

**STORAGE NAME:** h1765s1.cpcs.doc

**DATE:** April 12, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
CRIME PREVENTION, CORRECTIONS & SAFETY  
ANALYSIS**

**BILL #:** CS/HB 1765

**RELATING TO:** Adult Offender Supervision / Interstate Compact

**SPONSOR(S):** Committee on Crime Prevention, Corrections & Safety and Representative Melvin

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) CRIME PREVENTION, CORRECTIONS & SAFETY YEAS 6 NAYS 0
  - (2) COUNCIL FOR HEALTHY COMMUNITIES
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

CS/HB 1765 requires the Department of Corrections (DOC), within 30 days after approving an inmate for community work release, to notify, upon request, the state attorney and the victim, or victim's parent, guardian, lawful representative, or next of kin. Additionally, the bill amends other victim notification statutes to expand the notification requirements to include notification of the victim's parent, guardian, lawful representative, or next of kin, when applicable.

The bill requires that domestic violence victims be informed of the Address Confidentiality Program established in § 741.403, F.S. CS/HB 1765 also requires the court to inform the victim of a sex offense of his or her right to have the courtroom cleared of certain persons before testifying. The bill provides that a victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim, or of the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide, may review the presentence investigation report of a defendant being considered for adjudication as a youthful offender.

CS/HB 1765 enables Florida to join with other states to establish the "Interstate Compact for Adult Offender Supervision" in place of the current Interstate Compact for the Supervision of Parolees and Probationers. The current Compact, which has been in existence, unchanged, since 1937, allows states to cooperate in the movement of supervised offenders from one state to another. The Florida Department of Corrections, along with other state correctional systems, the National Institute of Corrections, and the Council of State Governments, have expressed concern over the increasing ineffectiveness of the current Interstate Compact.

This legislation provides that the state of Florida will adopt the new *Interstate Compact for Adult Offender Supervision* and become a signatory to the Compact. The new *Interstate Compact* is an updated version of the current Compact, and has been drafted to correct the weaknesses and concerns of the current Compact. The new Compact will have the authority to pass and enforce rules binding on the compacting states, hire staff to carry out its work, and facilitate the cooperation between the compacting states in the job of supervising offenders who change states of residence.

It is estimated that Florida's dues to the new Compact will begin at \$46,000 yearly.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

CS/HB 1765 does not promote "less government" because it requires the creation of a national "Interstate Commission" and a statewide "Council for Interstate Adult Offender Supervision."

B. PRESENT SITUATION:

**Victim Notification**

Section 947.175(3), F.S., requires the Department of Corrections (DOC) to notify within 30 days, and upon request, the state attorney and the victim (or personal representative of the victim), when an inmate has been approved for community work release. Section 944.605, F.S., also contains similar victim notification requirements for DOC six months before the release of an inmate from the department. Section 944.606, F.S., requires DOC to provide specified information within 6 months prior to a sexual offender's anticipated release, or as soon as possible if the sexual offender is released earlier than anticipated, to: the sheriff of the county where the sexual offender was sentenced; the sheriff or the chief of police of the county or city where the sexual offender plans to live; the Florida Department of Law Enforcement; and to any person who requests the information. Section 948.10, F.S., requires DOC to notify, upon request, specified law enforcement personnel when an offender is placed on community control.

Section 960.001, F.S., provides guidelines for the fair treatment of victims and witnesses involved in the criminal and juvenile justice systems, including the right to information about available protections, victim notification, and the right to have an advocate present during depositions. Section 921.143, F.S., provides that when a defendant is being sentenced for a crime, the sentencing court must allow the victim of the defendant's crime, or the victim's next of kin if the victim died from causes related to the crime, to make a statement, either in person or in writing. Section 741.403, F.S., allows victims of domestic violence to apply to the Attorney General for a confidential address.

Section 958.07, F.S., allows a defendant being considered for youthful offender status the opportunity to review the material facts in his or her presentence investigation report as well as the opportunity to present facts that could affect the trial court's decision to adjudicate the defendant as a youthful offender.

Section 960.28, F.S., prohibits a medical provider from billing a sexual offense victim, directly or indirectly, for the victim's initial forensic physical examination.

### **Interstate Compact**

Prior to 1937, states lacked legislative authority to track and monitor the activities of probationers and parolees who visited and relocated to other states. It was not uncommon for the courts to order offenders to move out of a state. Since no official mechanism existed between states to exchange information about the offender on the move, public safety was often in question. The *Interstate Compact for the Supervision of Parolees and Probationers* was developed in 1937 and Florida became a signatory to the Compact in 1941. This Compact, which remains in effect in Florida today, allows states to cooperate in the movement of supervised offenders from one state to another. Section 949.07, F.S., contains the language for the current Compact. The signatory states to the current Compact agree:

- the state where the person is under supervision may send supervised offenders to another state if the offender is a resident of the receiving state or has family and opportunity there, or if the receiving state consents to the relocation
- the receiving state will assume the duties of the sending state and will supervise the offender under its own standards
- the sending state will have the authority to reclaim the offender at any time while the offender is on supervision, unless the offender has pending charges in the receiving state, which would take precedence
- the officers of the sending state have the authority to transport the reclaimed offender through all other states without interference
- the Governor has the authority to name the state officers to work with other states to promulgate the rules to implement to the compact

The current compact does not apply to juveniles.

The current Compact has remained largely unchanged since 1937, according to the Council of State Governments. Since then there has been a large increase in the number of offenders being supervised (4,000,000 people nationwide currently on parole or probation), and a large increase in the number of offenders who relocate to another state while under supervision (250,000 offenders cross state lines each year). The increase in offender movement has resulted in increases in paperwork and workload. The Department of Corrections has raised the following concerns with regard to the current Compact and the increase in offender movement:

- offenders arrive in receiving jurisdictions prior to review or approval of their transfers
- gaps in offender supervision occur during the relay of paperwork
- sending states' unresponsiveness to reports of offender violations often leaves the status of supervision or return of offender in question
- background information is inadequate to fully understand individual offender risk or program needs
- newly-legislated offender registration (specifically regarding sex offenders), DNA specimen collection, and victim notification provisions are not addressed by the current Compact

### **C. EFFECT OF PROPOSED CHANGES:**

#### **Victim Notification**

CS/HB 1765 amends § 944.605, F.S., to require the DOC, within 30 days of an inmate being approved for community work release, to notify, upon request, the state attorney, the victim, the victim's parent or guardian if the victim is a minor, the victim's next of kin in a homicide case, or the lawful representative of the victim or the victim's parent or guardian if the victim is a minor. (The current notification requirement only applies to state attorneys, victims, and their personal representatives.) Section 944.605, F.S., is also amended to conform to the provisions of CS/HB

245, relating to the Parole Commission, by removing the requirement that the Parole Commission, or the Parole Commission functioning as the Control Release Authority, notify victims.

CS/HB 1765 amends various subsections of § 960.001, F.S., (relating to the guidelines for the fair treatment of victims and witnesses in the criminal and juvenile justice systems), subsections (1) and (2) of § 921.143, F.S., (relating to the appearance of victims or their next of kin to make statements at sentencing hearings), § 944.606(3)(b), F.S., (relating to notification of the release of sexual offenders), and § 948.10(6), F.S., (relating to community control programs), to expand victim notification provisions to provide that if a victim must be notified, that notification extends to: the victim's parent or guardian if the victim is a minor; the victim's next of kin in a homicide case; and the lawful representative of the victim or the victim's parent or guardian if the victim is a minor.

The bill also amends § 960.001(1)(c), F.S., to require that victims of domestic violence be informed about the address confidentiality program established pursuant to § 741.403, F.S., (which allows victims of domestic violence to apply to the Attorney General for a confidential address). Section 960.001(1)(q), F.S., is amended to require the court to inform the victim of a sexual offense of his or her right to clear the court room of certain persons before testifying, as provided in § 918.16, F.S. Additionally, § 960.001(7), F.S., is amended to provide that in addition to the victim and the state attorney, the victim's parent or guardian, if the victim is a minor, has standing to assert the rights of a crime victim provide by law or Florida's constitution.

In addition, CS/HB 1765 amends § 958.07, F.S., to allow the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide, an opportunity to review the presentence investigation report of a defendant who is being considered for youthful offender status. Pursuant to § 960.001(1)(g) 2., F.S., the prosecutor must redact confidential information from a presentence investigation report before showing it to the victim or another designated person.

The bill also provides that a medical provider cannot directly or indirectly bill a sexual offense victim's parent or guardian, if the victim is a minor, for the victim's initial forensic physical examination.

### **Interstate Compact**

This legislation would replace the current Compact language utilized by Florida to coordinate the movement of parolees and probationers between Florida and other states. The language in the bill is drawn from a model version of the Compact. The new provisions include:

- A statement of purpose that describes the need to form an interstate compact to coordinate the movement of offenders and their supervision in order to prevent crime.
- A description of the "Interstate Commission for Adult Offender Supervision" which would be the corporate body and a joint agency of the compacting states. The Commission would consist of the representatives of the compacting states and the support staff. The Commission would be required to meet at least once a year to conduct business.
- A requirement to form a "State Council" to oversee that state's participation in the Compact.
- A provision that empowers the Commission to supervise the interstate movement of offenders, enforce compliance with the rules of the Commission, maintain offices, conduct the normal business of an agency or similar commission, and resolve disputes between compacting states.
- A provision that each member (state) of the Commission will have an equal vote in establishing the rules and policies of the Commission and Compact. All meetings will be

public. The Commission will have the authority to make rules; however, if a majority of the compacting states' Legislatures rejects a commission rule, that rule would be repealed.

- A statement specifying that jurisdiction for contesting actions or rules of the Commission would be the United States District Court for the District of Columbia or the federal district court where the Commission's principal office is located.

When 35 states or territories have agreed to join the new Compact, pursuant to Article X, there will be an organizational meeting. The original 35 signatories will establish the organization (Interstate Commission) that will oversee the Compact operations and facilitate cooperation between the states.<sup>1</sup>

If the new Compact is enacted into law, and Florida does not become a signatory state to the Compact, then other states will not be required to notify Florida when they send probationers to reside in the state of Florida.

#### D. SECTION-BY-SECTION ANALYSIS:

**Section 1:** This section clarifies that the DOC is the agency responsible for notifying victims and others of inmate releases. This section also adds new language requiring the DOC, within 30 days of an inmate being approved for community work release, to notify, upon request, the state attorney, the victim, the victim's parent or guardian if the victim is a minor, the victim's next of kin in a homicide case, or the lawful representative of the victim or the victim's parent or guardian if the victim is a minor.

**Section 2:** This section amends § 958.07, F.S., to allow the victim, the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or the victim's parent or guardian if the victim is a minor, or the victim's next of kin in the case of a homicide, an opportunity to review the presentence investigation report of a defendant who is being considered for youthful offender status. Pursuant to § 960.001(1)(g) 2., F.S., the prosecutor must redact confidential information from a presentence investigation report before showing it to the victim or another designated person.

**Section 3:** This section makes several changes to § 960.001, F.S., involving the fair treatment of victims and witnesses. This section requires that victims of domestic violence be informed about the address confidentiality program established pursuant to § 741.403, F.S., (which allows victims of domestic violence to apply to the Attorney General for a confidential address). It also requires the court to inform the victim of a sexual offense of his or her right to clear the court room of certain persons before testifying, and it provides that in addition to the victim and the state attorney, the victim's parent or guardian, if the victim is a minor, has standing to assert the rights of a crime victim provide by law or Florida's constitution.

**Section 4:** This section amends § 921.143, F.S., by expanding victim terminology to include the victim's parent, guardian, lawful representative, or next of kin.

---

<sup>1</sup> As of March 27, 2001, 15 states have signed the Compact into law: Arkansas, California, Colorado, Connecticut, Hawaii, Idaho, Iowa, Kentucky, Missouri, Montana, Oklahoma, South Dakota, Utah, Vermont, and Wyoming. The Interstate Compact legislation has been introduced in 24 states/territories: Alaska, Arizona, Florida Georgia, Kansas, Louisiana, Maine, Maryland, Minnesota, Mississippi, Nevada, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Guam.

**Section 5:** This section amends § 944.606, F.S., by expanding the victim notification requirements, with regard to sexual offenders, to include notification of the victim's parent, guardian, lawful representative, or next of kin in the case of a homicide.

**Section 6:** This section amends § 948.10, F.S., relating to Community Control Programs, to expand notification requirements to include notification of the victim's parent, guardian, lawful representative, or next of kin in the case of a homicide.

**Section 7:** This section provides that a medical provider cannot directly or indirectly bill a sexual offense victim's parent or guardian, if the victim is a minor, for the victim's initial forensic physical examination.

**Section 8:** This section contains the operative language of the Interstate Compact for Adult Offender Supervision ("Compact") that will be enacted into law if passed by the Legislature. It does not contain the actual rules or bylaws that will be used to facilitate the interstate movement of offenders.<sup>2</sup> The Compact is broken down by Article, and each Article will be analyzed in this analysis.

#### Article I – Purpose of the Compact

The purpose of the Compact is to:

- provide a framework for the promotion of public safety,
- protect the rights of victims through the control and regulation of the interstate movement of offenders in the community,
- provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states, and
- equitably distribute the costs, benefits, and obligations of the compact among the compacting states.

Article I of the Compact also creates the Interstate Commission, which shall be charged with:

- establishing uniform procedures to manage the movement of offenders between states,
- ensuring opportunities for input and timely notice to victims and jurisdictions where offenders are authorized to travel or relocate,
- establishing systems of uniform data collection and regular reporting of Compact activities to state councils, state government branches and criminal justice administrators,
- monitoring compliance with rules governing interstate movement of offenders and initiating interventions to address and correct noncompliance, and
- coordinating training and education regarding regulation of interstate offender movement.

Article I also makes the recognition that offenders do not have a "right" to live in another state and therefore, duly accredited officers of a sending state may at any time enter a receiving state and apprehend any offender.

#### Article II – Definitions

Article II pertains to definitions. The Article defines several terms, including "adult," "Compact administrator," "Compacting state," "Commissioner," "Interstate Commission," "member," "noncompacting state," "offender," "state," and "State Council."

---

<sup>2</sup> The bylaws of the Commission are not yet in existence. The bylaws will be drawn up by the first 35 states who join the Interstate Compact for Adult Offender Supervision. The bylaws must be adopted, by a majority vote, within 12 months after the first official meeting of the Interstate Commission.

### Article III – The Interstate Commission

Article III authorizes the compacting states to establish an “Interstate Commission for Adult Offender Supervision” (“Commission”). The Commission is a body corporate and a joint agency of the compacting states, and will have all the responsibilities, powers, and duties set forth in the Compact, including the power to sue and be sued. The Commission will meet at least once each calendar year. Additional meetings may be called by the Chairperson or by the request of 27 or more compacting states. All Commission meetings will be noticed and open to the public.

The Commission will consist of commissioners selected and appointed by resident members of the State Council for Interstate Adult Offender Supervision for each state. Each commissioner will be a voting representative for his or her state. In addition to commissioners (who have the right to vote), the Commission must also include noncommissioners in its membership. Such noncommissioner members must include legislators, state chief justices, attorneys general, crime victims, and a member of the national organization of governors.

Article III of the Compact requires that each state create a “State Council for Interstate Adult Offender Supervision” (“State Council”). Membership of the State Council may be determined by the state, but such membership must include at least one representative from each branch of government, victims’ groups, and compact administrators.

Each compacting state represented at any meeting of the Interstate Commission will be entitled to one vote. This means that the state of Florida, which is the fourth largest state prison system and has more offenders on supervision than many other states, will have a vote that is equal to every other state.

Finally, Article III requires the Interstate Commission to establish an executive committee, which will act on behalf of the Commission during periods when the Commission is not in session. The executive committee will oversee the day-to-day activities of the Commission and will be responsible for administering enforcement and compliance with the provisions of the Compact.

### Article IV – Powers and Duties of the Interstate Commission

Article IV enumerates 19 specific powers and duties of the Commission. Some of the powers and duties have been listed below. For the complete list, please refer to the bill.

- Adopt rules which shall have the force and effect of statutory law and will be binding in the compacting states.
- Oversee, supervise, and coordinate the interstate movement of offenders.
- Enforce compliance with Compact provisions and Commission rules using all necessary and proper means, including but not limited to, the use of the judicial process.
- Establish and maintain officers.
- Establish and appoint committees and hire staff for the carrying out of Commission functions.
- Establish a budget and make expenditures and levy dues.
- Sue and be sued.
- Provide for dispute resolution among compacting states.
- Report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Commission.
- Coordinate education, training, and public awareness regarding the interstate movement of offenders.
- Establish uniform standards for the reporting, collecting, and exchanging of data.

Article V – Organization and Operation of the Interstate Commission

Article V is broken down into Sections.

Section A concerns the bylaws of the Commission. Within 12 months after the first Commission meeting, the Commission shall adopt bylaws, by a majority vote, to govern its conduct. The bylaws include establishing a fiscal year, establishing procedures for calling and conducting meetings, and establishing responsibilities of officers of the Commission. (For the complete list of bylaws, please refer to the bill.)

Section B concerns the officers and staff of the Commission. This section requires the members of the Commission to elect a chairperson and a vice chairperson, and also to appoint an executive director to serve as secretary to the Commission. The executive director will also be responsible for hiring and supervising other staff as authorized by the Commission.

Section C simply requires the Commission to maintain its corporate books and records in accordance with the bylaws.

Section D, which pertains to qualified immunity, defense, and indemnification, provides immunity from suit and liability to the members, officers, executive director, and employees of the Commission.

Article VI – Activities of the Interstate Commission

This Article sets forth the requirement that all acts of the Commission, except as otherwise provided, be considered at official, noticed meetings of the Commission, and that such acts must receive an affirmative vote of a majority of the members present in order for the act to be enforced. All states, through their commissioners, have equal voting power. This Article requires the Commission to meet at least once per year and to give public notice of all meetings, except as set forth in the rules.

Article VII – Rulemaking Functions of the Interstate Commission

The Commission is authorized to adopt rules in order to achieve the purposes of the Compact. The Commission is also authorized to adopt transitional rules that will allow the Commission to govern the administration of the Compact during the period in which the Compact is being considered and enacted by the states. Unless permitted otherwise by the bylaws of the Commission, all rulemaking must conform to the principles of the Federal Administrative Procedures Act and the Federal Advisory Committee Act. All rules and amendments will be considered binding as of the date specified in each rule or amendment. However, if a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution, then the rule will have no further force or effect in any compacting state.

The existing rules governing the previous Compact will be null and void 12 months after the first meeting of the Interstate Commission.

Article VIII – Oversight, Dispute Resolution, and Enforcement by the Interstate Commission

Article VIII is broken down into sections.

Section A pertains to oversight. The Commission has oversight of the interstate movement of adult offenders in the compacting states. The courts and executive agencies in each compacting state are required to enforce the Compact.

Section B pertains to dispute resolution. Compacting states that have specific concerns, issues, or problems are to address them to the Commission. The Commission will be responsible for attempting to resolve any disputes or other such issues among the compacting states. A rule or bylaw must be adopted to provide for both mediation and binding dispute resolution.



Section C pertains to enforcement. The Commission is authorized to enforce all provisions of the Compact using any of the means set forth by Article XI (Withdrawal, Default, Judicial Enforcement and Termination).

Article IX – Finance

Each compacting state will be assessed a fee which will go toward covering the costs of internal operations and activities of the Commission and its staff. The assessment amount will vary among states and will be based upon a formula approved by the Commission. When determining the assessment formula, the Commission will take into consideration the population of the compacting state and the volume of interstate movement of offenders in each compacting state. The Commission is not permitted to pledge the credit of any compacting state, unless the state has given such permission to the Commission.

The Florida Department of Corrections has estimated that Florida will be assessed an amount around \$46,000 per year for the first three years, with a slight increase in subsequent years.

Article X – Compacting States, Effective Date, and Amendment

Any state is eligible to become a compacting state. The Interstate Compact will only become effective when 35 or more states have enacted this legislation. After the 35<sup>th</sup> state has enacted this legislation, the Compact is considered effective and binding with all compacting states and with any other state, subsequent to the 35<sup>th</sup> state, to join the Compact. The governors of nonmember states will be invited to participate in Commission activities on a nonvoting basis

The Compact can only be amended by unanimous consent of all compacting states.

Article XI – Withdrawal, Default, Judicial Enforcement, and Termination

Article XI is broken down into sections.

Section A pertains to withdrawal. A compacting state may withdrawal from the Compact by enacting a statute that specifically repeals the statute that enacted the Compact into law. The effective date of the state's withdrawal will be the effective date of the statute.

The application of this section to Florida means that once Florida enacts this legislation (i.e., joins the Compact), Florida will be bound to the Compact until such time as the Legislature is in session and available to consider legislation that would withdraw Florida from the Compact. In other words, unless the Governor were to call a Special Session for the purpose of withdrawing from the Compact, the state of Florida would be bound to the Compact for at least one year, until the next session in March of 2002.

Section B pertains to default. If the Commission determines that a state has defaulted with regard to responsibilities or financial obligations required by the Compact, then the Commission is authorized to impose a variety of penalties against the defaulting state, including fines, remedial training, suspension, or termination.

Section C pertains to judicial enforcement. The Commission, by a majority vote of its members, is authorized to initiate legal action in the United States District Court for the District of Columbia or in the federal district where the Commission's offices are located.

Section D pertains to dissolution. The Compact shall be considered dissolved upon the date of withdrawal or default by the compacting state that reduces the membership in the Compact to one compacting state.

Article XII – Severability and Construction

If any phrase, clause, sentence, or provision of the Compact is deemed unenforceable, it will not affect the other parts of the Compact, and the remaining portions of the Compact will still be enforceable.

Article XIII – Other Laws and Binding Effect of the Compact

Article XIII is broken down into sections.

Section A pertains to existing laws of compacting states. A law of a compacting state that conflicts with a rule or provision of the Compact will be superseded by the Compact rule, to the extent of the conflict.

Section B pertains to the binding effective of the Compact. All lawful actions of the Commission, including all rules and bylaws, are binding upon the compacting states. The Commission may offer advisory opinions regarding the meaning or interpretation of any Commission action.

**Section 9:** This section amends § 949.071, F.S., to define the word “state,” as it applies to the Compact. For purposes of the Compact, “state” means any one of the several states, the District of Columbia, and any other territorial possessions of the United States.

**Section 10:** This section creates § 949.072, F.S., allowing for the establishment of the State Council for Interstate Adult Offender Supervision. The State Council shall be comprised of seven members, one of whom must be a representative of a victim’s assistance organization. The Secretary of DOC shall be the chairperson of the Council, and the remaining six members will be appointed by the Governor. The Council is required to meet at least twice a year, and the members of the Council will be appointed to four-year terms.

**Section 11:** This section amends § 949.08, F.S., allowing the DOC to adopt rules and expend funds as necessary to carry out the “terms, conditions, and intents” of the Interstate Compact for Adult Offender Supervision. This section also provides language that clarifies that DOC will not pay an assessment fee to the Commission that exceeds the amount appropriated by the Legislature for the assessment.

**Section 12:** This section provides for the title of “Interstate Compact for Adult Offender Supervision” to be applied to §§ 949.07-949.08, F.S.

**Section 13:** This section provides an effective date of July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Florida Department of Corrections has estimated that Florida will be obligated to pay annual dues to the Interstate Commission in the amount of \$46,000 per year for the first three years, with a slight increase in subsequent years.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Crime Prevention, Corrections & Safety adopted a "strike-everything" amendment on April 12, 2001. The strike-everything amendment conformed the bill to its Senate companion. The amendment made technical changes to the Interstate Compact and also added victim treatment and notification language to the bill.

**STORAGE NAME:** h1765s1.cpcs.doc

**DATE:** April 12, 2001

**PAGE:** 12

At the request of the bill's sponsor, the amendment was incorporated into a Committee Substitute.

VII. SIGNATURES:

COMMITTEE ON CRIME PREVENTION, CORRECTIONS & SAFETY:

Prepared by:

Staff Director:

---

Melinda Smith

---

David De La Paz