

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; providing for the review and
11 future repeal of ss. 985.502 and 985.5025,
12 F.S.; repealing ss. 985.503, 985.504, 985.505,
13 985.506, and 985.507, F.S., relating to
14 obsolete provisions governing the former
15 compact superseded by the act; providing an
16 effective date.

17

18 Be It Enacted by the Legislature of the State of Florida:

19

20 Section 1. Section 985.502, Florida Statutes, is
21 amended to read:

22 (Substantial rewording of section. See

23 s. 985.502, F.S., for present text.)

24 985.502 Execution of interstate compact for

25 juveniles.--The Governor is authorized and directed to execute

26 a compact on behalf of this state with any other state or

27 states legally joining thereto in the form substantially as

28 follows. This compact does not interfere with this state's

29 authority to determine policy regarding juvenile offenders and

30 nonoffenders within this state.

31

1 THE INTERSTATE COMPACT FOR JUVENILES

2
3 ARTICLE I

4
5 PURPOSE.--

6 (1) The compacting states to this Interstate Compact
7 recognize that each state is responsible for the proper
8 supervision or return of juveniles, delinquents, and status
9 offenders who are on probation or parole and who have
10 absconded, escaped, or run away from supervision and control
11 and in so doing have endangered their own safety and the
12 safety of others. The compacting states also recognize that
13 each state is responsible for the safe return of juveniles who
14 have run away from home and in doing so have left their state
15 of residence. The compacting states also recognize that
16 Congress, by enacting the Crime Control Act, 4 U.S.C. s. 112
17 (1965), has authorized and encouraged compacts for cooperative
18 efforts and mutual assistance in the prevention of crime.

19 (2) It is the purpose of this compact, through means
20 of joint and cooperative action among the compacting states
21 to: (A) ensure that the adjudicated juveniles and status
22 offenders subject to this compact are provided adequate
23 supervision and services in the receiving state as ordered by
24 the adjudicating judge or parole authority in the sending
25 state; (B) ensure that the public safety interests of the
26 public, including the victims of juvenile offenders, in both
27 the sending and receiving states are adequately protected; (C)
28 return juveniles who have run away, absconded, or escaped from
29 supervision or control or who have been accused of an offense
30 to the state requesting their return; (D) make contracts for
31 the cooperative institutionalization in public facilities in

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

1 formation of public policies and therefore are public
2 business. Furthermore, the compacting states shall cooperate
3 and observe their individual and collective duties and
4 responsibilities for the prompt return and acceptance of
5 juveniles subject to the provisions of the compact. The
6 provisions of the compact shall be reasonably and liberally
7 construed to accomplish the purposes and policies of the
8 compact.

9
10 ARTICLE II

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

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

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

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

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

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

31

1 (6) "Deputy compact administrator" means the
2 individual, if any, in each compacting state appointed to act
3 on behalf of a compact administrator pursuant to the terms of
4 the compact who is responsible for the administration and
5 management of the state's supervision and transfer of
6 juveniles subject to the terms of this compact, the rules
7 adopted by the Interstate Commission, and the policies adopted
8 by the state council under this compact.

9 (7) "Interstate Commission" means the Interstate
10 Commission for Juveniles created by Article III of this
11 compact.

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

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

18 (b) Adjudicated delinquent - a person found to have
19 committed an offense that, if committed by an adult, would be
20 a criminal offense;

21 (c) Accused status offender - a person charged with an
22 offense that would not be a criminal offense if committed by
23 an adult;

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

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

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

1 of each compacting state and in consultation with the State
2 Council for Interstate Juvenile Supervision created hereunder.
3 The commissioner shall be the compact administrator, deputy
4 compact administrator, or designee from that state who shall
5 serve on the Interstate Commission in such capacity under or
6 pursuant to the applicable law of the compacting state.

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

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

28 (5) The Interstate Commission shall establish an
29 executive committee, which shall include commission officers,
30 members, and others as determined by the bylaws. The executive
31 committee shall have the power to act on behalf of the

1 Interstate Commission during periods when the Interstate
2 Commission is not in session, with the exception of rulemaking
3 or amendment to the compact. The executive committee shall
4 oversee the day-to-day activities of the administration of the
5 compact, which shall be managed by an executive director and
6 Interstate Commission staff. The executive committee shall
7 administer enforcement and compliance with the provisions of
8 the compact, its bylaws, and rules, and shall perform other
9 duties as directed by the Interstate Commission or set forth
10 in the bylaws.

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

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

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ARTICLE IV

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

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

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

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

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

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

(6) To purchase and maintain insurance and bonds.

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

(8) To establish and appoint committees and hire staff that it deems necessary for carrying out its functions, including, but not limited to, an executive committee as required in Article III which shall have the power to act on

1 behalf of the Interstate Commission in carrying out its powers
2 and duties hereunder.

3 (9) To elect or appoint such officers, attorneys,
4 employees, agents, or consultants; to fix their compensation,
5 define their duties, and determine their qualifications; and
6 to establish the Interstate Commission's personnel policies
7 and programs relating to, inter alia, conflicts of interest,
8 rates of compensation, and qualifications of personnel.

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

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

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

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

20 (14) To sue and to be sued.

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

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

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

31

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

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

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

10 Section B. Officers and staff.--

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

24 (2) The Interstate Commission shall, through its
25 executive committee, appoint or retain an executive director
26 for such period, upon such terms and conditions, and for such
27 compensation as the Interstate Commission deems appropriate.
28 The executive director shall serve as secretary to the
29 Interstate Commission, but may not be a member and shall hire
30 and supervise such other staff as may be authorized by the
31 Interstate Commission.

1 Section C. Qualified immunity, defense, and
2 indemnification.--

3 (1) The Interstate Commission's executive director and
4 employees shall be immune from suit and liability, either
5 personally or in their official capacity, for any claim for
6 damage to or loss of property or personal injury or other
7 civil liability caused or arising out of or relating to any
8 actual or alleged act, error, or omission that occurred, or
9 that such person had a reasonable basis for believing
10 occurred, within the scope of commission employment, duties,
11 or responsibilities; provided that any such person is not
12 protected from suit or liability for any damage, loss, injury,
13 or liability caused by the intentional or willful and wanton
14 misconduct of any such person.

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

25 (3) The Interstate Commission shall defend the
26 executive director or the employees or representatives of the
27 Interstate Commission and, subject to the approval of the
28 Attorney General of the state represented by any commissioner
29 of a compacting state, shall defend such commissioner or the
30 commissioner's representatives or employees in any civil
31 action seeking to impose liability arising out of any actual

1 or alleged act, error, or omission that occurred within the
2 scope of Interstate Commission employment, duties, or
3 responsibilities, or that the defendant had a reasonable basis
4 for believing occurred within the scope of Interstate
5 Commission employment, duties, or responsibilities; provided
6 that the actual or alleged act, error, or omission did not
7 result from intentional or willful and wanton misconduct on
8 the part of such person.

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

22
23 ARTICLE VI

24
25 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--

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

29 (2) Rulemaking shall occur pursuant to the criteria
30 set forth in this article and the bylaws and rules adopted
31 pursuant thereto. Such rulemaking shall substantially conform

1 to the principles of the "Model State Administrative
2 Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.
3 1 (2000), or such other administrative procedures act as the
4 Interstate Commission deems appropriate consistent with due
5 process requirements under the United States Constitution as
6 now or hereafter interpreted by the United States Supreme
7 Court. All rules and amendments shall become binding as of the
8 date specified, as published with the final version of the
9 rule as approved by the Interstate Commission.

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

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

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

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

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

23 (4) Allow, not later than 60 days after a rule is
24 adopted, any interested person to file a petition in the
25 United States District Court for the District of Columbia, or
26 in the Federal District Court where the Interstate
27 Commission's principal office is located, for judicial review
28 of such rule. If the court finds that the Interstate
29 Commission's actions are not supported by the substantial
30 evidence in the rulemaking record, the court shall hold the
31 rule unlawful and set it aside. For purposes of this

1 subsection, evidence is substantial if it would be considered
2 substantial evidence under the Model State Administrative
3 Procedures Act.

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

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

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

20
21 ARTICLE VII

22
23 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE
24 INTERSTATE COMMISSION.

25 Section A. Oversight.--

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

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

16 Section B. Dispute resolution.--

17 (1) The compacting states shall report to the
18 Interstate Commission on all issues and activities necessary
19 for the administration of the compact as well as issues and
20 activities pertaining to compliance with the provisions of the
21 compact and its bylaws and rules.

22 (2) The Interstate Commission shall attempt, upon the
23 request of a compacting state, to resolve any disputes or
24 other issues that are subject to the compact and that may
25 arise among compacting states and between compacting and
26 noncompacting states. The commission shall adopt a rule
27 providing for both mediation and binding dispute resolution
28 for disputes among the compacting states.

29 (3) The Interstate Commission, in the reasonable
30 exercise of its discretion, shall enforce the provisions and
31

1 rules of this compact using any or all means set forth in
2 Article XI of this compact.

4 ARTICLE VIII

6 FINANCE.--

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

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

23 (3) The Interstate Commission shall not incur any
24 obligations of any kind prior to securing the funds adequate
25 to meet the same; nor shall the Interstate Commission pledge
26 the credit of any of the compacting states, except by and with
27 the authority of the compacting state.

28 (4) The Interstate Commission shall keep accurate
29 accounts of all receipts and disbursements. The receipts and
30 disbursements of the Interstate Commission shall be subject to
31 the audit and accounting procedures established under its

1 bylaws. However, all receipts and disbursements of funds
2 handled by the Interstate Commission shall be audited yearly
3 by a certified or licensed public accountant and the report of
4 the audit shall be included in and become part of the annual
5 report of the Interstate Commission.

6
7 ARTICLE IX
8

9 THE STATE COUNCIL.--Each member shall create a State
10 Council for Interstate Juvenile Supervision. While each state
11 may determine the membership of its own state council, its
12 membership must include at least one representative from the
13 legislative, judicial, and executive branches of government;
14 at least one representative of victims groups; a parent of a
15 youth who is not currently in the juvenile justice system; and
16 the compact administrator, deputy compact administrator, or
17 designee. Each compacting state retains the right to determine
18 the qualifications of the compact administrator or deputy
19 compact administrator. Each state council may advise and
20 exercise oversight and advocacy concerning that state's
21 participation in the activities of the Interstate Commission
22 and other duties as may be determined by that state,
23 including, but not limited to, development of policy
24 concerning operations and procedures of the compact within
25 that state.

26
27 ARTICLE X
28

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

30 (1) Any state, including the District of Columbia (or
31 its designee), the Commonwealth of Puerto Rico, the United

1 States Virgin Islands, Guam, American Samoa, and the Northern
2 Mariana Islands as defined in Article II of this compact, is
3 eligible to become a compacting state.

4 (2) The compact shall become effective and binding
5 upon legislative enactment of the compact into law by no less
6 than 35 of the states. The initial effective date shall be the
7 later of July 1, 2005, or upon enactment into law by the 35th
8 jurisdiction. Thereafter, it shall become effective and
9 binding as to any other compacting state upon enactment of the
10 compact into law by that state. The governors of nonmember
11 states or their designees shall be invited to participate in
12 the activities of the Interstate Commission on a nonvoting
13 basis prior to adoption of the compact by all states and
14 territories of the United States.

15 (3) The Interstate Commission may propose amendments
16 to the compact for enactment by the compacting states. No
17 amendment shall become effective and binding upon the
18 Interstate Commission and the compacting states unless and
19 until it is enacted into law by unanimous consent of the
20 compacting states.

21
22 ARTICLE XI

23
24 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL
25 ENFORCEMENT.--

26 Section A. Withdrawal.--

27 (1) Once effective, the compact shall continue in
28 force and remain binding upon each and every compacting state;
29 provided that a compacting state may withdraw from the compact
30 by specifically repealing the statute that enacted the compact
31 into law.

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

3 (3) The withdrawing state shall immediately notify the
4 chairperson of the Interstate Commission in writing upon the
5 introduction of legislation repealing this compact in the
6 withdrawing state. The Interstate Commission shall notify the
7 other compacting states of the withdrawing state's intent to
8 withdraw within 60 days after its receipt thereof.

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

14 (5) Reinstatement following withdrawal of any
15 compacting state shall occur upon the withdrawing state
16 reenacting the compact or upon such later date as determined
17 by the Interstate Commission.

18 Section B. Technical assistance, fines, suspension,
19 termination, and default.--

20 (1) If the Interstate Commission determines that any
21 compacting state has at any time defaulted in the performance
22 of any of its obligations or responsibilities under this
23 compact, or the bylaws or duly adopted rules, the Interstate
24 Commission may impose any or all of the following penalties:

25 (a) Remedial training and technical assistance as
26 directed by the Interstate Commission;

27 (b) Alternative dispute resolution;

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

30 or

31

1 (d) Suspension or termination of membership in the
2 compact, which shall be imposed only after all other
3 reasonable means of securing compliance under the bylaws and
4 rules have been exhausted and the Interstate Commission has
5 therefore determined that the offending state is in default.
6 Immediate notice of suspension shall be given by the
7 Interstate Commission to the Governor, the Chief Justice or
8 the Chief Judicial Officer of the state, the majority and the
9 minority leaders of the defaulting state's legislature, and
10 the state council. The grounds for default include, but are
11 not limited to, failure of a compacting state to perform such
12 obligations or responsibilities imposed upon it by this
13 compact, the bylaws, or duly adopted rules and any other
14 ground designated in commission bylaws and rules. The
15 Interstate Commission shall immediately notify the defaulting
16 state in writing of the penalty imposed by the Interstate
17 Commission and of the default pending a cure of the default.
18 The commission shall stipulate the conditions and the time
19 period within which the defaulting state must cure its
20 default. If the defaulting state fails to cure the default
21 within the period specified by the commission, the defaulting
22 state shall be terminated from the compact upon an affirmative
23 vote of a majority of the compacting states and all rights,
24 privileges, and benefits conferred by this compact shall be
25 terminated from the effective date of termination.

26 (2) Within 60 days after the effective date of
27 termination of a defaulting state, the Interstate Commission
28 shall notify the Governor, the Chief Justice or Chief Judicial
29 Officer, the majority and minority leaders of the defaulting
30 state's legislature, and the state council of such
31 termination.

1 (3) The defaulting state is responsible for all
2 assessments, obligations, and liabilities incurred through the
3 effective date of termination, including any obligations the
4 performance of which extends beyond the effective date of
5 termination.

6 (4) The Interstate Commission shall not bear any costs
7 relating to the defaulting state unless otherwise mutually
8 agreed upon in writing between the Interstate Commission and
9 the defaulting state.

10 (5) Reinstatement following termination of any
11 compacting state requires both a reenactment of the compact by
12 the defaulting state and the approval of the Interstate
13 Commission pursuant to the rules.

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

25 Section D. Dissolution of compact.--

26 (1) The compact dissolves effective upon the date of
27 the withdrawal or default of the compacting state which
28 reduces membership in the compact to one compacting state.

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

1 shall be concluded, and any surplus funds shall be distributed
2 in accordance with the bylaws.

3
4 ARTICLE XII

5
6 SEVERABILITY AND CONSTRUCTION.--

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

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

13
14 ARTICLE XIII

15
16 BINDING EFFECT OF COMPACT AND OTHER LAWS.--

17 Section A. Other laws.--

18 (1) Nothing herein prevents the enforcement of any
19 other law of a compacting state which is not inconsistent with
20 this compact.

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

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

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

28 (2) All agreements between the Interstate Commission
29 and the compacting states are binding in accordance with their
30 terms.

31

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

6 (4) In the event any provision of this compact exceeds
7 the constitutional limits imposed on any compacting state, the
8 obligations, duties, powers, or jurisdiction sought to be
9 conferred by such provision upon the Interstate Commission
10 shall be ineffective and such obligations, duties, powers, or
11 jurisdiction shall remain in the compacting state and shall be
12 exercised by the agency thereof to which such obligations,
13 duties, powers, or jurisdiction are delegated by law in effect
14 at the time this compact becomes effective.

15 Section 2. Section 985.5025, Florida Statutes, is
16 created to read:

17 985.5025 State Council for Interstate Juvenile
18 Offender Supervision.--

19 (1) Pursuant to Article IX of the Interstate Compact
20 for Juveniles in s. 985.502, the State Council for Interstate
21 Juvenile Offender Supervision is created. The purpose of the
22 council is to oversee state participation in the activities of
23 the Interstate Commission for Juveniles.

24 (2) The council shall consist of seven members and the
25 Secretary of Juvenile Justice or his or her designee, who
26 shall serve as the chair of the council and may vote only to
27 break a tie. The compact administrator or his or her designee
28 and the Executive Director of the Department of Law
29 Enforcement or his or her designee shall serve as members of
30 the council. The remaining members shall be appointed by the
31 Governor for terms of 4 years; however, the Governor may, in

1 writing and on an individual basis for each appointee,
2 delegate the power of appointment to the Secretary of Juvenile
3 Justice. Of the initial appointees, one shall be appointed for
4 a term of 1 year, one shall be appointed for a term of 2
5 years, one shall be appointed for a term of 3 years, and two
6 shall be appointed for terms of 4 years each.

7 (3) Appointees shall be selected from individuals with
8 personal or professional experience in the juvenile justice
9 system and may include a victim's advocate, employees of the
10 Department of Children and Family Services, employees of the
11 Department of Law Enforcement who work with missing and
12 exploited children, and a parent who, at the time of
13 appointment, does not have a child involved in the juvenile
14 justice system.

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

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

22 (6) If the council is abolished, its records must be
23 appropriately stored, within 30 days after the effective date
24 of its abolition, by the Department of Juvenile Justice or its
25 successor agency. Any property assigned to the council must be
26 reclaimed by the department or its successor agency. The
27 council may not perform any activities after the effective
28 date of its abolition.

29 Section 3. Sections 985.502 and 985.5025, Florida
30 Statutes, shall stand repealed 2 years after the effective
31

1 date of this act unless reviewed and saved from repeal by the
2 Legislature.

3 Section 4. Sections 985.503, 985.504, 985.505,
4 985.506, and 985.507, Florida Statutes, are repealed.

5 Section 5. This act shall take effect July 1, 2005, or
6 upon enactment of the compact into law by the 35th compacting
7 state, whichever occurs later.

8

9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 274

12 Requires delegation of power to appoint council member by
13 Governor to be in writing.

14 Provides for review and repeal of the act 2 years after the
15 effective date of the act.

16 Modifies effective date to occur upon enactment of the compact
17 into law by the 35th compacting state, or July 1, 2005,
18 whichever occurs later.

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