



327694

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete lines 61 - 252

and insert:

(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 a seven-member five-member working group shall consist consisting of:

1. Three currently elected sheriffs, ~~persons~~ appointed by



327694

12 the Florida Sheriffs Association.

13 2. A physician licensed in the state with at least 2 years
14 of experience in correctional health care, appointed by the
15 Florida Sheriffs Association. ~~and~~

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

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

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

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

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

33 ~~2.b.~~ 2. The cleanliness and sanitation of county and municipal
34 detention facilities.

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

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

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



327694

41 is served.~~†~~

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

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

46
47 ~~Notwithstanding the provisions of the otherwise applicable~~
48 ~~building code, a reduced custody housing area may be occupied by~~
49 ~~inmates or may be used for sleeping purposes as allowed in~~
50 ~~subsection (7). The sheriff or chief correctional officer shall~~
51 ~~provide that a reduced custody housing area shall be governed by~~
52 ~~fire and life safety standards which do not interfere with the~~
53 ~~normal use of the facility and which affect a reasonable degree~~
54 ~~of compliance with rules of the State Fire Marshal for~~
55 ~~correctional facilities.~~

56 8.2. The confinement of prisoners by classification and
57 providing, whenever possible, for classifications which separate
58 males from females, juveniles from adults, and felons from
59 misdemeanants, ~~and those awaiting trial from those convicted~~
60 ~~and~~, in addition, providing for the separation of special risk
61 prisoners, such as the mentally ill, alcohol or narcotic
62 addicts, sex deviates, suicide risks, and any other
63 classification which the local unit may deem necessary for the
64 safety of the prisoners and the operation of the facility
65 pursuant to degree of risk and danger criteria. Nondangerous
66 felons may be housed with misdemeanants. Special consideration
67 must be given to the appropriate housing of pregnant women as
68 provided under s. 944.241.

69 9. Requirements for the inspection of county and municipal



327694

70 detention facilities and the penalties for noncompliance as
71 provided in s. 951.2302.

72
73 Notwithstanding the provisions of the otherwise applicable
74 building code, a reduced custody housing area may be occupied by
75 inmates or may be used for sleeping purposes as allowed in
76 subsection (7). The sheriff or chief correctional officer shall
77 provide that a reduced custody housing area shall be governed by
78 fire and life safety standards which do not interfere with the
79 normal use of the facility and which affect a reasonable degree
80 of compliance with rules of the State Fire Marshal for
81 correctional facilities.

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

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

95 951.2302 Inspection of county and municipal detention
96 facilities; penalties for noncompliance with jail standards.—

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

98 (a) "Detention facility" includes a county detention



327694

99 facility and a municipal detention facility as those terms are
100 defined in s. 951.23(1) (a) and (d) respectively.

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

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

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

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

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

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

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

126 (b) One inspection must include an inspection for serious
127 violations only. This inspection must be an unannounced



327694

128 inspection, with no advance notice provided to a detention
129 facility.

130 (4) REINSPECTIONS.—

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

141 (b) If an inspection finds a detention facility to be
142 noncompliant with the jail standards for a serious violation,
143 the detention facility must correct the noncompliance within 24
144 hours and must be reinspected within 48 hours after the
145 violation was first observed. This paragraph does not prevent
146 reinspection from occurring before the expiration of the 24-hour
147 period if a detention facility notifies the working group that
148 it has cured the noncompliance before such time.

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

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



327694

157 1. \$500 per day for the 31st day through the 60th day of
158 noncompliance.

159 2. \$1,000 per day for the 61st day through the 90th day of
160 noncompliance.

161 3. \$2,000 per day for the 91st day and all remaining days
162 the detention facility is not in compliance.

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

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

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

184 3. The receiving detention facility or detention facilities
185 must be in compliance with the jail standards in order to house



327694

186 the noncompliant detention facility's inmates.

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

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

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

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

209
210 ===== T I T L E A M E N D M E N T =====

211 And the title is amended as follows:

212 Delete lines 6 - 21

213 and insert:

214 Florida Model Jail Standards Working Group; providing



327694

215 the working group's membership; specifying that each
216 entity that operates a municipal or county detention
217 facility shall adopt the Florida Model Jail Standards
218 approved by the working group; specifying minimum
219 standards for the working group; creating s. 951.2302,
220 F.S.; defining terms; requiring the jail standards to
221 include criteria and standards for what actions result
222 in serious violations and notable violations;
223 specifying that the jail standards must require that
224 each county detention facility and municipal detention
225 facility be inspected, at a minimum, twice annually;
226 prohibiting any person in charge of a county detention
227 facility or municipal detention facility from refusing
228 to be inspected or refusing access to inspectors;
229 providing