

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Criminal and Civil Justice Appropriations

BILL: SB 1494

INTRODUCER: Senator Evers

SUBJECT: Interstate Compact for Juveniles

DATE: April 9, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Favorable
2.	Sadberry	Sadberry	BJA	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill reenacts the statutes relating to the Interstate Compact for Juveniles (compact) and the State Council for Interstate Juvenile Offender Supervision (council) that expired by operation of law on August 26, 2010. The compact governs interstate movement of juveniles on probation and parole as well as extradition across state lines of runaways, escapees, absconders and juveniles charged as delinquent. The compact became effective in August 2008. However, there was also a two year sunset provision that began running when the compact became effective and it caused the compact to expire in August 2010. In order to reinstate the compact, Florida must reenact the laws governing the compact. As such, the bill reenacts the compact to do the following:

- Create the Interstate Commission for Juveniles (Interstate Commission), which is an independent compact administrative agency with the authority to administer ongoing compact activity;
- Provide rule making authority for the Interstate Commission;
- Establish a mechanism for all states to collect standardized information and information systems;
- Provide for sanctions against states that do not follow compact rules and regulations;
- Provide for gubernatorial appointments of representatives from member states to the Interstate Commission;
- Provide a mandatory funding mechanism sufficient to support essential compact operations;
- Provide for coordination and cooperation with other interstate compacts; and
- Require the creation of a state council.

This bill reenacts sections 985.802 and 985.5025 of the Florida Statutes.

II. Present Situation:

In 2005, the Legislature passed legislation¹ that revised and updated provisions of the Interstate Compact on Juveniles (compact), which provided for cooperation among states in supervising and returning juveniles who have run away or escaped from detention across state boundaries.² The revised compact did the following:

- Created the Interstate Commission, which is an independent compact administrative agency with the authority to administer ongoing compact activity;
- Required the Interstate Commission to establish an executive committee to oversee the day-to-day activities of the administration of the compact and to act on behalf of the Interstate Commission when it is not in session;
- Mandated that the Interstate Commission meet at least annually to attend to general business, rule-making, and enforcement procedures and that each member-state must appoint one voting commissioner to represent that state's interests on the Interstate Commission;
- Delegated rule-making authority to the Interstate Commission and made provisions for sanctions to administer and enforce the operation of the compact;
- Provided a mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, and training/education);
- Provided for collection of standardized information and information sharing systems;
- Provided for the coordination and cooperation with other interstate compacts which have "overlapping" jurisdiction (for example, the Interstate Compact on the Placement of Children and the Interstate Compact for Adult Offender Supervision); and
- Mandated states create a State Council for Interstate Juvenile Offender Supervision (council) comprised of a compact administrator, a representative from each of the three branches of government, a victim's advocate, and a parent of a youth not in the juvenile justice system, to oversee state participation in the activities of the Interstate Commission.

Additionally, this legislation created the State Council for Interstate Juvenile Offender Supervision (council)³ to comply with the requirements of Article IX of the compact as follows:

- Required that the council consist of seven members comprised of the Secretary of the Department of Juvenile Justice (DJJ), the compact administrator or his or her designee, the Executive Director of the Department of Law Enforcement (FDLE) or his or her designee, and four remaining members to be appointed by the Governor, who may delegate this appointment power to the Secretary of DJJ in writing on an individual basis;
- Provided that appointees may include one victim's advocate, employees of the Department of Children and Family Services (DCF), employees of the FDLE who work with missing or exploited children, and a parent;

¹ HB 577, ch. 2005-80, L.O.F., s. 985.502, F.S.

²In FY 2009-10, Florida provided cooperative supervision for 2,828 juveniles. It also returned 427 absconders, escapees, failed placements, and delinquent juveniles to other states, according to the DJJ's 2011 Agency Proposal re Interstate Compact for Juveniles (on file with the Senate Criminal Justice Committee in Tallahassee, Florida).

³ Section 985.5025, F.S., HB 577, ch. 2005-80, L.O.F.

- Applied provisions of public records/open meetings requirements to the council's proceedings and records;
- Supplied terms of office, record storage, property transfer, and reimbursement for travel and per diem expenses; and
- Created additional duties and responsibilities for the compact administrator.

The legislation provided that the compact was to become effective on July 1, 2005, or upon ratification of the thirty-fifth state, whichever occurred later. The compact became effective in August 2008 after the thirty-fifth state joined.⁴ However, there was also a two year sunset provision that began to run when the compact became effective and it caused the compact to expire in August 2010. In order to reinstate the compact, Florida must reenact the laws governing the compact.⁵

III. Effect of Proposed Changes:

The bill reenacts the statutes relating to the Interstate Compact for Juveniles (compact) and the State Council for Interstate Juvenile Offender Supervision (council) that expired by operation of law on August 26, 2010.⁶ The compact governs interstate movement of juveniles on probation and parole as well as extradition across state lines of runaways, escapees, absconders and juveniles charged as delinquent. The bill reenacts the compact to do the following:

- Create the Interstate Commission, which is an independent compact administrative agency with the authority to administer ongoing compact activity;
- Provide rule making authority for the Interstate Commission;
- Establish a mechanism for all states to collect standardized information and information systems;
- Provide for sanctions against states that do not follow compact rules and regulations;
- Provide for gubernatorial appointments of representatives from member states to the Interstate Commission;
- Provide a mandatory funding mechanism sufficient to support essential compact operations;
- Provide for coordination and cooperation with other interstate compacts; and
- Require the creation of state councils.

The bill also reenacts the Interstate Juvenile Offender Supervision Council (council) to do the following:

- Require that the council consist of seven members comprised of the Secretary of the DJJ, the compact administrator or his or her designee, the Executive Director of the FDLE or his or her designee, and four remaining members to be appointed by the Governor, who may delegate this appointment power to the Secretary of DJJ in writing on an individual basis;
- Provide that appointees may include one victim's advocate, employees of the DCF, employees of the FDLE who work with missing or exploited children, and a parent;

⁴ The DJJ 2011 Agency Proposal re Interstate Compact for Juveniles (on file with the Senate Criminal Justice Committee in Tallahassee, Florida).

⁵ *Id.*

⁶ *Id.*

- Apply provisions of public records/open meetings requirements to the council's proceedings and records;
- Supply terms of office, record storage, property transfer, and reimbursement for travel and per diem expenses; and
- Create additional duties and responsibilities for the compact administrator.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Florida's annual dues for participation in the State Council for Interstate Juvenile Offender Supervision is \$37,000. The aggregated annual assessment is allocated based on a formula determined by the commission. Florida, along with California and Texas, is one of the top three states by size.⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

According to the DJJ, this bill is necessary because it reenacts a crucial tool ensuring public safety and preserving child welfare within the State. With the compact currently repealed, the

⁷ *Id.*

mechanism by which Florida manages the interstate movement of juvenile offenders and status offenders no longer exists.⁸

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁸ The DJJ 2011 Agency Proposal re Interstate Compact for Juveniles (on file with the Senate Criminal Justice Committee in Tallahassee, Florida).