANCE WITH JAIL STANDARDS.—The  
185 following penalties shall apply to any person in charge of a  
186 detention facility who refuses to allow an inspection or to  
187 provide access to a facility, or to a detention facility that is  
188 found to be noncompliant with the jail standards during an  
189 annual inspection or any reinspection:

190 (a) If an annual inspection reveals that a detention  
191 facility is noncompliant with the jail standards for a notable  
192 violation and the noncompliance is corrected within the initial  
193 30-day correction period, there is no penalty.

194 (b) If an annual inspection reveals that a detention  
195 facility is noncompliant with the jail standards for a notable  
196 violation, and the noncompliance is not corrected within the  
197 initial 30-day correction period, the facility must pay into the  
198 facility's inmate welfare fund the following specified amounts  
199 per day that the facility is not in compliance until the  
200 noncompliance has been corrected:

201 1. The 31st day through the 60th day: \$500 per day of  
202 noncompliance.

203 2. The 61st day through the 90th day: \$1,000 per day of

35-00828-22

20221236\_\_

204 noncompliance.

205 3. The 91st day and all remaining days: \$2,000 per day of  
206 noncompliance.

207 (c) If an annual inspection reveals that a detention  
208 facility is noncompliant with the jail standards for a serious  
209 violation, but the noncompliance is corrected within 24 hours  
210 after its discovery, there is no penalty.

211 (d) If an annual inspection reveals that a detention  
212 facility is noncompliant with the jail standards for a serious  
213 violation and the noncompliance is not corrected within 24 hours  
214 after its discovery, the facility must pay into the facility's  
215 inmate welfare fund \$2,000 per day that the commission  
216 determines that the facility is noncompliant.

217 (e) In addition to the penalties set forth in paragraphs  
218 (b) and (d), if a second reinspection for a notable violation or  
219 a serious violation reveals that a detention facility is still  
220 noncompliant with the jail standards, the facility must cease  
221 its operations as a detention facility within 14 days and must  
222 contract with one or more other detention facilities to house  
223 the noncompliant facility's inmates until such time as the  
224 facility is determined to be in compliance with the jail  
225 standards. The receiving detention facility or facilities must  
226 be in compliance with the jail standards in order to house the  
227 noncompliant facility's inmates. However, if a detention  
228 facility consists of separate detention campuses, only the  
229 campus determined to be noncompliant with the jail standards  
230 must cease operations as stated in this paragraph. The 14-day  
231 time period shall commence upon the expiration of the appeal  
232 process specified in the jail standards, with the detention



35-00828-22

20221236\_\_

233 facility failing to file a timely appeal, or upon the conclusion  
234 of the appeal process specified in the jail standards, resulting  
235 in a finding that the detention facility is noncompliant with  
236 the jail standards. The noncompliant detention facility is  
237 responsible for the costs accrued by another detention facility  
238 or facilities for housing the noncompliant facility's inmates.  
239 This paragraph may not be deemed to limit or prevent any other  
240 remedies or causes of action against a facility or an entity  
241 that operates a facility which may be brought under any other  
242 law, ordinance, or rule.

243 (f) If any person in charge of a county detention facility  
244 or municipal detention facility refuses to allow inspection of  
245 the facility or to provide access to the facility, such person's  
246 salary must be withheld for each day he or she refuses such  
247 inspection or access, and the amount withheld must be deposited  
248 into the facility's inmate welfare fund. This paragraph applies  
249 regardless of whether the person refusing to allow the  
250 inspection or refusing access to the detention facility is  
251 elected, appointed, or an employee of a county, a city, or any  
252 other political subdivision of this state.

253 Section 3. This act shall take effect July 1, 2022.