

By the Committee on Criminal Justice and Senators Clary and Smith

307-1622-01

1 A bill to be entitled
2 An act relating to public protection; amending
3 s. 944.605, F.S.; requiring that the state
4 attorney and a victim's parent, guardian, next
5 of kin, or personal representative be notified
6 under certain circumstances after the inmate
7 who committed the crime is approved for
8 community work release; amending s. 958.07,
9 F.S.; authorizing the victim of a crime or the
10 victim's parent, guardian, or next of kin to
11 review the presentence investigation report
12 under certain circumstances; amending s.
13 960.001, F.S.; requiring that a crime victim or
14 witness be informed of the address
15 confidentiality program; requiring that the
16 victim of a sex offense be informed of the
17 right to have the courtroom cleared of certain
18 persons when the victim is testifying about the
19 offense; amending s. 949.07, F.S.; providing a
20 compact for the supervision of adult offenders;
21 authorizing and directing the Governor to enter
22 into the compact on behalf of the state;
23 providing purpose; providing definitions;
24 providing for an Interstate Commission;
25 providing for governance of the commission;
26 providing for a State Council for Interstate
27 Adult Offender Supervision; providing for
28 membership of the state council; specifying
29 powers and duties of the Interstate Commission;
30 providing for organization and operation of the
31 commission; providing activities of the

1 commission; authorizing the commission to adopt
2 rules; providing for oversight, enforcement,
3 and resolution of disputes between compacting
4 states; providing for financing the activities
5 of the commission; providing for the effective
6 date of the compact; providing for withdrawal,
7 default, or termination of member states;
8 providing for judicial enforcement; providing
9 for severability and construction of the
10 compact; providing that the compact binds the
11 member states; amending s. 949.071, F.S.;
12 redefining the term "state" for purposes of the
13 compact; creating s. 949.072. F.S.;
14 establishing the State Council for Interstate
15 Adult Offender Supervision; providing for
16 membership and duties; amending s. 949.08,
17 F.S.; providing certain limitations on the
18 amount paid by the state under the compact;
19 amending s. 949.09, F.S.; redesignating ss.
20 949.07-949.08, F.S., as the "Interstate Compact
21 for Adult Offender Supervision"; providing an
22 effective date.

23

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

25

26 Section 1. Subsection (1) of section 944.605, Florida
27 Statutes, is amended to read:

28 944.605 Inmate release; notification.--

29 (1) Within 6 months before the release of an inmate
30 from the custody of the Department of Corrections or a private
31 correctional facility by expiration of sentence under s.

1 944.275, any release program provided by law, or parole under
2 chapter 947, or as soon as possible if the offender is
3 released earlier than anticipated, notification of such
4 anticipated release date shall be made known by the
5 appropriate agency to the chief judge of the circuit in which
6 the offender was sentenced, the appropriate state attorney,
7 the original arresting law enforcement agency, the Department
8 of Law Enforcement, and the sheriff as chief law enforcement
9 officer of the county in which the inmate plans to reside. In
10 addition, unless otherwise requested by the victim, the
11 victim's parent or guardian if the victim is a minor, the
12 victim's next of kin in the case of a homicide, or the
13 personal representative of the victim, the state attorney, the
14 Department of Corrections, the Control Release Authority, or
15 the Parole Commission, whichever is appropriate, shall notify
16 such person within 6 months before the inmate's release, or as
17 soon as possible if the offender is released earlier than
18 anticipated, when the name and address of such victim, or the
19 name and address of the parent, guardian, next of kin, or
20 representative of the victim has been furnished to the agency.
21 The state attorney shall provide the latest address documented
22 for the victim, or for the victim's parent, guardian, next of
23 kin, or representative, as applicable, to the sheriff with the
24 other documents required by law for the delivery of inmates to
25 those agencies for service of sentence. Upon request, within
26 30 days after an inmate is approved for community work
27 release, the state attorney, the victim, the victim's parent
28 or guardian if the victim is a minor, the victim's next of kin
29 in the case of a homicide, or the victim's personal
30 representative shall be notified that the inmate has been
31 approved for community work release. For the purposes of this

1 section, the Parole Commission or the Control Release
2 Authority is the appropriate agency for any type of release it
3 grants, and the Department of Corrections is the appropriate
4 agency for any type of release it authorizes. This section
5 does not imply any repeal or modification of any provision of
6 law relating to notification of victims.

7 Section 2. Section 958.07, Florida Statutes, is
8 amended to read:

9 958.07 Presentence report; access by defendant.--The
10 defendant is entitled to an opportunity to present to the
11 court facts which would materially affect the decision of the
12 court to adjudicate the defendant a youthful offender. The
13 defendant, his or her attorney, and the state shall be
14 entitled to inspect all factual material contained in the
15 comprehensive presentence report or diagnostic reports
16 prepared or received by the department. The victim, the
17 victim's parent or guardian if the victim is a minor, or the
18 victim's next of kin in the case of a homicide may review the
19 presentence investigation report as provided in s.
20 960.001(1)(g)2.The court may withhold from disclosure to the
21 defendant and his or her attorney sources of information which
22 have been obtained through a promise of confidentiality. In
23 all cases in which parts of the report are not disclosed, the
24 court shall state for the record the reasons for its action
25 and shall inform the defendant and his or her attorney that
26 information has not been disclosed.

27 Section 3. Paragraphs (c), (g), and (q) of subsection
28 (1) of section 960.001, Florida Statutes, are amended to read:

29 960.001 Guidelines for fair treatment of victims and
30 witnesses in the criminal justice and juvenile justice
31 systems.--

1 (1) The Department of Legal Affairs, the state
2 attorneys, the Department of Corrections, the Department of
3 Juvenile Justice, the Parole Commission, the State Courts
4 Administrator and circuit court administrators, the Department
5 of Law Enforcement, and every sheriff's department, police
6 department, or other law enforcement agency as defined in s.
7 943.10(4) shall develop and implement guidelines for the use
8 of their respective agencies, which guidelines are consistent
9 with the purposes of this act and s. 16(b), Art. I of the
10 State Constitution and are designed to implement the
11 provisions of s. 16(b), Art. I of the State Constitution and
12 to achieve the following objectives:

13 (c) Information concerning protection available to
14 victim or witness.--A victim or witness shall be furnished, as
15 a matter of course, with information on steps that are
16 available to law enforcement officers and state attorneys to
17 protect victims and witnesses from intimidation. Victims of
18 domestic violence shall also be given information about the
19 address confidentiality program provided under s. 741.403.

20 (g)~~1~~. Consultation with victim or guardian or family
21 of victim.--

22 1. In addition to being notified of the provisions of
23 s. 921.143, the victim of a felony involving physical or
24 emotional injury or trauma or, in a case in which the victim
25 is a minor child or in a homicide, the guardian or family of
26 the victim shall be consulted by the state attorney in order
27 to obtain the views of the victim or family about the
28 disposition of any criminal or juvenile case brought as a
29 result of such crime, including the views of the victim or
30 family about:

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1 a. The release of the accused pending judicial
2 proceedings;

3 b. Plea agreements;

4 c. Participation in pretrial diversion programs; and

5 d. Sentencing of the accused.

6 2. Upon request, the state attorney shall permit the
7 victim, the victim's parent or guardian if the victim is a
8 minor, or the victim's next of kin in the case of a homicide
9 to review a copy of the presentence investigation report prior
10 to the sentencing hearing if one was completed. Any
11 confidential information that pertains to medical history,
12 mental health, or substance abuse and any information that
13 pertains to any other victim shall be redacted from the copy
14 of the report. Any person who reviews the report pursuant to
15 this paragraph must maintain the confidentiality of the report
16 and shall not disclose its contents to any person except
17 statements made to the state attorney or the court.

18 3. When an inmate has been approved for community work
19 release, the Department of Corrections shall, upon request and
20 as provided in s. 944.605, notify the victim, the victim's
21 parent or guardian if the victim is a minor, or the victim's
22 next of kin in the case of a homicide.

23 (q) Presence of victim advocate during discovery
24 deposition; testimony of victim of a sex offense.--At the
25 request of the victim, the victim advocate designated by state
26 attorney's office, sheriff's office, or municipal police
27 department, or one representative from a not-for-profit victim
28 services organization, including, but not limited to, rape
29 crisis centers, domestic violence advocacy groups, and alcohol
30 abuse or substance abuse groups shall be permitted to attend
31 and be present during any deposition of the victim. The victim

1 of a sex offense shall be informed of the right to have the
2 courtroom cleared of certain persons as provided in s. 918.16
3 when the victim is testifying concerning that offense.

4 Section 4. Section 949.07, Florida Statutes, is
5 amended to read:

6 (Substantial rewording of section. See
7 s. 949.07, F.S., for present text.)
8 949.07 Compact for the supervision of adult
9 offenders.--

10 (1) The Legislature finds and declares that this
11 section is necessary for the immediate preservation of the
12 public peace, health, and safety.

13 (2) The Governor is authorized and directed to enter
14 into a compact on behalf of the state with any state of the
15 United States legally joining therein in a form substantially
16 as follows:

17
18 ARTICLE I

19 PURPOSE

20 (1) The compacting states to this interstate compact
21 recognize that each state is responsible for the supervision
22 of adult offenders in the community who are authorized
23 pursuant to the by-laws and rules of this compact to travel
24 across state lines both to and from each compacting state, in
25 such a manner as to track the location of offenders, transfer
26 supervision authority in an orderly and efficient manner, and,
27 when necessary, return offenders to the originating
28 jurisdictions. The compacting states also recognize that
29 Congress, by enacting the "Crime Control Act," 4 U.S.C. s.
30 112, has authorized and encouraged compacts for cooperative
31 efforts and mutual assistance in the prevention of crime.

1 (2) It is the purpose of this compact and the
2 Interstate Commission created hereunder, through means of
3 joint and cooperative action among the compacting states, to
4 provide the framework for the promotion of public safety and
5 protect the rights of victims through the control and
6 regulation of the interstate movement of offenders in the
7 community; to provide for the effective tracking, supervision,
8 and rehabilitation of these offenders by the sending and
9 receiving states; and to equitably distribute the costs,
10 benefits, and obligations of the compact among the compacting
11 states.

12 (3) In addition, this compact:

13 (a) Creates an Interstate Commission that will
14 establish uniform procedures and rules for managing the
15 movement between states of adults placed under community
16 supervision and released to the community under the
17 jurisdiction of courts, paroling authorities, corrections
18 agencies, or other criminal justice agencies;

19 (b) Ensures an opportunity for input and timely notice
20 to victims and to jurisdictions where defined offenders are
21 authorized to travel or to relocate across state lines;

22 (c) Establishes a system of uniform data collection,
23 access to information on active cases by authorized criminal
24 justice officials, and regular reporting of compact activities
25 to heads of state councils; state executive, judicial, and
26 legislative branches; and criminal justice administrators;

27 (d) Provides for monitoring compliance with rules
28 governing interstate movement of offenders and initiating
29 interventions to address and correct noncompliance; and
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1 (e) "Commissioner" means the voting representative of
2 each compacting state appointed pursuant to article III of
3 this compact.

4 (f) "Interstate Commission" means the Interstate
5 Commission for Adult Offender Supervision established by this
6 compact.

7 (g) "Member" means the commissioner of a compacting
8 state or designee, who must be a person officially connected
9 with the commissioner.

10 (h) "Noncompacting state" means any state that has not
11 enacted the enabling legislation for this compact.

12 (i) "Offender" means an adult placed under, or subject
13 to, supervision as the result of the commission of a criminal
14 offense and released to the community under the jurisdiction
15 of courts, paroling authorities, corrections agencies, or
16 other criminal justice agencies.

17 (j) "Person" means any individual, corporation,
18 business enterprise, or other legal entity, either public or
19 private.

20 (k) "Rules" means acts of the Interstate Commission,
21 duly adopted pursuant to article VIII of this compact,
22 substantially affecting interested parties in addition to the
23 Interstate Commission, which shall have the force and effect
24 of law in the compacting states.

25 (l) "State" means a state of the United States, the
26 District of Columbia, and any other territorial possessions of
27 the United States.

28 (m) "State council" means the resident members of the
29 State Council for Interstate Adult Offender Supervision
30 created by each state under article IV of this compact.

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1 representative each from victims groups and compact
2 administrators.

3 (2) The State Council for Interstate Adult Offender
4 Supervision in this state shall consist of seven members.
5 These members shall include the compact administrator, a
6 representative from a victim's assistance organization, and
7 one at-large member.

8 (a) The Secretary of Corrections, or the secretary's
9 designee, shall serve as compact administrator and chairperson
10 of the State Council for Interstate Adult Offender
11 Supervision. If the Secretary of Corrections elects to appoint
12 a designee, the designee shall be:

13 1. The Deputy Secretary of Corrections;

14 2. The Director of the Office of Community
15 Corrections; or

16 3. The bureau chief in the Office of Community
17 Corrections that has operational authority over the Interstate
18 Compact Bureau.

19 (b) The Governor shall appoint the remaining members
20 of the State Council.

21 (c) The term of office of a member is 4 years.

22 (d) The State Council shall meet at least twice a
23 year.

24 (e) The State Council may advise the Compact
25 Administrator on participation in the Interstate Commission
26 activities and administration of the compact.

27 (3) Members of the council are entitled to
28 reimbursement for travel and expenses related to the
29 Interstate Commission as provided by state law.

30 (4) The State Council shall exercise oversight and
31 advocacy concerning its participation in Interstate Commission

1 activities and other duties as determined by each member
2 state, including, but not limited to, development of policy
3 concerning operations and procedures of the compact within
4 that state.

5
6 ARTICLE V

7 POWERS AND DUTIES OF

8 THE INTERSTATE COMMISSION

9 (1) The Interstate Commission may:

10 (a) Adopt a seal and suitable by-laws governing the
11 management and operation of the Interstate Commission.

12 (b) Adopt rules that shall have the force and effect
13 of statutory law and shall be binding in the compacting states
14 to the extent and in the manner provided in this compact.

15 (c) Oversee, supervise, and coordinate the interstate
16 movement of offenders subject to the terms of this compact and
17 any by-laws and rules adopted by the Interstate Commission.

18 (d) Enforce compliance with compact provisions,
19 Interstate Commission rules, and by-laws using all necessary
20 and proper means, including, but not limited to, the use of
21 the judicial process.

22 (e) Establish and maintain offices.

23 (f) Purchase and maintain insurance and bonds.

24 (g) Borrow, accept, or contract for services of
25 personnel, including, but not limited to, members and their
26 staffs.

27 (h) Establish and appoint committees and hire staff
28 that it deems necessary for the carrying out of its functions,
29 including, but not limited to, an executive committee as
30 required by article III, which shall have the power to act on
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1 behalf of the Interstate Commission in carrying out its powers
2 and duties under this compact.

3 (i) Elect or appoint such officers, attorneys,
4 employees, agents, or consultants as the commission considers
5 necessary, and to fix their compensation, define their duties,
6 and determine their qualifications, and to establish the
7 commission's personnel policies and programs relating to,
8 among other things, conflicts of interest, rates of
9 compensation, and qualifications of personnel.

10 (j) Accept any and all donations and grants of money,
11 equipment, supplies, materials, and services, and receive,
12 use, and dispose of the same.

13 (k) Lease, purchase, accept contributions or donations
14 of, or otherwise own, hold, improve, or use, any property,
15 real, personal, or mixed.

16 (l) Sell, convey, mortgage, pledge, lease, exchange,
17 abandon, or otherwise dispose of any property, real, personal,
18 or mixed.

19 (m) Establish a budget and make expenditures and levy
20 dues as provided in article X of this compact.

21 (n) Sue and be sued.

22 (o) Provide for dispute resolution among compacting
23 states.

24 (p) Perform functions necessary or appropriate to
25 achieve the purposes of this compact.

26 (q) Report annually to the legislatures, governors,
27 judiciary, and state councils of the compacting states
28 concerning the activities of the commission during the
29 preceding year. Such reports must also include any
30 recommendations that may have been adopted by the commission.

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1 exclusively govern the personnel policies and programs of the
2 commission.

3 (f) Providing a mechanism for concluding the
4 operations of the commission and the equitable return of any
5 surplus funds that may exist upon the termination of the
6 compact after the payment or reserving of all of its debts and
7 obligations.

8 (g) Providing transition rules for the implementation
9 of the compact.

10 (h) Establishing standards and procedures for
11 compliance and technical assistance in carrying out the
12 compact.

13 (2) OFFICERS AND STAFF.--

14 (a) The Interstate Commission, by a majority of the
15 members, shall elect from among its members a chairperson and
16 a vice chairperson, each of whom shall have the authorities
17 and duties specified in the by-laws. The chairperson or, in
18 his or her absence or disability, the vice chairperson, shall
19 preside at all meetings of the commission. The officers so
20 elected shall serve without compensation or remuneration from
21 the commission. However, subject to the availability of
22 budgeted funds, the officers shall be reimbursed for any
23 actual and necessary costs and expenses incurred by them in
24 the performance of their duties and responsibilities as
25 officers of the commission.

26 (b) The commission, through its executive committee,
27 shall appoint or retain an executive director for such period,
28 upon such terms and conditions, and for such compensation as
29 the commission deems appropriate. The executive director shall
30 serve as secretary to the commission and hire and supervise
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1 other staff as authorized by the commission, but may not be a
2 member.

3 (3) CORPORATE RECORDS OF THE INTERSTATE
4 COMMISSION.--The Interstate Commission shall maintain its
5 corporate books and records in accordance with the by-laws.

6 (4) QUALIFIED IMMUNITY, DEFENSE, AND
7 INDEMNIFICATION.--

8 (a) The members, officers, executive director, and
9 employees of the Interstate Commission shall be immune from
10 suit and liability, either personally or in their official
11 capacity, for any claim for damage to or loss of property or
12 personal injury or other civil liability caused or arising out
13 of any actual or alleged act, error, or omission that occurred
14 within the scope of commission employment, duties, or
15 responsibilities. However, this paragraph does not protect any
16 such person from suit or liability for any damage, loss,
17 injury, or liability caused by the intentional or willful and
18 wanton misconduct of any such person.

19 (b) The Interstate Commission shall defend the
20 commissioner of a compacting state, or his or her
21 representatives or employees, or the commission's
22 representatives or employees in any civil action seeking to
23 impose liability arising out of any actual or alleged act,
24 error, or omission that occurred within the scope of
25 Interstate Commission employment, duties, or responsibilities
26 or that the defendant had a reasonable basis for believing
27 occurred within the scope of Interstate Commission employment,
28 duties, or responsibilities, if the actual or alleged act,
29 error, or omission did not result from intentional wrongdoing
30 on the part of such person.

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1 the member state at a specified meeting. The by-laws may
2 provide for members' participation in meetings by telephone or
3 other means of telecommunication or electronic communication.
4 Any voting conducted by telephone or other means of
5 telecommunication or electronic communication is subject to
6 the same quorum requirements as meetings where members are
7 present in person.

8 (4) The Interstate Commission shall meet at least once
9 during each calendar year. The chairperson of the commission
10 may call additional meetings at any time and, upon the request
11 of a majority of the members, shall call additional meetings.

12 (5) The Interstate Commission's by-laws shall
13 establish conditions and procedures under which the commission
14 shall make its information and official records available to
15 the public for inspection or copying. The commission may
16 exempt from disclosure any information or official records to
17 the extent that they would adversely affect personal privacy
18 rights or proprietary interests. In adopting such rules, the
19 Interstate Commission may make available to law enforcement
20 agencies records and information otherwise exempt from
21 disclosure and may enter into agreements with law enforcement
22 agencies to receive or exchange information or records subject
23 to nondisclosure and confidentiality provisions.

24 (6) Public notice shall be given of all meetings and
25 all meetings shall be open to the public, except as set forth
26 in the rules or as otherwise provided in the compact. The
27 Interstate Commission shall adopt rules consistent with the
28 principles contained in the "Government in Sunshine Act," 5
29 U.S.C. s. 552(b), as amended.

30 (a) The Interstate Commission shall keep minutes that
31 fully and clearly describe all matters discussed in any

1 meeting and provide a full and accurate summary of any actions
2 taken and the reasons therefor, including a description of
3 each of the views expressed on any item and the record of any
4 roll call vote, reflecting the vote of each member on the
5 question. All documents considered in connection with any
6 action must be identified in the minutes.

7 (b) The Interstate Commission shall collect
8 standardized data concerning the interstate movement of
9 offenders as directed through its by-laws and rules, which
10 shall specify the data to be collected, the means of
11 collection, and data exchange and reporting requirements.

12
13 ARTICLE VIII

14 RULEMAKING FUNCTIONS OF
15 THE INTERSTATE COMMISSION

16 (1) The Interstate Commission shall adopt rules in
17 order to effectively and efficiently achieve the purposes of
18 the compact, including transition rules governing
19 administration of the compact during the period in which it is
20 being considered and enacted by the states.

21 (2) Rulemaking shall occur pursuant to the criteria
22 set forth in this article and the by-laws and rules adopted
23 pursuant thereto. Such rulemaking shall substantially conform
24 to the principles of the federal "Administrative Procedure
25 Act," 5 U.S.C.S. s. 551 et seq., and the federal "Advisory
26 Committee Act," 5 U.S.C.S. App. 2, s. 1 et seq., as amended.
27 All rules and amendments take effect on the date specified in
28 each rule or amendment.

29 (3) If a majority of the legislatures of the
30 compacting states rejects a rule by enactment of a statute or
31 resolution in the same manner used to adopt the compact, such

1 rule shall have no further force and effect in any compacting
2 state.

3 (4) When adopting a rule, the Interstate Commission
4 shall:

5 (a) Publish the proposed rule stating with
6 particularity the text of the rule that is proposed and the
7 reason for the proposed rule;

8 (b) Allow persons to submit written data, facts,
9 opinions, and arguments, which information must be publicly
10 available;

11 (c) Provide an opportunity for an informal hearing;
12 and

13 (d) Adopt a final rule and its effective date, if
14 appropriate, based on the rulemaking record. Not later than 60
15 days after a rule is adopted, any interested person may file a
16 petition in the United States District Court for the District
17 of Columbia or in the federal district court where the
18 Interstate Commission's principal office is located for
19 judicial review of such rule. If the court finds that the
20 Interstate Commission's action is not supported by substantial
21 evidence, as defined in the federal Administrative Procedure
22 Act, in the rulemaking record, the court shall hold the rule
23 unlawful and set it aside. Subjects to be addressed within 12
24 months after the first meeting must, at a minimum, include:

- 25 1. Notice to victims and opportunity to be heard;
26 2. Offender registration and compliance;
27 3. Violations and returns;
28 4. Transfer procedures and forms;
29 5. Eligibility for transfer;
30 6. Collection of restitution and fees from offenders;
31 7. Data collection and reporting;

1 actions necessary and appropriate to effectuate the compact's
2 purposes and intent. In any judicial or administrative
3 proceeding in a compacting state pertaining to the subject
4 matter of this compact which may affect the powers,
5 responsibilities, or actions of the Interstate Commission, the
6 commission is entitled to receive all service of process in
7 any such proceeding and has standing to intervene in the
8 proceeding for all purposes.

9 (2) DISPUTE RESOLUTION.--

10 (a) The compacting states shall report to the
11 Interstate Commission on issues or activities of concern to
12 them and cooperate with and support the commission in the
13 discharge of its duties and responsibilities.

14 (b) The Interstate Commission shall attempt to resolve
15 any disputes or other issues that are subject to the compact
16 and that arise among compacting states and noncompacting
17 states.

18 (c) The Interstate Commission shall enact a by-law or
19 adopt a rule providing for both mediation and binding dispute
20 resolution for disputes among the compacting states.

21 (3) ENFORCEMENT.--The Interstate Commission, in the
22 reasonable exercise of its discretion, shall enforce the
23 provisions of this compact using any or all means set forth in
24 article XII (2) of this compact.

25
26 ARTICLE X

27 FINANCE

28 (1) The Interstate Commission shall pay or provide for
29 the payment of the reasonable expenses of its establishment,
30 organization, and ongoing activities.

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1 (2) The Interstate Commission shall levy on and
2 collect an annual assessment from each compacting state to
3 cover the cost of the internal operations and activities of
4 the Interstate Commission and its staff, which must be in a
5 total amount sufficient to cover the Interstate Commission's
6 annual budget as approved each year. The aggregate annual
7 assessment amount shall be allocated based upon a formula to
8 be determined by the Interstate Commission, taking into
9 consideration the population of the state and the volume of
10 interstate movement of offenders in each compacting state. The
11 Interstate Commission shall adopt a rule that is binding upon
12 all compacting states and that governs the assessment.

13 (3) The Interstate Commission may not incur any
14 obligations of any kind prior to securing the funds adequate
15 to meet the obligations, and the Interstate Commission may not
16 pledge the credit of any of the compacting states except by
17 and with the authority of the compacting state.

18 (4) The Interstate Commission shall keep accurate
19 accounts of all receipts and disbursements. The receipts and
20 disbursements of the commission are subject to the audit and
21 accounting procedures established under its by-laws. However,
22 all receipts and disbursements of funds handled by the
23 commission shall be audited yearly by a certified or licensed
24 public accountant, and the report of the audit must be
25 included in and become part of the annual report of the
26 commission.

27
28 ARTICLE XI

29 COMPACTING STATES, EFFECTIVE

30 DATE, AND AMENDMENT

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1 (1) Any state, as defined in article II of this
2 compact, is eligible to become a compacting state.

3 (2) The compact shall become effective and binding
4 upon legislative enactment of the compact into law by not less
5 than 35 of the states. The initial effective date shall be the
6 later of July 1, 2001, or upon enactment into law by the 35th
7 jurisdiction. Thereafter, the compact shall become effective
8 and binding as to any other compacting state upon enactment of
9 the compact into law by that state. The governors of nonmember
10 states or their designees will be invited to participate in
11 Interstate Commission activities on a nonvoting basis prior to
12 adoption of the compact by all states and territories of the
13 United States.

14 (3) Amendments to the compact may be proposed by the
15 Interstate Commission for enactment by the compacting states.
16 An amendment does not become effective and binding upon the
17 Interstate Commission or the compacting states unless and
18 until it is enacted into law by unanimous consent of the
19 compacting states.

20
21 ARTICLE XII

22 WITHDRAWAL, DEFAULT, TERMINATION,
23 AND JUDICIAL ENFORCEMENT

24 (1) WITHDRAWAL.--

25 (a) Once effective, the compact shall continue in
26 force and remain binding upon each and every compacting state.
27 However, a compacting state may withdraw from the compact by
28 enacting a law specifically repealing the statute that enacted
29 the compact into law.

30 (b) The effective date of withdrawal is the effective
31 date of the repeal.

1 (c) The withdrawing state shall immediately notify the
2 chairperson of the Interstate Commission in writing upon the
3 introduction of legislation repealing this compact in the
4 withdrawing state. The Interstate Commission shall notify the
5 other compacting states of the withdrawing state's intent to
6 withdraw within 60 days after its receipt of the notice.

7 (d) The withdrawing state is responsible for all
8 assessments, obligations, and liabilities incurred by it
9 through the effective date of withdrawal, including any
10 obligations the performance of which extend beyond the
11 effective date of withdrawal.

12 (e) Reinstatement following withdrawal of any
13 compacting state shall occur upon the withdrawing state
14 reenacting the compact or upon such later date as determined
15 by the Interstate Commission.

16 (2) DEFAULT.--

17 (a) If the Interstate Commission determines that any
18 compacting state has at any time defaulted in the performance
19 of any of its obligations or responsibilities under this
20 compact, the by-laws, or any adopted rules, the commission may
21 impose any or all of the following penalties:

22 1. Fines, fees, or costs in amounts deemed to be
23 reasonable, as fixed by the Interstate Commission;

24 2. Remedial training and technical assistance, as
25 directed by the Interstate Commission;

26 3. Suspension and termination of membership in the
27 compact. Suspension shall be imposed only after all other
28 reasonable means of securing compliance under the by-laws and
29 rules have been exhausted. Immediate notice of suspension
30 shall be given by the Interstate Commission to the Governor,
31 the Chief Justice or chief judicial officer of the state, the

1 majority and minority leaders of the defaulting state's
2 legislature, and the state council.

3 (b) The grounds for default include, but are not
4 limited to, failure of a compacting state to perform the
5 obligations or responsibilities imposed upon it by this
6 compact or by Interstate Commission by-laws or rules. The
7 Interstate Commission shall immediately notify the defaulting
8 state in writing of the penalty imposed by the commission on
9 the defaulting state pending a cure of the default. The
10 commission shall stipulate the conditions and the time period
11 within which the defaulting state must cure its default. If
12 the defaulting state fails to cure the default within the time
13 specified by the commission, in addition to any other
14 penalties imposed the defaulting state may be terminated from
15 the compact upon an affirmative vote of a majority of the
16 compacting states and all rights, privileges, and benefits
17 conferred by this compact shall be terminated from the
18 effective date of suspension. Within 60 days after the
19 effective date of termination of a defaulting state, the
20 Interstate Commission must notify the Governor, the Chief
21 Justice or chief judicial officer, the majority and minority
22 leaders of the defaulting state's legislature, and the state
23 council of such termination.

24 (c) The defaulting state is responsible for all
25 assessments, obligations, and liabilities incurred through the
26 effective date of termination, including any obligations the
27 performance of which extends beyond the effective date of
28 termination.

29 (d) The Interstate Commission may not bear any costs
30 relating to the defaulting state unless otherwise mutually
31 agreed upon between the Interstate Commission and the

1 defaulting state. Reinstatement following termination of any
2 compacting state requires a reenactment of the compact by the
3 defaulting state and the approval of the Interstate Commission
4 pursuant to the rules.

5 (3) JUDICIAL ENFORCEMENT.--The Interstate Commission,
6 by majority vote of the members, may initiate legal action in
7 the United States District Court for the District of Columbia
8 or, at the discretion of the Interstate Commission, in the
9 federal district where the Interstate Commission has its
10 offices to enforce compliance with the provisions of the
11 compact for the commission's adopted rules and by-laws against
12 any compacting state in default. If judicial enforcement is
13 necessary, the prevailing party shall be awarded all costs of
14 such litigation, including reasonable attorney's fees.

15 (4) DISSOLUTION OF COMPACT.--

16 (a) The compact dissolves on the date of the
17 withdrawal or default of the compacting state which reduces
18 membership in the compact to one compacting state.

19 (b) Upon the dissolution of this compact, the compact
20 becomes null and void and shall have no further force or
21 effect, and the business and affairs of the Interstate
22 Commission shall be concluded and any surplus funds shall be
23 distributed in accordance with the by-laws.

24
25 ARTICLE XIII

26 SEVERABILITY AND CONSTRUCTION

27 (1) The provisions of this compact are severable, and
28 if any phrase, clause, sentence, or provision is deemed
29 unenforceable, the remaining provisions of the compact are
30 enforceable.

31

1 (2) The provisions of this compact shall be liberally
2 construed to carry out its purposes.

3
4 ARTICLE XIV
5 BINDING EFFECT OF
6 COMPACT AND OTHER LAWS

7 (1) OTHER LAWS.--

8 (a) Nothing in this compact prevents the enforcement
9 of any other law of a compacting state which is not
10 inconsistent with this compact.

11 (b) Any law of a compacting state which conflicts with
12 this compact is superseded to the extent of the conflict.

13 (2) BINDING EFFECT OF THE COMPACT.--

14 (a) All lawful actions of the Interstate Commission,
15 including all rules and by-laws adopted by the Interstate
16 Commission, are binding upon the compacting states.

17 (b) All agreements between the Interstate Commission
18 and the compacting states are binding in accordance with the
19 terms of the agreements.

20 (c) Upon the request of a party to a conflict over
21 meaning or interpretation of Interstate Commission actions,
22 and upon a majority vote of the compacting states, the
23 Interstate Commission may issue advisory opinions regarding
24 such meaning or interpretation.

25 (d) If any provision of this compact exceeds the
26 constitutional limits imposed on the legislature of any
27 compacting state, the obligations, duties, powers, or
28 jurisdiction sought to be conferred by such provision upon the
29 Interstate Commission shall be ineffective, and such
30 obligations, duties, powers, or jurisdiction shall remain in
31 the compacting state and shall be exercised by the agency

1 thereof to which such obligations, duties, powers, or
2 jurisdiction are delegated by law in effect at the time this
3 compact becomes effective.

4 Section 5. Section 949.071, Florida Statutes, is
5 amended to read:

6 949.071 Definition of "state" as used in s. 949.07;
7 further declaration relating to interstate compacts.--

8 (1) ~~It is hereby declared that~~ The term "state," as
9 used in s. 949.07, relating to and authorizing and directing
10 the Governor to enter into an interstate compact in behalf of
11 Florida with any state of the United States for out-of-state
12 supervision of probationers and parolees, and prescribing the
13 form to be substantially used for any such compact, means any
14 one of the several states, ~~and the Commonwealth of Puerto~~
15 ~~Rico, the Virgin Islands, and the District of Columbia, and~~
16 any other territorial possession of the United States.

17 (2) It is hereby recognized and further declared that
18 pursuant to the consent and authorization contained in s.
19 111(b) of Title 4 of the United States Code as added by Pub.
20 L. No. 970-84th Congress, Ch. 941-2d Session, this state shall
21 be a party to the said Interstate Compact for Adult Offender
22 ~~the Supervision, of parolees and probationers~~ with any
23 additional jurisdiction legally joining in the compact therein
24 when such jurisdiction enacts the ~~shall have enacted said~~
25 compact in accordance with the terms thereof.

26 Section 6. Section 949.072, Florida Statutes, is
27 created to read:

28 949.072 State Council for Interstate Adult Offender
29 Supervision.--

30 (1) The Secretary of Corrections, or the secretary's
31 designee, shall serve as the compact administrator for the

1 state and as the state's commissioner to the Interstate
2 Commission for Adult Offender Supervision.

3 (2) The State Council for Interstate Adult Offender
4 Supervision is established and shall consist of seven members.
5 The Secretary of Corrections, or the secretary's designee,
6 shall serve as chairperson of the state council. The Governor
7 shall appoint the remaining members of the state council,
8 which must include a representative of a victim's assistance
9 organization.

10 (a) Each member shall be appointed to a 4-year term of
11 office. In order to achieve staggered terms, of those members
12 first appointed, three members shall be appointed for terms of
13 2 years each, and three members shall be appointed for terms
14 of 4 years each.

15 (b) The state council shall meet at least twice a
16 year.

17 (c) The members of the state council shall serve
18 without compensation, but are entitled to reimbursement for
19 travel and per diem expenses in accordance with s. 112.061.

20 Section 7. Section 949.08, Florida Statutes, is
21 amended to read:

22 949.08 Department of Corrections to enact rules and
23 regulations relating to compacts; ~~limitation on assessments.--~~

24 (1) The Department of Corrections may adopt ~~shall have~~
25 ~~power and shall be charged with the duty of promulgating such~~
26 rules and expend regulations and the expenditures ~~of funds as~~
27 ~~may be deemed~~ necessary to carry out the terms, conditions,
28 and intents of a compact entered into by the state pursuant to
29 s. 949.07.

30 (2) Notwithstanding subsection (2) of article X of s.
31 949.07, the state shall reduce the amount paid as the state's

1 assessment under the compact entered into under s. 949.07 so
2 that the total collected from the annual assessment does not
3 exceed the amount appropriated for the assessment by the
4 Legislature for any single fiscal year.

5 Section 8. Section 949.09, Florida Statutes, is
6 amended to read:

7 949.09 Short title: ss. 949.07-949.08.--Sections
8 949.07-949.08 may be cited ~~shall be known~~ as the "Interstate
9 Compact for Adult Offender ~~Uniform Law for Out-of-state~~
10 ~~Probation and Parole~~ Supervision."

11 Section 9. This act shall take effect July 1, 2001.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 306

- 16 - Requires DOC, rather than the Parole Commission to
17 notify victims.
- 18 - Adds several sections replacing the Parole and Probation
19 Compact with the Interstate for Adult Offender
20 Supervision. The new compact:
- 21 . describes in detail the structure, including
22 officers, rules, functions, duties, dispute
23 resolution and other responsibilities;
 - 24 . establishes a state council appointed by the
25 governor to oversee Florida's participation in the
26 compact; and
 - 27 . makes Florida one of the original 35 signatory
28 states participating in the establishment of the
29 compact, allowing Florida to have a part in
30 designing the new organization.
- 31