

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice & Public
 2 Safety Subcommittee

3 Representative Bush offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 61-253 and insert:

7 (4) COUNTY AND MUNICIPAL DETENTION FACILITY STANDARDS FOR
 8 SHERIFFS AND CHIEF CORRECTIONAL OFFICERS.-

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

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

15 2. A physician licensed in the state with at least 2 years
 16 of experience in correctional health care, appointed by the

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17 Florida Sheriffs Association. ~~and~~

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

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

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

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

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

35 ~~2.b.~~ The cleanliness and sanitation of county and
36 municipal detention facilities. ~~†~~

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

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

41 5. The quality, quantity, and diversity of food served to

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42 county and municipal prisoners ~~them~~ and the manner in which it
43 is served.

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

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

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

58 8.2. The confinement of prisoners by classification and
59 providing, whenever possible, for classifications which separate
60 males from females, juveniles from adults, and felons from
61 misdemeanants, ~~and those awaiting trial from those convicted~~
62 ~~and~~, in addition, providing for the separation of special risk
63 prisoners, such as the mentally ill, alcohol or narcotic
64 addicts, sex deviates, suicide risks, and any other
65 classification which the local unit may deem necessary for the
66 safety of the prisoners and the operation of the facility

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67 pursuant to degree of risk and danger criteria. Nondangerous
68 felons may be housed with misdemeanants. Special consideration
69 must be given to the appropriate housing of pregnant women as
70 provided under s. 944.241.

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

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

84 (c)-(b) A county or municipal detention facility which
85 stocks medicinal drugs in quantities other than individual
86 prescriptions must obtain the services of a consultant
87 pharmacist or dispensing physician and comply with the licensing
88 requirements of chapter 465. A facility which has a valid
89 license pursuant to chapter 465 shall have that part of its
90 medical services relating to procedures for the safe handling
91 and storage of medicinal drugs exempt from the inspection

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92 requirements of this section. A facility which maintains only
93 individual prescriptions dispensed by a licensed pharmacist is
94 not required to be licensed under chapter 465.

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

97 951.2302 Inspection of county and municipal detention
98 facilities; penalties for noncompliance with jail standards.-

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

100 (a) "Detention facility" includes a county detention
101 facility and a municipal detention facility as those terms are
102 defined in s. 951.23(1) (a) and (d) respectively.

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

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

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

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

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

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

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

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

132 (4) REINSPECTIONS.--

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

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142 reinspection within 48 hours thereafter.

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

151 (5) PENALTIES FOR NONCOMPLIANCE WITH JAIL STANDARDS.-

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

159 1. \$500 per day for the 31st day through the 60th day of
160 noncompliance.

161 2. \$1,000 per day for the 61st day through the 90th day of
162 noncompliance.

163 3. \$2,000 per day for the 91st day and all remaining days
164 the detention facility is not in compliance.

165 (b) If a detention facility fails to correct a serious
166 violation as required in paragraph (4)(b), the detention

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167 facility must pay into the detention facility's inmate welfare
168 fund \$2,000 per day until the serious violation has been
169 corrected.

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

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

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

189 4. If a detention facility consists of separate detention
190 campuses, only the campus determined to be noncompliant with the

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191 jail standards must cease operations as provided in this
192 paragraph.

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

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

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

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213 **T I T L E A M E N D M E N T**

214 Remove lines 6-21 and insert:

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