

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 Working Group;
7 prescribing the working group's membership; specifying
8 that each entity that operates a municipal or county
9 detention facility shall adopt the Florida Model Jail
10 Standards approved by the working group; specifying
11 minimum standards for the working group; creating s.
12 951.2302, F.S.; defining terms; requiring the jail
13 standards to include criteria and standards for what
14 actions result in serious violations and notable
15 violations; specifying that the jail standards must
16 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 inspectors; providing annual
22 inspection requirements; providing procedures and
23 requirements for reinspections of detention facilities
24 due to noncompliance; providing timeframes within
25 which detention facilities must correct violations;

26 providing financial penalties for persons in charge of
 27 detention facilities who refuse to allow inspections
 28 or who refuse to provide access to detention
 29 facilities, or for facilities found to be noncompliant
 30 with the jail standards during an annual inspection or
 31 any reinspection; requiring certain noncompliant
 32 detention facilities to cease operations and contract
 33 with other detention facilities for inmate housing
 34 under certain circumstances; requiring that the
 35 assessed financial penalties be deposited into the
 36 detention facility's inmate welfare fund; providing an
 37 effective date.

38

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

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41 Section 1. Paragraphs (a) and (d) of subsection (1) and
 42 subsection (4) of section 951.23, Florida Statutes, are amended
 43 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) COUNTY AND MUNICIPAL DETENTION FACILITY STANDARDS FOR
 62 SHERIFFS AND CHIEF CORRECTIONAL OFFICERS.—

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

67 1. consisting of Three currently elected sheriffs, persons
 68 appointed by the Florida Sheriffs Association.

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

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

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

76 Counties.

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

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

87 1.1.a. The construction, equipping, maintenance, and
 88 operation of county and municipal detention facilities.

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

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

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

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

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

100 7. The disciplinary treatment which may be meted out to

101 county and municipal prisoners ~~them~~.

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

112 8.2. The confinement of prisoners by classification and
113 providing, whenever possible, for classifications which separate
114 males from females, juveniles from adults, and felons from
115 misdemeanants, ~~and those awaiting trial from those convicted~~
116 ~~and~~, in addition, providing for the separation of special risk
117 prisoners, such as the mentally ill, alcohol or narcotic
118 addicts, sex deviates, suicide risks, and any other
119 classification which the local unit may deem necessary for the
120 safety of the prisoners and the operation of the facility
121 pursuant to degree of risk and danger criteria. Nondangerous
122 felons may be housed with misdemeanants. Special consideration
123 must be given to the appropriate housing of pregnant women as
124 provided under s. 944.241.

125 9. Requirements for the inspection of county and municipal

126 detention facilities and the penalties for noncompliance as
 127 provided in s. 951.2302.

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

138 (c) ~~(b)~~ A county or municipal detention facility that ~~which~~
 139 stocks medicinal drugs in quantities other than individual
 140 prescriptions must obtain the services of a consultant
 141 pharmacist or dispensing physician and comply with the licensing
 142 requirements of chapter 465. A facility that ~~which~~ has a valid
 143 license pursuant to chapter 465 shall have that part of its
 144 medical services relating to procedures for the safe handling
 145 and storage of medicinal drugs exempt from the inspection
 146 requirements of this section. A facility that ~~which~~ maintains
 147 only individual prescriptions dispensed by a licensed pharmacist
 148 is not required to be licensed under chapter 465.

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

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

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

154 (a) "Detention facility" includes a county detention
 155 facility and a municipal detention facility as those terms are
 156 defined in s. 951.23(1) (a) and (d), respectively.

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

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

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

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

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

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

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

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

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

186 (4) REINSPECTIONS.—

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

197 (b) If an inspection finds a detention facility to be
198 noncompliant with the jail standards for a serious violation,
199 the detention facility must correct the noncompliance within 24
200 hours and must be reinspected within 48 hours after the

201 violation was first observed. This paragraph does not prevent
 202 reinspection from occurring before the expiration of the 24-hour
 203 period if a detention facility notifies the working group that
 204 it has cured the noncompliance before such time.

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

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

213 1. Five hundred dollars per day for the 31st day through
 214 the 60th day of noncompliance.

215 2. One thousand dollars per day for the 61st day through
 216 the 90th day of noncompliance.

217 3. Two thousand dollars per day for the 91st day and all
 218 remaining days the detention facility is not in compliance.

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

224 (c)1. In addition to the penalties set forth in paragraphs
 225 (a) and (b), if a second reinspection for a notable violation or

226 a reinspection for a serious violation reveals that a detention
227 facility is noncompliant with the jail standards, the detention
228 facility must cease operations as a detention facility within 14
229 days and must contract with one or more other detention
230 facilities to house the noncompliant facility's inmates until
231 such time as the facility is determined to be in compliance with
232 the jail standards.

233 2. The 14-day time period shall commence upon the
234 expiration of an appeal process to be specified in the jail
235 standards, with the detention facility failing to file a timely
236 appeal, or upon the conclusion of the appeal process specified
237 in the jail standards, with a denial of the appeal resulting in
238 a finding that the detention facility is noncompliant with the
239 jail standards.

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

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

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

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

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

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