

By Senator Crist

12-109D-05

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; providing powers and duties of the

11          Interstate Commission; providing for its

12          organization and operation; providing for

13          bylaws, officers, and staff; providing for

14          qualified immunity from liability for the

15          commissioners, the executive director, and

16          employees; requiring the Interstate Commission

17          to adopt rules; providing for oversight,

18          enforcement, and dispute resolution by the

19          Interstate Commission; providing for the

20          activities of the Interstate Commission to be

21          financed by an annual assessment from each

22          compacting state; requiring member states to

23          create a State Council for Interstate Juvenile

24          Supervision; providing for the effective date

25          of the compact and amendments thereto;

26          providing for a state's withdrawal from and

27          reinstatement to the compact; providing for

28          assistance, certain penalties, suspension, or

29          termination following default by a state;

30          providing for judicial enforcement; providing

31          for dissolution of the compact; providing for

1 severability and construction of the compact;  
2 providing for the effect of the compact with  
3 respect to other laws and for its binding  
4 effect; creating s. 985.5025, F.S.; creating  
5 the State Council for Interstate Juvenile  
6 Offender Supervision to oversee state  
7 participation in the compact; providing  
8 membership; providing for records and open  
9 meetings; prescribing procedures if the council  
10 is abolished; repealing ss. 985.503, 985.504,  
11 985.505, 985.506, and 985.507, F.S., relating  
12 to obsolete provisions governing the former  
13 compact superseded by the act; providing an  
14 effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 985.502, Florida Statutes, is  
19 amended to read:

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

22 985.502 Execution of interstate compact for  
23 juveniles.--The Governor is authorized and directed to execute  
24 a compact on behalf of this state with any other state or  
25 states legally joining thereto in the form substantially as  
26 follows. This compact does not interfere with this state's  
27 authority to determine policy regarding juvenile offenders and  
28 nonoffenders within this state.

29  
30 THE INTERSTATE COMPACT FOR JUVENILES  
31



1 juveniles; (F) equitably allocate the costs, benefits, and  
2 obligations of the compacting states; (G) establish procedures  
3 to manage the movement between states of juvenile offenders  
4 released to the community under the jurisdiction of courts,  
5 juvenile departments, or any other criminal or juvenile  
6 justice agency that has jurisdiction over juvenile offenders;  
7 (H) ensure immediate notice to jurisdictions where defined  
8 offenders are authorized to travel or to relocate across state  
9 lines; (I) establish procedures to resolve pending charges  
10 (detainers) against juvenile offenders prior to transfer or  
11 release to the community under the terms of this compact; (J)  
12 establish a system of uniform data collection of information  
13 pertaining to juveniles subject to this compact which allows  
14 access by authorized juvenile justice and criminal justice  
15 officials, and regular reporting of activities under this  
16 compact to heads of state executive, judicial, and legislative  
17 branches and juvenile and criminal justice administrators; (K)  
18 monitor compliance with rules governing interstate movement of  
19 juveniles and initiate interventions to address and correct  
20 noncompliance; (L) coordinate training and education regarding  
21 the regulation of interstate movement of juveniles for  
22 officials involved in such activity; and (M) coordinate the  
23 implementation and operation of the compact with the  
24 Interstate Compact for the Placement of Children, the  
25 Interstate Compact for Adult Offender Supervision, and other  
26 compacts affecting juveniles particularly in those cases where  
27 concurrent or overlapping supervision issues arise. It is the  
28 policy of the compacting states that the activities conducted  
29 by the Interstate Commission created in this compact are the  
30 formation of public policies and therefore are public  
31 business. Furthermore, the compacting states shall cooperate

1 and observe their individual and collective duties and  
2 responsibilities for the prompt return and acceptance of  
3 juveniles subject to the provisions of the compact. The  
4 provisions of the compact shall be reasonably and liberally  
5 construed to accomplish the purposes and policies of the  
6 compact.

7  
8 ARTICLE II  
9

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

12 (1) "Bylaws" means those bylaws established by the  
13 Interstate Commission for its governance or for directing or  
14 controlling its actions or conduct.

15 (2) "Compact administrator" means the individual in  
16 each compacting state, appointed pursuant to the terms of this  
17 compact, who is responsible for the administration and  
18 management of the state's supervision and transfer of  
19 juveniles subject to the terms of this compact, the rules  
20 adopted by the Interstate Commission, and the policies adopted  
21 by the state council under this compact.

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

24 (4) "Commissioner" means the voting representative of  
25 each compacting state appointed pursuant to Article III of  
26 this compact.

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

29 (6) "Deputy compact administrator" means the  
30 individual, if any, in each compacting state appointed to act  
31 on behalf of a compact administrator pursuant to the terms of

1 the compact who is responsible for the administration and  
2 management of the state's supervision and transfer of  
3 juveniles subject to the terms of this compact, the rules  
4 adopted by the Interstate Commission, and the policies adopted  
5 by the state council under this compact.

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

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

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

15 (b) Adjudicated delinquent - a person found to have  
16 committed an offense that, if committed by an adult, would be  
17 a criminal offense;

18 (c) Accused status offender - a person charged with an  
19 offense that would not be a criminal offense if committed by  
20 an adult;

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

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

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

29 (10) "Probation or parole" means any kind of  
30 supervision or conditional release of juveniles authorized  
31 under the laws of the compacting states.



1 compact administrator, or designee from that state who shall  
2 serve on the Interstate Commission in such capacity under or  
3 pursuant to the applicable law of the compacting state.

4       (3) In addition to the commissioners who are the  
5 voting representatives of each state, the Interstate  
6 Commission shall include individuals who are not  
7 commissioners, but who are members of interested  
8 organizations. Such noncommissioner members must include a  
9 member of the national organization of governors,  
10 legislatures, state chief justices, attorneys general,  
11 Interstate Compact for Adult Offender Supervision, Interstate  
12 Compact for the Placement of Children, juvenile justice and  
13 juvenile corrections officials, and crime victims. All  
14 noncommissioner members of the Interstate Commission shall be  
15 ex officio, nonvoting members. The Interstate Commission may  
16 provide in its bylaws for such additional ex officio,  
17 nonvoting members, including members of other national  
18 organizations, in such numbers as shall be determined by the  
19 Interstate Commission.

20       (4) Each compacting state represented at any meeting  
21 of the Interstate Commission is entitled to one vote. A  
22 majority of the compacting states shall constitute a quorum  
23 for the transaction of business, unless a larger quorum is  
24 required by the bylaws of the Interstate Commission.

25       (5) The Interstate Commission shall establish an  
26 executive committee, which shall include commission officers,  
27 members, and others as determined by the bylaws. The executive  
28 committee shall have the power to act on behalf of the  
29 Interstate Commission during periods when the Interstate  
30 Commission is not in session, with the exception of rulemaking  
31 or amendment to the compact. The executive committee shall

1 oversee the day-to-day activities of the administration of the  
2 compact, which shall be managed by an executive director and  
3 Interstate Commission staff. The executive committee shall  
4 administer enforcement and compliance with the provisions of  
5 the compact, its bylaws, and rules, and shall perform other  
6 duties as directed by the Interstate Commission or set forth  
7 in the bylaws.

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

20       (7) The Interstate Commission shall collect  
21 standardized data concerning the interstate movement of  
22 juveniles as directed through its rules, which shall specify  
23 the data to be collected, the means of collection and data  
24 exchange, and reporting requirements. Such methods of data  
25 collection, exchange, and reporting shall, insofar as is  
26 reasonably possible, conform to up-to-date technology and  
27 coordinate its information functions with the appropriate  
28 repository of records.

29  
30                                   ARTICLE IV  
31

1           POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The  
2 Interstate Commission shall have the following powers and  
3 duties:  
4           (1) To provide for dispute resolution among compacting  
5 states.  
6           (2) To adopt rules to effect the purposes and  
7 obligations as enumerated in this compact, and which shall  
8 have the force and effect of statutory law and shall be  
9 binding in the compacting states to the extent and in the  
10 manner provided in this compact.  
11           (3) To oversee, supervise, and coordinate the  
12 interstate movement of juveniles subject to the terms of this  
13 compact and any bylaws and rules adopted by the Interstate  
14 Commission.  
15           (4) To enforce compliance with the compact provisions,  
16 the rules adopted by the Interstate Commission, and the  
17 bylaws, using all necessary and proper means, including, but  
18 not limited to, the use of judicial process.  
19           (5) To establish and maintain offices that are located  
20 within one or more of the compacting states.  
21           (6) To purchase and maintain insurance and bonds.  
22           (7) To borrow, accept, hire, or contract for services  
23 of personnel.  
24           (8) To establish and appoint committees and hire staff  
25 that it deems necessary for carrying out its functions,  
26 including, but not limited to, an executive committee as  
27 required in Article III which shall have the power to act on  
28 behalf of the Interstate Commission in carrying out its powers  
29 and duties hereunder.  
30           (9) To elect or appoint such officers, attorneys,  
31 employees, agents, or consultants; to fix their compensation,

1 define their duties, and determine their qualifications; and  
2 to establish the Interstate Commission's personnel policies  
3 and programs relating to, inter alia, conflicts of interest,  
4 rates of compensation, and qualifications of personnel.

5 (10) To accept any and all donations and grants of  
6 money, equipment, supplies, materials, and services, and to  
7 receive, use, and dispose of such donations and grants.

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

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

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

16 (14) To sue and to be sued.

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

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

21 (17) To report annually to the legislatures,  
22 governors, judiciary, and state councils of the compacting  
23 states concerning the activities of the Interstate Commission  
24 during the preceding year. Such reports shall also include any  
25 recommendations that may have been adopted by the Interstate  
26 Commission.

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

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



1           (8) Establishing standards and procedures for  
2 compliance and technical assistance in carrying out the  
3 compact.

4           Section B. Officers and staff.--

5           (1) The Interstate Commission shall, by a majority of  
6 the members, elect annually from among its members a  
7 chairperson and vice chairperson, each of whom shall have such  
8 authority and duties as may be specified in the bylaws. The  
9 chairperson or, in the chairperson's absence or disability,  
10 the vice chairperson shall preside at all meetings of the  
11 Interstate Commission. The officers so elected shall serve  
12 without compensation or remuneration from the Interstate  
13 Commission; provided that, subject to the availability of  
14 budgeted funds, the officers shall be reimbursed for any  
15 ordinary and necessary costs and expenses incurred by them in  
16 the performance of their duties and responsibilities as  
17 officers of the Interstate Commission.

18           (2) The Interstate Commission shall, through its  
19 executive committee, appoint or retain an executive director  
20 for such period, upon such terms and conditions, and for such  
21 compensation as the Interstate Commission deems appropriate.  
22 The executive director shall serve as secretary to the  
23 Interstate Commission, but may not be a member and shall hire  
24 and supervise such other staff as may be authorized by the  
25 Interstate Commission.

26           Section C. Qualified immunity, defense, and  
27 indemnification.--

28           (1) The Interstate Commission's executive director and  
29 employees shall be immune from suit and liability, either  
30 personally or in their official capacity, for any claim for  
31 damage to or loss of property or personal injury or other

1 civil liability caused or arising out of or relating to any  
2 actual or alleged act, error, or omission that occurred, or  
3 that such person had a reasonable basis for believing  
4 occurred, within the scope of commission employment, duties,  
5 or responsibilities; provided that any such person is not  
6 protected from suit or liability for any damage, loss, injury,  
7 or liability caused by the intentional or willful and wanton  
8 misconduct of any such person.

9       (2) The liability of any commissioner, or the employee  
10 or agent of a commissioner, acting within the scope of such  
11 person's employment or duties for acts, errors, or omissions  
12 occurring within such person's state may not exceed the limits  
13 of liability set forth under the constitution and laws of that  
14 state for state officials, employees, and agents. Nothing in  
15 this subsection shall be construed to protect any such person  
16 from suit or liability for any damage, loss, injury, or  
17 liability caused by the intentional or willful and wanton  
18 misconduct of any such person.

19       (3) The Interstate Commission shall defend the  
20 executive director or the employees or representatives of the  
21 Interstate Commission and, subject to the approval of the  
22 Attorney General of the state represented by any commissioner  
23 of a compacting state, shall defend such commissioner or the  
24 commissioner's representatives or employees in any civil  
25 action seeking to impose liability arising out of any actual  
26 or alleged act, error, or omission that occurred within the  
27 scope of Interstate Commission employment, duties, or  
28 responsibilities, or that the defendant had a reasonable basis  
29 for believing occurred within the scope of Interstate  
30 Commission employment, duties, or responsibilities; provided  
31 that the actual or alleged act, error, or omission did not

1 result from intentional or willful and wanton misconduct on  
2 the part of such person.

3 (4) The Interstate Commission shall indemnify and hold  
4 the commissioner of a compacting state or the commissioner's  
5 representatives or employees, or the Interstate Commission's  
6 representatives or employees, harmless in the amount of any  
7 settlement or judgment obtained against such persons arising  
8 out of any actual or alleged act, error, or omission that  
9 occurred within the scope of Interstate Commission employment,  
10 duties, or responsibilities, or that such persons had a  
11 reasonable basis for believing occurred within the scope of  
12 Interstate Commission employment, duties, or responsibilities;  
13 provided that the actual or alleged act, error, or omission  
14 did not result from intentional or willful and wanton  
15 misconduct on the part of such persons.

16  
17 ARTICLE VI  
18

19 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--

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

23 (2) Rulemaking shall occur pursuant to the criteria  
24 set forth in this article and the bylaws and rules adopted  
25 pursuant thereto. Such rulemaking shall substantially conform  
26 to the principles of the "Model State Administrative  
27 Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.  
28 1 (2000), or such other administrative procedures act as the  
29 Interstate Commission deems appropriate consistent with due  
30 process requirements under the United States Constitution as  
31 now or hereafter interpreted by the United States Supreme

1 Court. All rules and amendments shall become binding as of the  
2 date specified, as published with the final version of the  
3 rule as approved by the Interstate Commission.

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

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

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

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

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

17 (4) Allow, not later than 60 days after a rule is  
18 adopted, any interested person to file a petition in the  
19 United States District Court for the District of Columbia, or  
20 in the Federal District Court where the Interstate  
21 Commission's principal office is located, for judicial review  
22 of such rule. If the court finds that the Interstate  
23 Commission's actions are not supported by the substantial  
24 evidence in the rulemaking record, the court shall hold the  
25 rule unlawful and set it aside. For purposes of this  
26 subsection, evidence is substantial if it would be considered  
27 substantial evidence under the Model State Administrative  
28 Procedures Act.

29 (5) If a majority of the legislatures of the  
30 compacting states rejects a rule, those states may, by  
31 enactment of a statute or resolution in the same manner used

1 to adopt the compact, cause that such rule shall have no  
2 further force and effect in any compacting state.

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

7 (7) Upon determination by the Interstate Commission  
8 that a state of emergency exists, it may adopt an emergency  
9 rule that shall become effective immediately upon adoption;  
10 provided that the usual rulemaking procedures provided  
11 hereunder shall be retroactively applied to said rule as soon  
12 as reasonably possible, but no later than 90 days after the  
13 effective date of the emergency rule.

14  
15 ARTICLE VII

16  
17 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE  
18 INTERSTATE COMMISSION.

19 Section A. Oversight.--

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

26 (2) The courts and executive agencies in each  
27 compacting state shall enforce this compact and shall take all  
28 actions necessary and appropriate to effectuate the compact's  
29 purposes and intent. The provisions of this compact and the  
30 rules adopted hereunder shall be received by all the judges,  
31 public officers, commissions, and departments of the state

1 government as evidence of the authorized statute and  
2 administrative rules. All courts shall take judicial notice of  
3 the compact and the rules. In any judicial or administrative  
4 proceeding in a compacting state pertaining to the subject  
5 matter of this compact which may affect the powers,  
6 responsibilities, or actions of the Interstate Commission, the  
7 commission shall be entitled to receive all service of process  
8 in any such proceeding and shall have standing to intervene in  
9 the proceeding for all purposes.

10 Section B. Dispute resolution.--

11 (1) The compacting states shall report to the  
12 Interstate Commission on all issues and activities necessary  
13 for the administration of the compact as well as issues and  
14 activities pertaining to compliance with the provisions of the  
15 compact and its bylaws and rules.

16 (2) The Interstate Commission shall attempt, upon the  
17 request of a compacting state, to resolve any disputes or  
18 other issues that are subject to the compact and that may  
19 arise among compacting states and between compacting and  
20 noncompacting states. The commission shall adopt a rule  
21 providing for both mediation and binding dispute resolution  
22 for disputes among the compacting states.

23 (3) The Interstate Commission, in the reasonable  
24 exercise of its discretion, shall enforce the provisions and  
25 rules of this compact using any or all means set forth in  
26 Article XI of this compact.

27  
28 ARTICLE VIII

29  
30 FINANCE.--  
31

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

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

17       (3) The Interstate Commission shall not incur any  
18 obligations of any kind prior to securing the funds adequate  
19 to meet the same; nor shall the Interstate Commission pledge  
20 the credit of any of the compacting states, except by and with  
21 the authority of the compacting state.

22       (4) The Interstate Commission shall keep accurate  
23 accounts of all receipts and disbursements. The receipts and  
24 disbursements of the Interstate Commission shall be subject to  
25 the audit and accounting procedures established under its  
26 bylaws. However, all receipts and disbursements of funds  
27 handled by the Interstate Commission shall be audited yearly  
28 by a certified or licensed public accountant and the report of  
29 the audit shall be included in and become part of the annual  
30 report of the Interstate Commission.

31



1 later of July 1, 2005, or upon enactment into law by the 35th  
2 jurisdiction. Thereafter, it shall become effective and  
3 binding as to any other compacting state upon enactment of the  
4 compact into law by that state. The governors of nonmember  
5 states or their designees shall be invited to participate in  
6 the activities of the Interstate Commission on a nonvoting  
7 basis prior to adoption of the compact by all states and  
8 territories of the United States.

9 (3) The Interstate Commission may propose amendments  
10 to the compact for enactment by the compacting states. No  
11 amendment shall become effective and binding upon the  
12 Interstate Commission and the compacting states unless and  
13 until it is enacted into law by unanimous consent of the  
14 compacting states.

15  
16 ARTICLE XI  
17

18 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL  
19 ENFORCEMENT.--

20 Section A. Withdrawal.--

21 (1) Once effective, the compact shall continue in  
22 force and remain binding upon each and every compacting state;  
23 provided that a compacting state may withdraw from the compact  
24 by specifically repealing the statute that enacted the compact  
25 into law.

26 (2) The effective date of withdrawal is the effective  
27 date of the repeal.

28 (3) The withdrawing state shall immediately notify the  
29 chairperson of the Interstate Commission in writing upon the  
30 introduction of legislation repealing this compact in the  
31 withdrawing state. The Interstate Commission shall notify the

1 other compacting states of the withdrawing state's intent to  
2 withdraw within 60 days after its receipt thereof.

3 (4) The withdrawing state is responsible for all  
4 assessments, obligations, and liabilities incurred through the  
5 effective date of withdrawal, including any obligations the  
6 performance of which extends beyond the effective date of  
7 withdrawal.

8 (5) Reinstatement following withdrawal of any  
9 compacting state shall occur upon the withdrawing state  
10 reenacting the compact or upon such later date as determined  
11 by the Interstate Commission.

12 Section B. Technical assistance, fines, suspension,  
13 termination, and default.--

14 (1) If the Interstate Commission determines that any  
15 compacting state has at any time defaulted in the performance  
16 of any of its obligations or responsibilities under this  
17 compact, or the bylaws or duly adopted rules, the Interstate  
18 Commission may impose any or all of the following penalties:

19 (a) Remedial training and technical assistance as  
20 directed by the Interstate Commission;

21 (b) Alternative dispute resolution;

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

24 or

25 (d) Suspension or termination of membership in the  
26 compact, which shall be imposed only after all other  
27 reasonable means of securing compliance under the bylaws and  
28 rules have been exhausted and the Interstate Commission has  
29 therefore determined that the offending state is in default.

30 Immediate notice of suspension shall be given by the  
31 Interstate Commission to the Governor, the Chief Justice or

1 the Chief Judicial Officer of the state, the majority and the  
2 minority leaders of the defaulting state's legislature, and  
3 the state council. The grounds for default include, but are  
4 not limited to, failure of a compacting state to perform such  
5 obligations or responsibilities imposed upon it by this  
6 compact, the bylaws, or duly adopted rules and any other  
7 ground designated in commission bylaws and rules. The  
8 Interstate Commission shall immediately notify the defaulting  
9 state in writing of the penalty imposed by the Interstate  
10 Commission and of the default pending a cure of the default.  
11 The commission shall stipulate the conditions and the time  
12 period within which the defaulting state must cure its  
13 default. If the defaulting state fails to cure the default  
14 within the period specified by the commission, the defaulting  
15 state shall be terminated from the compact upon an affirmative  
16 vote of a majority of the compacting states and all rights,  
17 privileges, and benefits conferred by this compact shall be  
18 terminated from the effective date of termination.

19       (2) Within 60 days after the effective date of  
20 termination of a defaulting state, the Interstate Commission  
21 shall notify the Governor, the Chief Justice or Chief Judicial  
22 Officer, the majority and minority leaders of the defaulting  
23 state's legislature, and the state council of such  
24 termination.

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

30       (4) The Interstate Commission shall not bear any costs  
31 relating to the defaulting state unless otherwise mutually

1 agreed upon in writing between the Interstate Commission and  
2 the defaulting state.

3 (5) Reinstatement following termination of any  
4 compacting state requires both a reenactment of the compact by  
5 the defaulting state and the approval of the Interstate  
6 Commission pursuant to the rules.

7 Section C. Judicial enforcement.--The Interstate  
8 Commission may, by majority vote of the members, initiate  
9 legal action in the United States District Court for the  
10 District of Columbia or, at the discretion of the Interstate  
11 Commission, in the federal district where the Interstate  
12 Commission has its offices, to enforce compliance with the  
13 provisions of the compact and its duly adopted rules and  
14 bylaws against any compacting state in default. In the event  
15 judicial enforcement is necessary, the prevailing party shall  
16 be awarded all costs of such litigation, including reasonable  
17 attorney's fees.

18 Section D. Dissolution of compact.--

19 (1) The compact dissolves effective upon the date of  
20 the withdrawal or default of the compacting state which  
21 reduces membership in the compact to one compacting state.

22 (2) Upon the dissolution of the compact, the compact  
23 becomes null and void and shall be of no further force or  
24 effect, the business and affairs of the Interstate Commission  
25 shall be concluded, and any surplus funds shall be distributed  
26 in accordance with the bylaws.

27  
28 ARTICLE XII

29  
30 SEVERABILITY AND CONSTRUCTION.--  
31

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

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

7  
8                                   ARTICLE XIII

9  
10                   BINDING EFFECT OF COMPACT AND OTHER LAWS.--

11                   Section A. Other laws.--

12           (1) Nothing herein prevents the enforcement of any  
13 other law of a compacting state which is not inconsistent with  
14 this compact.

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

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

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

22           (2) All agreements between the Interstate Commission  
23 and the compacting states are binding in accordance with their  
24 terms.

25           (3) Upon the request of a party to a conflict over  
26 meaning or interpretation of Interstate Commission actions,  
27 and upon a majority vote of the compacting states, the  
28 Interstate Commission may issue advisory opinions regarding  
29 such meaning or interpretation.

30           (4) In the event any provision of this compact exceeds  
31 the constitutional limits imposed on any compacting state, the

1 obligations, duties, powers, or jurisdiction sought to be  
2 conferred by such provision upon the Interstate Commission  
3 shall be ineffective and such obligations, duties, powers, or  
4 jurisdiction shall remain in the compacting state and shall be  
5 exercised by the agency thereof to which such obligations,  
6 duties, powers, or jurisdiction are delegated by law in effect  
7 at the time this compact becomes effective.

8 Section 2. Section 985.5025, Florida Statutes, is  
9 created to read:

10 985.5025 State Council for Interstate Juvenile  
11 Offender Supervision.--

12 (1) Pursuant to Article IX of the Interstate Compact  
13 for Juveniles in s. 985.502, the State Council for Interstate  
14 Juvenile Offender Supervision is created. The purpose of the  
15 council is to oversee state participation in the activities of  
16 the Interstate Commission for Juveniles.

17 (2) The council shall consist of seven members and the  
18 Secretary of Juvenile Justice or his or her designee, who  
19 shall serve as the chair of the council and may vote only to  
20 break a tie. The compact administrator or his or her designee  
21 and the Executive Director of the Department of Law  
22 Enforcement or his or her designee shall serve as members of  
23 the council. The remaining members shall be appointed for the  
24 Governor for terms of 4 years; however, the Governor may for  
25 any year delegate the power of appointment to the Secretary of  
26 Juvenile Justice. Of the initial appointees, one shall be  
27 appointed for a term of 1 year, one shall be appointed for a  
28 term of 2 years, one shall be appointed for a term of 3 years,  
29 and two shall be appointed for terms of 4 years each.

30 (3) Appointees shall be selected from individuals with  
31 personal or professional experience in the juvenile justice

1 system and may include a victim's advocate, employees of the  
2 Department of Children and Family Services, employees of the  
3 Department of Law Enforcement who work with missing and  
4 exploited children, and a parent who, at the time of  
5 appointment, does not have a child involved in the juvenile  
6 justice system.

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

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

14 (6) If the council is abolished, its records must be  
15 appropriately stored, within 30 days after the effective date  
16 of its abolition, by the Department of Juvenile Justice or its  
17 successor agency. Any property assigned to the council must be  
18 reclaimed by the department or its successor agency. The  
19 council may not perform any activities after the effective  
20 date of its abolition.

21 Section 3. Sections 985.503, 985.504, 985.505,  
22 985.506, and 985.507, Florida Statutes, are repealed.

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

24  
25 \*\*\*\*\*

26 SENATE SUMMARY

27 Creates the Interstate Compact for Juveniles to provide  
28 for cooperation among states in supervising and returning  
29 juveniles who have run away or escaped from detention  
30 across state boundaries. Provides for the creation of an  
31 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. Creates the State Council for Interstate  
Juvenile Offender Supervision to oversee the state's  
activities under the compact. (See bill for details.)