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1  
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"; establishing the  
6 Florida Model Jail Standards Working Group for a  
7 specified purpose; providing for the membership of the  
8 working group; requiring that each entity that  
9 operates a municipal or county detention facility  
10 adopt the Florida Model Jail Standards approved by the  
11 working group; requiring that such detention  
12 facilities adopt specified minimum standards; creating  
13 s. 951.2302, F.S.; defining terms; requiring the jail  
14 standards to identify what actions result in serious  
15 violations and notable violations; specifying that the  
16 jail standards must require that each detention  
17 facility be inspected, at a minimum, twice annually;  
18 prohibiting a detention facility from refusing to be  
19 inspected or from preventing access to the detention  
20 facility; providing annual inspection requirements;  
21 providing procedures and requirements for  
22 reinspections of detention facilities due to  
23 noncompliance; providing timeframes within which  
24 detention facilities must correct violations;  
25 providing financial penalties for persons in charge of  
26 detention facilities who refuse to allow inspections  
27 or who refuse to provide access to detention  
28 facilities, or for facilities found to be noncompliant  
29 with the jail standards during an annual inspection or

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30 any reinspection; requiring certain noncompliant  
31 detention facilities to cease operations and contract  
32 with other detention facilities for inmate housing  
33 under certain circumstances; requiring that the  
34 assessed financial penalties be deposited into the  
35 detention facility's inmate welfare fund; providing an  
36 effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Paragraphs (a) and (d) of subsection (1) and  
41 subsection (4) of section 951.23, Florida Statutes, are amended  
42 to read:

43 951.23 County and municipal detention facilities;  
44 definitions; administration; standards and requirements.—

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

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

54 (d) "Municipal detention facility" means a city jail, a  
55 city stockade, a city prison camp, and any other place except a  
56 county detention facility used by a municipality or municipal  
57 officer for the detention of persons charged with or convicted  
58 of violation of municipal laws or ordinances, regardless of

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59 whether such facility is operated by a city or any other entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101  
102 ~~Notwithstanding the provisions of the otherwise applicable~~  
103 ~~building code, a reduced custody housing area may be occupied by~~  
104 ~~inmates or may be used for sleeping purposes as allowed in~~  
105 ~~subsection (7). The sheriff or chief correctional officer shall~~  
106 ~~provide that a reduced custody housing area shall be governed by~~  
107 ~~fire and life safety standards which do not interfere with the~~  
108 ~~normal use of the facility and which affect a reasonable degree~~  
109 ~~of compliance with rules of the State Fire Marshal for~~  
110 ~~correctional facilities.~~

111           8.2. The confinement of county and municipal prisoners by  
112 classification and providing, whenever possible, for  
113 classifications which separate males from females, juveniles  
114 from adults, and felons from misdemeanants, ~~and those awaiting~~  
115 ~~trial from those convicted and~~, in addition, providing for the  
116 separation of special risk prisoners, such as the mentally ill,

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117 alcohol or narcotic addicts, sex deviates, suicide risks, and  
118 any other classification which the local unit may deem necessary  
119 for the safety of the prisoners and the operation of the  
120 facility pursuant to degree of risk and danger criteria.  
121 Nondangerous felons may be housed with misdemeanants. Special  
122 consideration must be given to the appropriate housing of  
123 pregnant women as provided under s. 944.241.

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

127  
128 Notwithstanding the provisions of the otherwise applicable  
129 building code, a reduced custody housing area may be occupied by  
130 prisoners or may be used for sleeping purposes as allowed in  
131 subsection (7). The sheriff or chief correctional officer shall  
132 provide that a reduced custody housing area shall be governed by  
133 fire and life safety standards which do not interfere with the  
134 normal use of the facility and which affect a reasonable degree  
135 of compliance with rules of the State Fire Marshal for  
136 correctional facilities.

137 (c) ~~(b)~~ A county or municipal detention facility which  
138 stocks medicinal drugs in quantities other than individual  
139 prescriptions must obtain the services of a consultant  
140 pharmacist or dispensing physician and comply with the licensing  
141 requirements of chapter 465. A facility which has a valid  
142 license pursuant to chapter 465 shall have that part of its  
143 medical services relating to procedures for the safe handling  
144 and storage of medicinal drugs exempt from the inspection  
145 requirements of this section. A facility which maintains only

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146 individual prescriptions dispensed by a licensed pharmacist is  
147 not required to be licensed under chapter 465.

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

150 951.2302 Inspection of county and municipal detention  
151 facilities; penalties for noncompliance with jail standards.-

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

153 (a) "Detention facility" includes a county detention  
154 facility and a municipal detention facility as those terms are  
155 defined in s. 951.23.

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

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

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

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

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

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

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

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

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

185 (4) REINSPECTIONS.—

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

196 (b) If an inspection finds a detention facility to be  
197 noncompliant with the jail standards for a serious violation,  
198 the detention facility must correct the noncompliance within 24  
199 hours and must be reinspected within 48 hours after the  
200 violation was first observed. This paragraph does not prevent  
201 reinspection from occurring before the expiration of the 24-hour  
202 period if a detention facility notifies the working group that  
203 it has cured the noncompliance before such time.

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

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

212 1. \$500 per day for the 31st day through the 60th day of  
213 noncompliance.

214 2. \$1,000 per day for the 61st day through the 90th day of  
215 noncompliance.

216 3. \$2,000 per day for the 91st day and all remaining days  
217 the detention facility is not in compliance.

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

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

232 2. The 14-day time period shall commence upon the



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233 expiration of an appeal process to be specified in the jail  
234 standards, with the detention facility failing to file a timely  
235 appeal, or upon the conclusion of the appeal process specified  
236 in the jail standards, with a denial of the appeal resulting in  
237 a finding that the detention facility is noncompliant with the  
238 jail standards.

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

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

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

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

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

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262 elected, appointed, or an employee of a county, a city, or any  
263 other political subdivision of this state.

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