

By Senator Smith

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30 submit it to the Governor, the Legislature, and the  
31 department; providing report requirements; requiring  
32 that facilities inspected by the office be assigned a  
33 safety and compliance classification; requiring the  
34 department to respond, within a specified timeframe,  
35 to each office inspection report; authorizing the  
36 office to investigate complaints on specified matters;  
37 authorizing the office to decline to investigate  
38 complaints; prohibiting the office from investigating  
39 complaints on specified matters; prohibiting the  
40 office from levying fees; prohibiting the department  
41 or its employees or contractors from terminating,  
42 retaliating against, or discriminating against a  
43 person who files a complaint; requiring the office to  
44 produce an annual report by a specified date and make  
45 it publicly available on its website and submit it to  
46 the Governor, the Attorney General, the Legislature,  
47 and the department; providing report requirements;  
48 authorizing the department and the office to adopt  
49 rules; creating s. 944.102, F.S.; defining terms;  
50 requiring the office to create an electronic family  
51 form and make it available on the office's public  
52 website for a specified purpose; requiring the office  
53 to create an incarcerated person advocacy and support  
54 services form; providing requirements relating to  
55 making the form accessible to incarcerated persons;  
56 providing for confidentiality and privilege of the  
57 forms; providing office requirements relating to the  
58 forms; requiring the office to create telephone

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59       hotlines for specified purposes; providing office  
60       requirements regarding the hotlines; prohibiting the  
61       department and its employees and contractors from  
62       terminating, retaliating against, or discriminating  
63       against a person for filing a complaint or inquiry;  
64       providing for redress of violations; authorizing the  
65       department and the office to adopt rules; providing an  
66       appropriation; providing effective dates.

67

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

69

70       Section 1. Effective January 1, 2027, section 944.101,  
71       Florida Statutes, is created to read:

72       944.101 Office of the Department of Corrections

73       Ombudsperson.—

74       (1) As used in this section, the term:

75       (a) “Family member” includes a grandparent, a parent, a  
76       sibling, a spouse or domestic partner, a child, an aunt, an  
77       uncle, a cousin, a niece, a nephew, a grandchild, or any other  
78       person related to an incarcerated person by blood, adoption,  
79       marriage, or a fostering relationship.

80       (b) “Office” means the Office of the Department of  
81       Corrections Ombudsperson.

82       (2) The Office of the Department of Corrections  
83       Ombudsperson is created within the department.

84       (a) The office shall be composed of the following sections:

85       1. The Inspections Section.

86       2. The Complaints Investigation Section.

87       (b) The office shall:

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88        1. Provide information, as appropriate, to incarcerated  
89 persons, family members, representatives of incarcerated  
90 persons, department employees and contractors, and others  
91 regarding the rights of incarcerated persons;

92        2. Monitor conditions of confinement and assess department  
93 compliance with applicable federal, state, and local rules,  
94 regulations, policies, and best practices as they relate to the  
95 health, safety, welfare, and rehabilitation of incarcerated  
96 persons;

97        3. Provide technical assistance to support incarcerated  
98 persons in self-advocacy;

99        4. Provide technical assistance to local governments in the  
100 creation of jail oversight bodies, as requested;

101        5. Establish a statewide uniform reporting system to  
102 collect and analyze data related to complaints received by the  
103 department, and data related to all of the following:

104        a. Deaths, suicides, and suicide attempts of incarcerated  
105 persons while in custody;

106        b. Physical and sexual assaults of incarcerated persons  
107 while in custody;

108        c. The number of incarcerated persons placed in  
109 administrative segregation or solitary confinement, and the  
110 duration of stays in such confinement;

111        d. The number of facility lockdowns lasting longer than 24  
112 hours;

113        e. The number of staff vacancies at each facility;

114        f. The incarcerated-person-to-staff ratios at each  
115 facility;

116        g. The staff tenure and turnover;

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117        h. The numbers of in-person visits to incarcerated persons  
118        which were granted and denied at each facility;

119        i. The types of programming, with data disaggregated by  
120        program, relating to participation, waiting lists, and  
121        exclusionary or inclusionary factors;

122        j. The number of contraband items confiscated and the types  
123        of contraband confiscated; and

124        k. Demographic data on the prison population, disaggregated  
125        by race, ethnicity, gender, and age;

126        6. Establish procedures to gather stakeholder input into  
127        the office's activities and priorities, which must include, at a  
128        minimum, an annual 30-day period for receipt of, and office  
129        response to, public comment;

130        7. Inspect each department facility at least once every 3  
131        years, and at least once each year for each maximum security  
132        facility and each facility where the office has found cause for  
133        more frequent inspection or monitoring; and

134        8. Publicly issue periodic facility inspection reports; an  
135        annual report with recommendations on the state of department  
136        facilities and a summary of data and recommendations arising  
137        from any complaints investigated and resolved pursuant to this  
138        section or s. 944.102; and any other thematic reports covering  
139        any topic the office finds relevant to running a safe, secure,  
140        and humane corrections department.

141        (c) The office is directed by the Ombudsperson, who must be  
142        selected by the Corrections Oversight Committee and serves a  
143        term of 6 years, during which the Ombudsperson may be removed  
144        only by the Governor and only for good cause. The Ombudsperson  
145        may not be a current or former employee or contractor of the

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146 department, and the Ombudsperson's spouse or domestic partner,  
147 parents, grandparents, children, or siblings may not be current  
148 employees or contractors of the department.

149 (d) The Ombudsperson has the authority:

150 1. To hire staff, contractors, and unpaid volunteers and to  
151 secure office space, equipment, and other services necessary to  
152 carry out the duties of the office pursuant to this section and  
153 s. 944.102. Any employee, contractor, or unpaid volunteer hired  
154 or retained by the office has the same authority and powers of  
155 the office as described in this section and s. 944.102; and  
156 2. To contract with experts as needed to assist in the  
157 monitoring and inspection of facilities, in the assessment of  
158 data, and in the review, investigation, or resolution of  
159 complaints.

160 (e) A staff member, an expert, or a volunteer hired by the  
161 Ombudsperson has the same authority and duties of the office as  
162 described in this section. To avoid conflicts of interest around  
163 particular topics or facilities, the Ombudsperson shall develop  
164 a recusal process for staff and volunteers who have been  
165 department employees or contractors in the last 5 years or whose  
166 parents, children, spouses, or domestic partners are current  
167 department employees or contractors. A staff member or volunteer  
168 hired by the Ombudsperson may not be a current employee or  
169 contractor of the department.

170 (f) The Ombudsperson shall coordinate and collaborate with  
171 other state agencies and entities, including, but not limited  
172 to, the department's inspector general or the Auditor General,  
173 mandated protection and advocacy organizations, and safety and  
174 environmental entities.

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175                   (g) The Ombudsperson shall manage all appropriations and  
176 funding of the office.

177                   (3) There is established a Corrections Oversight Committee,  
178 composed of:

179                   (a) Two members appointed by the President of the Senate  
180 who are not members of the same political party. The President  
181 of the Senate shall select one of the two members to serve as  
182 co-chair.

183                   (b) Two members appointed by the Speaker of the House of  
184 Representatives who are not members of the same political party.  
185 The Speaker of the House of Representatives shall select one of  
186 the two members to serve as co-chair.

187                   (c) The following members, appointed by the Governor:

188                   1. One representative of a prisoner advocacy organization.  
189                   2. One representative of an organization that provides  
190 training or rehabilitation programs for incarcerated persons.  
191                   3. One man who was formerly incarcerated in a facility of  
192 the department.

193                   4. One woman who was formerly incarcerated in a facility of  
194 the department.

195                   5. One physician, currently licensed or retired, with  
196 experience in family medicine or internal medicine.

197                   6. One mental or behavioral health professional, currently  
198 licensed or retired, who has a history of providing mental  
199 health services or counseling to adults.

200                   7. One person who is a grandparent, parent, child, sibling,  
201 or spouse or domestic partner of a person currently incarcerated  
202 in a department facility.

203                   8. One person who was formerly employed as a correctional

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204 employee in this state or any other state.

205 (d) Members of the committee shall serve for terms of 3  
206 years. The Governor shall make all subsequent appointments.

207 (e) A member of the committee may not be a current employee  
208 or contractor of the department. To avoid conflicts of interest  
209 around particular topics, facilities, or nominees, the committee  
210 shall develop a recusal process for members who have been  
211 employees or contractors in the previous 5 years or whose  
212 parent, child, spouse, or domestic partner is currently a  
213 department employee or contractor. With the exception of the  
214 members in subparagraphs (c)2. and 8., a committee member may  
215 not have been an employee or a contractor of the department at  
216 any time during the 5 years immediately before his or her  
217 appointment to the committee.

218 (f) The committee shall meet upon the call of the co-chairs  
219 or the majority of the members or whenever there is a vacancy in  
220 the Ombudsperson position.

221 (g) Committee members are not eligible to receive  
222 compensation but are eligible for reimbursement for per diem and  
223 travel expenses.

224 (h) The committee shall announce the Ombudsperson nominee  
225 publicly and vote to appoint the nominee after holding a public  
226 hearing, during which the committee shall hear and consider oral  
227 or written testimony from the Ombudsperson nominee, any  
228 witnesses the Ombudsperson nominee presents on his or her  
229 behalf, and any members of the public. The Ombudsperson nominee  
230 shall take office upon a majority vote of the committee in his  
231 or her favor. In the event of a vacancy, the committee shall  
232 announce a nominee within 6 months after resignation, removal,

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233 or expiration of term of the sitting Ombudsperson.

234 (i) The committee shall hold at least one public hearing  
235 each year to present, review, and discuss the office's  
236 inspections, findings, reports, and recommendations set forth in  
237 the office's annual report and shall hold quarterly public  
238 hearings to present, review, and discuss any other data,  
239 reports, or findings of the office which the committee feels are  
240 relevant. At such hearings, the committee may solicit and  
241 receive written or oral testimony from experts, members of the  
242 community, the office, or the department.

243 (j) The committee may, in its discretion or upon request  
244 from the office, issue findings, recommendations, and policy and  
245 legislative proposals that must be provided to the department,  
246 the Governor, and the judiciary committees of each house of the  
247 Legislature and made available to the public on the office's  
248 website.

249 (k) The committee must be given the same access to  
250 facilities, records, and persons within facilities as the office  
251 receives pursuant to this section. If the position of  
252 Ombudsperson is vacant, the committee may subpoena department  
253 records, employees, or contractors.

254 (l) Accompanied by the office, the committee shall visit  
255 two different correctional facilities during each calendar year.

256 (4) (a) The office must have reasonable access, upon demand  
257 in person or in writing and with or without prior notice, to all  
258 department facilities, including all areas that are used by  
259 incarcerated persons and all areas that are accessible to  
260 incarcerated persons, and to programs for incarcerated persons  
261 at reasonable times, which, at a minimum, must include normal

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262 working hours and visiting hours. This authority includes the  
263 opportunity to conduct an interview with any incarcerated  
264 person, department employee or contractor, or other person. This  
265 access is for all of the following purposes:

266 1. Providing information about individual rights and the  
267 services available from the office, including the name, address,  
268 and telephone number of the office facilities or staff;  
269 2. Conducting official inspections under subsection (6);  
270 3. Conducting an official investigation under subsection  
271 (7) or as described in s. 944.102; and  
272 4. Inspecting, viewing, photographing, or video recording  
273 all areas of the facility which are used by incarcerated persons  
274 or are accessible to incarcerated persons.

275 (b) Access to incarcerated persons includes the opportunity  
276 to meet and communicate privately and confidentially with  
277 individuals regularly, with or without prior notice, formally or  
278 informally, by telephone, mail, electronic communication, or in  
279 person. In the case of communications with incarcerated persons,  
280 these communications may not be monitored by, recorded, or  
281 conducted in the presence of department employees or  
282 contractors.

283 (c) The office may access, inspect, and copy all  
284 information, records, or documents in the possession or control  
285 of the department which the office considers necessary in an  
286 investigation of a complaint filed under this section or s.  
287 944.102, and the department shall assist the office in obtaining  
288 any necessary releases for those documents that are specifically  
289 restricted or privileged for use by the office.

290 (d) Following notification from the office with a written

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291 demand for access to department records, the designated  
292 department staff shall provide the office with access to the  
293 requested documentation no later than 20 days after the office's  
294 written request for the records. If the records requested by the  
295 office pertain to an incarcerated person's death; threats of  
296 bodily harm, including, but not limited to, sexual or physical  
297 assaults; or the denial of necessary medical treatment, the  
298 records must be provided within 5 days unless the office  
299 consents to an extension of that timeframe.

300 (e) The office shall work with the department to minimize  
301 disruption to the department's operations due to office  
302 activities and must comply with the department's security  
303 clearance processes, provided that these processes do not impede  
304 the activities outlined in this section.

305 (f) The office may subpoena department records, employees,  
306 or contractors.

307 (g) The department has an affirmative duty to provide data  
308 related to the collection and dissemination of information under  
309 subparagraph (2) (b) 5.

310 (5) (a) Correspondence and communication with the office,  
311 including that made pursuant to s. 944.102, are confidential and  
312 must be protected as privileged correspondence in the same  
313 manner as legal correspondence or communication.

314 (b) The office shall establish confidentiality rules and  
315 procedures for all information maintained by the office to  
316 ensure that:

317 1. Department employees or contractors are not aware of the  
318 identity of a person who submits a complaint or inquiry before,  
319 during, or after an investigation, to the greatest extent

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320 practicable. The office may disclose personal identifying  
321 information for the sole purpose of carrying out an  
322 investigation; and

323 2. Other persons in department custody are not aware of the  
324 identity of a person who submits a complaint or inquiry before,  
325 during, or after an investigation, to the greatest extent  
326 practicable. The office may disclose personal identifying  
327 information for the sole purpose of carrying out an  
328 investigation.

329 (6) The office shall conduct periodic inspections of each  
330 department facility.

331 (a) Initial inspection.—The office shall conduct an  
332 inspection of each department facility and release a public  
333 report by July 1, 2029.

334 (b) Subsequent inspection.—Subsequent inspections of each  
335 facility must be conducted on a staggered schedule dependent on  
336 the facility's safety and compliance classification.

337 (c) Inspection assessment.—The office shall conduct a  
338 complete inspection of a department facility which covers all  
339 matters pertinent to the welfare of staff and incarcerated  
340 persons within the facility, including, but not limited to, an  
341 assessment of all of the following:

342 1. All policies and procedures in place at the facility  
343 related to the care of incarcerated persons.

344 2. Conditions of confinement.

345 3. Availability to incarcerated persons of educational and  
346 rehabilitative programming, drug and mental health treatment,  
347 and jobs and vocational training.

348 4. All policies and procedures related to visitation.

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349       5. All medical facilities and medical procedures and  
350       policies.

351       6. Lockdowns at the facility in the time since the last  
352       audit. For an initial assessment, the office shall review  
353       lockdowns from the last 3 years.

354       7. Staffing at the facility, including the number and job  
355       assignments of correctional staff, the ratio of staff to  
356       incarcerated persons at the facility, and the staff position  
357       vacancy rate at the facility.

358       8. Physical and sexual assaults at the facility in the time  
359       since the last inspection. For an initial assessment, the office  
360       shall review assaults from the last 3 years.

361       9. Incarcerated person or staff deaths that occurred at the  
362       facility in the time since the last inspection. For an initial  
363       assessment, the office shall review incarcerated person and  
364       staff deaths from the last 3 years.

365       10. Department staff recruitment, training, supervision,  
366       and discipline.

367       11. Programming within the facility, including type of  
368       programming, program eligibility, and length of waiting list, if  
369       applicable.

370       12. Any other aspect of the operation of the facility which  
371       the office deems necessary over the course of an inspection.

372       (d) Report.—Upon completion of an inspection, the office  
373       shall produce a report and make it publicly available on its  
374       website and submit the report to the Governor, the Attorney  
375       General, the judiciary committees of each house of the  
376       Legislature, and the secretary of the department. The report  
377       must include all of the following:

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378        1. A summary of the facility's policies and procedures  
379 related to the care of the incarcerated persons.  
380        2. A characterization of the conditions of confinement.  
381        3. A catalog of the educational and rehabilitative  
382 programming, drug and mental health treatment, and jobs and  
383 vocational training available to incarcerated persons.  
384        4. A summary of visitation policies and procedures.  
385        5. A summary of medical facilities and medical procedures  
386 and policies.  
387        6. A summary of the lockdowns reviewed by the office.  
388        7. A summary of the staffing at the facility, including  
389 policies relating to staff recruitment, training, supervision,  
390 and discipline.  
391        8. A summary of physical and sexual assaults reviewed by  
392 the office.  
393        9. A summary of any incarcerated person or staff deaths  
394 that occurred at the facility.  
395        10. Recommendations made to the facility to improve safety  
396 and conditions within the facility.  
397        11. Safety and compliance classification with recommended  
398 timeline for the next inspection.  
399        (e) Safety and compliance classification.—Upon completion  
400 of an inspection, the office shall assign the facility a safety  
401 and compliance classification. The classification system must be  
402 divided into 3 tiers and be determined based on the factors  
403 described in this paragraph. The safety and compliance  
404 classification are:  
405        1. Tier 1. This classification requires subsequent  
406 inspection within 12 months and is used for maximum security

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407     facilities and facilities that present clear violations of  
408     rights, risks to the safety of incarcerated persons, or severe  
409     lack of quality programming for the successful rehabilitation of  
410     incarcerated persons.

411     2. Tier 2. This classification requires subsequent  
412     inspection between 18 months and 36 months and is used for  
413     facilities that may have violations of rights, substandard  
414     conditions of confinement, or substandard programming options.

415     3. Tier 3. This classification requires subsequent  
416     inspection within 36 months and is used for facilities with  
417     adequate conditions of confinement and programming options.

418     (f) Responses.—The department shall respond in writing to  
419     each inspection report issued by the office within 60 days after  
420     issuance of the report, and its response must include a  
421     corrective action plan. The office shall monitor the  
422     department's compliance with the corrective action plan and may  
423     conduct further inspections or investigations as necessary to  
424     ensure compliance.

425     (7) (a) The office may initiate and attempt to resolve a  
426     complaint investigation upon its own initiative, or upon receipt  
427     of a complaint from an incarcerated person, a family member, a  
428     representative of an incarcerated person, a department employee  
429     or contractor, or others, regarding any of the following that  
430     may adversely affect the health, safety, welfare, or rights of  
431     incarcerated persons:

432         1. Abuse or neglect.  
433         2. Conditions of confinement.  
434         3. Department decisions or administrative actions.  
435         4. Department inactions or omissions.

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436        5. Department policies, rules, or procedures.

437        6. Alleged violations of law by department employees or  
438 contractors which may adversely affect the health, safety,  
439 welfare, or rights of incarcerated persons.

440        (b) The office may decline to investigate any complaint. If  
441 the office does not investigate a complaint, the office must  
442 notify the person who submitted the complaint in writing of the  
443 decision not to investigate and the reasons for the decision.

444        (c) Filing a complaint with the office, or any action or  
445 lack of action on a complaint by the office, may not be deemed  
446 an administrative procedure required for exhaustion of remedies  
447 prior to bringing an action pursuant to the Prison Litigation  
448 Reform Act, 42 U.S.C. s. 1997e.

449        (d) The office may not investigate a complaint relating to  
450 an incarcerated person's underlying criminal conviction.

451        (e) The office may not investigate a complaint from a  
452 department employee or contractor which relates to the  
453 employee's or contractor's employment relationship with the  
454 department unless the complaint is related to the health,  
455 safety, welfare, or rehabilitation of incarcerated persons.

456        (f) The office may refer the person who submitted a  
457 complaint and others to appropriate resources or state, tribal,  
458 or federal agencies, as applicable.

459        (g) The office may not levy any fees for the submission or  
460 investigation of complaints.

461        (h) At the conclusion of an investigation of a complaint,  
462 the office shall render a public decision on the merits of each  
463 complaint, except that the documents supporting the decision are  
464 subject to the confidentiality provision of this section. The

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465 office shall communicate the decision to the person who  
466 submitted the complaint and to the department. The office must  
467 state its recommendations and reasoning if, in the office's  
468 opinion, the department or any employee or contractor thereof  
469 should:

- 470 1. Consider the matter further;
- 471 2. Modify or cancel any action;
- 472 3. Alter a rule, practice, or ruling;
- 473 4. Explain in detail the administrative action in question;  
474 or
- 475 5. Rectify an omission.

476 (i) Upon a request by the office, the department shall,  
477 within the time specified or within a reasonable time, inform  
478 the office in writing about any action taken on the  
479 recommendations or the reasons for not complying with the  
480 recommendations.

481 (j) If the office believes, based on the investigation,  
482 that there has been or continues to be a significant health,  
483 safety, welfare, or rehabilitation issue, the office must report  
484 the finding to the Governor, the Attorney General, the judiciary  
485 committees of each house of the Legislature, and the secretary  
486 of the department.

487 (k) If the department conducts an internal disciplinary  
488 investigation and review of one or more of its staff members as  
489 a result of an office investigation, the department's  
490 disciplinary review may be subject to additional review and  
491 investigation by the office to ensure a fair and objective  
492 process.

- 493 (l) Before announcing a conclusion or recommendation that

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494 expressly, or by implication, criticizes a person or the  
495 department, the office shall consult with that person or the  
496 department. The office may request to be notified by the  
497 department, within a specified time, of any action taken on any  
498 recommendation presented.

499 (m) The department and its employees and contractors may  
500 not terminate, retaliate against, or in any manner discriminate  
501 against any person because he or she has filed a complaint or  
502 instituted or caused to be instituted any proceeding under or  
503 related to this subsection.

504 1. Any alleged termination of, retaliation against, or  
505 discrimination against a person who submitted a complaint may be  
506 considered by the office as an appropriate subject of an  
507 investigation.

508 2. Any department employee or contractor who believes that  
509 he or she has been terminated or otherwise discriminated against  
510 by a person in violation of this subsection may, within 30 days  
511 after such violation occurs, file a complaint pursuant to the  
512 state's whistleblower or wrongful termination laws, or both.

513 (8) (a) By December 31 of each year, the office shall  
514 produce an annual report and make it publicly available on its  
515 website and submit it to the Governor, the Attorney General, the  
516 judiciary committees of each house of the Legislature, and the  
517 secretary of the department. The report must include all of the  
518 following:

519 1. A summary of the office's inspections and complaint  
520 investigations conducted that calendar year, including the  
521 office's findings and recommendations and the department's  
522 responses and corrective actions.

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523        2. A characterization of the conditions of confinement.  
524        3. A summary of educational and rehabilitative programming,  
525 drug and mental health treatment, and jobs and vocational  
526 training available to incarcerated persons.  
527        4. A summary of visitation policies and procedures.  
528        5. A summary of medical facilities and medical procedures  
529 and policies.  
530        6. A summary of the lockdowns reviewed by the office.  
531        7. A summary of the staffing at each facility and in the  
532 department overall.  
533        8. A summary of physical and sexual assaults reviewed by  
534 the office.  
535        9. A summary of any incarcerated person or staff deaths  
536 that occurred at a facility.  
537        10. A summary of the office's investigations, findings, and  
538 resolutions of any complaints submitted pursuant to this section  
539 or s. 944.102.  
540        11. A summary of the pending and settled lawsuits during  
541 the previous calendar year in which the department or its  
542 contractors are a party and which relate to any covered issue as  
543 defined in s. 944.102, with a description of the nature of the  
544 claims, their date and location, and attorney fees, court costs,  
545 and settlement costs spent by the department, its contractors,  
546 or the state.  
547        12. A summary of the criminal prosecutions of department  
548 employees, contractors, or incarcerated persons initiated or  
549 concluded during the previous calendar year, with a description  
550 of the dates and locations of the alleged offenses, the nature  
551 of the charges, and any adjudication or disposition of the

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552 cases.553       13. Recommendations to the Legislature and the department,  
554 including, but not limited to, all of the following:555       a. How the office and the department could be better funded  
556 and staffed.557       b. How to improve staff retention, training, working  
558 conditions, compensation, benefits, morale, and safety.559       c. How to improve incarcerated person health, safety,  
560 conditions of confinement, or medical care.561       d. How to improve visitation and limiting the use of  
562 lockdowns and administrative segregation or solitary  
563 confinement.564       e. How to improve complaint investigation and resolution.565       f. How to improve access to and quality and availability of  
566 educational and rehabilitative programming, drug and mental  
567 health treatment, and jobs and vocational training to  
568 incarcerated persons.569       g. How to improve transparency about conditions in the  
570 facilities and the department overall.571       h. How to improve the disciplinary process to hold staff  
572 accountable for mistreatment of incarcerated persons.573       i. How to prevent future violations of incarcerated  
574 persons' rights protected under state and federal law.575       (b) Upon a request by the office, the department shall,  
576 within the time specified or within a reasonable time, inform  
577 the office in writing about any action taken on the  
578 recommendations or the reasons for not complying with the  
579 recommendations.580       (9) The department and the office may adopt rules to enact

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581 this section.582       Section 2. Section 944.102, Florida Statutes, is created to  
583 read:584       944.102 Incarcerated person and family support services;  
585       function of the Office of the Department of Corrections  
586       Ombudsperson.—587       (1) DEFINITIONS.—As used in this section, the term:588       (a) "Covered issue" includes, but is not limited to, all of  
589       the following:590       1. Sanitation in prison facilities.  
591       2. Access to proper nutrition.  
592       3. Livable temperatures in prison facilities.  
593       4. Physical or sexual abuse from fellow incarcerated  
594       persons.595       5. Physical or sexual abuse from department staff or  
596       contractors.597       6. Credible threats against an incarcerated person from  
598       another incarcerated person, staff, or contractors.599       7. Neglect of prison staff or contractors which results in  
600       physical or sexual trauma.601       8. Denial of rights afforded to incarcerated persons under  
602       federal or state law.603       9. Access to visitation and communication with family.604       10. Any instance in which the office determines an action  
605       or behavior to be such that it constitutes abuse or neglect  
606       against an incarcerated person.607       11. Access to medical or mental health care or substance  
608       abuse treatment.609       12. Access to educational and rehabilitative programming,

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610 drug and mental health treatment, and incarcerated person jobs  
611 and vocational training.

612 (b) "Family form" means a secure online form created by the  
613 office through which a family member can submit a complaint or  
614 an inquiry.

615 (c) "Family member" has the same meaning as in s. 944.101.

616 (d) "Incarcerated person form" means a secure online form  
617 available through the department's intranet through which an  
618 incarcerated person can submit a complaint or inquiries  
619 regarding covered issues on his or her behalf.

620 (e) "Office" means the Office of the Department of  
621 Corrections Ombudsperson.

622 (2) FAMILY ADVOCACY AND SUPPORT SERVICES ONLINE FORM.—The  
623 office shall create an electronic family form and make it  
624 publicly available on the office's website so that family  
625 members, friends, and advocates can submit complaints and  
626 inquiries regarding covered issues on behalf of a person  
627 incarcerated within the department. Upon receipt of a family  
628 form, the office shall:

629 (a) Confirm receipt of the family form within 5 business  
630 days after receipt;

631 (b) Determine whether an investigation is warranted within  
632 7 business days after the confirmation of receipt of the form  
633 and notify the person who submitted the form of the office's  
634 determination; and

635 (c) If the office determines an investigation is  
636 unwarranted, provide a written statement explaining its decision  
637 to the person who submitted the form.

638 (3) INCARCERATED PERSON ADVOCACY AND SUPPORT SERVICES

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639 ONLINE FORM.—The office shall create an incarcerated person  
640 advocacy and support services form.

641 (a) Availability.—The department shall ensure that the  
642 incarcerated person form is available and operating on at least  
643 12 computers within each department facility and accessible to  
644 all incarcerated persons from 7:00 a.m. to 7:00 p.m. each day.  
645 For incarcerated persons in administrative segregation or  
646 solitary confinement, the department shall ensure that employees  
647 and contractors provide incarcerated persons with access to the  
648 incarcerated person form on a computer or computer tablet or by  
649 providing a paper copy upon the incarcerated person's request.  
650 The department shall make paper copies of the incarcerated  
651 person form available, at no cost to incarcerated persons, in  
652 each facility's library, law library, and recreational and  
653 medical facilities.

654 (b) Confidentiality.—The office shall create the  
655 incarcerated person form in a secure format that excludes any  
656 electronic monitoring or reproduction by the department or its  
657 employees or contractors. Any submissions of paper copies of the  
658 incarcerated person form by an incarcerated person must be  
659 treated as confidential and privileged by department employees  
660 or contractors in the same manner as legal correspondence or  
661 communication.

662 (c) Requirements.—The office shall:  
663 1. Confirm receipt of the incarcerated person form within 5  
664 business days after receipt;  
665 2. Determine whether an investigation is warranted within 7  
666 business days after the confirmation of receipt of the form and  
667 notify the person who submitted the form of the office's

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668 determination; and669 3. If the office determines an investigation is  
670 unwarranted, provide a written statement explaining its decision  
671 to the person who submitted the form.672 (4) FAMILY ADVOCACY AND SUPPORT SERVICES HOTLINE.—The  
673 office shall create a telephone hotline that family members,  
674 friends, and advocates of incarcerated persons can call to file  
675 complaints and inquiries regarding covered issues on behalf of a  
676 person incarcerated within the department. The office shall:677 (a) Confirm receipt of the complaint or inquiry within 5  
678 business days after its receipt;679 (b) Determine whether an investigation is warranted within  
680 7 business days after the confirmation of receipt of the  
681 complaint or inquiry and notify the person who submitted the  
682 complaint or inquiry; and683 (c) If the office determines an investigation is  
684 unwarranted, provide a written statement explaining its decision  
685 to the person who submitted the complaint or inquiry.686 (5) ADVOCACY AND SUPPORT SERVICES HOTLINE.—The office shall  
687 create a secure telephone hotline that all department employees  
688 and contractors and incarcerated persons can call to file  
689 complaints and inquiries regarding covered issues on their own  
690 behalf.691 (a) Prohibition on phone call fees.—The secretary of the  
692 department shall ensure that the hotline and its use are made  
693 available to all incarcerated persons free of charge.694 (b) Confidentiality.—The office and the secretary of the  
695 department shall ensure that calls to the hotline are not  
696 monitored or recorded by department employees or contractors.

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697                   (c) Requirements.—The office shall:

698                   1. Confirm receipt of the complaint or inquiry within 5  
699 business days after receipt;

700                   2. Determine whether an investigation is warranted within 7  
701 business days after the confirmation of receipt of the complaint  
702 or inquiry and notify the person who submitted the complaint or  
703 inquiry of the office's determination; and

704                   3. If the office determines an investigation is  
705 unwarranted, provide a written statement explaining its decision  
706 to the person who submitted the complaint or inquiry.

707                   (6) BAN ON RETALIATION.—The department and its employees  
708 and contractors may not terminate, retaliate against, or in any  
709 manner discriminate against a person because he or she has filed  
710 a complaint or inquiry or instituted or caused to be instituted  
711 any proceeding under or related to this section.

712                   (a) Any alleged termination of, retaliation against, or  
713 discrimination against the person who submitted the complaint or  
714 inquiry may be considered by the office as an appropriate  
715 subject of an investigation.

716                   (b) A department employee or contractor who believes that  
717 he or she has been terminated or otherwise discriminated against  
718 by any person in violation of this subsection may, within 30  
719 days after such violation occurs, file a complaint pursuant to  
720 the state's whistleblower or wrongful termination laws, or both.

721                   (7) FEDERAL CLAIMS.—A complaint or lack of complaint to the  
722 office or any action or lack of action by the office on a  
723 complaint made pursuant to this section may not be deemed an  
724 administrative procedure required for exhaustion of remedies  
725 before bringing an action pursuant to the Prison Litigation

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726 Reform Act, 42 U.S.C. s. 1997e.727 (8) RULES.—The department and the office may adopt rules to  
728 enact this section.729 Section 3. (1) Spending on the Office of the Department of  
730 Corrections Ombudsperson to carry out the activities in this act  
731 must equal an amount between 0.5 percent and 1 percent of the  
732 Department of Corrections' annual appropriation.733 (2) Beginning with the 2026-2027 fiscal year through the  
734 2031-2032 fiscal year, the recurring sum of \$1.5 million is  
735 appropriated from the General Revenue Fund to the Department of  
736 Corrections to implement this act.737 Section 4. Except as otherwise expressly provided in this  
738 act, this act shall take effect July 1, 2026.