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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:

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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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