

HB 1985

2004

1 A bill to be entitled

2 An act relating to an interstate compact for juveniles;
3 amending s. 985.502, F.S.; providing authority for the
4 execution of an interstate compact for juveniles; providing
5 a purpose for such compact; providing definitions;
6 providing for the Interstate Commission for Juveniles;
7 providing that the commission is a body corporate and a
8 joint agency of the compacting states; providing duties,
9 powers, and responsibilities of the commission; providing
10 for membership of the commission; providing for appointment
11 of commissioners; providing for ex officio members of the
12 commission; providing procedures for establishing a quorum
13 and for voting; providing for meetings; providing for open
14 commission meetings and records subject to certain
15 limitations; providing for procedures in the event that a
16 commission meeting is closed; providing for the collection
17 of standardized data; providing for reports; providing the
18 commission with rulemaking authority; providing limitations
19 on rulemaking authority; providing for emergency
20 rulemaking; providing for the organization and operation of
21 the commission; providing for an executive committee;
22 providing for the election of a chairperson; providing
23 qualified immunity and indemnity in certain circumstances;
24 providing for oversight, enforcement, and dispute
25 resolution by the commission; authorizing the commission to
26 take disciplinary action, including suspension or
27 termination, in certain circumstances; specifying financial
28 practices for the commission; providing for State Councils
29 for Interstate Juvenile Supervision; specifying membership

HB 1985

2004

30 of such council; specifying responsibilities of such
31 council; providing eligibility for becoming a compacting
32 state; providing circumstances under which the compact may
33 be amended; providing for the withdrawal, default, or
34 termination of a compacting state; specifying grounds for
35 default; providing for judicial review of commission
36 actions related to withdrawal, default, or termination;
37 providing for notice of such actions; providing for
38 reinstatement; providing for the assessment of fees and
39 costs in certain circumstances; providing for dissolution
40 of the compact; providing for liberal construction;
41 providing for severability; providing that the actions of
42 the commission are binding upon compacting states;
43 providing for the issuance of advisory opinions by the
44 commission; limiting scope of the compact to provisions of
45 state law; repealing ss. 985.501, 985.503, 985.504,
46 985.505, 985.506, and 985.507, F.S., relating to the
47 Interstate Compact on Juveniles, the implementing
48 legislation of such compact, legislative findings and
49 policy, the juvenile compact administrator, supplementary
50 agreements to such compact, financial arrangements for such
51 compact and supplementary agreements, the responsibilities
52 of state departments, agencies and officers with regard to
53 such compact, and authority for procedures in addition to
54 such compact, respectively; providing applicability;
55 providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
58

HB 1985

2004

59 Section 1. Section 985.502, Florida Statutes, is amended
60 to read:

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

63 985.502 Execution of interstate compact for
64 juveniles.--The Governor is hereby authorized and directed to
65 execute a compact on behalf of this state with any other state
66 or states legally joining therein in the form substantially as
67 follows. No provision of this compact will interfere with this
68 state's authority to determine policy regarding juvenile
69 offenders and nonoffenders within this state.

71 THE INTERSTATE COMPACT FOR JUVENILES

72
73 ARTICLE I

74
75 PURPOSE.--The compacting states to this interstate compact
76 recognize that each state is responsible for the proper
77 supervision or return of juveniles, delinquents, and status
78 offenders who are on probation or parole and who have absconded,
79 escaped, or run away from supervision and control and in so
80 doing have endangered their own safety and the safety of others.
81 The compacting states also recognize that each state is
82 responsible for the safe return of juveniles who have run away
83 from home and in doing so have left their state of residence.
84 The compacting states also recognize that the United States
85 Congress, by enacting the Crime Control Act, 4 U.S.C. s. 112,
86 has authorized and encouraged compacts for cooperative efforts
87 and mutual assistance in the prevention of crime. It is the

HB 1985

2004

88 purpose of this compact, through means of joint and cooperative
 89 action among the compacting states to:

90 (1) Ensure that the adjudicated juveniles and status
 91 offenders subject to this compact are provided adequate
 92 supervision and services in the receiving state as ordered by
 93 the adjudicating judge or parole authority in the sending state.

94 (2) Ensure that the public safety interests of the
 95 citizens, including the victims of juvenile offenders, in both
 96 the sending and receiving states are adequately protected.

97 (3) Return juveniles who have run away, absconded, or
 98 escaped from supervision or control or have been accused of an
 99 offense to the state requesting their return.

100 (4) Enter into contracts for the cooperative
 101 institutionalization in public facilities in member states for
 102 delinquent youth needing special services.

103 (5) Provide for the effective tracking and supervision of
 104 juveniles.

105 (6) Equitably allocate the costs, benefits, and
 106 obligations of the compacting states.

107 (7) Establish procedures to manage the movement between
 108 states of juvenile offenders released to the community under the
 109 jurisdiction of courts, juvenile departments, or any other
 110 criminal or juvenile justice agency which has jurisdiction over
 111 juvenile offenders.

112 (8) Ensure immediate notice to jurisdictions where defined
 113 offenders are authorized to travel or to relocate across state
 114 lines.

HB 1985

2004

115 (9) Establish procedures to resolve pending charges or
 116 detainers against juvenile offenders prior to transfer or
 117 release to the community under the terms of this compact.

118 (10) Establish a system of uniform data collection on
 119 information pertaining to juveniles subject to this compact that
 120 allows access by authorized juvenile justice and criminal
 121 justice officials, and regular reporting of compact activities
 122 to heads of state executive, judicial, and legislative branches
 123 and juvenile and criminal justice administrators.

124 (11) Monitor compliance with rules governing interstate
 125 movement of juveniles and initiate interventions to address and
 126 correct noncompliance.

127 (12) Coordinate training and education regarding the
 128 regulation of interstate movement of juveniles for officials
 129 involved in such activity.

130 (13) Coordinate the implementation and operation of the
 131 compact with the Interstate Compact for the Placement of
 132 Children, the Interstate Compact for Adult Offender Supervision,
 133 and other compacts affecting juveniles particularly in those
 134 cases where concurrent or overlapping supervision issues arise.

135
 136 It is the policy of the compacting states that the activities
 137 conducted by the Interstate Commission created herein are the
 138 formation of public policies and therefore are public business.
 139 Furthermore, the compacting states shall cooperate and observe
 140 their individual and collective duties and responsibilities for
 141 the prompt return and acceptance of juveniles subject to the
 142 provisions of the compact. The provisions of the compact shall

HB 1985

2004

143 be reasonably and liberally construed to accomplish the purposes
 144 and policies of the compact.

146 ARTICLE II

148 DEFINITIONS.--As used in this compact, unless the context
 149 clearly requires a different construction, the term:

150 (1) "Accused delinquent" means a child who is charged with
 151 an offense that would be a criminal offense if committed by an
 152 adult.

153 (2) "Accused status offender" means a child who is charged
 154 with an offense that would not be a criminal offense if
 155 committed by an adult.

156 (3) "Adjudicated delinquent" means child who is found to
 157 have committed an offense that would be a criminal offense if
 158 committed by an adult.

159 (4) "Bylaws" means those bylaws established by the
 160 Interstate Commission for its governance, or for directing, or
 161 controlling its actions or conduct

162 (5) "Compact administrator" means the individual in each
 163 compacting state appointed pursuant to the terms of this
 164 compact, responsible for the administration and management of
 165 the state's supervision and transfer of juveniles subject to the
 166 terms of this compact, the rules adopted by the Interstate
 167 Commission and policies adopted by the state council under this
 168 compact.

169 (6) "Compacting state" means any state which has enacted
 170 the enabling legislation for this compact.

HB 1985

2004

171 (7) "Commissioner" means the voting representative of each
 172 compacting state appointed pursuant to Article III of this
 173 compact.

174 (8) "Court" means any court having jurisdiction over
 175 delinquent, neglected, or dependent children.

176 (9) "Deputy compact administrator" means the individual,
 177 if any, in each compacting state who is appointed to act on
 178 behalf of a compact administrator pursuant to the terms of the
 179 compact and is responsible for the administration and management
 180 of the state's supervision and transfer of juveniles subject to
 181 the terms of this compact, the rules adopted by the Interstate
 182 Commission, and policies adopted by the state council under this
 183 compact.

184 (10) "Interstate Commission" or "commission" means the
 185 Interstate Commission for Juveniles created by Article III of
 186 this compact.

187 (11) "Juvenile" means any person defined as a juvenile in
 188 any member state or by the rules of the Interstate Commission,
 189 including any accused delinquent, accused status offender,
 190 adjudicated delinquent, adjudicated status offender, or
 191 nonoffender.

192 (12) "Noncompacting state" means any state which has not
 193 enacted the enabling legislation for this compact.

194 (13) "Nonoffender" means a child who is in need of
 195 supervision but who has not been accused or adjudicated as a
 196 delinquent or status offender.

197 (14) "Probation or parole" means any form of supervision
 198 or conditional release of juveniles authorized under the laws of
 199 the compacting states.

HB 1985

2004

200 (15) "Rule" means a written statement by the Interstate
201 Commission promulgated pursuant to Article VI of this compact
202 that is of general applicability, implements, interprets, or
203 prescribes a policy or provision of the compact or an
204 organizational, procedural, or practice requirement of the
205 Interstate Commission, and has the force and effect of statutory
206 law in a compacting state, and includes the amendment, repeal,
207 or suspension of an existing rule.

208 (16) "State" means a state of the United States, the
209 District of Columbia or its designee, the Commonwealth of Puerto
210 Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
211 Northern Marianas Islands.

212

213 ARTICLE III

214

215 INTERSTATE COMMISSION FOR JUVENILES.--

216 (1) The compacting states hereby create the Interstate
217 Commission for Juveniles. The commission shall be a body
218 corporate and a joint agency of the compacting states. The
219 commission shall have all the responsibilities, powers, and
220 duties set forth herein, and such additional powers as may be
221 conferred upon it by subsequent action of the respective
222 legislatures of the compacting states in accordance with the
223 terms of this compact.

224 (2) The Interstate Commission shall consist of
225 commissioners appointed by the appropriate appointing authority
226 in each state pursuant to the rules and requirements of each
227 compacting state and in consultation with the State Council for
228 Interstate Juvenile Supervision created hereunder. The

HB 1985

2004

229 commissioner shall be the compact administrator, deputy compact
230 administrator, or designee from each state who shall serve on
231 the Interstate Commission in such capacity under or pursuant to
232 the applicable law of the compacting state.

233 (3) In addition to the commissioners who are the voting
234 representatives of each state, the Interstate Commission shall
235 include individuals who are not commissioners, but who are
236 members of interested organizations. Such noncommissioner
237 members may include members of the national organization of
238 governors, legislatures, state chief justices, attorneys
239 general, Interstate Compact for Adult Offender Supervision,
240 Interstate Compact for the Placement of Children, juvenile
241 justice and juvenile corrections officials, and crime victims.
242 All noncommissioner members of the Interstate Commission shall
243 be ex officio members. The Interstate Commission may provide in
244 its bylaws for such additional ex officio members, including
245 members of other national organizations, in such numbers as
246 shall be determined by the commission.

247 (4) Each compacting state represented at any meeting of
248 the commission is entitled to one vote. A majority of the
249 compacting states shall constitute a quorum for the transaction
250 of business, unless a larger quorum is required by the bylaws of
251 the Interstate Commission.

252 (5) The commission shall meet at least once each calendar
253 year. The chairperson may call additional meetings and, upon the
254 request of a simple majority of the compacting states, shall
255 call additional meetings. Public notice shall be given of all
256 meetings, and meetings shall be open to the public.

HB 1985

2004

257 (6) The Interstate Commission shall establish an executive
 258 committee, which shall include commission officers, members, and
 259 others as determined by the bylaws. The executive committee
 260 shall have the power to act on behalf of the Interstate
 261 Commission during periods when the Interstate Commission is not
 262 in session, with the exception of rulemaking or amending the
 263 compact. The executive committee shall oversee the day-to-day
 264 activities of the administration of the compact managed by an
 265 executive director and Interstate Commission staff; administer
 266 enforcement and compliance with the provision of the compact,
 267 its bylaws and rules, and perform such other duties as directed
 268 by the Interstate Commission or set forth in the bylaws.

269 (7) Each member of the Interstate Commission shall have
 270 the right and power to cast a vote to which that compacting
 271 state is entitled and to participate in the business and affairs
 272 of the Interstate Commission. A member shall vote in person and
 273 shall not delegate a vote to another compacting state. However,
 274 a commissioner, in consultation with the state council, shall
 275 appoint another authorized representative, in the absence of the
 276 commissioner from that state, to cast a vote on behalf of the
 277 compacting state at a specified meeting. The bylaws may provide
 278 for members' participation in meetings by telephone or other
 279 means of telecommunication or electronic communication.

280 (8) The Interstate Commission's bylaws shall establish
 281 conditions and procedures under which the Interstate Commission
 282 shall make its information and official records available to the
 283 public for inspection or copying. The Interstate Commission may
 284 exempt from disclosure any information or official records to
 285 the extent they would adversely affect personal privacy rights

HB 1985

2004

286 or proprietary interests, consistent with the laws of the
 287 compacting state.

288 (9) Public notice shall be given of all meetings and all
 289 meetings shall be open to the public, except as set forth in the
 290 Rules or as otherwise provided in the Compact. The Interstate
 291 Commission and any of its committees may close a meeting to the
 292 public, consistent with the laws of the compacting state, where
 293 it determines by two-thirds vote that an open meeting would be
 294 likely to:

295 (a) Relate solely to the Interstate Commission's internal
 296 personnel practices and procedures.

297 (b) Disclose matters specifically exempted from disclosure
 298 by statute.

299 (c) Disclose trade secrets or commercial or financial
 300 information which is privileged or confidential.

301 (d) Involve accusing any person of a crime, or formally
 302 censuring any person.

303 (e) Disclose information of a personal nature where
 304 disclosure would constitute a clearly unwarranted invasion of
 305 personal privacy.

306 (f) Disclose investigative records compiled for law
 307 enforcement purposes.

308 (g) Disclose information contained in or related to
 309 examination, operating, or condition reports prepared by, or on
 310 behalf of or for the use of, the Interstate Commission with
 311 respect to a regulated person or entity for the purpose of
 312 regulation or supervision of such person or entity.

313 (h) Disclose information, the premature disclosure of
 314 which would significantly endanger the stability of a regulated

HB 1985

2004

315 person or entity.

316 (i) Specifically relate to the Interstate Commission's
 317 issuance of a subpoena, or its participation in a civil action
 318 or other legal proceeding.

319 (10) For every meeting closed pursuant to this provision,
 320 the Interstate Commission's legal counsel shall publicly certify
 321 that, in the legal counsel's opinion, the meeting may be closed
 322 to the public, and shall reference each relevant exemptive
 323 provision. The Interstate Commission shall keep minutes which
 324 shall fully and clearly describe all matters discussed in any
 325 meeting and shall provide a full and accurate summary of any
 326 actions taken, and the reason therefore, including a description
 327 of each of the views expressed on any item and the record of any
 328 roll call vote, reflecting the vote of each member on the
 329 question. All documents considered in connection with any action
 330 shall be identified in such minutes.

331 (11) The Interstate Commission shall collect standardized
 332 data concerning the interstate movement of juveniles as directed
 333 through its rules which shall specify the data to be collected,
 334 the means of collection and date exchange and reporting
 335 requirements. Such methods of data collection, exchange and
 336 reporting shall, insofar as is reasonably possible, conform to
 337 up-to-date technology and coordinate its information functions
 338 with the appropriate repository of records.

340 ARTICLE IV

341
 342 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The
 343 Interstate Commission shall maintain its corporate books and

HB 1985

2004

344 records in accordance with its bylaws. The commission shall have
 345 the following powers and duties:

346 (1) To provide for dispute resolution among compacting
 347 states.

348 (2) To promulgate rules to affect the purposes and
 349 obligations as enumerated in this compact, which shall have the
 350 force and effect of statutory law and shall be binding in the
 351 compacting states to the extent and in the manner provided in
 352 this compact.

353 (3) To oversee, supervise and coordinate the interstate
 354 movement of juveniles subject to the terms of this compact and
 355 any bylaws adopted and rules promulgated by the Interstate
 356 Commission.

357 (4) To enforce compliance with the compact provisions, the
 358 rules promulgated by the Interstate Commission, and the bylaws,
 359 using all necessary and proper means including, but not limited
 360 to, the use of judicial process.

361 (5) To establish and maintain offices which shall be
 362 located within one or more of the compacting states.

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

364 (7) To borrow, accept, hire, or contract for services of
 365 personnel.

366 (8) To establish and appoint committees and hire staff as
 367 deemed necessary to carry out its functions including, but not
 368 limited to, an executive committee as required by Article III,
 369 which shall have the power to act on behalf of the Interstate
 370 Commission in carrying out its powers and duties hereunder.

371 (9) To elect or appoint such officers, attorneys,
 372 employees, agents, or consultants, and to fix their

HB 1985

2004

373 compensation, define their duties and determine their
 374 qualifications; and to establish the Interstate Commission's
 375 personnel policies and programs relating to, inter alia,
 376 conflicts of interest, rates of compensation, and qualifications
 377 of personnel.

378 (10) To accept any and all donations and grants of money,
 379 equipment, supplies, materials, and services, and to receive,
 380 utilize, and dispose of it.

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

384 (12) To sell, convey, mortgage, pledge, lease, exchange,
 385 abandon, or otherwise dispose of any property, real, personal or
 386 mixed.

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

389 (14) To sue and to be sued.

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

392 (16) To perform such functions as may be necessary or
 393 appropriate to achieve the purposes of this compact.

394 (17) To report annually to the legislatures, governors,
 395 judiciary, and state councils of the compacting states
 396 concerning the activities of the Interstate Commission during
 397 the preceding year. Such reports shall also include any
 398 recommendations that may have been adopted by the Interstate
 399 Commission.

400 (18) To coordinate education, training and public
 401 awareness regarding the interstate movement of juveniles for

HB 1985

2004

402 officials involved in such activity.

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

405

406 ARTICLE V

407

408 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

409 (1) The Interstate Commission shall, by a majority of the
 410 members present and voting, within twelve months after the first
 411 Interstate Commission meeting, adopt bylaws to govern its
 412 conduct as may be necessary or appropriate to carry out the
 413 purposes of the compact, including, but not limited to:

414 (a) Establishing the fiscal year of the Interstate
 415 Commission.

416 (b) Establishing an executive committee and such other
 417 committees as may be necessary.

418 (c) Establishing committees governing any general or
 419 specific delegation of any authority or function of the
 420 Interstate Commission.

421 (d) Providing reasonable procedures for calling and
 422 conducting meetings of the Interstate Commission, and ensuring
 423 reasonable notice of each such meeting.

424 (e) Establishing the titles and responsibilities of the
 425 officers of the Interstate Commission.

426 (f) Providing a mechanism for concluding the operation of
 427 the Interstate Commission and the return of any surplus funds
 428 that may exist upon the termination of the Compact after the
 429 payment or reserving all of its debts and obligations.

430 (g) Providing temporary rules for initial administration

HB 1985

2004

431 of the compact.

432 (h) Establishing standards and procedures for compliance
 433 and technical assistance in carrying out the compact.

434 (2)(a) The Interstate Commission shall, by a majority of
 435 the members, elect annually from among its members a chairperson
 436 and vice chairperson, each of whom shall have such authority and
 437 duties as may be specified in the bylaws. The chairperson or, in
 438 the chairperson's absence or disability, the vice-chairperson
 439 shall preside at all meetings of the Interstate Commission. The
 440 officers so elected shall serve without compensation or
 441 remuneration from the Interstate Commission provided that,
 442 subject to the availability of budgeted funds, the officers
 443 shall be reimbursed for any ordinary and necessary costs and
 444 expenses incurred by them in the performance of their duties and
 445 responsibilities as officers of the Interstate Commission.

446 (b) The Interstate Commission shall, through its executive
 447 committee, appoint or retain an executive director for such
 448 period, upon such terms and conditions and for such compensation
 449 as the Interstate Commission may deem appropriate. The executive
 450 director shall serve as secretary to the Interstate Commission,
 451 but shall not be a member and shall hire and supervise such
 452 other staff as may be authorized by the Interstate Commission.

453 (3)(a) The Commission's executive director and employees
 454 shall be immune from suit and liability, either personally or in
 455 their official capacity, for any claim for damage to or loss of
 456 property or personal injury or other civil liability caused or
 457 arising out of or relating to any actual or alleged act, error,
 458 or omission that occurred, or that such person had a reasonable
 459 basis for believing occurred within the scope of commission

HB 1985

2004

460 employment, duties, or responsibilities. Nothing is this
 461 paragraph shall be construed to protect such person from suit or
 462 liability for any damage, loss, injury, or liability caused by
 463 the intentional or willful and wanton misconduct of such person.

464 (b) The liability of any commissioner, or the employee or
 465 agent of a commissioner, acting within the scope of such
 466 person's employment or duties for acts, errors, or omissions
 467 occurring within such person's state may not exceed the limits
 468 of liability set forth under the constitution and laws of that
 469 state for state officials, employees, and agents. Nothing in
 470 this paragraph shall be construed to protect such person from
 471 suit or liability for any damage, loss, injury, or liability
 472 caused by the intentional or willful and wanton misconduct of
 473 such person.

474 (c) The Interstate Commission shall defend the executive
 475 director or the employees or representatives of the Interstate
 476 Commission and, subject to the approval of the Attorney General
 477 of the state represented by any commissioner of a compacting
 478 state, shall defend such commissioner or the commissioner's
 479 representatives or employees in any civil action seeking to
 480 impose liability arising out of any actual or alleged act, error
 481 or omission that occurred within the scope of Interstate
 482 Commission employment, duties or responsibilities, or that the
 483 defendant had a reasonable basis for believing occurred within
 484 the scope of Interstate Commission employment, duties, or
 485 responsibilities, provided that the actual or alleged act,
 486 error, or omission did not result from intentional or willful
 487 and wanton misconduct on the part of such person.

488 (d) The Interstate Commission shall indemnify and hold the

HB 1985

2004

489 commissioner of a compacting state, or the commissioner's
 490 representatives or employees, or the Interstate Commission's
 491 representatives or employees, harmless in the amount of any
 492 settlement or judgment obtained against such persons arising out
 493 of any actual or alleged act, error, or omission that occurred
 494 within the scope of Interstate Commission employment, duties, or
 495 responsibilities, or that such persons had a reasonable basis
 496 for believing occurred within the scope of Interstate Commission
 497 employment, duties, or responsibilities, provided that the
 498 actual or alleged act, error, or omission did not result from
 499 intentional or willful and wanton misconduct on the part of such
 500 person.

501
 502 ARTICLE VI

503
 504 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--

505 (1) The Interstate Commission shall promulgate and publish
 506 rules in order to effectively and efficiently achieve the
 507 purposes of the compact.

508 (2) Rulemaking shall occur, consistent with the laws of
 509 the compacting state, pursuant to the criteria set forth in this
 510 article and the bylaws and rules adopted pursuant thereto. Such
 511 rulemaking shall substantially conform to the principles of the
 512 "Model State Administrative Procedures Act," 1981 Act, Uniform
 513 Laws Annotated, Vol. 15, p.1 (2000), or such other
 514 administrative procedures act, as the Interstate Commission
 515 deems appropriate consistent with due process requirements under
 516 the Constitution of the United States as now or hereafter
 517 interpreted by the Supreme Court of the United States. All rules

HB 1985

2004

518 and amendments shall become binding as of the date specified, as
 519 published with the final version of the rule as approved by the
 520 commission.

521 (3) When promulgating a rule, the Interstate Commission
 522 shall, at a minimum, provide for the following:

523 (a) Publication of the entire text of the proposed rule,
 524 including a statement concerning the reason or reasons for the
 525 proposed rule.

526 (b) Submission by any interested person of written data,
 527 facts, opinions, or arguments, which information shall be added
 528 to the record, and be made publicly available.

529 (c) An opportunity for an informal hearing, but only if
 530 petitioned by 10 or more persons for such hearing.

531 (d) Promulgation of a final rule and its effective date,
 532 if appropriate, based on input from state or local officials, or
 533 interested parties.

534 (e) Allow, not later than sixty days after a rule is
 535 promulgated, any interested person to file a petition for
 536 judicial review of such rule in the United States District Court
 537 for the District of Columbia or in the federal district court
 538 where the Interstate Commission's principal office is located.

539 If the court finds that the commission's action is not supported
 540 by substantial evidence in the rulemaking record, the court
 541 shall hold the rule unlawful and set it aside. For purposes of
 542 this paragraph, "substantial evidence" has the same meaning as
 543 is provided in the Model State Administrative Procedures Act.

544 (4) If a majority of the legislatures of the compacting
 545 states reject a rule, those states may, by enactment of a
 546 statute or resolution in the same manner used to adopt the

HB 1985

2004

547 compact, provide that such rule shall have no further force and
 548 effect in any compacting state.

549 (5) The existing rules governing the operation of the
 550 Interstate Compact on Juveniles superceded by this act shall be
 551 null and void 12 months after the first meeting of the
 552 Interstate Commission created hereunder.

553 (6) Upon determination by the Interstate Commission that a
 554 state-of-emergency exists, it may promulgate an emergency rule
 555 which shall become effective immediately upon adoption, provided
 556 that the usual rulemaking procedures provided hereunder shall be
 557 retroactively applied to said rule as soon as is reasonably
 558 possible, but no later than 90 days after the effective date of
 559 the emergency rule.

560
 561 ARTICLE VII
 562

563 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE
 564 INTERSTATE COMMISSION.--

565 (1) The Interstate Commission shall oversee the
 566 administration and operations of the interstate movement of
 567 juveniles subject to this compact in the compacting states and
 568 shall monitor such activities being administered in
 569 noncompacting states which may significantly affect compacting
 570 states.

571 (2) The courts and executive agencies in each compacting
 572 state shall enforce this compact and shall take all actions
 573 necessary and appropriate to effectuate the compact's purposes
 574 and intent. The provisions of this compact and the rules
 575 promulgated hereunder shall be received by all the judges,

HB 1985

2004

576 public officers, commissions, and departments of the state
 577 government as evidence of the authorized statute and
 578 administrative rules. All courts shall take judicial notice of
 579 the compact and the rules. In any judicial or administrative
 580 proceeding in a compacting state pertaining to the subject
 581 matter of this compact which may affect the powers,
 582 responsibilities or actions of the Interstate Commission, the
 583 commission shall be entitled to receive service of process in
 584 any such proceeding, and shall have standing to intervene in the
 585 proceeding for all purposes.

586 (3) The compacting states shall report to the Interstate
 587 Commission on all issues and activities necessary for the
 588 administration of the compact as well as issues and activities
 589 pertaining to compliance with the provisions of the compact and
 590 its bylaws and rules.

591 (4) The Interstate Commission shall attempt, upon the
 592 request of a compacting state, to resolve any disputes or other
 593 issues which are subject to the compact and which may arise
 594 among compacting states and between compacting and noncompacting
 595 states. The commission shall promulgate a rule providing for
 596 both mediation and binding dispute resolution for disputes among
 597 the compacting states.

598 (5) The Interstate Commission, in the reasonable exercise
 599 of its discretion, shall enforce the provisions and rules of
 600 this compact using any or all means set forth in Article XI of
 601 this compact.

603 ARTICLE VIII

HB 1985

2004

605 FINANCE.--

606 (1) The Interstate Commission shall pay or provide for the
607 payment of the reasonable expenses associated with its
608 establishment, organization, and ongoing activities.

609 (2) The Interstate Commission shall levy on and collect an
610 annual assessment from each compacting state to cover the cost
611 the internal operations and activities of the commission and its
612 staff, which must be in a total amount sufficient to cover the
613 commission's annual budget, as approved each year. The aggregate
614 annual assessment amount shall be allocated based upon a formula
615 to be determined by the commission, taking into consideration
616 the population of each compacting state and the volume of
617 interstate movement of juveniles in each compacting state and
618 shall promulgate a rule binding upon all compacting states which
619 govern said assessment.

620 (3) The Interstate Commission shall not incur any
621 obligations of any kind prior to securing the funds adequate to
622 meet the same; nor shall the commission pledge the credit of any
623 of the compacting states, except by and with the authority of
624 the compacting state.

625 (4) The Interstate Commission shall keep accurate accounts
626 of all receipts and disbursements. The receipts and
627 disbursements of the commission shall be subject to the audit
628 and accounting procedures established under its bylaws. However,
629 all receipts and disbursements of funds handled by the
630 commission shall be audited yearly by a certified or licensed
631 public accountant and the report of the audit shall be included
632 in and become part of the annual report of the commission.

633

ARTICLE IX

634
635
636 STATE COUNCIL.-- Each member shall create a State Council
637 for Interstate Juvenile Supervision. While each state may
638 determine the membership of its own state council, its
639 membership must include at least one representative from each of
640 the legislative, judicial, and executive branches of government,
641 as well as a representative for victims groups, a parent of a
642 youth who is not currently in the juvenile justice system, and
643 the compact administrator, deputy compact administrator or
644 designee. Each compacting state retains the right to determine
645 the qualifications of the compact administrator or deputy
646 compact administrator. Each state council will advise and may
647 exercise oversight and advocacy concerning that state's
648 participation in Interstate Commission activities and other
649 duties as may be determined by that state including, but not
650 limited to, development of policy concerning operations and
651 procedures of the compact within that state.

ARTICLE X

COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.--

652
653
654
655
656 (1) Any state, as defined in Article II of this compact,
657 is eligible to become a compacting state.

658 (2) The compact shall become effective and binding upon
659 legislative enactment of the compact into law by no less than 35
660 of the states. The initial effective date shall be the later of
661 July 1, 2004, or upon enactment into law by the 35th
662 jurisdiction. Thereafter, it shall become effective and binding

HB 1985

2004

663 as to any other compacting state upon enactment of the compact
 664 into law by that state. The governors of nonmember states or
 665 their designees shall be invited to participate in the
 666 activities of the Interstate Commission on a nonvoting basis
 667 prior to adoption of the compact by all states and territories
 668 of the United States.

669 (3) The Interstate Commission may propose amendments to
 670 the compact for enactment by the compacting states. No amendment
 671 shall become effective and binding upon the Interstate
 672 Commission and the compacting states unless and until it is
 673 enacted into law by each legislature of the compacting states.

674
 675 ARTICLE XI

676
 677 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL
 678 ENFORCEMENT.--

679 (1)(a) Once effective, the compact shall continue in force
 680 and remain binding upon each and every compacting state, however
 681 a compacting state may withdraw from the compact by specifically
 682 repealing the statute which enacted the compact into law.

683 (b) The effective date of withdrawal is the effective date
 684 of the repeal, as provided by law.

685 (c) The commissioner from the withdrawing state shall
 686 immediately notify the chairperson of the Interstate Commission
 687 in writing upon the introduction of legislation in the
 688 withdrawing state to repeal the enacting legislation for this
 689 compact. The Interstate Commission shall notify the other
 690 compacting states of the withdrawing state's intent to withdraw
 691 within sixty days of its receiving such notice.

HB 1985

2004

692 (d) The withdrawing state is responsible for all
 693 assessments, obligations and liabilities incurred through the
 694 effective date of withdrawal, including any obligations, the
 695 performance of which extend beyond the effective date of
 696 withdrawal.

697 (e) Reinstatement following withdrawal of any compacting
 698 state shall occur upon the withdrawing state reenacting
 699 legislation providing for the compact or upon such later date as
 700 determined by the Interstate Commission.

701 (2) If the Interstate Commission determines that any
 702 compacting state has at any time defaulted in the performance of
 703 any of its obligations or responsibilities under this compact,
 704 or the bylaws or duly promulgated rules, the Interstate
 705 Commission may impose any or all of the following penalties:

706 (a) Remedial training and technical assistance, as
 707 directed by the Interstate Commission.

708 (b) Alternative dispute resolution, as provided in its
 709 bylaws.

710 (c) Fines, fees, and costs in such amounts as are deemed
 711 to be reasonable or as fixed by the Interstate Commission in its
 712 bylaws.

713 (d) Suspension or termination of membership in the
 714 compact, which shall be imposed only after all other reasonable
 715 means of securing compliance under the bylaws and rules have
 716 been exhausted and the Interstate Commission has therefore
 717 determined that the offending state is in default, as provided
 718 in subsection (3). Immediate notice of such suspension shall be
 719 given by the Interstate Commission to the Governor, the Chief
 720 Justice or the Chief Judicial Officer, the majority and the

HB 1985

2004

721 minority leaders of the legislature, and the state council of
 722 the defaulting state.

723 (3) Grounds for default include, but are not limited to,
 724 failure of a compacting state to perform the obligations or
 725 responsibilities imposed upon it by this compact, the bylaws of
 726 the commission, any duly promulgated rule, or any other ground
 727 designated in the bylaws and rules of the commission. The
 728 commission shall immediately notify the defaulting state in
 729 writing of the penalty imposed by the commission and of the
 730 possibility of suspension absent a cure of the default. The
 731 commission shall stipulate the conditions and the time period
 732 within which the defaulting state must cure its default. If the
 733 defaulting state fails to cure the default within the time
 734 period specified by the commission, the defaulting state shall
 735 be terminated from the compact upon an affirmative vote of a
 736 majority of the compacting states and all rights, privileges and
 737 benefits conferred by this compact shall be terminated from the
 738 effective date of termination.

739 (4)(a) The Interstate Commission shall notify the
 740 Governor, the Chief Justice or the Chief Judicial Officer, the
 741 majority and the minority leaders of the legislature, and the
 742 state council of the defaulting state of its decision to
 743 terminate within 60 days prior to the effective date of
 744 termination.

745 (b) The defaulting state is responsible for all
 746 assessments, obligations and liabilities incurred through the
 747 effective date of termination including any obligations, the
 748 performance of which extends beyond the effective date of
 749 termination.

HB 1985

2004

750 (c) The Interstate Commission shall not bear any costs
751 relating to the acts or omissions of the defaulting state unless
752 otherwise mutually agreed upon in writing between the Interstate
753 Commission and the defaulting state.

754 (5) Reinstatement following termination of any compacting
755 state requires both a reenactment of legislation providing for
756 the compact by the legislature of the defaulting state and the
757 approval of the Interstate Commission pursuant to its bylaws and
758 rules.

759 (6) The Interstate Commission may, by majority vote of the
760 members, initiate legal action in the United States District
761 Court for the District of Columbia or, at the discretion of the
762 Interstate Commission, in the federal district court of the
763 state where the Interstate Commission has its offices, to
764 enforce compliance with the provisions of the compact, its duly
765 promulgated rules, or bylaws, against any compacting state that
766 has been determined by the commission to be in default. In the
767 event judicial enforcement is necessary, the prevailing party
768 shall be awarded all costs of such litigation including
769 reasonable attorneys' fees.

770 (7)(a) This compact shall dissolve upon the effective date
771 of the withdrawal or default of any compacting state, which
772 reduces membership in the compact to one compacting state.

773 (b) Upon the dissolution of the compact, the compact
774 becomes null and void and shall no longer have force or effect.

775 At such time, the business and affairs of the Interstate
776 Commission shall be concluded and any surplus funds shall be
777 distributed in accordance with the bylaws.

778

ARTICLE XII

CONSTRUCTION AND SEVERABILITY.-- The provisions of this compact shall be liberally construed to effectuate its purposes. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS.--

(1)(a) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the commission, are binding upon the compacting states.

(b) All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

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

(d) In the event that any provision of this compact exceeds the constitutional limits imposed on any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations,

HB 1985

2004

808 duties, powers or jurisdiction are delegated by law in effect at
 809 the time this compact becomes effective.

810 Section 2. Sections 985.501, 985.503, 985.504, 985.505,
 811 985.506, and 985.507, Florida Statutes, are repealed.

812 Section 3. This act shall take effect July 1, 2004, or
 813 upon enactment of the compact into law by the legislature of the
 814 35th compacting state, whichever date occurs later.