

1                   A bill to be entitled  
2           An act relating to youth in confinement; creating s.  
3           945.425, F.S.; defining terms; prohibiting a youth  
4           from being placed in disciplinary confinement;  
5           authorizing a youth to be placed in emergency  
6           confinement if certain conditions are met; requiring  
7           facility staff to document such placement; requiring  
8           that, within a specified timeframe and at specified  
9           intervals, a mental health clinician conduct certain  
10          evaluations of a youth who is in emergency  
11          confinement; limiting the allowable length of time for  
12          emergency confinement; requiring specific treatment  
13          for a youth who is in emergency confinement;  
14          prohibiting the use of emergency confinement for  
15          certain purposes; authorizing a youth to be placed in  
16          medical confinement under certain circumstances;  
17          limiting the allowable length of time for medical  
18          confinement; requiring facility staff to document such  
19          confinement; requiring that, within a specified  
20          timeframe and at specified intervals, a medical  
21          professional conduct certain evaluations of a youth  
22          who is in medical confinement; prohibiting the use of  
23          medical confinement for certain purposes; requiring  
24          the Department of Corrections to review its policies  
25          and procedures relating to youth in confinement;

26 requiring the department to certify compliance in a  
 27 report to the Governor and Legislature by a specified  
 28 date; requiring the department to adopt policies and  
 29 procedures; providing applicability; amending s.  
 30 951.23, F.S.; requiring sheriffs and chief  
 31 correctional officers to adopt model standards  
 32 relating to youth; amending s. 944.09, F.S.;  
 33 authorizing the Department of Corrections to adopt  
 34 rules; reenacting s. 944.279(1), F.S., relating to  
 35 disciplinary procedures applicable to a prisoner for  
 36 filing frivolous or malicious actions or bringing  
 37 false information before a court, to incorporate the  
 38 amendment made to s. 944.09, F.S., in a reference  
 39 thereto; providing an effective date.

40

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

42

43 Section 1. Section 945.425, Florida Statutes, is created  
 44 to read:

45 945.425 Youth in confinement.-

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

47 (a) "Disciplinary confinement" means the involuntary  
 48 placement of a youth in an isolated room to separate the youth  
 49 from the general inmate population as a disciplinary action for  
 50 violating department rules.

51           (b) "Emergency confinement" means the involuntary  
52 placement of a youth in an isolated room to separate that youth  
53 from the general inmate population and to remove that youth from  
54 a situation in which he or she presents an immediate and serious  
55 danger to the security or safety of himself or herself or  
56 others.

57           (c) "Medical confinement" means the involuntary placement  
58 of a youth in an isolated room to separate that youth from the  
59 general inmate population to allow him or her to recover from an  
60 illness or to prevent the spread of a communicable disease.

61           (d) "Mental health clinician" means a licensed  
62 psychiatrist, psychologist, social worker, mental health  
63 counselor, nurse practitioner, or physician assistant.

64           (e) "Youth" means a person in the custody of the  
65 department who is under 19 years of age.

66           (2) PROHIBITION ON THE USE OF CONFINEMENT.—

67           (a) A youth may not be placed in disciplinary confinement.

68           (b) A youth may be placed in emergency confinement pending  
69 a disciplinary hearing only if such confinement complies with  
70 this section.

71           (c) This section does not prohibit the department from  
72 applying less restrictive penalties to a youth who is found in a  
73 disciplinary hearing to have committed a rule violation.

74           (3) PROTECTING YOUTH IN EMERGENCY CONFINEMENT.—

75           (a) A youth may be placed in emergency confinement if all

76 | of the following conditions are met:

77 | 1. A nonphysical intervention with the youth would not be  
78 | effective in preventing harm or danger to the youth or others.

79 | 2. There is imminent risk of the youth physically harming  
80 | himself or herself, staff, or others or the youth is engaged in  
81 | major property destruction that is likely to compromise the  
82 | security of the program or jeopardize the safety of the youth or  
83 | others.

84 | 3. All less-restrictive means have been exhausted.

85 | (b) Facility staff shall document the placement of a youth  
86 | in emergency confinement. The documentation must include  
87 | justification for the placement, in addition to a description of  
88 | the less-restrictive options that the facility staff exercised  
89 | before the youth was so placed.

90 | (c) A mental health clinician shall evaluate a youth who  
91 | is placed in emergency confinement within 1 hour after the  
92 | placement to ensure that the confinement is not detrimental to  
93 | the mental or physical health of the youth. Following the  
94 | initial evaluation, a mental health clinician shall conduct a  
95 | face-to-face evaluation of the youth every 2 hours thereafter to  
96 | determine whether the youth should remain in emergency  
97 | confinement. The mental health clinician shall document each  
98 | evaluation and provide justification for continued placement in  
99 | emergency confinement.

100 | (d) A youth may not be placed in emergency confinement for

101 more than 24 hours unless an extension is sought and obtained by  
102 a mental health clinician.

103 1. If a mental health clinician determines that release of  
104 the youth would imminently threaten the safety of the youth or  
105 others, the mental health clinician may grant a one-time  
106 extension of 24 hours for continued placement in emergency  
107 confinement.

108 2. If, at the conclusion of the 48-hour period, a mental  
109 health clinician determines that it is not safe for the youth to  
110 be released from emergency confinement, the facility staff must  
111 prepare to transfer the youth to a facility that is able to  
112 provide specialized treatment to address the youth's needs.

113 (e) A youth who is placed in emergency confinement must be  
114 provided access to the same meals and drinking water, clothing,  
115 medical treatment, contact with parents and legal guardians, and  
116 legal assistance as provided to youth in the general inmate  
117 population.

118 (f) The use of emergency confinement is strictly  
119 prohibited for the purposes of punishment or discipline.

120 (4) PROTECTING YOUTH IN MEDICAL CONFINEMENT.—

121 (a) A youth may be placed in medical confinement if all of  
122 the following conditions are met:

123 1. Isolation from the general inmate population and staff  
124 is required to allow the youth to rest and recover from his or  
125 her illness or to prevent the spread of a communicable disease.

126 2. A medical professional deems such placement necessary.

127 3. The use of other less-restrictive means would not be  
128 sufficient to allow the youth to recover from his or her illness  
129 or to prevent the spread of a communicable disease.

130 (b) A youth may be placed in medical confinement for a  
131 period not to exceed the time necessary for the youth to recover  
132 from his or her illness or to prevent the spread of a  
133 communicable disease to other inmates or staff in the facility.

134 (c) Facility staff shall document the placement of a youth  
135 in medical confinement. The documentation must include a medical  
136 professional's justification for the placement.

137 (d) A medical professional must conduct a face-to-face  
138 evaluation of a youth held in medical confinement at least once  
139 every 12 hours to determine whether the youth should remain in  
140 medical confinement. The medical professional shall document  
141 each evaluation and provide justification for continued  
142 placement in medical confinement.

143 (e) The use of medical confinement is strictly prohibited  
144 for the purposes of punishment or discipline.

145 (5) IMPLEMENTATION.—

146 (a) The department shall review its policies and  
147 procedures relating to youth in confinement to determine whether  
148 the policies and procedures comply with this section.

149 (b) The department shall certify compliance with this  
150 section in a report that the department shall submit to the

151 Governor, the President of the Senate, and the Speaker of the  
 152 House of Representatives by January 1, 2021.

153 (c) The department shall adopt policies and procedures  
 154 necessary to administer this section.

155 (d) This section does not supersede any law providing  
 156 greater or additional protections to a youth in this state.

157 Section 2. Paragraph (a) of subsection (4) of section  
 158 951.23, Florida Statutes, is amended to read:

159 951.23 County and municipal detention facilities;  
 160 definitions; administration; standards and requirements.—

161 (4) STANDARDS FOR SHERIFFS AND CHIEF CORRECTIONAL  
 162 OFFICERS.—

163 (a) ~~There shall be established~~ A five-member working group  
 164 is established which consists ~~consisting~~ of three persons  
 165 appointed by the Florida Sheriffs Association and two persons  
 166 appointed by the Florida Association of Counties to develop  
 167 model standards for county and municipal detention facilities.  
 168 At a minimum ~~By October 1, 1996,~~ each sheriff and chief  
 169 correctional officer shall adopt, ~~at a minimum,~~ the model  
 170 standards with reference to:

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

173 b. The cleanliness and sanitation of county and municipal  
 174 detention facilities; the number of county and municipal  
 175 prisoners who may be housed therein per specified unit of floor

176 space; the quality, quantity, and supply of bedding furnished to  
177 such prisoners; the quality, quantity, and diversity of food  
178 served to them and the manner in which it is served; the  
179 furnishing to them of medical attention and health and comfort  
180 items; and the disciplinary treatment that ~~which~~ may be meted  
181 out to them.

182  
183 Notwithstanding the provisions of the otherwise applicable  
184 building code, a reduced custody housing area may be occupied by  
185 inmates or may be used for sleeping purposes as allowed in  
186 subsection (7). The sheriff or chief correctional officer shall  
187 provide that a reduced custody housing area shall be governed by  
188 fire and life safety standards that ~~which~~ do not interfere with  
189 the normal use of the facility and that ~~which~~ affect a  
190 reasonable degree of compliance with rules of the State Fire  
191 Marshal for correctional facilities.

192 2. The confinement of prisoners by classification and  
193 providing, whenever possible, for classifications that ~~which~~  
194 separate males from females, juveniles from adults, felons from  
195 misdemeanants, and those awaiting trial from those convicted  
196 and, in addition, providing for the separation of special risk  
197 prisoners, such as the mentally ill, alcohol or narcotic  
198 addicts, sex deviates, suicide risks, and any other  
199 classification that ~~which~~ the local unit may deem necessary for  
200 the safety of the prisoners and the operation of the facility

201 pursuant to degree of risk and danger criteria. Nondangerous  
202 felons may be housed with misdemeanants.

203 3. The confinement of prisoners by classification on the  
204 basis of age and a strict prohibition on the use of disciplinary  
205 confinement for prisoners under 19 years of age, in compliance  
206 with s. 945.425.

207 Section 3. Paragraph (s) is added to subsection (1) of  
208 section 944.09, Florida Statutes, to read:

209 944.09 Rules of the department; offenders, probationers,  
210 and parolees.—

211 (1) The department has authority to adopt rules pursuant  
212 to ss. 120.536(1) and 120.54 to implement its statutory  
213 authority. The rules must include rules relating to:

214 (s) Youth in confinement in compliance with s. 945.425.

215 Section 4. For the purpose of incorporating the amendment  
216 made by this act to section 944.09, Florida Statutes, in a  
217 reference thereto, subsection (1) of section 944.279, Florida  
218 Statutes, is reenacted to read:

219 944.279 Disciplinary procedures applicable to prisoner for  
220 filing frivolous or malicious actions or bringing false  
221 information before court.—

222 (1) At any time, and upon its own motion or on motion of a  
223 party, a court may conduct an inquiry into whether any action or  
224 appeal brought by a prisoner was brought in good faith. A  
225 prisoner who is found by a court to have brought a frivolous or

226 | malicious suit, action, claim, proceeding, or appeal in any  
227 | court of this state or in any federal court, which is filed  
228 | after June 30, 1996, or to have brought a frivolous or malicious  
229 | collateral criminal proceeding, which is filed after September  
230 | 30, 2004, or who knowingly or with reckless disregard for the  
231 | truth brought false information or evidence before the court, is  
232 | subject to disciplinary procedures pursuant to the rules of the  
233 | Department of Corrections. The court shall issue a written  
234 | finding and direct that a certified copy be forwarded to the  
235 | appropriate institution or facility for disciplinary procedures  
236 | pursuant to the rules of the department as provided in s.  
237 | 944.09.

238 |       Section 5. This act shall take effect October 1, 2020.