

By the Committee on Rules; and Senator Jones

595-03062-22

20221236c1

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"; establishing the
6 Florida Model Jail Standards Working Group for a
7 specified purpose; providing for the membership of the
8 working group; requiring that each entity that
9 operates a municipal or county detention facility
10 adopt the Florida Model Jail Standards approved by the
11 working group; requiring that such detention
12 facilities adopt specified minimum standards; creating
13 s. 951.2302, F.S.; defining terms; requiring the jail
14 standards to identify what actions result in serious
15 violations and notable violations; specifying that the
16 jail standards must require that each detention
17 facility be inspected, at a minimum, twice annually;
18 prohibiting a detention facility from refusing to be
19 inspected or from preventing access to the detention
20 facility; providing annual inspection requirements;
21 providing procedures and requirements for
22 reinspections of detention facilities due to
23 noncompliance; providing timeframes within which
24 detention facilities must correct violations;
25 providing financial penalties for persons in charge of
26 detention facilities who refuse to allow inspections
27 or who refuse to provide access to detention
28 facilities, or for facilities found to be noncompliant
29 with the jail standards during an annual inspection or

595-03062-22

20221236c1

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

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Paragraphs (a) and (d) of subsection (1) and
41 subsection (4) of section 951.23, Florida Statutes, are amended
42 to read:

43 951.23 County and municipal detention facilities;
44 definitions; administration; standards and requirements.—

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

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

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

595-03062-22

20221236c1

59 whether such facility is operated by a city or any other entity.

60 (4) COUNTY AND MUNICIPAL DETENTION FACILITY STANDARDS FOR
61 SHERIFFS AND CHIEF CORRECTIONAL OFFICERS.—

62 (a) There is shall be established the Florida Model Jail
63 Standards Working Group to develop and maintain model standards
64 for county and municipal detention facilities. The seven-member
65 a five-member working group shall consist ~~consisting~~ of:

66 1. Three currently elected sheriffs, ~~persons~~ appointed by
67 the Florida Sheriffs Association.

68 2. A physician licensed in this state with at least 2 years
69 of experience in correctional health care, appointed by the
70 Florida Sheriffs Association.

71 3. A currently elected county commissioner, ~~and two persons~~
72 appointed by the Florida Association of Counties.

73 4. An experienced jail administrator of a county jail
74 operated by a county, appointed by the Florida Association of
75 Counties.

76 5. A psychiatrist licensed in this state with at least 2
77 years of experience in correctional psychiatry, appointed by the
78 Florida Association of Counties ~~to develop model standards for~~
79 ~~county and municipal detention facilities.~~

80 (b) Each sheriff, county, city, or other entity that
81 operates a municipal detention facility or a county detention
82 facility ~~By October 1, 1996, each sheriff and chief correctional~~
83 ~~officer~~ shall adopt, at a minimum, the Florida Model Jail
84 Standards approved by the working group with reference to all of
85 the following:

86 1.~~a~~. The construction, equipping, maintenance, and
87 operation of county and municipal detention facilities.

595-03062-22

20221236c1

88 ~~2.b.~~ The cleanliness and sanitation of county and municipal
89 detention facilities.~~†~~

90 3. The number of county and municipal prisoners who may be
91 housed therein per specified unit of floor space.~~†~~

92 4. The quality, quantity, and supply of bedding furnished
93 to county and municipal ~~such~~ prisoners.~~†~~

94 5. The quality, quantity, and diversity of food served to
95 county and municipal prisoners ~~them~~ and the manner in which it
96 is served.~~†~~

97 6. The furnishing ~~to them~~ of medical attention and health
98 and comfort items to county and municipal prisoners.~~† and~~

99 7. The disciplinary treatment which may be meted out to
100 county and municipal prisoners ~~them~~.

101
102 ~~Notwithstanding the provisions of the otherwise applicable~~
103 ~~building code, a reduced custody housing area may be occupied by~~
104 ~~inmates or may be used for sleeping purposes as allowed in~~
105 ~~subsection (7). The sheriff or chief correctional officer shall~~
106 ~~provide that a reduced custody housing area shall be governed by~~
107 ~~fire and life safety standards which do not interfere with the~~
108 ~~normal use of the facility and which affect a reasonable degree~~
109 ~~of compliance with rules of the State Fire Marshal for~~
110 ~~correctional facilities.~~

111 8.2. The confinement of county and municipal prisoners by
112 classification and providing, whenever possible, for
113 classifications which separate males from females, juveniles
114 from adults, and felons from misdemeanants, ~~and those awaiting~~
115 ~~trial from those convicted and~~, in addition, providing for the
116 separation of special risk prisoners, such as the mentally ill,

595-03062-22

20221236c1

117 alcohol or narcotic addicts, sex deviates, suicide risks, and
118 any other classification which the local unit may deem necessary
119 for the safety of the prisoners and the operation of the
120 facility pursuant to degree of risk and danger criteria.
121 Nondangerous felons may be housed with misdemeanants. Special
122 consideration must be given to the appropriate housing of
123 pregnant women as provided under s. 944.241.

124 9. Requirements for the inspection of county and municipal
125 detention facilities and the penalties for noncompliance as
126 provided in s. 951.2302.

127
128 Notwithstanding the provisions of the otherwise applicable
129 building code, a reduced custody housing area may be occupied by
130 prisoners or may be used for sleeping purposes as allowed in
131 subsection (7). The sheriff or chief correctional officer shall
132 provide that a reduced custody housing area shall be governed by
133 fire and life safety standards which do not interfere with the
134 normal use of the facility and which affect a reasonable degree
135 of compliance with rules of the State Fire Marshal for
136 correctional facilities.

137 (c) ~~(b)~~ A county or municipal detention facility which
138 stocks medicinal drugs in quantities other than individual
139 prescriptions must obtain the services of a consultant
140 pharmacist or dispensing physician and comply with the licensing
141 requirements of chapter 465. A facility which has a valid
142 license pursuant to chapter 465 shall have that part of its
143 medical services relating to procedures for the safe handling
144 and storage of medicinal drugs exempt from the inspection
145 requirements of this section. A facility which maintains only

595-03062-22

20221236c1

146 individual prescriptions dispensed by a licensed pharmacist is
147 not required to be licensed under chapter 465.

148 Section 2. Section 951.2302, Florida Statutes, is created
149 to read:

150 951.2302 Inspection of county and municipal detention
151 facilities; penalties for noncompliance with jail standards.-

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

153 (a) "Detention facility" includes a county detention
154 facility and a municipal detention facility as those terms are
155 defined in s. 951.23.

156 (b) "Jail standards" means the Florida Model Jail Standards
157 established by the working group.

158 (c) "Notable violation" means any violation of the jail
159 standards which is not a serious violation.

160 (d) "Serious violation" means any violation of the jail
161 standards or other conditions or practices which appears to pose
162 a substantial and immediate danger to the life, health, or
163 safety of one or more inmates or employees.

164 (e) "Working group" means the Florida Model Jail Standards
165 Working Group as provided in s. 951.23(4) (a).

166 (2) VIOLATIONS CRITERIA.-The jail standards must identify
167 those standards or conditions for which noncompliance by a
168 detention facility is a serious violation or a notable
169 violation.

170 (3) TYPE AND FREQUENCY OF INSPECTIONS.-The jail standards
171 must require that each detention facility be inspected, at a
172 minimum, twice annually for compliance with the jail standards
173 as provided in paragraphs (a) and (b). Each inspection must
174 occur at least 120 days apart. A detention facility may not

595-03062-22

20221236c1

175 refuse to be inspected or prevent access to the detention
176 facility.

177 (a) One inspection must include an inspection for
178 compliance with all jail standards. A detention facility must be
179 provided reasonable advance notice of the date on which this
180 inspection will occur.

181 (b) One inspection must include an inspection for serious
182 violations only. This inspection must be an unannounced
183 inspection, with no advance notice provided to a detention
184 facility.

185 (4) REINSPECTIONS.—

186 (a) If an inspection finds a detention facility to be
187 noncompliant with the jail standards for a notable violation,
188 the detention facility must correct the noncompliance within 30
189 days and must be reinspected within 10 days after the 30-day
190 correction period, or upon the detention facility notifying the
191 working group that it has corrected its noncompliance, whichever
192 is earlier. If upon reinspection the detention facility is still
193 found to be noncompliant, the detention facility must correct
194 the noncompliance within 15 days and must have a second
195 reinspection within 48 hours thereafter.

196 (b) If an inspection finds a detention facility to be
197 noncompliant with the jail standards for a serious violation,
198 the detention facility must correct the noncompliance within 24
199 hours and must be reinspected within 48 hours after the
200 violation was first observed. This paragraph does not prevent
201 reinspection from occurring before the expiration of the 24-hour
202 period if a detention facility notifies the working group that
203 it has cured the noncompliance before such time.

595-03062-22

20221236c1

204 (5) PENALTIES FOR NONCOMPLIANCE WITH JAIL STANDARDS.—

205 (a) If an inspection reveals that a detention facility is
206 noncompliant with the jail standards for a notable violation,
207 and the noncompliance is not corrected as provided in paragraph
208 (4) (a), the detention facility must pay into the detention
209 facility's inmate welfare fund the following amounts for each
210 day the detention facility is noncompliant with the jail
211 standards:

212 1. \$500 per day for the 31st day through the 60th day of
213 noncompliance.

214 2. \$1,000 per day for the 61st day through the 90th day of
215 noncompliance.

216 3. \$2,000 per day for the 91st day and all remaining days
217 the detention facility is not in compliance.

218 (b) If a detention facility fails to correct a serious
219 violation as required in paragraph (4) (b), the detention
220 facility must pay into the detention facility's inmate welfare
221 fund \$2,000 per day until the serious violation has been
222 corrected.

223 (c)1. In addition to the penalties set forth in paragraphs
224 (a) and (b), if a second reinspection for a notable violation or
225 a reinspection for a serious violation reveals that a detention
226 facility is noncompliant with the jail standards, the detention
227 facility must cease operations as a detention facility within 14
228 days and must contract with one or more other detention
229 facilities to house the noncompliant facility's inmates until
230 such time as the facility is determined to be in compliance with
231 the jail standards.

232 2. The 14-day time period shall commence upon the

595-03062-22

20221236c1

233 expiration of an appeal process to be specified in the jail
234 standards, with the detention facility failing to file a timely
235 appeal, or upon the conclusion of the appeal process specified
236 in the jail standards, with a denial of the appeal resulting in
237 a finding that the detention facility is noncompliant with the
238 jail standards.

239 3. The receiving detention facility or detention facilities
240 must be in compliance with the jail standards in order to house
241 the noncompliant detention facility's inmates.

242 4. If a detention facility consists of separate detention
243 campuses, only the campus determined to be noncompliant with the
244 jail standards must cease operations as provided in this
245 paragraph.

246 5. The noncompliant detention facility is responsible for
247 the costs accrued by another detention facility or detention
248 facilities for housing the noncompliant detention facility's
249 inmates.

250 6. This paragraph may not be deemed to limit or prevent any
251 other remedies or causes of action against a detention facility
252 or an entity that operates a detention facility which may be
253 brought under any other law, ordinance, or rule.

254 (d) If any person in charge of a detention facility refuses
255 to provide access to the detention facility or allow an
256 inspection of the detention facility, the person's salary must
257 be withheld for each day he or she refuses such inspection or
258 access, and the amount withheld must be deposited into the
259 detention facility's inmate welfare fund. This paragraph applies
260 regardless of whether the person refusing to allow the
261 inspection or refusing access to the detention facility is

595-03062-22

20221236c1

262 elected, appointed, or an employee of a county, a city, or any
263 other political subdivision of this state.

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