

## CHAPTER 2022-108

### Committee Substitute for Senate Bill No. 1236

An act relating to county and municipal detention facilities; amending s. 951.23, F.S.; revising the definitions of the terms “county detention facility” and “municipal detention facility”; establishing the Florida Model Jail Standards Working Group for a specified purpose; providing for the membership of the working group; requiring that each entity that operates a municipal or county detention facility adopt the Florida Model Jail Standards approved by the working group; requiring that such detention facilities adopt specified minimum standards; creating s. 951.2302, F.S.; defining terms; requiring the jail standards to identify what actions result in serious violations and notable violations; specifying that the jail standards must require that each detention facility be inspected, at a minimum, twice annually; prohibiting a detention facility from refusing to be inspected or from preventing access to the detention facility; providing annual inspection requirements; providing procedures and requirements for reinspections of detention facilities due to noncompliance; providing timeframes within which detention facilities must correct violations; providing financial penalties for persons in charge of detention facilities who refuse to allow inspections or who refuse to provide access to detention facilities, or for facilities found to be noncompliant with the jail standards during an annual inspection or any reinspection; requiring certain noncompliant detention facilities to cease operations and contract with other detention facilities for inmate housing under certain circumstances; requiring that the assessed financial penalties be deposited into the detention facility’s inmate welfare fund; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.b. The cleanliness and sanitation of county and municipal detention facilities.;

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

4. The quality, quantity, and supply of bedding furnished to county and municipal such prisoners.;

5. The quality, quantity, and diversity of food served to county and municipal prisoners them and the manner in which it is served.;

6. The furnishing to them of medical attention and health and comfort items to county and municipal prisoners.; and

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

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

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

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

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

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

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

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

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

(a) “Detention facility” includes a county detention facility and a municipal detention facility as those terms are defined in s. 951.23.

(b) “Jail standards” means the Florida Model Jail Standards established by the working group.

(c) “Notable violation” means any violation of the jail standards which is not a serious violation.

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

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

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

(3) TYPE AND FREQUENCY OF INSPECTIONS.—The jail standards must require that each detention facility be inspected, at a minimum, twice annually for compliance with the jail standards as provided in paragraphs (a) and (b). Each inspection must occur at least 120 days apart. A detention facility may not refuse to be inspected or prevent access to the detention facility.

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

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

(4) REINSPECTIONS.—

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

(b) If an inspection finds a detention facility to be noncompliant with the jail standards for a serious violation, the detention facility must correct the noncompliance within 24 hours and must be reinspected within 48 hours after the violation was first observed. This paragraph does not prevent reinspection from occurring before the expiration of the 24-hour period if a

detention facility notifies the working group that it has cured the noncompliance before such time.

(5) PENALTIES FOR NONCOMPLIANCE WITH JAIL STANDARDS.

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

1. \$500 per day for the 31st day through the 60th day of noncompliance.
2. \$1,000 per day for the 61st day through the 90th day of noncompliance.
3. \$2,000 per day for the 91st day and all remaining days the detention facility is not in compliance.

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

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

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

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

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

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

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

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

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

Approved by the Governor May 12, 2022.

Filed in Office Secretary of State May 12, 2022.