

By Senator Margolis

35-389-06

1 A bill to be entitled
2 An act relating to older adults involved in the
3 criminal justice system; creating a workgroup
4 to study the involvement of older adults in the
5 criminal justice system; requiring the
6 workgroup to identify the incidence of older
7 adults experiencing a deteriorating mental
8 condition who come into contact with the
9 criminal justice system; requiring that the
10 workgroup identify the services being provided
11 or which are needed by older adults; providing
12 for the membership of the workgroup; requiring
13 each agency or organization that appoints a
14 member to the workgroup to bear the costs of
15 the member's participation; providing for the
16 members of the workgroup to receive
17 reimbursement for travel and per diem expenses;
18 requiring that the Secretary of Elderly
19 Affairs, or his or her designee, act as
20 chairperson of the workgroup and provide for
21 staff support; requiring that the Department of
22 Elderly Affairs report to the Legislature by a
23 specified date; providing an effective date.

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

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27 Section 1. Workgroup to study issues concerning older
28 adults involved in the criminal justice system.--

29 (1) The Department of Elderly Affairs shall establish
30 a workgroup that shall study the involvement of adults who are
31 age 60 and older in the criminal justice system, with a

1 particular emphasis on adults who are age 70 and older. The
2 study must:

3 (a) Determine the arrest rate of older adults who are
4 alleged to have committed crimes and the effect of arrest on
5 older adults and on law enforcement agencies and the criminal
6 justice system;

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

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

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

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

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

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1 (g) Explore the concept of an elder court system and
2 determine the feasibility and advisability of establishing
3 this type of specialty court;

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

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

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

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

20 1. The Secretary of Elderly Affairs, or his or her
21 designee;

22 2. The Secretary of Children and Family Services, or
23 his or her designee;

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

26 4. A representative from the Florida Sheriffs
27 Association;

28 5. A representative from the Florida Police Chiefs
29 Association;

30 6. A representative from the Office of the State
31 Courts Administrator;

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

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

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

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

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

12 12. A person appointed by the President of the Senate;
13 and

14 13. A person appointed by the Speaker of the House of
15 Representatives.

16 (b) The costs of a member's participation on the
17 workgroup shall be borne by the agency or organization that
18 appointed the member. Each member of the workgroup is entitled
19 to receive reimbursement for travel and per diem expenses as
20 provided in s. 112.061, Florida Statutes.

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

24 (3) The Department of Elderly Affairs shall prepare
25 and submit a report to the President of the Senate, the
26 Speaker of the House of Representatives, and the chairpersons
27 of the appropriate substantive committees of the Legislature
28 by January 31, 2007. The report must address the findings of
29 the workgroup as specified in subsection (1) and recommend
30 proposed legislation if any is warranted.

31 Section 2. This act shall take effect July 1, 2006.

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SENATE SUMMARY

Creates a workgroup to study the involvement of older adults in the criminal justice system. Provides for the membership of the workgroup. Requires the Secretary of Elderly Affairs to provide staff support for the workgroup and report to the Legislature by January 31, 2007.