

By Senator Powell

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1 A bill to be entitled
2 An act relating to an annual study of the use of
3 restrictive housing; creating s. 944.022, F.S.;
4 requiring the Office of Program Policy Analysis and
5 Government Accountability to conduct an annual study
6 on the use of restrictive housing for all prisoners in
7 the state correctional system; specifying the types of
8 restrictive housing placements to be studied;
9 requiring that the annual study include specified data
10 per certain age groups and categories as it relates to
11 the uses of restrictive housing, to include the
12 frequency and duration, demographic information, the
13 conditions of restrictive housing, mental health,
14 economic data, and program questions; requiring state
15 agencies and contractors that receive state funds to
16 comply with requests from the office; requiring the
17 office, beginning on a specified date and annually
18 thereafter, to submit a report to the Governor and the
19 Legislature; providing an effective date.

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

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23 Section 1. Section 944.022, Florida Statutes, is created to
24 read:

25 944.022 Ongoing, annual study on the use of restrictive
26 housing.—The Office of Program Policy Analysis and Government
27 Accountability shall conduct an annual study on the use of
28 restrictive housing for all prisoners in the state correctional
29 system. The restrictive housing placements to be studied

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30 include, but are not limited to, maximum management,
31 disciplinary confinement, close management I, II, and III, and
32 administrative confinement pursuant to pursuant to rule 33-
33 602.220, Florida Administrative Code. These restrictive housing
34 examples are typically described as solitary confinement. The
35 restrictive housing placements to be studied must include
36 individuals placed in single cells and double cells.

37 (1) The annual study must include all of the following
38 data, disaggregated per individuals under 18 years of age, per
39 individuals 18 to 21 years of age, per individuals 22 to 49
40 years of age, and per individuals 50 years of age and older;
41 disaggregated per correctional facility; disaggregated per type
42 of restrictive housing; and aggregated per total of the
43 Department of Corrections, as follows:

44 (a) *Frequency and duration.*

45 1. The total number of individuals placed in any type of
46 restrictive housing.

47 2. The total number of monthly restrictive housing
48 placements at each facility, including by type of restrictive
49 housing.

50 3. The duration of each individual's placement in
51 restrictive housing, including the total number of consecutive
52 days any individual is continuously assigned to any type of
53 restrictive housing and the number of consecutive days an
54 individual is continuously assigned to each type of restrictive
55 housing.

56 4. The reason each individual is placed in restrictive
57 housing.

58 5. The frequency at which each individual is placed in any

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59 type of restrictive housing during the year.

60 (b) Demographic information.—For each individual placed in
61 restrictive housing during the year:

62 1. The individual's gender, race, ethnicity, and age at the
63 time of entering restrictive housing.

64 2. Whether each individual placed in restrictive housing
65 has any known qualifying disability under the federal Americans
66 with Disabilities Act, including, but not limited to, mental
67 illnesses, sensory disabilities, mobility disabilities,
68 intellectual disabilities, neurological disabilities, or chronic
69 medical conditions, and if so, which disabilities.

70 3. Whether each individual placed in restrictive housing
71 has any known developmental disabilities, including, but not
72 limited to, autism spectrum disorder, intellectual disabilities,
73 or learning disorders, and, if so, which developmental
74 disabilities.

75 (c) Conditions of restrictive housing.—

76 1. Which, if any, alternative strategies were employed
77 before the use of restrictive housing.

78 2. Which, if any, mental health interventions were used
79 during restrictive housing.

80 3. How often security checks were conducted by correctional
81 staff for individuals in restrictive housing.

82 4. The frequency and duration of each medical check for
83 individuals in restrictive housing, as determined through video
84 review.

85 5. The frequency of restrictions on property or removal of
86 inmate property as outlined in rule 33-602.201, Florida
87 Administrative Code, during restrictive housing. If there are

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88 any restrictions or removals, the reasons for the property
89 restriction or removal, the duration of the property restriction
90 or removal, and the type of property restricted or removed, such
91 as a mattress, sheets, clothes, or personal property.

92 6. The number of accommodations requests pursuant to the
93 Americans with Disabilities Act during restrictive housing and
94 the number of accommodations provided.

95 7. The conditions of restrictive housing in each facility,
96 including, but not limited to, air conditioning and access to
97 legal phone calls, reading materials, adequate nutrition,
98 clothing, medicine or medical attention, showers, and hygienic
99 supplies.

100 8. The size of each room used for restrictive housing.

101 9. For individuals under the age of 18 placed in
102 restrictive housing, whether they had an individual education
103 plan when they entered restrictive housing and, if so, whether
104 they had access to all of the support services, accommodations,
105 and modifications included in the individual education plan
106 during restrictive housing.

107 (d) Mental health.—This study shall analyze all of the
108 following:

109 1. If and how being placed in restrictive housing impacts
110 an individual's mental health, including the severity of mental
111 illness before, during, and after restrictive housing.

112 2. The number of placements in Self-Harm Observation Status
113 and the number of instances of self-injurious behavior,
114 including self-mutilations and other types of self-harm that
115 occurred during restrictive housing.

116 3. The number of placements in inpatient mental health

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117 treatment, including crisis stabilization units, transitional
118 care units, and mental health treatment facilities.

119 4. The number of attempted suicides that occurred in
120 restrictive housing.

121 5. The number of suicides that occurred during restrictive
122 housing.

123 6. The number of psychological autopsies conducted on
124 individuals who had been placed in restrictive housing.

125 (e) Economic data.—Assuming the Department of Corrections'
126 compliance with all policies and regulations, all of the
127 following:

128 1. The average yearly cost of housing individuals in
129 maximum management versus the average yearly cost of housing
130 individuals in the general population.

131 2. The average yearly cost of housing individuals in
132 disciplinary confinement versus the average yearly cost of
133 housing individuals in the general population.

134 3. The average yearly cost of housing individuals in close
135 management versus the average yearly cost of housing individuals
136 in the general population.

137 4. The average yearly cost of housing individuals in
138 administrative confinement versus the average yearly cost of
139 housing individuals in the general population.

140 5. The average yearly cost of housing individuals in
141 maximum management, disciplinary confinement, close management,
142 and administrative confinement versus the average yearly cost of
143 housing individuals in the general population.

144 6. If the Department of Corrections calculates the costs of
145 restrictive housing, state the methodology used by the

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146 department to measure the costs of restrictive housing.

147 (f) Program questions.—

148 1. Whether restrictive housing is more or less expensive
149 than the cost of housing an individual in the general
150 population.

151 2. Whether the recidivism rate after 3 years is different
152 for individuals who spent time in restrictive housing than for
153 individuals who did not.

154 3. How being placed in isolation impacts an individual's
155 mental health.

156 (2) All state agencies and contractors that receive state
157 funds of any kind shall comply with each request for data and
158 information from the Office of Program Policy Analysis and
159 Government Accountability. By July 1 of each year, beginning in
160 2025, the Office of Program Policy Analysis and Government
161 Accountability shall report its findings to the Governor, the
162 President of the Senate, and the Speaker of the House of
163 Representatives.

164 Section 2. This act shall take effect July 1, 2024.