

CHAMBER ACTION

1 The Justice Appropriations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Interstate Compact for Juveniles;
7 amending s. 985.502, F.S.; revising provisions of the
8 former Interstate Compact on Juveniles; providing purpose
9 of the compact; providing definitions; providing for an
10 Interstate Commission for Juveniles; providing for the
11 appointment of commissioners; providing for an executive
12 committee; providing for meetings; providing powers and
13 duties of the Interstate Commission; providing for its
14 organization and operation; providing for bylaws,
15 officers, and staff; providing for qualified immunity from
16 liability for the commissioners, the executive director,
17 and employees; requiring the Interstate Commission to
18 adopt rules; providing for oversight, enforcement, and
19 dispute resolution by the Interstate Commission; providing
20 for the activities of the Interstate Commission to be
21 financed by an annual assessment from each compacting
22 state; requiring member states to create a State Council
23 for Interstate Juvenile Supervision; providing for the

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24 | effective date of the compact and amendments thereto;
 25 | providing for a state's withdrawal from and reinstatement
 26 | to the compact; providing for assistance, certain
 27 | penalties, suspension, or termination following default by
 28 | a state; providing for judicial enforcement; providing for
 29 | dissolution of the compact; providing for severability and
 30 | construction of the compact; providing for the effect of
 31 | the compact with respect to other laws and for its binding
 32 | effect; creating s. 985.5025, F.S.; creating the State
 33 | Council for Interstate Juvenile Offender Supervision to
 34 | oversee state participation in the compact; providing
 35 | membership; providing for records and open meetings;
 36 | prescribing procedures if the council is abolished;
 37 | repealing ss. 985.503, 985.504, 985.505, 985.506, and
 38 | 985.507, F.S., relating to obsolete provisions governing
 39 | the former compact superseded by the act; providing for
 40 | future repeal; providing an effective date.

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 42 | Be It Enacted by the Legislature of the State of Florida:

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 44 | Section 1. Section 985.502, Florida Statutes, is amended
 45 | to read:

46 | (Substantial rewording of section. See
 47 | s. 985.502, F.S., for present text.)
 48 | 985.502 Execution of interstate compact for
 49 | juveniles.--The Governor is authorized and directed to execute a
 50 | compact on behalf of this state with any other state or states
 51 | legally joining thereto in the form substantially as follows.

52 | This compact does not interfere with this state's authority to
 53 | determine policy regarding juvenile offenders and nonoffenders
 54 | within this state.

56 | THE INTERSTATE COMPACT FOR JUVENILES

58 | ARTICLE I

60 | PURPOSE.--

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

74 | (2) It is the purpose of this compact, through means of
 75 | joint and cooperative action among the compacting states to: (A)
 76 | ensure that the adjudicated juveniles and status offenders
 77 | subject to this compact are provided adequate supervision and
 78 | services in the receiving state as ordered by the adjudicating
 79 | judge or parole authority in the sending state; (B) ensure that

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80 | the public safety interests of the public, including the victims
81 | of juvenile offenders, in both the sending and receiving states
82 | are adequately protected; (C) return juveniles who have run
83 | away, absconded, or escaped from supervision or control or who
84 | have been accused of an offense to the state requesting their
85 | return; (D) make contracts for the cooperative
86 | institutionalization in public facilities in member states for
87 | delinquent youth needing special services; (E) provide for the
88 | effective tracking and supervision of juveniles; (F) equitably
89 | allocate the costs, benefits, and obligations of the compacting
90 | states; (G) establish procedures to manage the movement between
91 | states of juvenile offenders released to the community under the
92 | jurisdiction of courts, juvenile departments, or any other
93 | criminal or juvenile justice agency that has jurisdiction over
94 | juvenile offenders; (H) ensure immediate notice to jurisdictions
95 | where defined offenders are authorized to travel or to relocate
96 | across state lines; (I) establish procedures to resolve pending
97 | charges (detainers) against juvenile offenders prior to transfer
98 | or release to the community under the terms of this compact; (J)
99 | establish a system of uniform data collection of information
100 | pertaining to juveniles subject to this compact which allows
101 | access by authorized juvenile justice and criminal justice
102 | officials, and regular reporting of activities under this
103 | compact to heads of state executive, judicial, and legislative
104 | branches and juvenile and criminal justice administrators; (K)
105 | monitor compliance with rules governing interstate movement of
106 | juveniles and initiate interventions to address and correct
107 | noncompliance; (L) coordinate training and education regarding

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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108 | the regulation of interstate movement of juveniles for officials
 109 | involved in such activity; and (M) coordinate the implementation
 110 | and operation of the compact with the Interstate Compact for the
 111 | Placement of Children, the Interstate Compact for Adult Offender
 112 | Supervision, and other compacts affecting juveniles,
 113 | particularly in those cases where concurrent or overlapping
 114 | supervision issues arise. It is the policy of the compacting
 115 | states that the activities conducted by the Interstate
 116 | Commission created in this compact are the formation of public
 117 | policies and therefore are public business. Furthermore, the
 118 | compacting states shall cooperate and observe their individual
 119 | and collective duties and responsibilities for the prompt return
 120 | and acceptance of juveniles subject to the provisions of the
 121 | compact. The provisions of the compact shall be reasonably and
 122 | liberally construed to accomplish the purposes and policies of
 123 | the compact.

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 125 | ARTICLE II
 126 |

127 | DEFINITIONS.--As used in this compact, unless the context
 128 | clearly requires a different construction:

129 | (1) "Bylaws" means those bylaws established by the
 130 | Interstate Commission for its governance or for directing or
 131 | controlling its actions or conduct.

132 | (2) "Compact administrator" means the individual in each
 133 | compacting state, appointed pursuant to the terms of this
 134 | compact, who is responsible for the administration and
 135 | management of the state's supervision and transfer of juveniles

136 subject to the terms of this compact, the rules adopted by the
 137 Interstate Commission, and the policies adopted by the state
 138 council under this compact.

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

141 (4) "Commissioner" means the voting representative of each
 142 compacting state appointed pursuant to Article III of this
 143 compact.

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

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

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

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

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

161 (b) Adjudicated delinquent - a person found to have
 162 committed an offense that, if committed by an adult, would be a
 163 criminal offense;

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164 (c) Accused status offender - a person charged with an
 165 offense that would not be a criminal offense if committed by an
 166 adult;

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

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

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

174 (10) "Probation or parole" means any kind of supervision
 175 or conditional release of juveniles authorized under the laws of
 176 the compacting states.

177 (11) "Rule" means a written statement by the Interstate
 178 Commission adopted pursuant to Article VI of this compact which
 179 is of general applicability and implements, interprets, or
 180 prescribes a policy or provision of the compact, or an
 181 organizational, procedural, or practice requirement of the
 182 commission; has the force and effect of statutory law in a
 183 compacting state; and includes the amendment, repeal, or
 184 suspension of an existing rule.

185 (12) "State" means a state of the United States, the
 186 District of Columbia (or its designee), the Commonwealth of
 187 Puerto Rico, the United States Virgin Islands, Guam, American
 188 Samoa, and the Northern Mariana Islands.

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ARTICLE III

192 INTERSTATE COMMISSION FOR JUVENILES.--
 193 (1) The compacting states hereby create the "Interstate
 194 Commission for Juveniles." The Interstate Commission shall be a
 195 body corporate and joint agency of the compacting states. The
 196 Interstate Commission shall have all the responsibilities,
 197 powers, and duties set forth in this compact, and such
 198 additional powers as may be conferred upon it by subsequent
 199 action of the respective legislatures of the compacting states
 200 in accordance with the terms of this compact.

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

210 (3) In addition to the commissioners who are the voting
 211 representatives of each state, the Interstate Commission shall
 212 include individuals who are not commissioners, but who are
 213 members of interested organizations. Such noncommissioner
 214 members must include a member of the national organization of
 215 governors, legislatures, state chief justices, attorneys
 216 general, Interstate Compact for Adult Offender Supervision,
 217 Interstate Compact for the Placement of Children, juvenile
 218 justice and juvenile corrections officials, and crime victims.
 219 All noncommissioner members of the Interstate Commission shall

220 be ex officio, nonvoting members. The Interstate Commission may
 221 provide in its bylaws for such additional ex officio, nonvoting
 222 members, including members of other national organizations, in
 223 such numbers as shall be determined by the Interstate
 224 Commission.

225 (4) Each compacting state represented at any meeting of
 226 the Interstate Commission is entitled to one vote. A majority of
 227 the compacting states shall constitute a quorum for the
 228 transaction of business, unless a larger quorum is required by
 229 the bylaws of the Interstate Commission.

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

243 (6) Each member of the Interstate Commission shall have
 244 the right and power to cast a vote to which that compacting
 245 state is entitled and to participate in the business and affairs
 246 of the Interstate Commission. A member shall vote in person and
 247 may not delegate a vote to another compacting state. However, a

248 commissioner, in consultation with the state council, shall
 249 appoint another authorized representative, in the absence of the
 250 commissioner from that state, to cast a vote on behalf of the
 251 compacting state at a specified meeting. The bylaws may provide
 252 for members' participation in meetings by telephone or other
 253 means of telecommunication or electronic communication.

254 (7) The Interstate Commission shall collect standardized
 255 data concerning the interstate movement of juveniles as directed
 256 through its rules, which shall specify the data to be collected,
 257 the means of collection and data exchange, and reporting
 258 requirements. Such methods of data collection, exchange, and
 259 reporting shall, insofar as is reasonably possible, conform to
 260 up-to-date technology and coordinate its information functions
 261 with the appropriate repository of records.

262
 263 ARTICLE IV

264
 265 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The
 266 Interstate Commission shall have the following powers and
 267 duties:

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

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

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

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

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

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

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

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

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

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

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

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

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

310 (14) To sue and to be sued.

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

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

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

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

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

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

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ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

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

- (1) Establishing the fiscal year of the Interstate Commission;
- (2) Establishing an executive committee and such other committees as may be necessary;
- (3) Providing for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;
- (4) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;
- (5) Establishing the titles and responsibilities of the officers of the Interstate Commission;
- (6) Providing a mechanism for concluding the operation of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the compact after the payment or reserving all of its debts and obligations;
- (7) Providing start-up rules for initial administration of the compact; and
- (8) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and staff.--

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

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

378 Section C. Qualified immunity, defense, and
379 indemnification.--

380 (1) The Interstate Commission's executive director and
381 employees shall be immune from suit and liability, either
382 personally or in their official capacity, for any claim for
383 damage to or loss of property or personal injury or other civil
384 liability caused or arising out of or relating to any actual or
385 alleged act, error, or omission that occurred, or that such

386 person had a reasonable basis for believing occurred, within the
 387 scope of commission employment, duties, or responsibilities;
 388 provided that any such person is not protected from suit or
 389 liability for any damage, loss, injury, or liability caused by
 390 the intentional or willful and wanton misconduct of any such
 391 person.

392 (2) The liability of any commissioner, or the employee or
 393 agent of a commissioner, acting within the scope of such
 394 person's employment or duties for acts, errors, or omissions
 395 occurring within such person's state may not exceed the limits
 396 of liability set forth under the constitution and laws of that
 397 state for state officials, employees, and agents. Nothing in
 398 this subsection shall be construed to protect any such person
 399 from suit or liability for any damage, loss, injury, or
 400 liability caused by the intentional or willful and wanton
 401 misconduct of any such person.

402 (3) The Interstate Commission shall defend the executive
 403 director or the employees or representatives of the Interstate
 404 Commission and, subject to the approval of the Attorney General
 405 of the state represented by any commissioner of a compacting
 406 state, shall defend such commissioner or the commissioner's
 407 representatives or employees in any civil action seeking to
 408 impose liability arising out of any actual or alleged act,
 409 error, or omission that occurred within the scope of Interstate
 410 Commission employment, duties, or responsibilities, or that the
 411 defendant had a reasonable basis for believing occurred within
 412 the scope of Interstate Commission employment, duties, or
 413 responsibilities; provided that the actual or alleged act,

414 error, or omission did not result from intentional or willful
 415 and wanton misconduct on the part of such person.

416 (4) The Interstate Commission shall indemnify and hold the
 417 commissioner of a compacting state or the commissioner's
 418 representatives or employees, or the Interstate Commission's
 419 representatives or employees, harmless in the amount of any
 420 settlement or judgment obtained against such persons arising out
 421 of any actual or alleged act, error, or omission that occurred
 422 within the scope of Interstate Commission employment, duties, or
 423 responsibilities, or that such persons had a reasonable basis
 424 for believing occurred within the scope of Interstate Commission
 425 employment, duties, or responsibilities; provided that the
 426 actual or alleged act, error, or omission did not result from
 427 intentional or willful and wanton misconduct on the part of such
 428 persons.

430 ARTICLE VI

432 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--

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

436 (2) Rulemaking shall occur pursuant to the criteria set
 437 forth in this article and the bylaws and rules adopted pursuant
 438 thereto. Such rulemaking shall substantially conform to the
 439 principles of the "Model State Administrative Procedures Act,"
 440 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such
 441 other administrative procedures act as the Interstate Commission

442 deems appropriate consistent with due process requirements under
 443 the United States Constitution as now or hereafter interpreted
 444 by the United States Supreme Court. All rules and amendments
 445 shall become binding as of the date specified, as published with
 446 the final version of the rule as approved by the Interstate
 447 Commission.

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

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

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

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

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

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

469 be considered substantial evidence under the Model State
 470 Administrative Procedures Act.

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

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

480 (7) Upon determination by the Interstate Commission that a
 481 state of emergency exists, it may adopt an emergency rule that
 482 shall become effective immediately upon adoption; provided that
 483 the usual rulemaking procedures provided hereunder shall be
 484 retroactively applied to said rule as soon as reasonably
 485 possible, but no later than 90 days after the effective date of
 486 the emergency rule.

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 488 ARTICLE VII

489
 490 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE
 491 INTERSTATE COMMISSION.--

492 Section A. Oversight.--

493 (1) The Interstate Commission shall oversee the
 494 administration and operations of the interstate movement of
 495 juveniles subject to this compact in the compacting states and
 496 shall monitor such activities being administered in

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497 noncompacting states which may significantly affect compacting
498 states.

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

513 Section B. Dispute resolution.--

514 (1) The compacting states shall report to the Interstate
515 Commission on all issues and activities necessary for the
516 administration of the compact as well as issues and activities
517 pertaining to compliance with the provisions of the compact and
518 its bylaws and rules.

519 (2) The Interstate Commission shall attempt, upon the
520 request of a compacting state, to resolve any disputes or other
521 issues that are subject to the compact and that may arise among
522 compacting states and between compacting and noncompacting
523 states. The commission shall adopt a rule providing for both

524 mediation and binding dispute resolution for disputes among the
525 compacting states.

526 (3) The Interstate Commission, in the reasonable exercise
527 of its discretion, shall enforce the provisions and rules of
528 this compact using any or all means set forth in Article XI of
529 this compact.

531 ARTICLE VIII

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533 FINANCE.--

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

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

549 (3) The Interstate Commission shall not incur any
550 obligations of any kind prior to securing the funds adequate to
551 meet the same, nor shall the Interstate Commission pledge the

552 credit of any of the compacting states, except by and with the
 553 authority of the compacting state.

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

563
 564 ARTICLE IX
 565

566 THE STATE COUNCIL.--Each member shall create a State
 567 Council for Interstate Juvenile Supervision. While each state
 568 may determine the membership of its own state council, its
 569 membership must include at least one representative from the
 570 legislative, judicial, and executive branches of government; at
 571 least one representative of victims groups; a parent of a youth
 572 who is not currently in the juvenile justice system; and the
 573 compact administrator, deputy compact administrator, or
 574 designee. Each compacting state retains the right to determine
 575 the qualifications of the compact administrator or deputy
 576 compact administrator. Each state council may advise and
 577 exercise oversight and advocacy concerning that state's
 578 participation in the activities of the Interstate Commission and
 579 other duties as may be determined by that state, including, but

580 | not limited to, development of policy concerning operations and
 581 | procedures of the compact within that state.

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583 | ARTICLE X

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585 | COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.--

586 | (1) Any state, including the District of Columbia (or its
 587 | designee), the Commonwealth of Puerto Rico, the United States
 588 | Virgin Islands, Guam, American Samoa, and the Northern Mariana
 589 | Islands, as defined in Article II of this compact, is eligible
 590 | to become a compacting state.

591 | (2) The compact shall become effective and binding upon
 592 | legislative enactment of the compact into law by no less than 35
 593 | of the states. The initial effective date shall be the later of
 594 | July 1, 2005, or upon enactment into law by the 35th
 595 | jurisdiction. Thereafter, it shall become effective and binding
 596 | as to any other compacting state upon enactment of the compact
 597 | into law by that state. The governors of nonmember states or
 598 | their designees shall be invited to participate in the
 599 | activities of the Interstate Commission on a nonvoting basis
 600 | prior to adoption of the compact by all states and territories
 601 | of the United States.

602 | (3) The Interstate Commission may propose amendments to
 603 | the compact for enactment by the compacting states. No amendment
 604 | shall become effective and binding upon the Interstate
 605 | Commission and the compacting states unless and until it is
 606 | enacted into law by unanimous consent of the compacting states.

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ARTICLE XI

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

Section A. Withdrawal.--

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

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

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

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

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

635 Section B. Technical assistance, fines, suspension,
 636 termination, and default.--

637 (1) If the Interstate Commission determines that any
 638 compacting state has at any time defaulted in the performance of
 639 any of its obligations or responsibilities under this compact,
 640 or the bylaws or duly adopted rules, the Interstate Commission
 641 may impose any or all of the following penalties:

642 (a) Remedial training and technical assistance as directed
 643 by the Interstate Commission;

644 (b) Alternative dispute resolution;

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

647 (d) Suspension or termination of membership in the
 648 compact, which shall be imposed only after all other reasonable
 649 means of securing compliance under the bylaws and rules have
 650 been exhausted and the Interstate Commission has therefore
 651 determined that the offending state is in default. Immediate
 652 notice of suspension shall be given by the Interstate Commission
 653 to the Governor, the Chief Justice or the Chief Judicial Officer
 654 of the state, the majority and the minority leaders of the
 655 defaulting state's legislature, and the state council. The
 656 grounds for default include, but are not limited to, failure of
 657 a compacting state to perform such obligations or
 658 responsibilities imposed upon it by this compact, the bylaws, or
 659 duly adopted rules and any other ground designated in commission
 660 bylaws and rules. The Interstate Commission shall immediately
 661 notify the defaulting state in writing of the penalty imposed by
 662 the Interstate Commission and of the default pending a cure of

663 | the default. The commission shall stipulate the conditions and
 664 | the time period within which the defaulting state must cure its
 665 | default. If the defaulting state fails to cure the default
 666 | within the period specified by the commission, the defaulting
 667 | state shall be terminated from the compact upon an affirmative
 668 | vote of a majority of the compacting states and all rights,
 669 | privileges, and benefits conferred by this compact shall be
 670 | terminated from the effective date of termination.

671 | (2) Within 60 days after the effective date of termination
 672 | of a defaulting state, the Interstate Commission shall notify
 673 | the Governor, the Chief Justice or Chief Judicial Officer, the
 674 | majority and minority leaders of the defaulting state's
 675 | legislature, and the state council of such termination.

676 | (3) The defaulting state is responsible for all
 677 | assessments, obligations, and liabilities incurred through the
 678 | effective date of termination, including any obligations the
 679 | performance of which extends beyond the effective date of
 680 | termination.

681 | (4) The Interstate Commission shall not bear any costs
 682 | relating to the defaulting state unless otherwise mutually
 683 | agreed upon in writing between the Interstate Commission and the
 684 | defaulting state.

685 | (5) Reinstatement following termination of any compacting
 686 | state requires both a reenactment of the compact by the
 687 | defaulting state and the approval of the Interstate Commission
 688 | pursuant to the rules.

689 | Section C. Judicial enforcement.--The Interstate
 690 | Commission may, by majority vote of the members, initiate legal

691 action in the United States District Court for the District of
 692 Columbia or, at the discretion of the Interstate Commission, in
 693 the federal district where the Interstate Commission has its
 694 offices, to enforce compliance with the provisions of the
 695 compact and its duly adopted rules and bylaws against any
 696 compacting state in default. In the event judicial enforcement
 697 is necessary, the prevailing party shall be awarded all costs of
 698 such litigation, including reasonable attorney's fees.

699 Section D. Dissolution of compact.--

700 (1) The compact dissolves effective upon the date of the
 701 withdrawal or default of the compacting state which reduces
 702 membership in the compact to one compacting state.

703 (2) Upon the dissolution of the compact, the compact
 704 becomes null and void and shall be of no further force or
 705 effect, the business and affairs of the Interstate Commission
 706 shall be concluded, and any surplus funds shall be distributed
 707 in accordance with the bylaws.

708

709 ARTICLE XII

710

711 SEVERABILITY AND CONSTRUCTION.--

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

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

718

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS.--

Section A. Other laws.--

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

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

Section B. Binding effect of the compact.--

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

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

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

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

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747 exercised by the agency thereof to which such obligations,
748 duties, powers, or jurisdiction are delegated by law in effect
749 at the time this compact becomes effective.

750 Section 2. Section 985.5025, Florida Statutes, is created
751 to read:

752 985.5025 State Council for Interstate Juvenile Offender
753 Supervision.--

754 (1) Pursuant to Article IX of the Interstate Compact for
755 Juveniles in s. 985.502, the State Council for Interstate
756 Juvenile Offender Supervision is created. The purpose of the
757 council is to oversee state participation in the activities of
758 the Interstate Commission for Juveniles.

759 (2) The council shall consist of seven members and the
760 Secretary of the Department of Juvenile Justice or his or her
761 designee, who shall serve as the chair of the council and may
762 vote only to break a tie. The compact administrator or his or
763 her designee and the Executive Director of the Department of Law
764 Enforcement or his or her designee shall serve as members of the
765 council. The remaining members shall be appointed by the
766 Governor for terms of 4 years; however, the Governor may, for
767 any year, delegate the power of appointment to the Secretary of
768 the Department of Juvenile Justice. Of the initial appointees,
769 one shall be appointed for a term of 1 year, one shall be
770 appointed for a term of 2 years, one shall be appointed for a
771 term of 3 years, and two shall be appointed for terms of 4 years
772 each.

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

775 system and may include a victim's advocate, employees of the
 776 Department of Children and Family Services, employees of the
 777 Department of Law Enforcement who work with missing and
 778 exploited children, and a parent who, at the time of
 779 appointment, does not have a child involved in the juvenile
 780 justice system.

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

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

788 (6) If the council is abolished, its records must be
 789 appropriately stored, within 30 days after the effective date of
 790 its abolition, by the Department of Juvenile Justice or its
 791 successor agency. Any property assigned to the council must be
 792 reclaimed by the department or its successor agency. The council
 793 may not perform any activities after the effective date of its
 794 abolition.

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

797 Section 4. This act shall be repealed 2 years following
 798 the date it takes effect.

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