

1 (a) Determine the extent to which older adults who are
2 alleged to have committed crimes result in arrest and the
3 effect of arrest on older adults and on law enforcement
4 agencies and the criminal justice system;

5 (b) Examine the incidence of and issues surrounding
6 older adults who have dementia or other mental health or
7 physical health conditions and determine how these conditions
8 affect their involvement with the criminal justice system;

9 (c) Determine the extent to which current programs,
10 including, but not limited to, the community and forensic
11 mental health, substance abuse, and domestic violence
12 programs, and the specialty courts are addressing the issues
13 experienced by older adults who are involved in the criminal
14 justice system;

15 (d) Determine the unmet health, mental health, and
16 other social service needs of individuals who are arrested
17 which, if met, would result in the reduced arrest or
18 incarceration of these individuals, as well as in reduced
19 recidivism;

20 (e) Determine the state's current capacity to provide
21 for the early identification of older adults who are arrested
22 and who have significant medical problems or mental health
23 conditions and the state's current ability to respond in a
24 meaningful and timely manner to these issues;

25 (f) Gather information on private and public model
26 programs within Florida and in other states which offer
27 elements that should be expanded in this state or applied
28 statewide;

29 (g) Explore the concept of an elder court system and
30 determine the feasibility and advisability of establishing
31 this type of specialty court;

1 (h) Evaluate the preservice and inservice training
2 provided to staff of state and local agencies most likely to
3 come in contact with older adults involved in the criminal
4 justice system to assess the degree to which the training
5 prepares the staff to deal effectively and sensitively with
6 this older population;

7 (i) Identify the services and best practices that, if
8 implemented, would ensure the early identification,
9 assessment, treatment, and diversion of older adults who are
10 arrested and ensure a more effective use of available
11 resources; and

12 (j) Specify, to the extent possible, the costs
13 associated with the services and best practices that are
14 identified by the workgroup and identify possible public and
15 private sources of revenue to address these costs.

16 (2)(a) The workgroup shall consist of 13 members:

17 1. The Secretary of Elderly Affairs, or his or her
18 designee;

19 2. The Secretary of Children and Family Services, or
20 his or her designee;

21 3. The executive director of the Department of Law
22 Enforcement, or his or her designee;

23 4. A representative from the Florida Sheriffs
24 Association;

25 5. A representative from the Florida Police Chiefs
26 Association;

27 6. A representative from the Office of the State
28 Courts Administrator;

29 7. A physician having experience with geriatric
30 populations, appointed by the Secretary of Elderly Affairs;

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1 8. An expert on the mental health of older adults,
2 appointed by the Secretary of Children and Family Services;

3 9. An expert on aging and legal issues, appointed by
4 The Florida Bar;

5 10. A circuit judge who has experience in elder
6 issues, appointed by the Chief Justice of the Supreme Court;

7 11. A representative from one of the state university
8 centers on aging, appointed by the Secretary of Elderly
9 Affairs; and

10 12. Two additional members chosen by the workgroup.

11 (b) Each member of the workgroup is entitled to
12 receive reimbursement for travel and per diem expenses as
13 provided in section 112.061, Florida Statutes.

14 (c) The Secretary of Elderly Affairs, or his or her
15 designee, shall serve as the chairperson of the workgroup and
16 provide for staff support of the workgroup.

17 (3) The Department of Elderly Affairs shall prepare
18 and submit a report to the President of the Senate, the
19 Speaker of the House of Representatives, and the chairpersons
20 of the appropriate substantive committees of the Legislature
21 by January 31, 2006. The report must address the findings of
22 the workgroup as specified in subsection (1) and recommend
23 proposed legislation if any is warranted.

24 Section 2. The sum of \$20,000 is appropriated from the
25 General Revenue Fund to the Department of Elderly Affairs for
26 the purpose of paying the costs associated with carrying out
27 the provisions of this act during the 2005-2006 fiscal year.

28 Section 3. This act shall take effect July 1, 2005.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1246

4 Deletes the provisions requiring law enforcement officers to
5 notify the Department of Elder Affairs (DOEA or the
6 department) when an individual 70 years of age or older is
7 arrested, requiring the department to provide for the
8 examination of an elderly person who has been taken into
9 custody, providing for a qualified professional to determine
10 the individual's competency to proceed, and requiring a
11 qualified professional to prepare a report with specific
12 contents.

13 Provides for DOEA to convene a workgroup to study the
14 involvement of older adults age 60 and above with the criminal
15 justice system (particular emphasis is placed on older adults
16 who are age 70 and above); specifies the areas that must be
17 addressed by the study and for the composition and chair of
18 the workgroup; provides for the workgroup members to receive
19 reimbursement for per diem and travel expenses; and provides
20 an appropriation to DOEA to pay for the costs of the
21 workgroup.

22 Requires DOEA to prepare and submit a report to the
23 Legislature and the appropriate substantive committees no
24 later than January 31, 2006, addressing the findings of the
25 workgroup and recommendations for proposed legislation if any
26 is warranted.

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