

1 A bill to be entitled
2 An act relating to the Interstate Compact for Juveniles;
3 amending s. 985.502, F.S.; revising provisions of the
4 former Interstate Compact on Juveniles; providing purpose
5 of the compact; providing definitions; providing for an
6 Interstate Commission for Juveniles; providing for the
7 appointment of commissioners; providing for an executive
8 committee; providing for meetings; providing powers and
9 duties of the Interstate Commission; providing for its
10 organization and operation; providing for bylaws, officers,
11 and staff; providing for qualified immunity from liability
12 for the commissioners, the executive director, and
13 employees; requiring the Interstate Commission to adopt
14 rules; providing for oversight, enforcement, and dispute
15 resolution by the Interstate Commission; providing for the
16 activities of the Interstate Commission to be financed by
17 an annual assessment from each compacting state; requiring
18 member states to create a State Council for Interstate
19 Juvenile Supervision; providing for the effective date of
20 the compact and amendments thereto; providing for a state's
21 withdrawal from and reinstatement to the compact; providing
22 for assistance, certain penalties, suspension, or
23 termination following default by a state; providing for
24 judicial enforcement; providing for dissolution of the
25 compact; providing for severability and construction of the
26 compact; providing for the effect of the compact with
27 respect to other laws and for its binding effect; creating
28 s. 985.5025, F.S.; creating the State Council for

29 Interstate Juvenile Offender Supervision to oversee state
 30 participation in the compact; providing membership;
 31 providing for records and open meetings; prescribing
 32 procedures if the council is abolished; repealing ss.
 33 985.503, 985.504, 985.505, 985.506, and 985.507, F.S.,
 34 relating to obsolete provisions governing the former
 35 compact superseded by the act; providing an effective date.
 36

37 Be It Enacted by the Legislature of the State of Florida:
 38

39 Section 1. Section 985.502, Florida Statutes, is amended
 40 to read:

41 (Substantial rewording of section. See
 42 s. 985.502, F.S., for present text.)

43 985.502 Execution of interstate compact for
 44 juveniles.--The Governor is authorized and directed to execute a
 45 compact on behalf of this state with any other state or states
 46 legally joining thereto in the form substantially as follows.
 47 This compact does not interfere with this state's authority to
 48 determine policy regarding juvenile offenders and nonoffenders
 49 within this state.

50
 51 THE INTERSTATE COMPACT FOR JUVENILES

52
 53 ARTICLE I

54
 55 PURPOSE.--

56 (1) The compacting states to this Interstate Compact

57 recognize that each state is responsible for the proper
58 supervision or return of juveniles, delinquents, and status
59 offenders who are on probation or parole and who have absconded,
60 escaped, or run away from supervision and control and in so
61 doing have endangered their own safety and the safety of others.
62 The compacting states also recognize that each state is
63 responsible for the safe return of juveniles who have run away
64 from home and in doing so have left their state of residence.
65 The compacting states also recognize that Congress, by enacting
66 the Crime Control Act, 4 U.S.C. s. 112 (1965), has authorized
67 and encouraged compacts for cooperative efforts and mutual
68 assistance in the prevention of crime.

69 (2) It is the purpose of this compact, through means of
70 joint and cooperative action among the compacting states to: (A)
71 ensure that the adjudicated juveniles and status offenders
72 subject to this compact are provided adequate supervision and
73 services in the receiving state as ordered by the adjudicating
74 judge or parole authority in the sending state; (B) ensure that
75 the public safety interests of the public, including the victims
76 of juvenile offenders, in both the sending and receiving states
77 are adequately protected; (C) return juveniles who have run
78 away, absconded, or escaped from supervision or control or who
79 have been accused of an offense to the state requesting their
80 return; (D) make contracts for the cooperative
81 institutionalization in public facilities in member states for
82 delinquent youth needing special services; (E) provide for the
83 effective tracking and supervision of juveniles; (F) equitably
84 allocate the costs, benefits, and obligations of the compacting

85 states; (G) establish procedures to manage the movement between
86 states of juvenile offenders released to the community under the
87 jurisdiction of courts, juvenile departments, or any other
88 criminal or juvenile justice agency that has jurisdiction over
89 juvenile offenders; (H) ensure immediate notice to jurisdictions
90 where defined offenders are authorized to travel or to relocate
91 across state lines; (I) establish procedures to resolve pending
92 charges (detainers) against juvenile offenders prior to transfer
93 or release to the community under the terms of this compact; (J)
94 establish a system of uniform data collection of information
95 pertaining to juveniles subject to this compact which allows
96 access by authorized juvenile justice and criminal justice
97 officials, and regular reporting of activities under this
98 compact to heads of state executive, judicial, and legislative
99 branches and juvenile and criminal justice administrators; (K)
100 monitor compliance with rules governing interstate movement of
101 juveniles and initiate interventions to address and correct
102 noncompliance; (L) coordinate training and education regarding
103 the regulation of interstate movement of juveniles for officials
104 involved in such activity; and (M) coordinate the implementation
105 and operation of the compact with the Interstate Compact for the
106 Placement of Children, the Interstate Compact for Adult Offender
107 Supervision, and other compacts affecting juveniles,
108 particularly in those cases where concurrent or overlapping
109 supervision issues arise. It is the policy of the compacting
110 states that the activities conducted by the Interstate
111 Commission created in this compact are the formation of public
112 policies and therefore are public business. Furthermore, the

113 compacting states shall cooperate and observe their individual
 114 and collective duties and responsibilities for the prompt return
 115 and acceptance of juveniles subject to the provisions of the
 116 compact. The provisions of the compact shall be reasonably and
 117 liberally construed to accomplish the purposes and policies of
 118 the compact.

119
 120 ARTICLE II
 121

122 DEFINITIONS.--As used in this compact, unless the context
 123 clearly requires a different construction:

124 (1) "Bylaws" means those bylaws established by the
 125 Interstate Commission for its governance or for directing or
 126 controlling its actions or conduct.

127 (2) "Compact administrator" means the individual in each
 128 compacting state, appointed pursuant to the terms of this
 129 compact, who is responsible for the administration and
 130 management of the state's supervision and transfer of juveniles
 131 subject to the terms of this compact, the rules adopted by the
 132 Interstate Commission, and the policies adopted by the state
 133 council under this compact.

134 (3) "Compacting state" means any state that has enacted
 135 the enabling legislation for this compact.

136 (4) "Commissioner" means the voting representative of each
 137 compacting state appointed pursuant to Article III of this
 138 compact.

139 (5) "Court" means any court having jurisdiction over
 140 delinquent, neglected, or dependent children.

141 (6) "Deputy compact administrator" means the individual,
142 if any, in each compacting state appointed to act on behalf of a
143 compact administrator pursuant to the terms of the compact who
144 is responsible for the administration and management of the
145 state's supervision and transfer of juveniles subject to the
146 terms of this compact, the rules adopted by the Interstate
147 Commission, and the policies adopted by the state council under
148 this compact.

149 (7) "Interstate Commission" means the Interstate
150 Commission for Juveniles created by Article III of this compact.

151 (8) "Juvenile" means any person defined as a juvenile in
152 any member state or by the rules of the Interstate Commission,
153 including:

154 (a) Accused delinquent - a person charged with an offense
155 that, if committed by an adult, would be a criminal offense;

156 (b) Adjudicated delinquent - a person found to have
157 committed an offense that, if committed by an adult, would be a
158 criminal offense;

159 (c) Accused status offender - a person charged with an
160 offense that would not be a criminal offense if committed by an
161 adult;

162 (d) Adjudicated status offender - a person found to have
163 committed an offense that would not be a criminal offense if
164 committed by an adult; and

165 (e) Nonoffender - a person in need of supervision who has
166 not been accused or adjudicated a status offender or delinquent.

167 (9) "Noncompacting state" means any state that has not
168 enacted the enabling legislation for this compact.

197 commissioners appointed by the appropriate appointing authority
 198 in each state pursuant to the rules and requirements of each
 199 compacting state and in consultation with the State Council for
 200 Interstate Juvenile Supervision created hereunder. The
 201 commissioner shall be the compact administrator, deputy compact
 202 administrator, or designee from that state who shall serve on
 203 the Interstate Commission in such capacity under or pursuant to
 204 the applicable law of the compacting state.

205 (3) In addition to the commissioners who are the voting
 206 representatives of each state, the Interstate Commission shall
 207 include individuals who are not commissioners, but who are
 208 members of interested organizations. Such noncommissioner
 209 members must include a member of the national organization of
 210 governors, legislatures, state chief justices, attorneys
 211 general, Interstate Compact for Adult Offender Supervision,
 212 Interstate Compact for the Placement of Children, juvenile
 213 justice and juvenile corrections officials, and crime victims.
 214 All noncommissioner members of the Interstate Commission shall
 215 be ex officio, nonvoting members. The Interstate Commission may
 216 provide in its bylaws for such additional ex officio, nonvoting
 217 members, including members of other national organizations, in
 218 such numbers as shall be determined by the Interstate
 219 Commission.

220 (4) Each compacting state represented at any meeting of
 221 the Interstate Commission is entitled to one vote. A majority of
 222 the compacting states shall constitute a quorum for the
 223 transaction of business, unless a larger quorum is required by
 224 the bylaws of the Interstate Commission.

225 (5) The Interstate Commission shall establish an executive
226 committee, which shall include commission officers, members, and
227 others as determined by the bylaws. The executive committee
228 shall have the power to act on behalf of the Interstate
229 Commission during periods when the Interstate Commission is not
230 in session, with the exception of rulemaking or amendment to the
231 compact. The executive committee shall oversee the day-to-day
232 activities of the administration of the compact, which shall be
233 managed by an executive director and Interstate Commission
234 staff. The executive committee shall administer enforcement and
235 compliance with the provisions of the compact, its bylaws, and
236 rules, and shall perform other duties as directed by the
237 Interstate Commission or set forth in the bylaws.

238 (6) Each member of the Interstate Commission shall have
239 the right and power to cast a vote to which that compacting
240 state is entitled and to participate in the business and affairs
241 of the Interstate Commission. A member shall vote in person and
242 may not delegate a vote to another compacting state. However, a
243 commissioner, in consultation with the state council, shall
244 appoint another authorized representative, in the absence of the
245 commissioner from that state, to cast a vote on behalf of the
246 compacting state at a specified meeting. The bylaws may provide
247 for members' participation in meetings by telephone or other
248 means of telecommunication or electronic communication.

249 (7) The Interstate Commission shall collect standardized
250 data concerning the interstate movement of juveniles as directed
251 through its rules, which shall specify the data to be collected,
252 the means of collection and data exchange, and reporting

253 requirements. Such methods of data collection, exchange, and
 254 reporting shall, insofar as is reasonably possible, conform to
 255 up-to-date technology and coordinate its information functions
 256 with the appropriate repository of records.

257
 258 ARTICLE IV

259
 260 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The
 261 Interstate Commission shall have the following powers and
 262 duties:

263 (1) To provide for dispute resolution among compacting
 264 states.

265 (2) To adopt rules to effect the purposes and obligations
 266 as enumerated in this compact, and which shall have the force
 267 and effect of statutory law and shall be binding in the
 268 compacting states to the extent and in the manner provided in
 269 this compact.

270 (3) To oversee, supervise, and coordinate the interstate
 271 movement of juveniles subject to the terms of this compact and
 272 any bylaws and rules adopted by the Interstate Commission.

273 (4) To enforce compliance with the compact provisions, the
 274 rules adopted by the Interstate Commission, and the bylaws,
 275 using all necessary and proper means, including, but not limited
 276 to, the use of judicial process.

277 (5) To establish and maintain offices that are located
 278 within one or more of the compacting states.

279 (6) To purchase and maintain insurance and bonds.

280 (7) To borrow, accept, hire, or contract for services of

281 personnel.

282 (8) To establish and appoint committees and hire staff
 283 that it deems necessary for carrying out its functions,
 284 including, but not limited to, an executive committee as
 285 required in Article III which shall have the power to act on
 286 behalf of the Interstate Commission in carrying out its powers
 287 and duties hereunder.

288 (9) To elect or appoint such officers, attorneys,
 289 employees, agents, or consultants; to fix their compensation,
 290 define their duties, and determine their qualifications; and to
 291 establish the Interstate Commission's personnel policies and
 292 programs relating to, inter alia, conflicts of interest, rates
 293 of compensation, and qualifications of personnel.

294 (10) To accept any and all donations and grants of money,
 295 equipment, supplies, materials, and services, and to receive,
 296 use, and dispose of such donations and grants.

297 (11) To lease, purchase, accept contributions or donations
 298 of, or otherwise to own, hold, improve, or use any property,
 299 real, personal, or mixed.

300 (12) To sell, convey, mortgage, pledge, lease, exchange,
 301 abandon, or otherwise dispose of any property, real, personal,
 302 or mixed.

303 (13) To establish a budget and make expenditures and levy
 304 dues as provided in Article VIII of this compact.

305 (14) To sue and to be sued.

306 (15) To adopt a seal and bylaws governing the management
 307 and operation of the Interstate Commission.

308 (16) To perform such functions as may be necessary or

309 appropriate to achieve the purposes of this compact.

310 (17) To report annually to the legislatures, governors,
 311 judiciary, and state councils of the compacting states
 312 concerning the activities of the Interstate Commission during
 313 the preceding year. Such reports shall also include any
 314 recommendations that may have been adopted by the Interstate
 315 Commission.

316 (18) To coordinate education, training, and public
 317 awareness regarding the interstate movement of juveniles for
 318 officials involved in such activity.

319 (19) To establish uniform standards of the reporting,
 320 collecting, and exchanging of data.

321 (20) To maintain its corporate books and records in
 322 accordance with the bylaws.

323

324 ARTICLE V

325

326 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

327 Section A. Bylaws.--The Interstate Commission shall, by a
 328 majority of the members present and voting, within 12 months
 329 after the first Interstate Commission meeting, adopt bylaws to
 330 govern its conduct as may be necessary or appropriate to carry
 331 out the purposes of the compact, including, but not limited to:

332 (1) Establishing the fiscal year of the Interstate
 333 Commission;

334 (2) Establishing an executive committee and such other
 335 committees as may be necessary;

336 (3) Providing for the establishment of committees

337 governing any general or specific delegation of any authority or
 338 function of the Interstate Commission;

339 (4) Providing reasonable procedures for calling and
 340 conducting meetings of the Interstate Commission and ensuring
 341 reasonable notice of each such meeting;

342 (5) Establishing the titles and responsibilities of the
 343 officers of the Interstate Commission;

344 (6) Providing a mechanism for concluding the operation of
 345 the Interstate Commission and the return of any surplus funds
 346 that may exist upon the termination of the compact after the
 347 payment or reserving all of its debts and obligations;

348 (7) Providing start-up rules for initial administration of
 349 the compact; and

350 (8) Establishing standards and procedures for compliance
 351 and technical assistance in carrying out the compact.

352 Section B. Officers and staff.--

353 (1) The Interstate Commission shall, by a majority of the
 354 members, elect annually from among its members a chairperson and
 355 vice chairperson, each of whom shall have such authority and
 356 duties as may be specified in the bylaws. The chairperson or, in
 357 the chairperson's absence or disability, the vice chairperson
 358 shall preside at all meetings of the Interstate Commission. The
 359 officers so elected shall serve without compensation or
 360 remuneration from the Interstate Commission; provided that,
 361 subject to the availability of budgeted funds, the officers
 362 shall be reimbursed for any ordinary and necessary costs and
 363 expenses incurred by them in the performance of their duties and
 364 responsibilities as officers of the Interstate Commission.

365 (2) The Interstate Commission shall, through its executive
 366 committee, appoint or retain an executive director for such
 367 period, upon such terms and conditions, and for such
 368 compensation as the Interstate Commission deems appropriate. The
 369 executive director shall serve as secretary to the Interstate
 370 Commission, but may not be a member, and shall hire and
 371 supervise such other staff as may be authorized by the
 372 Interstate Commission.

373 Section C. Qualified immunity, defense, and
 374 indemnification.--

375 (1) The Interstate Commission's executive director and
 376 employees shall be immune from suit and liability, either
 377 personally or in their official capacity, for any claim for
 378 damage to or loss of property or personal injury or other civil
 379 liability caused or arising out of or relating to any actual or
 380 alleged act, error, or omission that occurred, or that such
 381 person had a reasonable basis for believing occurred, within the
 382 scope of commission employment, duties, or responsibilities;
 383 provided that any such person is not protected from suit or
 384 liability for any damage, loss, injury, or liability caused by
 385 the intentional or willful and wanton misconduct of any such
 386 person.

387 (2) The liability of any commissioner, or the employee or
 388 agent of a commissioner, acting within the scope of such
 389 person's employment or duties for acts, errors, or omissions
 390 occurring within such person's state may not exceed the limits
 391 of liability set forth under the constitution and laws of that
 392 state for state officials, employees, and agents. Nothing in

393 this subsection shall be construed to protect any such person
 394 from suit or liability for any damage, loss, injury, or
 395 liability caused by the intentional or willful and wanton
 396 misconduct of any such person.

397 (3) The Interstate Commission shall defend the executive
 398 director or the employees or representatives of the Interstate
 399 Commission and, subject to the approval of the Attorney General
 400 of the state represented by any commissioner of a compacting
 401 state, shall defend such commissioner or the commissioner's
 402 representatives or employees in any civil action seeking to
 403 impose liability arising out of any actual or alleged act,
 404 error, or omission that occurred within the scope of Interstate
 405 Commission employment, duties, or responsibilities, or that the
 406 defendant had a reasonable basis for believing occurred within
 407 the scope of Interstate Commission employment, duties, or
 408 responsibilities; provided that the actual or alleged act,
 409 error, or omission did not result from intentional or willful
 410 and wanton misconduct on the part of such person.

411 (4) The Interstate Commission shall indemnify and hold the
 412 commissioner of a compacting state or the commissioner's
 413 representatives or employees, or the Interstate Commission's
 414 representatives or employees, harmless in the amount of any
 415 settlement or judgment obtained against such persons arising out
 416 of any actual or alleged act, error, or omission that occurred
 417 within the scope of Interstate Commission employment, duties, or
 418 responsibilities, or that such persons had a reasonable basis
 419 for believing occurred within the scope of Interstate Commission
 420 employment, duties, or responsibilities; provided that the

421 actual or alleged act, error, or omission did not result from
 422 intentional or willful and wanton misconduct on the part of such
 423 persons.

425 ARTICLE VI

426 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--

427 (1) The Interstate Commission shall adopt and publish
 428 rules in order to effectively and efficiently achieve the
 429 purposes of the compact.

431 (2) Rulemaking shall occur pursuant to the criteria set
 432 forth in this article and the bylaws and rules adopted pursuant
 433 thereto. Such rulemaking shall substantially conform to the
 434 principles of the "Model State Administrative Procedures Act,"
 435 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such
 436 other administrative procedures act as the Interstate Commission
 437 deems appropriate consistent with due process requirements under
 438 the United States Constitution as now or hereafter interpreted
 439 by the United States Supreme Court. All rules and amendments
 440 shall become binding as of the date specified, as published with
 441 the final version of the rule as approved by the Interstate
 442 Commission.

443 (3) When adopting a rule, the Interstate Commission shall,
 444 at a minimum:

445 (a) Publish the proposed rule's entire text stating the
 446 reason for that proposed rule;

447 (b) Allow and invite any and all persons to submit written
 448 data, facts, opinions, and arguments, which information shall be

449 added to the record and made publicly available;

450 (c) Provide an opportunity for an informal hearing if
451 petitioned by 10 or more persons; and

452 (d) Adopt a final rule and its effective date, if
453 appropriate, based on input from state or local officials or
454 interested parties.

455 (4) Allow, not later than 60 days after a rule is adopted,
456 any interested person to file a petition in the United States
457 District Court for the District of Columbia, or in the Federal
458 District Court where the Interstate Commission's principal
459 office is located, for judicial review of such rule. If the
460 court finds that the Interstate Commission's actions are not
461 supported by the substantial evidence in the rulemaking record,
462 the court shall hold the rule unlawful and set it aside. For
463 purposes of this subsection, evidence is substantial if it would
464 be considered substantial evidence under the Model State
465 Administrative Procedures Act.

466 (5) If a majority of the legislatures of the compacting
467 states rejects a rule, those states may, by enactment of a
468 statute or resolution in the same manner used to adopt the
469 compact, cause that such rule shall have no further force and
470 effect in any compacting state.

471 (6) The existing rules governing the operation of the
472 Interstate Compact on Juveniles superseded by this act shall be
473 null and void 12 months after the first meeting of the
474 Interstate Commission created hereunder.

475 (7) Upon determination by the Interstate Commission that a
476 state of emergency exists, it may adopt an emergency rule that

477 shall become effective immediately upon adoption; provided that
 478 the usual rulemaking procedures provided hereunder shall be
 479 retroactively applied to said rule as soon as reasonably
 480 possible, but no later than 90 days after the effective date of
 481 the emergency rule.

482
 483 ARTICLE VII

484
 485 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE
 486 INTERSTATE COMMISSION.--

487 Section A. Oversight.--

488 (1) The Interstate Commission shall oversee the
 489 administration and operations of the interstate movement of
 490 juveniles subject to this compact in the compacting states and
 491 shall monitor such activities being administered in
 492 noncompacting states which may significantly affect compacting
 493 states.

494 (2) The courts and executive agencies in each compacting
 495 state shall enforce this compact and shall take all actions
 496 necessary and appropriate to effectuate the compact's purposes
 497 and intent. The provisions of this compact and the rules adopted
 498 hereunder shall be received by all the judges, public officers,
 499 commissions, and departments of the state government as evidence
 500 of the authorized statute and administrative rules. All courts
 501 shall take judicial notice of the compact and the rules. In any
 502 judicial or administrative proceeding in a compacting state
 503 pertaining to the subject matter of this compact which may
 504 affect the powers, responsibilities, or actions of the

505 Interstate Commission, the commission shall be entitled to
 506 receive all service of process in any such proceeding and shall
 507 have standing to intervene in the proceeding for all purposes.

508 Section B. Dispute resolution.--

509 (1) The compacting states shall report to the Interstate
 510 Commission on all issues and activities necessary for the
 511 administration of the compact as well as issues and activities
 512 pertaining to compliance with the provisions of the compact and
 513 its bylaws and rules.

514 (2) The Interstate Commission shall attempt, upon the
 515 request of a compacting state, to resolve any disputes or other
 516 issues that are subject to the compact and that may arise among
 517 compacting states and between compacting and noncompacting
 518 states. The commission shall adopt a rule providing for both
 519 mediation and binding dispute resolution for disputes among the
 520 compacting states.

521 (3) The Interstate Commission, in the reasonable exercise
 522 of its discretion, shall enforce the provisions and rules of
 523 this compact using any or all means set forth in Article XI of
 524 this compact.

525

526 ARTICLE VIII

527

528 FINANCE.--

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

532 (2) The Interstate Commission shall levy on and collect an

533 annual assessment from each compacting state to cover the cost
 534 of the internal operations and activities of the Interstate
 535 Commission and its staff which must be in a total amount
 536 sufficient to cover the Interstate Commission's annual budget as
 537 approved each year. The aggregate annual assessment amount shall
 538 be allocated based upon a formula to be determined by the
 539 Interstate Commission, taking into consideration the population
 540 of each compacting state and the volume of interstate movement
 541 of juveniles in each compacting state, and the Interstate
 542 Commission shall adopt a rule that is binding upon all
 543 compacting states governing the assessment.

544 (3) The Interstate Commission shall not incur any
 545 obligations of any kind prior to securing the funds adequate to
 546 meet the same, nor shall the Interstate Commission pledge the
 547 credit of any of the compacting states, except by and with the
 548 authority of the compacting state.

549 (4) The Interstate Commission shall keep accurate accounts
 550 of all receipts and disbursements. The receipts and
 551 disbursements of the Interstate Commission shall be subject to
 552 the audit and accounting procedures established under its
 553 bylaws. However, all receipts and disbursements of funds handled
 554 by the Interstate Commission shall be audited yearly by a
 555 certified or licensed public accountant, and the report of the
 556 audit shall be included in and become part of the annual report
 557 of the Interstate Commission.

558
 559 ARTICLE IX
 560

589 July 1, 2005, or upon enactment into law by the 35th
 590 jurisdiction. Thereafter, it shall become effective and binding
 591 as to any other compacting state upon enactment of the compact
 592 into law by that state. The governors of nonmember states or
 593 their designees shall be invited to participate in the
 594 activities of the Interstate Commission on a nonvoting basis
 595 prior to adoption of the compact by all states and territories
 596 of the United States.

597 (3) The Interstate Commission may propose amendments to
 598 the compact for enactment by the compacting states. No amendment
 599 shall become effective and binding upon the Interstate
 600 Commission and the compacting states unless and until it is
 601 enacted into law by unanimous consent of the compacting states.

602
 603 ARTICLE XI
 604

605 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL
 606 ENFORCEMENT.--

607 Section A. Withdrawal.--

608 (1) Once effective, the compact shall continue in force
 609 and remain binding upon each and every compacting state;
 610 provided that a compacting state may withdraw from the compact
 611 by specifically repealing the statute that enacted the compact
 612 into law.

613 (2) The effective date of withdrawal is the effective date
 614 of the repeal.

615 (3) The withdrawing state shall immediately notify the
 616 chairperson of the Interstate Commission in writing upon the

617 introduction of legislation repealing this compact in the
 618 withdrawing state. The Interstate Commission shall notify the
 619 other compacting states of the withdrawing state's intent to
 620 withdraw within 60 days after its receipt thereof.

621 (4) The withdrawing state is responsible for all
 622 assessments, obligations, and liabilities incurred through the
 623 effective date of withdrawal, including any obligations the
 624 performance of which extends beyond the effective date of
 625 withdrawal.

626 (5) Reinstatement following withdrawal of any compacting
 627 state shall occur upon the withdrawing state's reenacting the
 628 compact or upon such later date as determined by the Interstate
 629 Commission.

630 Section B. Technical assistance, fines, suspension,
 631 termination, and default.--

632 (1) If the Interstate Commission determines that any
 633 compacting state has at any time defaulted in the performance of
 634 any of its obligations or responsibilities under this compact,
 635 or the bylaws or duly adopted rules, the Interstate Commission
 636 may impose any or all of the following penalties:

637 (a) Remedial training and technical assistance as directed
 638 by the Interstate Commission;

639 (b) Alternative dispute resolution;

640 (c) Fines, fees, and costs in such amounts as are deemed
 641 to be reasonable as fixed by the Interstate Commission; or

642 (d) Suspension or termination of membership in the
 643 compact, which shall be imposed only after all other reasonable
 644 means of securing compliance under the bylaws and rules have

645 been exhausted and the Interstate Commission has therefore
646 determined that the offending state is in default. Immediate
647 notice of suspension shall be given by the Interstate Commission
648 to the Governor, the Chief Justice or the Chief Judicial Officer
649 of the state, the majority and the minority leaders of the
650 defaulting state's legislature, and the state council. The
651 grounds for default include, but are not limited to, failure of
652 a compacting state to perform such obligations or
653 responsibilities imposed upon it by this compact, the bylaws, or
654 duly adopted rules and any other ground designated in commission
655 bylaws and rules. The Interstate Commission shall immediately
656 notify the defaulting state in writing of the penalty imposed by
657 the Interstate Commission and of the default pending a cure of
658 the default. The commission shall stipulate the conditions and
659 the time period within which the defaulting state must cure its
660 default. If the defaulting state fails to cure the default
661 within the period specified by the commission, the defaulting
662 state shall be terminated from the compact upon an affirmative
663 vote of a majority of the compacting states and all rights,
664 privileges, and benefits conferred by this compact shall be
665 terminated from the effective date of termination.

666 (2) Within 60 days after the effective date of termination
667 of a defaulting state, the Interstate Commission shall notify
668 the Governor, the Chief Justice or Chief Judicial Officer, the
669 majority and minority leaders of the defaulting state's
670 legislature, and the state council of such termination.

671 (3) The defaulting state is responsible for all
672 assessments, obligations, and liabilities incurred through the

673 effective date of termination, including any obligations the
674 performance of which extends beyond the effective date of
675 termination.

676 (4) The Interstate Commission shall not bear any costs
677 relating to the defaulting state unless otherwise mutually
678 agreed upon in writing between the Interstate Commission and the
679 defaulting state.

680 (5) Reinstatement following termination of any compacting
681 state requires both a reenactment of the compact by the
682 defaulting state and the approval of the Interstate Commission
683 pursuant to the rules.

684 Section C. Judicial enforcement.--The Interstate
685 Commission may, by majority vote of the members, initiate legal
686 action in the United States District Court for the District of
687 Columbia or, at the discretion of the Interstate Commission, in
688 the federal district where the Interstate Commission has its
689 offices, to enforce compliance with the provisions of the
690 compact and its duly adopted rules and bylaws against any
691 compacting state in default. In the event judicial enforcement
692 is necessary, the prevailing party shall be awarded all costs of
693 such litigation, including reasonable attorney's fees.

694 Section D. Dissolution of compact.--

695 (1) The compact dissolves effective upon the date of the
696 withdrawal or default of the compacting state which reduces
697 membership in the compact to one compacting state.

698 (2) Upon the dissolution of the compact, the compact
699 becomes null and void and shall be of no further force or
700 effect, the business and affairs of the Interstate Commission

701 shall be concluded, and any surplus funds shall be distributed
 702 in accordance with the bylaws.

704 ARTICLE XII

706 SEVERABILITY AND CONSTRUCTION.--

707 (1) The provisions of this compact are severable, and if
 708 any phrase, clause, sentence, or provision is deemed
 709 unenforceable, the remaining provisions of the compact shall be
 710 enforceable.

711 (2) The provisions of this compact shall be liberally
 712 construed to effectuate its purposes.

714 ARTICLE XIII

716 BINDING EFFECT OF COMPACT AND OTHER LAWS.--

717 Section A. Other laws.--

718 (1) Nothing herein prevents the enforcement of any other
 719 law of a compacting state which is not inconsistent with this
 720 compact.

721 (2) All compacting states' laws other than state
 722 constitutions and other interstate compacts conflicting with
 723 this compact are superseded to the extent of the conflict.

724 Section B. Binding effect of the compact.--

725 (1) All lawful actions of the Interstate Commission,
 726 including all rules and bylaws adopted by the Interstate
 727 Commission, are binding upon the compacting states.

728 (2) All agreements between the Interstate Commission and

729 the compacting states are binding in accordance with their
 730 terms.

731 (3) Upon the request of a party to a conflict over meaning
 732 or interpretation of Interstate Commission actions, and upon a
 733 majority vote of the compacting states, the Interstate
 734 Commission may issue advisory opinions regarding such meaning or
 735 interpretation.

736 (4) In the event any provision of this compact exceeds the
 737 constitutional limits imposed on any compacting state, the
 738 obligations, duties, powers, or jurisdiction sought to be
 739 conferred by such provision upon the Interstate Commission shall
 740 be ineffective and such obligations, duties, powers, or
 741 jurisdiction shall remain in the compacting state and shall be
 742 exercised by the agency thereof to which such obligations,
 743 duties, powers, or jurisdiction are delegated by law in effect
 744 at the time this compact becomes effective.

745 Section 2. Section 985.5025, Florida Statutes, is created
 746 to read:

747 985.5025 State Council for Interstate Juvenile Offender
 748 Supervision.--

749 (1) Pursuant to Article IX of the Interstate Compact for
 750 Juveniles in s. 985.502, the State Council for Interstate
 751 Juvenile Offender Supervision is created. The purpose of the
 752 council is to oversee state participation in the activities of
 753 the Interstate Commission for Juveniles.

754 (2) The council shall consist of seven members and the
 755 Secretary of Juvenile Justice or his or her designee, who shall
 756 serve as the chair of the council and may vote only to break a

757 tie. The compact administrator or his or her designee and the
758 Executive Director of the Department of Law Enforcement or his
759 or her designee shall serve as members of the council. The
760 remaining members shall be appointed by the Governor for terms
761 of 4 years; however, the Governor may, for any year, delegate
762 the power of appointment to the Secretary of Juvenile Justice.
763 Of the initial appointees, one shall be appointed for a term of
764 1 year, one shall be appointed for a term of 2 years, one shall
765 be appointed for a term of 3 years, and two shall be appointed
766 for terms of 4 years each.

767 (3) Appointees shall be selected from individuals with
768 personal or professional experience in the juvenile justice
769 system and may include a victim's advocate, employees of the
770 Department of Children and Family Services, employees of the
771 Department of Law Enforcement who work with missing and
772 exploited children, and a parent who, at the time of
773 appointment, does not have a child involved in the juvenile
774 justice system.

775 (4) Council members shall serve without compensation, but
776 they are entitled to reimbursement for per diem and travel
777 expenses as provided in s. 112.061.

778 (5) The provisions of s. 24, Art. I of the State
779 Constitution and of chapter 119 and s. 286.011 apply to
780 proceedings and records of the council. Minutes, including a
781 record of all votes cast, must be maintained for all meetings.

782 (6) If the council is abolished, its records must be
783 appropriately stored, within 30 days after the effective date of
784 its abolition, by the Department of Juvenile Justice or its

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785 successor agency. Any property assigned to the council must be
786 reclaimed by the department or its successor agency. The council
787 may not perform any activities after the effective date of its
788 abolition.

789 Section 3. Sections 985.503, 985.504, 985.505, 985.506,
790 and 985.507, Florida Statutes, are repealed.

791 Section 4. This act shall take effect July 1, 2005.