

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  
 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  
 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  
 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.

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(1).

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126        (c) "Jail standards" means the Florida Model Jail  
127 Standards established by the commission, as set forth in s.  
128 951.23(4) (a).

129        (d) "Municipal detention facility" has the same meaning as  
130 in s. 951.23(1).

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

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

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

151 jail standards.

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

156 (4) REINSPECTIONS.—

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

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

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

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

191 (a) If an annual inspection reveals that a detention  
192 facility is noncompliant with the jail standards for a notable  
193 violation and the noncompliance is corrected within the initial  
194 30-day correction period, there is no penalty.

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



201 noncompliance has been corrected:

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

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

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

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

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

218 (e) In addition to the penalties set forth in paragraphs  
219 (b) and (d), if a second reinspection for a notable violation or  
220 a serious violation reveals that a detention facility is still  
221 noncompliant with the jail standards, the facility must cease  
222 its operations as a detention facility within 14 days and must  
223 contract with one or more other detention facilities to house  
224 the noncompliant facility's inmates until such time as the  
225 facility is determined to be in compliance with the jail

226 standards. The receiving detention facility or facilities must  
227 be in compliance with the jail standards in order to house the  
228 noncompliant facility's inmates. However, if a detention  
229 facility consists of separate detention campuses, only the  
230 campus determined to be noncompliant with the jail standards  
231 must cease operations as stated in this paragraph. The 14-day  
232 time period shall commence upon the expiration of the appeal  
233 process specified in the jail standards, with the detention  
234 facility failing to file a timely appeal, or upon the conclusion  
235 of the appeal process specified in the jail standards, resulting  
236 in a finding that the detention facility is noncompliant with  
237 the jail standards. The noncompliant detention facility is  
238 responsible for the costs accrued by another detention facility  
239 or facilities for housing the noncompliant facility's inmates.  
240 This paragraph may not be deemed to limit or prevent any other  
241 remedies or causes of action against a facility or an entity  
242 that operates a facility which may be brought under any other  
243 law, ordinance, or rule.

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

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251 | inspection or refusing access to the detention facility is  
252 | elected, appointed, or an employee of a county, a city, or any  
253 | other political subdivision of this state.

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