

Committee Substitute for
Committee Substitute for Senate Bill No. 2390

An act relating to elderly offenders; amending s. 944.02, F.S.; providing a definition of “elderly offender”; creating s. 944.804, F.S.; providing legislative findings; requiring the Department of Corrections to establish and operate a geriatric facility for elderly offenders at the current River Junction Correctional Institution site; requiring the department to develop rules specifying eligibility for the facility; requiring a study; creating s. 944.8041, F.S.; requiring annual review and reports by the Florida Corrections Commission and the Correctional Medical Authority on the status and treatment of elderly offenders; amending ss. 120.81, 413.051, 414.40, F.S.; correcting cross-references; providing an effective date.

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

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

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

(1)~~(3)~~ “Commission” means the Parole Commission.

(2)~~(4)~~ “Correctional system” means all prisons and other state correctional institutions now existing or hereafter created under the jurisdiction of the Department of Corrections.

(3)~~(2)~~ “Department” means the Department of Corrections.

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

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

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

(7)~~(4)~~ “Secretary” means the Secretary of Corrections.

(8)~~(6)~~ “State correctional institution” means any prison, road camp, prison industry, prison forestry camp, or any prison camp or prison farm or other correctional facility, temporary or permanent, in which prisoners are

housed, worked, or maintained, under the custody and jurisdiction of the department.

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

944.804 Elderly offenders correctional facilities program of 2000.—

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

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

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

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

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

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

(5) The department shall also submit a study based on existing offenders which projects the number of existing offenders who will qualify under the rules. An appendix to the study shall identify the specific offenders who qualify.

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

944.8041 Elderly offenders; annual review.—For the purpose of providing information to the Legislature on elderly offenders within the correctional system, the Florida Corrections Commission and the Correctional Medical Authority shall each submit annually a report on the status and treatment of elderly offenders in the state-administered and private state correctional systems, as well as such information on the River Junction Correctional Institution. In order to adequately prepare the reports, the Department of Corrections and the Correctional Privatization Commission shall grant access to the Florida Corrections Commission and the Correctional Medical Authority which includes access to the facilities, offenders, and any information the agencies require to complete their reports. The review shall also include an examination of promising geriatric policies, practices, and programs currently implemented in other correctional systems within the United States. The reports, with specific findings and recommendations for implementation, shall be submitted to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of each year.

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

120.81 Exceptions and special requirements; general areas.—

(3) PRISONERS AND PAROLEES.—

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

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

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

413.051 Eligible blind persons; operation of vending stands.—

(2) As used in this section:

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

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

414.40 Stop Inmate Fraud Program established; guidelines.—

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

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

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

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.