

By Senator Smith

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A bill to be entitled  
An act relating to the Office of the Department of  
Corrections Ombudsperson; creating s. 944.101, F.S.;  
defining terms; creating the Office of the Department  
of Corrections Ombudsperson within the Department of  
Corrections; providing duties for the office;  
specifying that the office is directed by the  
Ombudsperson; requiring that the Ombudsperson be  
selected by the Corrections Oversight Committee;  
specifying the authority and duties of the  
Ombudsperson; establishing the Corrections Oversight  
Committee; providing for membership, appointment, and  
terms of committee members; specifying that committee  
members are not eligible for compensation but are  
eligible for reimbursement of per diem and travel  
expenses; requiring the committee to announce  
Ombudsperson nominees publicly; requiring the  
committee to hold quarterly meetings and at least one  
annual public hearing; providing powers and duties of  
the committee; requiring that the office have access  
to department facilities for specified purposes;  
providing powers and duties of the office; authorizing  
the office to subpoena department records, employees,  
or contractors; providing that specified  
correspondence and communications are confidential and  
privileged; requiring the office to conduct periodic  
inspections of department facilities; requiring the  
office to produce a report upon completion of an  
inspection, make it available to the public, and

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submit it to the Governor, the Legislature, and the department; providing report requirements; requiring that facilities inspected by the office be assigned a safety and compliance classification; requiring the department to respond, within a specified timeframe, to each office inspection report; authorizing the office to investigate complaints on specified matters; authorizing the office to decline to investigate complaints; prohibiting the office from investigating complaints on specified matters; prohibiting the office from levying fees; prohibiting the department or its employees or contractors from terminating, retaliating against, or discriminating against a person who files a complaint; requiring the office to produce an annual report by a specified date and make it publicly available on its website and submit it to the Governor, the Attorney General, the Legislature, and the department; providing report requirements; authorizing the department and the office to adopt rules; creating s. 944.102, F.S.; defining terms; requiring the office to create an electronic family form and make it available on the office's public website for a specified purpose; requiring the office to create an incarcerated person advocacy and support services form; providing requirements relating to making the form accessible to incarcerated persons; providing for confidentiality and privilege of the forms; providing office requirements relating to the forms; requiring the office to create telephone

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

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

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

944.101 Office of the Department of Corrections Ombudsperson.—

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

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

(b) "Office" means the Office of the Department of Corrections Ombudsperson.

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

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

1. The Inspections Section.

2. The Complaints Investigation Section.

(b) The office shall:

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

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

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

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

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

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

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

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

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

e. The number of staff vacancies at each facility;

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

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

(d) The Ombudsperson has the authority:

1. To hire staff, contractors, and unpaid volunteers and to secure office space, equipment, and other services necessary to carry out the duties of the office pursuant to this section and s. 944.102. Any employee, contractor, or unpaid volunteer hired or retained by the office has the same authority and powers of the office as described in this section and s. 944.102; and

2. To contract with experts as needed to assist in the monitoring and inspection of facilities, in the assessment of data, and in the review, investigation, or resolution of complaints.

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

(f) The Ombudsperson shall coordinate and collaborate with other state agencies and entities, including, but not limited to, the department's inspector general or the Auditor General, mandated protection and advocacy organizations, and safety and 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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employee in this state or any other state.

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

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

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

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

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



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or expiration of term of the sitting Ombudsperson.

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

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

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

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

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

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

1. Providing information about individual rights and the services available from the office, including the name, address, and telephone number of the office facilities or staff;

2. Conducting official inspections under subsection (6);

3. Conducting an official investigation under subsection (7) or as described in s. 944.102; and

4. Inspecting, viewing, photographing, or video recording all areas of the facility which are used by incarcerated persons or are accessible to incarcerated persons.

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

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

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

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

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

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

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

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

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

2. Conditions of confinement.

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

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

1. Consider the matter further;
2. Modify or cancel any action;
3. Alter a rule, practice, or ruling;
4. Explain in detail the administrative action in question;

or

5. Rectify an omission.

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

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

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

- (l) Before announcing a conclusion or recommendation that

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

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

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

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

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

1. A summary of the office's inspections and complaint investigations conducted that calendar year, including the office's findings and recommendations and the department's 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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cases.

13. Recommendations to the Legislature and the department, including, but not limited to, all of the following:

a. How the office and the department could be better funded and staffed.

b. How to improve staff retention, training, working conditions, compensation, benefits, morale, and safety.

c. How to improve incarcerated person health, safety, conditions of confinement, or medical care.

d. How to improve visitation and limiting the use of lockdowns and administrative segregation or solitary confinement.

e. How to improve complaint investigation and resolution.

f. How to improve access to and quality and availability of educational and rehabilitative programming, drug and mental health treatment, and jobs and vocational training to incarcerated persons.

g. How to improve transparency about conditions in the facilities and the department overall.

h. How to improve the disciplinary process to hold staff accountable for mistreatment of incarcerated persons.

i. How to prevent future violations of incarcerated persons' rights protected under state and federal law.

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

(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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determination; and

3. If the office determines an investigation is unwarranted, provide a written statement explaining its decision to the person who submitted the form.

(4) FAMILY ADVOCACY AND SUPPORT SERVICES HOTLINE.—The office shall create a telephone hotline that family members, friends, and advocates of incarcerated persons can call to file complaints and inquiries regarding covered issues on behalf of a person incarcerated within the department. The office shall:

(a) Confirm receipt of the complaint or inquiry within 5 business days after its receipt;

(b) Determine whether an investigation is warranted within 7 business days after the confirmation of receipt of the complaint or inquiry and notify the person who submitted the complaint or inquiry; and

(c) If the office determines an investigation is unwarranted, provide a written statement explaining its decision to the person who submitted the complaint or inquiry.

(5) ADVOCACY AND SUPPORT SERVICES HOTLINE.—The office shall create a secure telephone hotline that all department employees and contractors and incarcerated persons can call to file complaints and inquiries regarding covered issues on their own behalf.

(a) Prohibition on phone call fees.—The secretary of the department shall ensure that the hotline and its use are made available to all incarcerated persons free of charge.

(b) Confidentiality.—The office and the secretary of the department shall ensure that calls to the hotline are not 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.