

A bill to be entitled an act relating to correctional facility oversight and programming; creating s. 944.0232, F.S.; creating a Citizens Collaborative Council within the Department of Corrections; providing for membership and terms; specifying duties and responsibilities concerning adult correctional facilities of the Florida Department of Corrections; prohibiting interference with day-to-day operations of the departments or certain facilities; providing purpose; prohibiting discussion of council business with certain persons; authorizing reimbursement for per diem and travel expenses;

Section 1. Section 944.0232, Florida Statutes, is created to read:

1. Citizens Collaborative Council

(a) The Citizens Collaborative Council, an advisory council as defined in s. 20.03(7), is created adjunct to the Department of Corrections. Except as otherwise provided in this section, the council shall operate in a manner consistent with s. 20.052.

(2) Council members

(a) The council shall consist of the following members:

1. Four members appointed by the President of the Senate.
2. Four members appointed by the Minority Leader of the Senate.
3. Four members appointed by the Speaker of the House of Representatives.
4. Four members appointed by the Minority Leader of the House of Representatives.

(b) The initial members of the council shall be appointed by October 1, 2024.

(c) Members shall be appointed for terms of 4 years beginning October 1, 2024. However, to achieve staggered terms, one member of each appointing authority shall be appointed for an initial 2 -year term.

(d) Members must be appointed equally within each region of the department.

(e) Members appointed pursuant to this subsection shall not be current employees or contractors of the Department of Corrections, shall not have parents, children, or spouses or domestic partners who are current employees or contractors of the Department of Corrections, and shall not have been an employee or contractor of the Department of Corrections at any time during the 10 years prior to their appointment to the committee.

(f) Council members shall be appointed from the following guidelines:

1. A prisoner advocacy organization.
2. An organization that provides training or rehabilitation programs for incarcerated individuals.
3. Formerly incarcerated individual who was incarcerated within the Florida Department of Corrections.
4. Physician who is licensed pursuant to Florida law and who specializes in family medicine or internal medicine.
5. Mental or behavioral health professional who is licensed pursuant to Florida law and who has a history of providing mental health services or counseling to adults.
6. A grandparent, parent, child, sibling, or spouse or domestic partner of a person currently incarcerated in the Florida Department of Corrections facility.

(g) The council's primary duties and responsibilities include:

1. Regularly conducting unannounced visits to adult correctional facilities, including facilities operated by private contractors. Council members may enter any correctional facility in which prisoners are kept and shall be immediately admitted to such facilities upon a council member's request and may consult and confer with any prisoner. A council member, upon any finding of concern, shall immediately contact the warden and the two will work together to resolve the concern.
2. Conducting confidential interviews with administration, staff, officers, prisoners, prisoners' families/loved ones, volunteers, and public officials relating to the operations and conditions of correctional facilities as well as the general health and welfare of the prisoners.
3. Conducting telephone interviews with prisoners in a manner similar to that of legal counsel in a private area using a telephone that is not recorded.
4. Conducting investigations of complaints brought to the council by Department of Corrections staff, incarcerated individuals, or the family members of incarcerated individuals.
5. Making recommendations to the classification teams, including recommendations regarding close management, administrative confinement, and disciplinary hearings.
6. Making recommendations to the Department of Corrections regarding any findings of inspections or investigations.

(h) Members of the council shall serve without compensation but may receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(3) General authority. The Council shall have authority to enter contracts, hire and procure experts, and recruit volunteers from Volunteer Florida and the community to assist with the performance of the Council's duties. Any volunteers, staff, or contractors assisting with the Council's duties shall have the same authority, access, and powers as Council members. No Council member or volunteer assisting the Council who is a victim of a crime committed by a currently incarcerated person or a family member of a currently incarcerated person shall be granted access to the Department of Corrections or private contractor facility where the currently incarcerated person resides, for purposes of conducting Council duties.

(4) Access to facilities and records.

(a) Council members must have reasonable access, upon demand in person or in writing and with or without prior notice, to all adult correctional facilities, including facilities operated by private contractors, including all areas which are used by Department of Corrections employees or contractors or incarcerated individuals, all areas which are accessible to Department of Corrections employees or contractors or incarcerated individuals, and to programs for incarcerated individuals at reasonable times, which at a minimum must include normal working hours and visiting hours. This authority includes the opportunity to conduct an interview with any incarcerated individual, Department of Corrections employee or contractor, or other person. This access is for the purposes of:

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

staff;

2. Conducting initial, periodic subsequent, and limited inspections as defined in this section;
3. Conducting an official investigation as defined below and as added by this act;
4. Inspecting, viewing, photographing, and video recording all areas of the facility that are used by or accessible to Department of Corrections employees or contractors or incarcerated individuals.
5. Council members have the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the Department of Corrections or any department contractor that Council members consider necessary in an investigation of a complaint filed under this section. The Department and contractor must assist Council members in obtaining the necessary releases for those documents which are specifically restricted or privileged for use by Council members.
6. Following notification from Council members with a written demand for access to Department records, the designated Department staff must provide Council members with access to the requested unredacted documentation not later than 10 calendar days after Council members' written request for the records. Where the records requested by Council members pertain to an incarcerated individual's death, threats of bodily harm including, but not limited to, sexual or physical assaults, or the denial of necessary medical treatment, the records shall be provided within 5 calendar days unless Council members consents to an extension of that time.

(5) Access to incarcerated individuals and Department of Corrections employees or contractors.

1. Access to incarcerated individuals and Department of Corrections employees or contractors includes the opportunity to meet and communicate privately and confidentially with individuals regularly, with or without prior notice, both formally and informally, by telephone, mail, electronic communication, and in person. In the case of communications with incarcerated individuals, these communications shall not be monitored by, recorded, or conducted in the presence of Department of Corrections employees or contractors.
2. Council members must work with the Department to minimize disruption to the operations of the Department and must comply with the Department's security clearance processes, provided these processes do not impede the Council members' responsibilities and activities.

(6) Confidential communications.

1. Correspondence and communication with Council members as created by this act are confidential and must be protected as privileged correspondence in the same manner as legal correspondence or communication.
2. Council members shall establish confidentiality rules and procedures for all information maintained by Council members to ensure that Department of Corrections employees, contractors, subcontractors, subcontractor employees and/or incarcerated individuals are not aware of the identity of a complainant before, during, and after an investigation to the greatest extent practicable. Council members may disclose identifying information for the sole purpose of carrying out an investigation.

3. Council members may not discuss ongoing investigations with the media before issuing a final report with findings.

(7) Inspection authority.

(a) Council members shall conduct periodic inspections of each Department of Corrections facility, including facilities operated by private contractors.

1. Initial inspection – Council members shall conduct an inspection of each facility and release a public report within 3 years of the date of enactment of this section.
2. Periodic subsequent inspection – Periodic subsequent inspections of each facility shall be conducted on a staggered schedule, based on the facility’s risk level and need.

(b) Council members may conduct additional announced or unannounced limited inspections as the council deems necessary to conduct an investigation or confirm that the Department of Corrections or private contractors have taken action in response to the council’s recommendations from a previous inspection or investigation.

(8) Inspection assessment

1. An initial inspection and periodic subsequent inspection of a Department of Corrections facility shall include an assessment of all of the following:
 1. All policies and procedures in place by the facility related to care of incarcerated individuals;
 2. Conditions of confinement;
 3. Availability of educational and rehabilitative programming, drug and mental health treatment, and incarcerated individual jobs and vocational training;
 4. All policies and procedures related to visitation;
 6. All medical facilities and medical procedures and policies;
 7. Review of lockdowns at the facility in the time since the last audit. In the instance of an initial assessment Council members shall review lockdowns from the last 3 years;
 8. Review of staffing at the facility, including the number and job assignments of correctional staff, the ratio of staff to incarcerated individuals at the facility, and the staff position vacancy rate at the facility;
 9. Review of physical and sexual assaults at the facility in the time since the last inspection. In the instance of an initial assessment, Council members shall review assaults from the last 3 years;
 10. Review of any incarcerated individual or staff deaths that occurred at the facility in the time since the last inspection. In the instance of an initial assessment Council members shall review incarcerated individual and staff deaths from the last 3 years;
 11. Review of Department staff recruitment, training, supervision, and discipline;
 12. Any other aspect of the operation of the facility that Council members deems necessary over the course of an inspection.

2. Limited inspections may assess any of the issues listed in subsection (a) or other issues raised by prior inspections or complaints received by the council.

(9) Reporting

1. Upon completion of an initial or periodic subsequent inspection, Council members shall produce a report to be made available to the public on the internet, and to be delivered to the Governor, the Attorney General, the Senate Judiciary Committee, the House Judiciary Committee, and the Director of the Department of Corrections and private contractors. The report shall include:

1. A summary of the facility's policies and procedures related to care of the incarcerated individuals;
2. A characterization of the conditions of confinement;
3. A catalog of available educational and rehabilitative programming, drug and mental health treatment, and incarcerated individual jobs and vocational training;
4. A summary of visitation policies and procedures;
5. A summary of medical facilities and medical procedures and policies;
6. A summary of the lockdowns reviewed by Council members;
7. A summary of the staffing at the facility, including policies relating to staff recruitment, training, supervision, and discipline;
8. A summary of physical and sexual assaults reviewed by Council members;
9. A summary of any incarcerated individual or staff deaths that occurred at the facility;
10. Recommendations made to the facility to improve safety and conditions within the facility;
11. Safety and compliance classification with recommended timeline for the next inspection;
12. A list of recommended corrective actions for the Department of Corrections or private contractors to take regarding any finding.

(b) The council may produce a report to be made available to the public on the internet, and to be delivered to the Governor, the Attorney General, the Senate Judiciary Committee, the House Judiciary Committee, and the Director of the Department of Corrections describing the findings of a limited inspection, with recommended corrective actions for the Department of Corrections or private contractors to take regarding any finding.

(10) Safety and compliance classification

Upon completion of an initial inspection or periodic subsequent inspection, Council members shall assign the facility a safety and compliance tier based on the following factors:

1. Tier 1 – requires subsequent inspection within 45 calendar days. Used for maximum security facilities and facilities that present clear violations of rights, risks to the safety of prisoners, substandard conditions of confinement or severe lack of quality programming for the successful rehabilitation of individuals;

2. Tier 2 – requires subsequent inspection within 120 calendar days. Used for facilities that may have violations of rights or substandard programming options;

3. Tier 3 – requires subsequent inspection within one year. Used for facilities with adequate conditions of confinement and programming options.

(b) The Department of Corrections and/or the private contractor shall respond in writing to each inspection report issued by the Council within 20 calendar days of the issuance of the report, and its response shall include a corrective action plan. Council members shall monitor the Department's compliance with the corrective action plan and may conduct further limited inspections or investigations as necessary to verify such compliance.

(11) Complaint investigation authority.

(a) The council may initiate and attempt to resolve an investigation upon its own initiative, or upon receipt of a complaint from an incarcerated individual, a family member or representative of an incarcerated individual, a Department of Corrections employee or contractor, or others, regarding any of the following that may adversely affect the health, safety, welfare, and rights of incarcerated individuals:

1. Abuse or neglect;

2. Conditions of confinement;

3. Department of Corrections or private contractor decisions or administrative actions;

4. Department of Corrections or private contractor inactions or omissions;

5. Department of Corrections or private contractor policies, rules, or procedures; or

6. Alleged violations of law by Department of Corrections employees or contractors that may adversely affect the health, safety, welfare, and rights of incarcerated individuals.

(b) Council members may decline to investigate any complaint, and shall decline to investigate a complaint if the incarcerated individual has failed to first utilize the Department of Corrections' policies and procedures regarding resolution of incarcerated individual grievances. If a Council member does not investigate a complaint, Council members shall notify the complainant in writing of the decision not to investigate and the reasons for the decision.

(c) Any action or lack of action on a complaint by Council members shall not be deemed an administrative procedure required for exhaustion of remedies prior to bringing an action pursuant to the Prison Litigation Reform Act, 42 U.S.C. § 1997e et seq.

(d) Council members may not investigate any complaints relating to an incarcerated individual's underlying criminal conviction.

(e) Council members may not investigate a complaint from a Department of Corrections employee or contractor that relates to the employee or contractor's employment relationship with the Department unless the complaint is related to the health, safety, welfare, and rehabilitation of incarcerated individuals.

(f) Council members may refer the complainant and others to appropriate resources or state, Tribal, or federal agencies.

(g) Council members may not levy any fees for the submission or investigation of complaints.

(h) At the conclusion of an investigation of a complaint, Council members must render a public

decision on the merits of each complaint, except that the documents supporting the decision are subject to the confidentiality provision of this section. Council members must communicate the decision to the incarcerated individual or Department of Corrections employee or contractor, if any, and to the Department of Corrections or private contractor. Council members must state its recommendations and reasoning if, in Council members's opinion, the Department or any employee or private contractor there of 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) If Council members so request, the Department must, within the time specified, inform Council members in writing about any action taken on the recommendations or the reasons for not complying with the recommendations.

(j) If Council members believe, based on the investigation, that there has been or continues to be a significant incarcerated individual health, safety, welfare, or rehabilitation issue, Council members must report the finding to the Governor, the Attorney General, the Senate Committee on the Judiciary, the House Committee on the Judiciary, and the Director of the Department of Corrections.

(k) Before announcing a conclusion or recommendation that expressly, or by implication, criticizes a person or the Department, Council members shall consult with that person or the Department. Council members may request to be notified by the Department, within a specified time, of any action taken on any recommendation presented.

(l) The Department of Corrections and private contractors and their employees and contractors shall not discharge, retaliate against, or in any manner discriminate against any person because such person has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section.

1. Any alleged discharge, retaliation against, or discrimination against a complainant may be considered by Council members as an appropriate subject of an investigation or limited inspection.

2. Any Department employee or contractor who believes that he or she has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty calendar days after such violation occurs, file a complaint with the Attorney General.

(12) Annual report.

1. By December 31 of each calendar year, Council members shall produce an annual report to be made available to the public on the internet, and to be delivered to the Governor, the Attorney General, the Senate Judiciary Committee, the House Judiciary Committee, and the Director of the Department of Corrections and private contractors. The report shall include:

1. A summary of the Council's inspections and complaint investigations conducted that calendar year, including the Council's findings and recommendations and the Department of Corrections' and private contractors' responses and corrective actions;

2. A characterization of the conditions of confinement;

3. A summary of available educational and rehabilitative programming, drug and mental health treatment, and incarcerated individual jobs and vocational training;
4. A summary of visitation policies and procedures;
5. A summary of medical facilities and medical procedures and policies;
6. A summary of the lockdowns reviewed by Council members;
7. A summary of the staffing at each facility and in the Department of Corrections overall;
- (h) A summary of physical and sexual assaults reviewed by Council members;
- (i) A summary of any incarcerated individual or staff deaths that occurred at a facility;
- (j) A summary of Council members's investigations, findings, and resolutions of any complaints submitted pursuant to this section and as added by this act;
- (k) Recommendations to the legislature and the Department of Corrections and private contractors regarding, but not limited to, the following:
 - (i) How Council members and the Department of Corrections and private contractors are funded and staffed;
 - (ii) Improving staff retention, training, working conditions, compensation, benefits, morale, and safety;
 - (iii) Improving incarcerated individual health, safety, conditions of confinement, and medical care;
 - (iv) Improving visitation and limiting use of lockdowns and administrative segregation or solitary confinement;
 - (v) Improving complaint investigation and resolution;
 - (vi) Improving access to and quality and availability of educational and rehabilitative programming, drug and mental health treatment, and incarcerated individual jobs and vocational training;
 - (vii) Improving transparency about conditions in the facilities and the Department of Corrections or private contractors overall;
 - (viii) Improving the disciplinary process to hold staff accountable for mistreatment of incarcerated individuals;
 - (ix) Preventing future violations of incarcerated individual rights as protected under state and federal law.

(2) If the Council so requests, the Department of Corrections and private contractors must, within the time specified, inform the Council in writing about any corrective action taken on the corrective action recommendations or the reasons for not complying with those recommendations.

(H) Definition of “family member or representative” – As used in this section, “family member or representative” includes a grandparent, parent, sibling, spouse or domestic partner, child, aunt, uncle, cousin, niece, nephew, grandchild, or any other person related to an individual by blood, adoption, marriage, or a cohabitation or fostering relationship, or a lawyer, doctor, friend, advocate, or social worker representing the incarcerated person.

Section 2: Florida Statute is amended to read:

Incarcerated individual and Family Support Services

(A) Family Advocacy and Support Services Online Form – The Council shall create a secure online form (referred to in this section as the “Family Form”) to be made available on the Council’s website wherein family members or representatives can submit complaints and inquiries regarding covered issues on behalf of an individual incarcerated within the Department of Corrections. Upon receipt of a Family Form, the Council shall –

- (1) Confirm receipt of the complaint or inquiry within five (5) calendar days;**
- (2) Make a determination as to whether an investigation is warranted within seven (7) calendar days of the confirmation of receipt of complaint and notify the complainant;**
- (3) If Council members has determined an investigation is unwarranted, Council members must provide a written statement regarding its decision to the complainant.**

(B) Incarcerated individual Advocacy and Support Services Online Form – Council members shall create a secure online form (referred to in this subsection as the “incarcerated individual Form”) to be made available on the Department of Corrections and private contractors secure intranet wherein incarcerated individuals may submit complaints and inquiries regarding covered issues on their behalf.

(1) Availability – The Secretary of the Department of Corrections and private contractors shall ensure that the incarcerated individual form is available and operating on at least 12 computers within each facility and accessible to all incarcerated individuals from 7:00 a.m. to 7:00 p.m. each day. For incarcerated individuals in administrative segregation or solitary confinement, the Department of Corrections and private contractors shall ensure that employees and contractors provide incarcerated individuals with access to the incarcerated individual Form on a computer or computer tablet or by providing a paper copy upon the incarcerated individual’s request. The Department of Corrections and private contractors shall make paper copies of the incarcerated individual Form available, at no cost to incarcerated individuals, in each facility’s library, law library, and recreational and medical facilities.

(2) Confidentiality – Council members shall create the incarcerated individual Form in a secure format that excludes any electronic monitoring or reproduction by the Department of Corrections and private contractors and their employees and contractors. Any incarcerated individual submissions of paper copies of the incarcerated individual Form shall be treated as confidential and privileged by Department of Corrections’ and private contractors’ employees and contractors in the same manner as legal correspondence or communication.

(3) Requirements – Council members shall –

- (a) Confirm receipt of the complaint or inquiry within five (5) calendar days;**
- (b) Make a determination as to whether an investigation is warranted within seven (7) calendar days of the confirmation of receipt of complaint and notify the complainant;**
- (c) If Council members has determined an investigation is unwarranted, Council members must provide a written statement regarding its decision to the complainant.**

(C) Family Advocacy and Support Services Hotline – Council members shall create a telephone hotline through which family members, friends, and advocates of incarcerated individuals can call to file complaints and inquiries regarding covered issues on behalf of an individual incarcerated within the Department of Corrections and private contractors.

(1) Requirements – Council members shall –

- (a) Confirm receipt of the complaint or inquiry within five (5) calendar days;
- (b) Make a determination as to whether an investigation is warranted within seven (7) calendar days of the confirmation of receipt of complaint and notify the complainant;
- (c) If Council members has determined an investigation is unwarranted, Council members must provide a written statement regarding its decision to the complainant.

(D) Incarcerated Individual Advocacy and Support Service Hotline – Council members shall create a secure telephone hotline to be made available to all Department of Corrections and private contractors employees and contractors and incarcerated individuals to file complaints and inquiries regarding covered issues on their behalf.

(1) Prohibition on phone call fees – The Secretary of the Department shall ensure that the hotline and its use are made available to all incarcerated individuals free of charge.

(2) Confidentiality – Council members and the Director of the Department shall ensure that calls to the hotline are not monitored or recorded by Department employees or contractors.

(3) Requirements – Council members shall –

- (a) Confirm receipt of the complaint or inquiry within five (5) calendar days;
- (b) Make a determination as to whether an investigation is warranted within seven (7) calendar days of the confirmation of receipt of complaint and notify the complainant;
- (c) If Council members has determined an investigation is unwarranted, Council members must provide a written statement regarding their decision to the complainant.

(E) Ban on Retaliation – The Department of Corrections and private contractors and their employees and contractors shall not discharge, retaliate against, or in any manner discriminate against any person because such person has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section.

(1) Any alleged discharge, retaliation against, or discrimination against a complainant may be considered by Council members as an appropriate subject of an investigation.

(2) Any Department of Corrections or private contractor employee or contractor who believes that he or she has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty calendar days after such violation occurs, file a complaint with the Attorney General.

(3) Allegations of retaliation are sufficient grounds for a council investigation or inspection. Council members may conduct additional limited inspections or investigations of facilities in response to allegations of retaliation.

(F) Federal claims – Any action or lack of action by Council members on a complaint made

pursuant to this section shall not be deemed an administrative procedure required for exhaustion of remedies prior to bringing an action pursuant to the Prison Litigation Reform Act, 42 U.S.C. § 1997e et seq.

(G) Definitions - In this section the following definitions apply:

- (1) “Covered issues” may include but are not limited to
 - (a) Sanitation in prison facilities;
 - (b) Access to proper nutrition;
 - (c) Livable temperatures in prison facilities;
 - (d) Physical or sexual abuse from fellow incarcerated individuals;
 - (e) Physical or sexual abuse from Department staff or contractors;
 - (f) Credible threats against self from other incarcerated individuals, staff, or contractors;
 - (g) Neglect of prison staff or contractors that results in physical or sexual trauma;
 - (h) Denial of rights afforded to incarcerated individuals under federal or state law;
 - (i) Access to visitation and communication with family;
 - (j) Any instance in which Council members determines an action or behavior to be such that it constitutes abuse or neglect against an incarcerated individual;
 - (k) Access to medical or mental health care or substance abuse treatment;
 - (l) Access to educational and rehabilitative programming, drug and mental health treatment, and incarcerated individual jobs and vocational training.
- (2) “Family member or representative” includes a grandparent, parent, sibling, spouse or domestic partner, child, aunt, uncle, cousin, niece, nephew, grandchild, or any other person related to an individual by blood, adoption, marriage, or a cohabitation or fostering relationship, or a lawyer, doctor, friend, advocate, or social worker representing the incarcerated person.