

By Senator Crist

12-2016-04

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

1 compact; providing for severability and
2 construction of the compact; providing for the
3 effect of the compact with respect to other
4 laws and for its binding effect; repealing ss.
5 985.503, 985.504, 985.505, 985.506, and
6 985.507, F.S., relating to obsolete provisions
7 governing the former compact superseded by the
8 act; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. 985.502, Florida Statutes, is amended to
13 read:

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

16 985.502 Execution of compact.--The Governor shall
17 execute a compact on behalf of this state with any other state
18 or states legally joining therein in the form substantially as
19 follows:

20
21 THE INTERSTATE COMPACT FOR JUVENILES

22
23 ARTICLE I

24
25 PURPOSE.--

26 (1) The compacting states to this Interstate Compact
27 recognize that each state is responsible for the proper
28 supervision or return of juveniles, delinquents, and status
29 offenders who are on probation or parole and who have
30 absconded, escaped, or run away from supervision and control
31 and in so doing have endangered their own safety and the

1 safety of others. The compacting states also recognize that
2 each state is responsible for the safe return of juveniles who
3 have run away from home and in doing so have left their state
4 of residence. The compacting states also recognize that
5 Congress, by enacting the Crime Control Act, 4 U.S.C. s. 112
6 (1965), has authorized and encouraged compacts for cooperative
7 efforts and mutual assistance in the prevention of crime.
8 (2) It is the purpose of this compact, through means
9 of joint and cooperative action among the compacting states
10 to: (A) ensure that the adjudicated juveniles and status
11 offenders subject to this compact are provided adequate
12 supervision and services in the receiving state as ordered by
13 the adjudicating judge or parole authority in the sending
14 state; (B) ensure that the public safety interests of the
15 public, including the victims of juvenile offenders, in both
16 the sending and receiving states are adequately protected; (C)
17 return juveniles who have run away, absconded, or escaped from
18 supervision or control or who have been accused of an offense
19 to the state requesting their return; (D) make contracts for
20 the cooperative institutionalization in public facilities in
21 member states for delinquent youth needing special services;
22 (E) provide for the effective tracking and supervision of
23 juveniles; (F) equitably allocate the costs, benefits, and
24 obligations of the compacting states; (G) establish procedures
25 to manage the movement between states of juvenile offenders
26 released to the community under the jurisdiction of courts,
27 juvenile departments, or any other criminal or juvenile
28 justice agency that has jurisdiction over juvenile offenders;
29 (H) ensure immediate notice to jurisdictions where defined
30 offenders are authorized to travel or to relocate across state
31 lines; (I) establish procedures to resolve pending charges

1 (detainers) against juvenile offenders prior to transfer or
2 release to the community under the terms of this compact; (J)
3 establish a system of uniform data collection of information
4 pertaining to juveniles subject to this compact which allows
5 access by authorized juvenile justice and criminal justice
6 officials, and regular reporting of activities under this
7 compact to heads of state executive, judicial, and legislative
8 branches and juvenile and criminal justice administrators; (K)
9 monitor compliance with rules governing interstate movement of
10 juveniles and initiate interventions to address and correct
11 noncompliance; (L) coordinate training and education regarding
12 the regulation of interstate movement of juveniles for
13 officials involved in such activity; and (M) coordinate the
14 implementation and operation of the compact with the
15 Interstate Compact for the Placement of Children, the
16 Interstate Compact for Adult Offender Supervision, and other
17 compacts affecting juveniles particularly in those cases where
18 concurrent or overlapping supervision issues arise. It is the
19 policy of the compacting states that the activities conducted
20 by the Interstate Commission created in this compact are the
21 formation of public policies and therefore are public
22 business. Furthermore, the compacting states shall cooperate
23 and observe their individual and collective duties and
24 responsibilities for the prompt return and acceptance of
25 juveniles subject to the provisions of the compact. The
26 provisions of the compact shall be reasonably and liberally
27 construed to accomplish the purposes and policies of the
28 compact.

29
30 ARTICLE II
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1 DEFINITIONS.--As used in this compact, unless the
2 context clearly requires a different construction:

3 (1) "Bylaws" means those bylaws established by the
4 Interstate Commission for its governance or for directing or
5 controlling its actions or conduct.

6 (2) "Compact administrator" means the individual in
7 each compacting state, appointed pursuant to the terms of this
8 compact, who is responsible for the administration and
9 management of the state's supervision and transfer of
10 juveniles subject to the terms of this compact, the rules
11 adopted by the Interstate Commission, and the policies adopted
12 by the state council under this compact.

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

15 (4) "Commissioner" means the voting representative of
16 each compacting state appointed pursuant to Article III of
17 this compact.

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

20 (6) "Deputy compact administrator" means the
21 individual, if any, in each compacting state appointed to act
22 on behalf of a compact administrator pursuant to the terms of
23 the compact who is responsible for the administration and
24 management of the state's supervision and transfer of
25 juveniles subject to the terms of this compact, the rules
26 adopted by the Interstate Commission, and the policies adopted
27 by the state council under this compact.

28 (7) "Interstate Commission" means the Interstate
29 Commission for Juveniles created by Article III of this
30 compact.

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

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

7 (b) Adjudicated delinquent - a person found to have
8 committed an offense that, if committed by an adult, would be
9 a criminal offense;

10 (c) Accused status offender - a person charged with an
11 offense that would not be a criminal offense if committed by
12 an adult;

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

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

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

21 (10) "Probation or parole" means any kind of
22 supervision or conditional release of juveniles authorized
23 under the laws of the compacting states.

24 (11) "Rule" means a written statement by the
25 Interstate Commission adopted pursuant to Article VI of this
26 compact which is of general applicability and which
27 implements, interprets, or prescribes a policy or provision of
28 the compact, or an organizational, procedural, or practice
29 requirement of the commission, and has the force and effect of
30 statutory law in a compacting state, and includes the
31 amendment, repeal, or suspension of an existing rule.

1 member of the national organization of governors,
2 legislatures, state chief justices, attorneys general,
3 Interstate Compact for Adult Offender Supervision, Interstate
4 Compact for the Placement of Children, juvenile justice and
5 juvenile corrections officials, and crime victims. All
6 noncommissioner members of the Interstate Commission shall be
7 ex officio, nonvoting members. The Interstate Commission may
8 provide in its bylaws for such additional ex officio,
9 nonvoting members, including members of other national
10 organizations, in such numbers as shall be determined by the
11 Interstate Commission.

12 (4) Each compacting state represented at any meeting
13 of the Interstate Commission is entitled to one vote. A
14 majority of the compacting states shall constitute a quorum
15 for the transaction of business, unless a larger quorum is
16 required by the bylaws of the Interstate Commission.

17 (5) The Interstate Commission shall establish an
18 executive committee, which shall include commission officers,
19 members, and others as determined by the bylaws. The executive
20 committee shall have the power to act on behalf of the
21 Interstate Commission during periods when the Interstate
22 Commission is not in session, with the exception of rulemaking
23 or amendment to the compact. The executive committee shall
24 oversee the day-to-day activities of the administration of the
25 compact, which shall be managed by an executive director and
26 Interstate Commission staff. The executive committee shall
27 administer enforcement and compliance with the provision of
28 the compact, its bylaws, and rules, and shall perform other
29 duties as directed by the Interstate Commission or set forth
30 in the bylaws.

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1 (6) Each member of the Interstate Commission shall
2 have the right and power to cast a vote to which that
3 compacting state is entitled and to participate in the
4 business and affairs of the Interstate Commission. A member
5 shall vote in person and may not delegate a vote to another
6 compacting state. However, a commissioner, in consultation
7 with the state council, shall appoint another authorized
8 representative, in the absence of the commissioner from that
9 state, to cast a vote on behalf of the compacting state at a
10 specified meeting. The bylaws may provide for members'
11 participation in meetings by telephone or other means of
12 telecommunication or electronic communication.

13 (7) The Interstate Commission's bylaws shall establish
14 conditions and procedures under which the Interstate
15 Commission shall make its information and official records
16 available to the public for inspection or copying. The
17 Interstate Commission may exempt from disclosure any
18 information or official records to the extent they would
19 adversely affect personal privacy rights or proprietary
20 interests.

21 (8) Public notice shall be given of all meetings, and
22 all meetings shall be open to the public, except as set forth
23 in the rules or as otherwise provided in the compact. The
24 Interstate Commission and any of its committees may close a
25 meeting to the public if it determines by two-thirds vote that
26 an open meeting would be likely to:

27 (a) Relate solely to the Interstate Commission's
28 internal personnel practices and procedures;

29 (b) Disclose matters specifically exempted from
30 disclosure by statute;

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1 (c) Disclose trade secrets or commercial or financial
2 information that is privileged or confidential;

3 (d) Involve accusing any person of a crime or formally
4 censuring any person;

5 (e) Disclose information of a personal nature where
6 disclosure would constitute a clearly unwarranted invasion of
7 personal privacy;

8 (f) Disclose investigative records compiled for law
9 enforcement purposes;

10 (g) Disclose information contained in or related to
11 examination, operating, or condition reports prepared by, or
12 on behalf of or for the use of, the Interstate Commission with
13 respect to a regulated person or entity for the purpose of
14 regulation or supervision of such person or entity;

15 (h) Disclose information, the premature disclosure of
16 which would significantly endanger the stability of a
17 regulated person or entity; or

18 (i) Disclose information specifically related to the
19 Interstate Commission's issuance of a subpoena, or its
20 participation in a civil action or other legal proceeding.

21 (9) For every meeting closed pursuant to subsection
22 (8), the Interstate Commission's legal counsel shall publicly
23 certify that, in the legal counsel's opinion, the meeting may
24 be closed to the public, and shall reference each relevant
25 exemptive provision. The Interstate Commission shall keep
26 minutes that fully and clearly describe all matters discussed
27 in any meeting and shall provide a full and accurate summary
28 of any actions taken, and the reason therefore, including a
29 description of each of the views expressed on any item and the
30 record of any roll call vote, reflected in the vote of each
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1 member on the question. All documents considered in connection
2 with any action must be identified in such minutes.

3 (10) The Interstate Commission shall collect
4 standardized data concerning the interstate movement of
5 juveniles as directed through its rules, which shall specify
6 the data to be collected, the means of collection and data
7 exchange, and reporting requirements. Such methods of data
8 collection, exchange, and reporting shall, insofar as is
9 reasonably possible, conform to up-to-date technology and
10 coordinate its information functions with the appropriate
11 repository of records.

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13 ARTICLE IV

14
15 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The
16 Interstate Commission shall have the following powers and
17 duties:

18 (1) To provide for dispute resolution among compacting
19 states.

20 (2) To adopt rules to affect the purposes and
21 obligations as enumerated in this compact, and which shall
22 have the force and effect of statutory law and shall be
23 binding in the compacting states to the extent and in the
24 manner provided in this compact.

25 (3) To oversee, supervise, and coordinate the
26 interstate movement of juveniles subject to the terms of this
27 compact and any bylaws and rules adopted by the Interstate
28 Commission.

29 (4) To enforce compliance with the compact provisions,
30 the rules adopted by the Interstate Commission, and the

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1 bylaws, using all necessary and proper means, including, but
2 not limited to, the use of judicial process.

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

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

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

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

14 (9) To elect or appoint such officers, attorneys,
15 employees, agents, or consultants; to fix their compensation,
16 define their duties, and determine their qualifications; and
17 to establish the Interstate Commission's personnel policies
18 and programs relating to, inter alia, conflicts of interest,
19 rates of compensation, and qualifications of personnel.

20 (10) To accept any and all donations and grants of
21 money, equipment, supplies, materials, and services, and to
22 receive, use, and dispose of such donations and grants.

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

26 (12) To sell, convey, mortgage, pledge, lease,
27 exchange, abandon, or otherwise dispose of any property, real,
28 personal, or mixed.

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

31 (14) To sue and to be sued.

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

3 (3) Providing for the establishment of committees
4 governing any general or specific delegation of any authority
5 or function of the Interstate Commission;

6 (4) Providing reasonable procedures for calling and
7 conducting meetings of the Interstate Commission, and ensuring
8 reasonable notice of each such meeting;

9 (5) Establishing the titles and responsibilities of
10 the officers of the Interstate Commission;

11 (6) Providing a mechanism for concluding the operation
12 of the Interstate Commission and the return of any surplus
13 funds that may exist upon the termination of the compact after
14 the payment or reserving all of its debts and obligations.

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

17 (8) Establishing standards and procedures for
18 compliance and technical assistance in carrying out the
19 compact.

20 Section B. Officers and staff.--

21 (1) The Interstate Commission shall, by a majority of
22 the members, elect annually from among its members a
23 chairperson and vice chairperson, each of whom shall have such
24 authority and duties as may be specified in the bylaws. The
25 chairperson or, in the chairperson's absence or disability,
26 the vice chairperson shall preside at all meetings of the
27 Interstate Commission. The officers so elected shall serve
28 without compensation or remuneration from the Interstate
29 Commission; provided that, subject to the availability of
30 budgeted funds, the officers shall be reimbursed for any
31 ordinary and necessary costs and expenses incurred by them in

1 the performance of their duties and responsibilities as
2 officers of the Interstate Commission.

3 (2) The Interstate Commission shall, through its
4 executive committee, appoint or retain an executive director
5 for such period, upon such terms and conditions, and for such
6 compensation as the Interstate Commission deems appropriate.
7 The executive director shall serve as secretary to the
8 Interstate Commission, but may not be a member and shall hire
9 and supervise such other staff as may be authorized by the
10 Interstate Commission.

11 Section C. Qualified immunity, defense, and
12 indemnification.--

13 (1) The Interstate Commission's executive director and
14 employees shall be immune from suit and liability, either
15 personally or in their official capacity, for any claim for
16 damage to or loss of property or personal injury or other
17 civil liability caused or arising out of or relating to any
18 actual or alleged act, error, or omission that occurred, or
19 that such person had a reasonable basis for believing
20 occurred, within the scope of commission employment, duties,
21 or responsibilities; provided, that any such person is not
22 protected from suit or liability for any damage, loss, injury,
23 or liability caused by the intentional or willful and wanton
24 misconduct of any such person.

25 (2) The liability of any commissioner, or the employee
26 or agent of a commissioner, acting within the scope of such
27 person's employment or duties for acts, errors, or omissions
28 occurring within such person's state may not exceed the limits
29 of liability set forth under the Constitution and laws of that
30 state for state officials, employees, and agents. Nothing in
31 this subsection shall be construed to protect any such person

1 from suit or liability for any damage, loss, injury, or
2 liability caused by the intentional or willful and wanton
3 misconduct of any such person.

4 (3) The Interstate Commission shall defend the
5 executive director or the employees or representatives of the
6 Interstate Commission and, subject to the approval of the
7 Attorney General of the state represented by any commissioner
8 of a compacting state, shall defend such commissioner or the
9 commissioner's representatives or employees in any civil
10 action seeking to impose liability arising out of any actual
11 or alleged act, error, or omission that occurred within the
12 scope of Interstate Commission employment, duties, or
13 responsibilities, or that the defendant had a reasonable basis
14 for believing occurred within the scope of Interstate
15 Commission employment, duties, or responsibilities, provided
16 that the actual or alleged act, error, or omission did not
17 result from intentional or willful and wanton misconduct on
18 the part of such person.

19 (4) The Interstate Commission shall indemnify and hold
20 the commissioner of a compacting state or the commissioner's
21 representatives or employees, or the Interstate Commission's
22 representatives or employees, harmless in the amount of any
23 settlement or judgment obtained against such persons arising
24 out of any actual or alleged act, error, or omission that
25 occurred within the scope of Interstate Commission employment,
26 duties, or responsibilities, or that such persons had a
27 reasonable basis for believing occurred within the scope of
28 Interstate Commission employment, duties, or responsibilities,
29 provided that the actual or alleged act, error, or omission
30 did not result from intentional or willful and wanton
31 misconduct on the part of such persons.

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ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--

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

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

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

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

(b) Allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record and be made publicly available;

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

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

4 (4) Allow, not later than 60 days after a rule is
5 adopted, any interested person to file a petition in the
6 United States District Court for the District of Columbia, or
7 in the Federal District Court where the Interstate
8 Commission's principal office is located, for judicial review
9 of such rule. If the court finds that the Interstate
10 Commission's actions are not supported by the substantial
11 evidence in the rulemaking record, the court shall hold the
12 rule unlawful and set it aside. For purposes of this
13 subsection, evidence is substantial if it would be considered
14 substantial evidence under the Model State Administrative
15 Procedures Act.

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

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

25 (6) Upon determination by the Interstate Commission
26 that a state of emergency exists, it may adopt an emergency
27 rule that shall become effective immediately upon adoption,
28 provided that the usual rulemaking procedures provided
29 hereunder shall be retroactively applied to said rule as soon
30 as reasonably possible, but no later than 90 days after the
31 effective date of the emergency rule.

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ARTICLE VII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE
INTERSTATE COMMISSION.

Section A. Oversight.--

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

(2) The courts and executive agencies in each
compacting state shall enforce this compact and shall take all
actions necessary and appropriate to effectuate the compact's
purposes and intent. The provisions of this compact and the
rules adopted hereunder shall be received by all the judges,
public officers, commissions, and departments of the state
government as evidence of the authorized statute and
administrative rules. All courts shall take judicial notice of
the compact and the rules. In any judicial or administrative
proceeding in a compacting state pertaining to the subject
matter of this compact which may affect the powers,
responsibilities, or actions of the Interstate Commission, the
commission shall be entitled to receive all service of process
in any such proceeding and shall have standing to intervene in
the proceeding for all purposes.

Section B. Dispute resolution.--

(1) The compacting states shall report to the
Interstate Commission on all issues and activities necessary
for the administration of the compact as well as issues and

1 activities pertaining to compliance with the provisions of the
2 compact and its bylaws and rules.

3 (2) The Interstate Commission shall attempt, upon the
4 request of a compacting state, to resolve any disputes or
5 other issues that are subject to the compact and that may
6 arise among compacting states and between compacting and
7 noncompacting states. The commission shall adopt a rule
8 providing for both mediation and binding dispute resolution
9 for disputes among the compacting states.

10 (3) The Interstate Commission, in the reasonable
11 exercise of its discretion, shall enforce the provisions and
12 rules of this compact using any or all means set forth in
13 Article XI of this compact.

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15 ARTICLE VIII

16
17 FINANCE.--

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

21 (2) The Interstate Commission shall levy on and
22 collect an annual assessment from each compacting state to
23 cover the cost of the internal operations and activities of
24 the Interstate Commission and its staff which must be in a
25 total amount sufficient to cover the Interstate Commission's
26 annual budget as approved each year. The aggregate annual
27 assessment amount shall be allocated based upon a formula to
28 be determined by the Interstate Commission, taking into
29 consideration the population of each compacting state and the
30 volume of interstate movement of juveniles in each compacting

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1 state and shall adopt a rule that is binding upon all
2 compacting states governing the assessment.

3 (3) The Interstate Commission shall not incur any
4 obligations of any kind prior to securing the funds adequate
5 to meet the same; nor shall the Interstate Commission pledge
6 the credit of any of the compacting states, except by and with
7 the authority of the compacting state.

8 (4) The Interstate Commission shall keep accurate
9 accounts of all receipts and disbursements. The receipts and
10 disbursements of the Interstate Commission shall be subject to
11 the audit and accounting procedures established under its
12 bylaws. However, all receipts and disbursements of funds
13 handled by the Interstate Commission shall be audited yearly
14 by a certified or licensed public accountant and the report of
15 the audit shall be included in and become part of the annual
16 report of the Interstate Commission.

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18 ARTICLE IX
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20 THE STATE COUNCIL.--Each member shall create a State
21 Council for Interstate Juvenile Supervision. While each state
22 may determine the membership of its own state council, its
23 membership must include at least one representative from the
24 legislative, judicial, and executive branches of government,
25 victims groups, and the compact administrator, deputy compact
26 administrator, or designee. Each compacting state retains the
27 right to determine the qualifications of the compact
28 administrator or deputy compact administrator. Each state
29 council may advise and exercise oversight and advocacy
30 concerning that state's participation in the activities of the
31 Interstate Commission and other duties as may be determined by

1 that state, including, but not limited to, development of
2 policy concerning operations and procedures of the compact
3 within that state.

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5 ARTICLE X

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7 COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.--

8 (1) Any state, including the District of Columbia (or
9 its designee), the Commonwealth of Puerto Rico, the United
10 States Virgin Islands, Guam, America Samoa, and the Northern
11 Mariana Islands as defined in Article II of this compact, is
12 eligible to become a compacting state.

13 (2) The compact shall become effective and binding
14 upon legislative enactment of the compact into law by no less
15 than 35 of the states. The initial effective date shall be the
16 later of July 1, 2004, or upon enactment into law by the 35th
17 jurisdiction. Thereafter, it shall become effective and
18 binding as to any other compacting state upon enactment of the
19 compact into law by that state. The governors of nonmember
20 states or their designees shall be invited to participate in
21 the activities of the Interstate Commission on a nonvoting
22 basis prior to adoption of the compact by all states and
23 territories of the United States.

24 (3) The Interstate Commission may propose amendments
25 to the compact for enactment by the compacting states. No
26 amendment shall become effective and binding upon the
27 Interstate Commission and the compacting states unless and
28 until it is enacted into law by unanimous consent of the
29 compacting states.

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31 ARTICLE XI

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2 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL
3 ENFORCEMENT.--

4 Section A. Withdrawal.--

5 (1) Once effective, the compact shall continue in
6 force and remain binding upon each and every compacting state;
7 provided that a compacting state may withdraw from the compact
8 by specifically repealing the statute that enacted the compact
9 into law.

10 (2) The effective date of withdrawal is the effective
11 date of the repeal.

12 (3) The withdrawing state shall immediately notify the
13 chairperson of the Interstate Commission in writing upon the
14 introduction of legislation repealing this compact in the
15 withdrawing state. The Interstate Commission shall notify the
16 other compacting states of the withdrawing state's intent to
17 withdraw within 60 days after its receipt thereof.

18 (4) The withdrawing state is responsible for all
19 assessments, obligations, and liabilities incurred through the
20 effective date of withdrawal, including any obligations the
21 performance of which extends beyond the effective date of
22 withdrawal.

23 (5) Reinstatement following withdrawal of any
24 compacting state shall occur upon the withdrawing state
25 reenacting the compact or upon such later date as determined
26 by the Interstate Commission.

27 Section B. Technical assistance, fines, suspension,
28 termination, and default.--

29 (1) If the Interstate Commission determines that any
30 compacting state has at any time defaulted in the performance
31 of any of its obligations or responsibilities under this

1 compact, or the bylaws or duly adopted rules, the Interstate
2 Commission may impose any or all of the following penalties:
3 (a) Remedial training and technical assistance as
4 directed by the Interstate Commission;
5 (b) Alternative dispute resolution;
6 (c) Fines, fees, and costs in such amounts as are
7 deemed to be reasonable as fixed by the Interstate Commission;
8 and
9 (d) Suspension or termination of membership in the
10 compact, which shall be imposed only after all other
11 reasonable means of securing compliance under the bylaws and
12 rules have been exhausted and the Interstate Commission has
13 therefore determined that the offending state is in default.
14 Immediate notice of suspension shall be given by the
15 Interstate Commission to the Governor, the Chief Justice or
16 the Chief Judicial Officer of the state, the majority and the
17 minority leaders of the defaulting state's legislature, and
18 the state council. The grounds for default include, but are
19 not limited to, failure of a compacting state to perform such
20 obligations or responsibilities imposed upon it by this
21 compact, the bylaws, or duly adopted rules and any other
22 ground designated in commission bylaws and rules. The
23 Interstate Commission shall immediately notify the defaulting
24 state in writing of the penalty imposed by the Interstate
25 Commission and of the default pending a cure of the default.
26 The commission shall stipulate the conditions and the time
27 period within which the defaulting state must cure its
28 default. If the defaulting state fails to cure the default
29 within the period specified by the commission, the defaulting
30 state shall be terminated from the compact upon an affirmative
31 vote of a majority of the compacting states and all rights,

1 privileges, and benefits conferred by this compact shall be
2 terminated from the effective date of termination.

3 (2) Within 60 days after the effective date of
4 termination of a defaulting state, the Interstate Commission
5 shall notify the Governor, the Chief Justice or Chief Judicial
6 Officer, the majority and minority leaders of the defaulting
7 state's legislature, and the state council of such
8 termination.

9 (3) The defaulting state is responsible for all
10 assessments, obligations, and liabilities incurred through the
11 effective date of termination, including any obligations the
12 performance of which extends beyond the effective date of
13 termination.

14 (4) The Interstate Commission shall not bear any costs
15 relating to the defaulting state unless otherwise mutually
16 agreed upon in writing between the Interstate Commission and
17 the defaulting state.

18 (5) Reinstatement following termination of any
19 compacting state requires both a reenactment of the compact by
20 the defaulting state and the approval of the Interstate
21 Commission pursuant to the rules.

22 Section C. Judicial enforcement.--The Interstate
23 Commission may, by majority vote of the members, initiate
24 legal action in the United States District Court for the
25 District of Columbia or, at the discretion of the Interstate
26 Commission, in the federal district where the Interstate
27 Commission has its offices, to enforce compliance with the
28 provisions of the compact and its duly adopted rules and
29 bylaws against any compacting state in default. In the event
30 judicial enforcement is necessary, the prevailing party shall
31

1 be awarded all costs of such litigation, including reasonable
2 attorney's fees.

3 Section D. Dissolution of compact.--

4 (1) The compact dissolves effective upon the date of
5 the withdrawal or default of the compacting state, which
6 reduces membership in the compact to one compacting state.

7 (2) Upon the dissolution of the compact, the compact
8 becomes null and void and shall be of no further force or
9 effect, the business and affairs of the Interstate Commission
10 shall be concluded, and any surplus funds shall be distributed
11 in accordance with the bylaws.

12
13 ARTICLE XII

14
15 SEVERABILITY AND CONSTRUCTION.--

16 (1) The provisions of this compact are severable, and
17 if any phrase, clause, sentence, or provision is deemed
18 unenforceable, the remaining provisions of the compact shall
19 be enforceable.

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

22
23 ARTICLE XIII

24
25 BINDING EFFECT OF COMPACT AND OTHER LAWS.--

26 Section A. Other laws.--

27 (1) Nothing herein prevents the enforcement of any
28 other law of a compacting state which is not inconsistent with
29 this compact.

1 (2) All compacting states' laws other than state
2 Constitutions and other interstate compacts conflicting with
3 this compact are superseded to the extent of the conflict.

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

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

8 (2) All agreements between the Interstate Commission
9 and the compacting states are binding in accordance with their
10 terms.

11 (3) Upon the request of a party to a conflict over
12 meaning or interpretation of Interstate Commission actions,
13 and upon a majority vote of the compacting states, the
14 Interstate Commission may issue advisory opinions regarding
15 such meaning or interpretation.

16 (4) In the event any provision of this compact exceeds
17 the constitutional limits imposed on the legislature of any
18 compacting state, the obligations, duties, powers, or
19 jurisdiction sought to be conferred by such provision upon the
20 Interstate Commission shall be ineffective and such
21 obligations, duties, powers, or jurisdiction shall remain in
22 the compacting state and shall be exercised by the agency
23 thereof to which such obligations, duties, powers, or
24 jurisdiction are delegated by law in effect at the time this
25 compact becomes effective.

26 Section 2. Sections 985.503, 985.504, 985.505,
27 985.506, and 985.507, Florida Statutes, are repealed.

28 Section 3. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Creates the Interstate Compact for Juveniles to provide for cooperation among states in supervising and returning juveniles who have run away or escaped from detention across state boundaries. Provides for the creation of an Interstate Commission to administer the compact. Provides for the financing of the commission and the duties of the member states. Provides for a state's withdrawal from the compact. (See bill for details.)