

By Senator Thomas

3-1057-00

See HB 1859

1 A bill to be entitled
2 An act relating to elderly offenders; amending
3 s. 944.02, F.S.; providing a definition of the
4 term "elderly offender"; creating s. 944.804,
5 F.S.; providing legislative findings; requiring
6 the Correctional Privatization Commission to
7 issue a request for proposals for the
8 establishment and operation of an exclusively
9 geriatric facility for elderly offenders at the
10 current River Junction Correctional Institution
11 site; authorizing certain contracts; providing
12 for request for proposals; requiring the
13 commission to oversee facility operation;
14 requiring the Department of Corrections to
15 develop rules specifying eligibility for the
16 facility; providing specific legislative intent
17 for implementation of rules; requiring a study;
18 amending ss. 120.81, 413.051, 414.40, F.S.;
19 correcting cross references; providing an
20 effective date.

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

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24 Section 1. Section 944.02, Florida Statutes, is
25 amended to read:

26 944.02 Definitions.--The following words and phrases
27 used in this chapter shall, unless the context clearly
28 indicates otherwise, have the following meanings:

29 (1)~~(3)~~ "Commission" means the Parole Commission.

30 (2)~~(1)~~ "Correctional system" means all prisons and
31 other state correctional institutions now existing or

1 hereafter created under the jurisdiction of the Department of
2 Corrections.

3 (3)~~(2)~~ "Department" means the Department of
4 Corrections.

5 (4) "Elderly offender" means a prisoner age 50 or
6 older whose chronological medically appraised age is at least
7 62. Declines in mental or physical health as a result of
8 dementia, Alzheimer's disease, Parkinson's disease, or other
9 similar degenerative diseases shall be considered as increases
10 in age, although the effect of the change may be to reduce an
11 individual's mental or physical capacity to that of a child.

12 (5)~~(7)~~ "Lease-purchase agreement" means an installment
13 sales contract which requires regular payments with an
14 interest charge included and which provides that the lessee
15 receive title to the property upon final payment.

16 (6)~~(5)~~ "Prisoner" means any person who is under arrest
17 and in the lawful custody of any law enforcement official, or
18 any person convicted and sentenced by any court and committed
19 to any municipal or county jail or state prison, prison farm,
20 or penitentiary, or to the custody of the department, as
21 provided by law.

22 (7)~~(4)~~ "Secretary" means the Secretary of Corrections.

23 (8)~~(6)~~ "State correctional institution" means any
24 prison, road camp, prison industry, prison forestry camp, or
25 any prison camp or prison farm or other correctional facility,
26 temporary or permanent, in which prisoners are housed, worked,
27 or maintained, under the custody and jurisdiction of the
28 department.

29 Section 2. Section 944.804, Florida Statutes, is
30 created to read:

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1 944.804 Elderly offenders correctional facilities
2 program of 2000.--

3 (1) The Legislature finds that the number and
4 percentage of elderly offenders in the Florida prison system
5 is increasing and will continue to increase for the foreseeable
6 future. The current cost to incarcerate elderly offenders is
7 approximately three times the cost of incarceration of younger
8 inmates. Alternatives to the current approaches to housing,
9 programming, and treating the medical needs of elderly
10 offenders, which may reduce the overall costs associated with
11 this segment of the prison population, must be explored and
12 implemented.

13 (2) The Correctional Privatization Commission shall
14 issue a request for proposals for the establishment and
15 operation of a geriatric facility at the site known as River
16 Junction Correctional Institution, which shall be an
17 institution specifically for elderly offenders. The
18 Correctional Privatization Commission may enter into contracts
19 for this facility notwithstanding s. 957.07. The Correctional
20 Privatization Commission shall oversee the operation of the
21 facility by the contractor selected through the
22 request-for-proposals process. The request for proposals shall
23 include modifications to the facility which will decrease the
24 likelihood of falls, accidental injury, and other conditions
25 known to be particularly hazardous to the elderly. The
26 proposal shall include the requirements of a fitness/wellness
27 program and diet designed to maintain the physical and mental
28 fitness of the elderly offenders and decrease long-term health
29 costs to the state correctional system. The request for
30 proposals shall require proposers to consider how to reduce
31 costs associated with elderly offenders as a method of

1 offsetting increased medical costs. Programming and work
2 opportunities appropriate for this population shall be
3 developed, and institutional staff shall be specifically
4 trained to effectively supervise elderly offenders.

5 (3) Notwithstanding the provisions of s. 120.54(1)(b),
6 the department shall adopt rules within 90 days after the
7 effective date of this act, or may initially adopt emergency
8 rules, that specify which elderly offenders shall be eligible
9 to be housed at River Junction Correctional Institution. The
10 Legislature finds that initial emergency rulemaking power is
11 necessary for the welfare of the people in order to provide
12 future savings to benefit the public. The Legislature further
13 finds that if the initial rules adopted are emergency rules,
14 then the department need not make the findings required by s.
15 120.54(4)(a).

16 (4) In developing the rules or initial emergency
17 rules, the Legislature directs the department to target
18 occupancy at 100 percent, and to achieve occupancy of no less
19 than 85 percent, at River Junction Correctional Institution.
20 While developing the criteria for eligibility, the department
21 shall use the information in existing offender databases to
22 determine the number of offenders who would be eligible. The
23 Legislature directs the department to consider a broad range
24 of elderly offenders for River Junction Correctional
25 Institution who have good disciplinary records and a medical
26 grade that will permit them to perform meaningful work
27 activities, including participation in an appropriate
28 correctional work program (PRIDE) facility, if available.

29 (5) It is further the specific intent of the
30 Legislature that implementation of these statutory provisions
31 not be delayed until adoption of rules or emergency rules or

1 during any period when previously existing rules are no longer
2 in effect. During any such period, the department shall
3 maintain an inmate population profile in accordance with the
4 following schedule:

<u>Profile Variable</u>	<u>Population</u>	<u>Variation</u>
	<u>Percent</u>	<u>Percent</u>
8 <u>Age 50 or greater</u>	<u>100%</u>	<u>2%</u>
9 <u>Custody Level</u>		
10 <u>Minimum/Medium</u>	<u>100%</u>	<u>.05%</u>
11 <u>Physical Health Grade</u>		
12 <u>M1 or M2</u>	<u>60%</u>	<u>1%</u>
13 <u>M3 with chronic condition(s)</u>		
14 <u>considered stable</u>	<u>40%</u>	<u>1%</u>
15 <u>Psychological Grade</u>		
16 <u>S1 or S2</u>	<u>100%</u>	<u>1%</u>

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18 (6) At the time of submission of the rules to the
19 Joint Administrative Procedures Committee, the department
20 shall also submit a study based on existing offenders which
21 projects the number of existing offenders who will qualify
22 under the rules. An appendix to the study shall identify the
23 specific offenders who qualify.

24 Section 3. Paragraphs (a) and (b) of subsection (3) of
25 section 120.81, Florida Statutes, are amended to read:

26 120.81 Exceptions and special requirements; general
27 areas.--

28 (3) PRISONERS AND PAROLEES.--

29 (a) Notwithstanding s. 120.52(12), prisoners, as
30 defined by s. 944.02(5), shall not be considered parties in
31 any proceedings other than those under s. 120.54(3)(c) or (7),

1 and may not seek judicial review under s. 120.68 of any other
2 agency action. Prisoners are not eligible to seek an
3 administrative determination of an agency statement under s.
4 120.56(4). Parolees shall not be considered parties for
5 purposes of agency action or judicial review when the
6 proceedings relate to the rescission or revocation of parole.

7 (b) Notwithstanding s. 120.54(3)(c), prisoners, as
8 defined by s. 944.02~~(5)~~, may be limited by the Department of
9 Corrections to an opportunity to present evidence and argument
10 on issues under consideration by submission of written
11 statements concerning intended action on any department rule.

12 Section 4. Paragraph (d) of subsection (2) of section
13 413.051, Florida Statutes, is amended to read:

14 413.051 Eligible blind persons; operation of vending
15 stands.--

16 (2) As used in this section:

17 (d) "State property" means any building or land owned,
18 leased, or otherwise controlled by the state, but does not
19 include any building or land under the control of the Board of
20 Regents, a community college district board of trustees, or
21 any state correctional institution as defined in s. 944.02~~(6)~~.

22 Section 5. Paragraph (a) of subsection (2) of section
23 414.40, Florida Statutes, is amended to read:

24 414.40 Stop Inmate Fraud Program established;
25 guidelines.--

26 (2) The Department of Law Enforcement is directed to
27 implement the Stop Inmate Fraud Program in accordance with the
28 following guidelines:

29 (a) The program shall establish procedures for sharing
30 public records not exempt from the public records law among
31 social services agencies regarding the identities of persons

1 incarcerated in state correctional institutions, as defined in
2 s. 944.02(6), or in county, municipal, or regional jails or
3 other detention facilities of local governments under chapter
4 950 or chapter 951 who are wrongfully receiving public
5 assistance benefits or entitlement benefits.

6 Section 6. This act shall take effect July 1, 2000.

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9 LEGISLATIVE SUMMARY

10 Defines the term "elderly offender" with respect to the
11 State Correctional System. Directs the Correctional
12 Privatization Commission to issue a request for proposals
13 for the establishment and operation of a geriatric
14 correctional facility at River Junction Correctional
15 Institution. Specifies proposal requirements and
16 authorizes the commission to enter into contracts.
17 Requires the commission to oversee the contractor's
18 operation of the facility. Requires the Department of
19 Corrections to develop rules, or to initially adopt
20 emergency rules, specifying eligibility criteria for the
21 facility. Provides specific legislative intent that
22 implementation of the program not be delayed. Requires
23 the commission to conduct a study projecting the number
24 of existing offenders qualifying for the program.
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