

By the Committees on Fiscal Policy, Criminal Justice and
Senator Thomas

309-2195-00

1 A bill to be entitled
2 An act relating to elderly offenders; amending
3 s. 944.02, F.S.; providing a definition of
4 "elderly offender"; creating s. 944.804, F.S.;
5 providing legislative findings; requiring the
6 Department of Corrections to establish and
7 operate a geriatric facility for elderly
8 offenders at the current River Junction
9 Correctional Institution site; requiring the
10 department to develop rules specifying
11 eligibility for the facility; requiring a
12 study; creating s. 944.8041, F.S.; requiring
13 annual review and reports by the Florida
14 Corrections Commission and the Correctional
15 Medical Authority on the status and treatment
16 of elderly offenders; amending ss. 120.81,
17 413.051, 414.40, F.S.; correcting
18 cross-references; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 944.02, Florida Statutes, is
23 amended to read:

24 944.02 Definitions.--The following words and phrases
25 used in this chapter shall, unless the context clearly
26 indicates otherwise, have the following meanings:

27 (1)~~(3)~~ "Commission" means the Parole Commission.

28 (2)~~(1)~~ "Correctional system" means all prisons and
29 other state correctional institutions now existing or
30 hereafter created under the jurisdiction of the Department of
31 Corrections.

1 ~~(3)(2)~~ "Department" means the Department of
2 Corrections.

3 (4) "Elderly offender" means a prisoner age 50 or
4 older in a state correctional institution or facility operated
5 by the Department of Corrections or the Correctional
6 Privatization Commission.

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

11 ~~(6)(5)~~ "Prisoner" means any person who is under arrest
12 and in the lawful custody of any law enforcement official, or
13 any person convicted and sentenced by any court and committed
14 to any municipal or county jail or state prison, prison farm,
15 or penitentiary, or to the custody of the department, as
16 provided by law.

17 ~~(7)(4)~~ "Secretary" means the Secretary of Corrections.

18 ~~(8)(6)~~ "State correctional institution" means any
19 prison, road camp, prison industry, prison forestry camp, or
20 any prison camp or prison farm or other correctional facility,
21 temporary or permanent, in which prisoners are housed, worked,
22 or maintained, under the custody and jurisdiction of the
23 department.

24 Section 2. Section 944.804, Florida Statutes, is
25 created to read:

26 944.804 Elderly offenders correctional facilities
27 program of 2000.--

28 (1) The Legislature finds that the number and
29 percentage of elderly offenders in the Florida prison system
30 is increasing and will continue to increase for the foreseeable
31 future. The current cost to incarcerate elderly offenders is

1 approximately three times the cost of incarceration of younger
2 inmates. Alternatives to the current approaches to housing,
3 programming, and treating the medical needs of elderly
4 offenders, which may reduce the overall costs associated with
5 this segment of the prison population, must be explored and
6 implemented.

7 (2) The department shall establish and operate a
8 geriatric facility at the site known as River Junction
9 Correctional Institution, which shall be an institution
10 specifically for generally healthy elderly offenders who can
11 perform general work appropriate for their physical and mental
12 condition. Prior to reopening the facility, the department
13 shall make modifications to the facility which will ensure its
14 compliance with the Americans with Disabilities Act and
15 decrease the likelihood of falls, accidental injury, and other
16 conditions known to be particularly hazardous to the elderly.

17 (a) In order to decrease long-term medical costs to
18 the state, a preventive fitness/wellness program and diet
19 specifically designed to maintain the mental and physical
20 health of elderly offenders shall be developed and
21 implemented. In developing the program, the department shall
22 give consideration to preventive medical care for the elderly
23 which shall include, but not be limited to, maintenance of
24 bone density, all aspects of cardiovascular health, lung
25 capacity, mental alertness, and orientation. Existing
26 policies and procedures shall be reexamined and altered to
27 encourage offenders to adopt a more healthy lifestyle and
28 maximize their level of functioning. The program components
29 shall be modified as data and experience are received which
30 measure the relative success of the program components
31 previously implemented.

1 (b) Consideration must be given to redirecting
2 resources as a method of offsetting increased medical costs.
3 Elderly offenders are not likely to reenter society as a part
4 of the workforce, and programming resources would be better
5 spent in activities to keep the elderly offenders healthy,
6 alert, and oriented. Limited or restricted programming or
7 activities for elderly offenders will increase the daily cost
8 of institutional and health care; and programming
9 opportunities adequate to reduce the cost of care will be
10 provided. Programming shall include, but not be limited to,
11 recreation, education, and counseling which is needs-specific
12 to elderly offenders. Institutional staff shall be
13 specifically trained to effectively supervise elderly
14 offenders and to detect physical or mental changes which
15 warrant medical attention before more serious problems
16 develop.

17 (3) The department shall adopt rules that specify
18 which elderly offenders shall be eligible to be housed at
19 River Junction Correctional Institution.

20 (4) While developing the criteria for eligibility, the
21 department shall use the information in existing offender
22 databases to determine the number of offenders who would be
23 eligible. The Legislature directs the department to consider a
24 broad range of elderly offenders for River Junction
25 Correctional Institution who have good disciplinary records
26 and a medical grade that will permit them to perform
27 meaningful work activities, including participation in an
28 appropriate correctional-work-program (PRIDE) facility, if
29 available.

30 (5) The department shall also submit a study based on
31 existing offenders which projects the number of existing

1 offenders who will qualify under the rules. An appendix to the
2 study shall identify the specific offenders who qualify.

3 Section 3. Section 944.8041, Florida Statutes, is
4 created to read:

5 944.8041 Elderly offenders; annual review.--For the
6 purpose of providing information to the Legislature on elderly
7 offenders within the correctional system, the Florida
8 Corrections Commission and the Correctional Medical Authority
9 shall each submit annually a report on the status and
10 treatment of elderly offenders in the state-administered and
11 private state correctional systems, as well as such
12 information on the River Junction Correctional Institution.

13 In order to adequately prepare the reports, the Department of
14 Corrections and the Correctional Privatization Commission
15 shall grant access to the Florida Corrections Commission and
16 the Correctional Medical Authority which includes access to
17 the facilities, offenders, and any information the agencies
18 require to complete their reports. The review shall also
19 include an examination of promising geriatric policies,
20 practices, and programs currently implemented in other
21 correctional systems within the United States. The reports,
22 with specific findings and recommendations for implementation,
23 shall be submitted to the President of the Senate and the
24 Speaker of the House of Representatives on or before December
25 31 of each year.

26 Section 4. Paragraphs (a) and (b) of subsection (3) of
27 section 120.81, Florida Statutes, are amended to read:

28 120.81 Exceptions and special requirements; general
29 areas.--

30 (3) PRISONERS AND PAROLEES.--

31

1 (a) Notwithstanding s. 120.52(12), prisoners, as
2 defined by s. 944.02~~(5)~~, shall not be considered parties in
3 any proceedings other than those under s. 120.54(3)(c) or (7),
4 and may not seek judicial review under s. 120.68 of any other
5 agency action. Prisoners are not eligible to seek an
6 administrative determination of an agency statement under s.
7 120.56(4). Parolees shall not be considered parties for
8 purposes of agency action or judicial review when the
9 proceedings relate to the rescission or revocation of parole.

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

15 Section 5. Paragraph (d) of subsection (2) of section
16 413.051, Florida Statutes, is amended to read:

17 413.051 Eligible blind persons; operation of vending
18 stands.--

19 (2) As used in this section:

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

25 Section 6. Paragraph (a) of subsection (2) of section
26 414.40, Florida Statutes, is amended to read:

27 414.40 Stop Inmate Fraud Program established;
28 guidelines.--

29 (2) The Department of Law Enforcement is directed to
30 implement the Stop Inmate Fraud Program in accordance with the
31 following guidelines:

1 (a) The program shall establish procedures for sharing
2 public records not exempt from the public records law among
3 social services agencies regarding the identities of persons
4 incarcerated in state correctional institutions, as defined in
5 s. 944.02(~~6~~), or in county, municipal, or regional jails or
6 other detention facilities of local governments under chapter
7 950 or chapter 951 who are wrongfully receiving public
8 assistance benefits or entitlement benefits.

9 Section 7. This act shall take effect July 1, 2000.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 CS/SB 2390

14 Deletes requirements that occupancy of the geriatric facility
15 at River Junction Correctional Institution be targeted to 100
percent of capacity.

16 Deletes expression of intent of the Legislature concerning the
17 adoption of rules by the Department of Corrections.