

CHAMBER ACTION

1 The Justice Council 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 39 | the former compact superseded by the act; providing for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 | the future legislative review and repeal of ss. 985.502
 41 | and 985.5025, F.S.; providing an effective date.

42 |
 43 | Be It Enacted by the Legislature of the State of Florida:
 44 |

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

47 | (Substantial rewording of section. See
 48 | s. 985.502, F.S., for present text.)

49 | 985.502 Execution of interstate compact for
 50 | juveniles.--The Governor is authorized and directed to execute a
 51 | compact on behalf of this state with any other state or states

52 | legally joining thereto in the form substantially as follows.
 53 | This compact does not interfere with this state's authority to
 54 | determine policy regarding juvenile offenders and nonoffenders
 55 | within this state.

56 |
 57 | THE INTERSTATE COMPACT FOR JUVENILES

58 |
 59 | ARTICLE I

60 |
 61 | PURPOSE.--

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

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

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

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

125
 126 ARTICLE II
 127

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

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

133 (2) "Compact administrator" means the individual in each
 134 compacting state, appointed pursuant to the terms of this
 135 compact, who is responsible for the administration and

136 management of the state's supervision and transfer of juveniles
 137 subject to the terms of this compact, the rules adopted by the
 138 Interstate Commission, and the policies adopted by the state
 139 council under this compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

190
191 ARTICLE III

192
193 INTERSTATE COMMISSION FOR JUVENILES.--

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

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

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

218 Interstate Compact for the Placement of Children, juvenile
 219 justice and juvenile corrections officials, and crime victims.
 220 All noncommissioner members of the Interstate Commission shall
 221 be ex officio, nonvoting members. The Interstate Commission may
 222 provide in its bylaws for such additional ex officio, nonvoting
 223 members, including members of other national organizations, in
 224 such numbers as shall be determined by the Interstate
 225 Commission.

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

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

244 (6) Each member of the Interstate Commission shall have
 245 the right and power to cast a vote to which that compacting

246 state is entitled and to participate in the business and affairs
 247 of the Interstate Commission. A member shall vote in person and
 248 may not delegate a vote to another compacting state. However, a
 249 commissioner, in consultation with the state council, shall
 250 appoint another authorized representative, in the absence of the
 251 commissioner from that state, to cast a vote on behalf of the
 252 compacting state at a specified meeting. The bylaws may provide
 253 for members' participation in meetings by telephone or other
 254 means of telecommunication or electronic communication.

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

263
 264 ARTICLE IV

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

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

271 (2) To adopt rules to effect the purposes and obligations
 272 as enumerated in this compact, and which shall have the force
 273 and effect of statutory law and shall be binding in the

274 compacting states to the extent and in the manner provided in
 275 this compact.

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

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

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

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

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

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

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

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

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

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

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

311 (14) To sue and to be sued.

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

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

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

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

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

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

329
 330 ARTICLE V

331
 332 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

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

338 (1) Establishing the fiscal year of the Interstate
 339 Commission;

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

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

345 (4) Providing reasonable procedures for calling and
 346 conducting meetings of the Interstate Commission and ensuring
 347 reasonable notice of each such meeting;

348 (5) Establishing the titles and responsibilities of the
 349 officers of the Interstate Commission;

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

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

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

358 Section B. Officers and staff.--

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

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

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

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381 (1) The Interstate Commission's executive director and
382 employees shall be immune from suit and liability, either
383 personally or in their official capacity, for any claim for
384 damage to or loss of property or personal injury or other civil
385 liability caused or arising out of or relating to any actual or
386 alleged act, error, or omission that occurred, or that such
387 person had a reasonable basis for believing occurred, within the
388 scope of commission employment, duties, or responsibilities;
389 provided that any such person is not protected from suit or
390 liability for any damage, loss, injury, or liability caused by
391 the intentional or willful and wanton misconduct of any such
392 person.

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

403 (3) The Interstate Commission shall defend the executive
404 director or the employees or representatives of the Interstate
405 Commission and, subject to the approval of the Attorney General
406 of the state represented by any commissioner of a compacting
407 state, shall defend such commissioner or the commissioner's
408 representatives or employees in any civil action seeking to

409 impose liability arising out of any actual or alleged act,
 410 error, or omission that occurred within the scope of Interstate
 411 Commission employment, duties, or responsibilities, or that the
 412 defendant had a reasonable basis for believing occurred within
 413 the scope of Interstate Commission employment, duties, or
 414 responsibilities; provided that the actual or alleged act,
 415 error, or omission did not result from intentional or willful
 416 and wanton misconduct on the part of such person.

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

430
 431 ARTICLE VI
 432

433 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--

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

437 (2) Rulemaking shall occur pursuant to the criteria set
 438 forth in this article and the bylaws and rules adopted pursuant
 439 thereto. Such rulemaking shall substantially conform to the
 440 principles of the "Model State Administrative Procedures Act,"
 441 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such
 442 other administrative procedures act as the Interstate Commission
 443 deems appropriate consistent with due process requirements under
 444 the United States Constitution as now or hereafter interpreted
 445 by the United States Supreme Court. All rules and amendments
 446 shall become binding as of the date specified, as published with
 447 the final version of the rule as approved by the Interstate
 448 Commission.

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

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

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

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

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

461 (4) Allow, not later than 60 days after a rule is adopted,
 462 any interested person to file a petition in the United States
 463 District Court for the District of Columbia, or in the Federal
 464 District Court where the Interstate Commission's principal

465 office is located, for judicial review of such rule. If the
 466 court finds that the Interstate Commission's actions are not
 467 supported by the substantial evidence in the rulemaking record,
 468 the court shall hold the rule unlawful and set it aside. For
 469 purposes of this subsection, evidence is substantial if it would
 470 be considered substantial evidence under the Model State
 471 Administrative Procedures Act.

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

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

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

488
 489 ARTICLE VII

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

493 Section A. Oversight.--

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

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

514 Section B. Dispute resolution.--

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

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

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

531
 532 ARTICLE VIII
 533

534 FINANCE.--

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

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

548 Commission shall adopt a rule that is binding upon all
 549 compacting states governing the assessment.

550 (3) The Interstate Commission shall not incur any
 551 obligations of any kind prior to securing the funds adequate to
 552 meet the same, nor shall the Interstate Commission pledge the
 553 credit of any of the compacting states, except by and with the
 554 authority of the compacting state.

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

564
 565 ARTICLE IX
 566

567 THE STATE COUNCIL.--Each member shall create a State
 568 Council for Interstate Juvenile Supervision. While each state
 569 may determine the membership of its own state council, its
 570 membership must include at least one representative from the
 571 legislative, judicial, and executive branches of government; at
 572 least one representative of victims groups; a parent of a youth
 573 who is not currently in the juvenile justice system; and the
 574 compact administrator, deputy compact administrator, or
 575 designee. Each compacting state retains the right to determine

576 | the qualifications of the compact administrator or deputy
 577 | compact administrator. Each state council may advise and
 578 | exercise oversight and advocacy concerning that state's
 579 | participation in the activities of the Interstate Commission and
 580 | other duties as may be determined by that state, including, but
 581 | not limited to, development of policy concerning operations and
 582 | procedures of the compact within that state.

583

584 | ARTICLE X

585

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

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

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

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

608

609 ARTICLE XI

610

611 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL

612 ENFORCEMENT.--

613 Section A. Withdrawal.--

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

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

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

627 (4) The withdrawing state is responsible for all
 628 assessments, obligations, and liabilities incurred through the
 629 effective date of withdrawal, including any obligations the

630 performance of which extends beyond the effective date of
 631 withdrawal.

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

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

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

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

645 (b) Alternative dispute resolution;

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

648 (d) Suspension or termination of membership in the
 649 compact, which shall be imposed only after all other reasonable
 650 means of securing compliance under the bylaws and rules have
 651 been exhausted and the Interstate Commission has therefore
 652 determined that the offending state is in default. Immediate
 653 notice of suspension shall be given by the Interstate Commission
 654 to the Governor, the Chief Justice or the Chief Judicial Officer
 655 of the state, the majority and the minority leaders of the
 656 defaulting state's legislature, and the state council. The
 657 grounds for default include, but are not limited to, failure of

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658 | a compacting state to perform such obligations or
659 | responsibilities imposed upon it by this compact, the bylaws, or
660 | duly adopted rules and any other ground designated in commission
661 | bylaws and rules. The Interstate Commission shall immediately
662 | notify the defaulting state in writing of the penalty imposed by
663 | the Interstate Commission and of the default pending a cure of
664 | the default. The commission shall stipulate the conditions and
665 | the time period within which the defaulting state must cure its
666 | default. If the defaulting state fails to cure the default
667 | within the period specified by the commission, the defaulting
668 | state shall be terminated from the compact upon an affirmative
669 | vote of a majority of the compacting states and all rights,
670 | privileges, and benefits conferred by this compact shall be
671 | terminated from the effective date of termination.

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

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

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

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

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

700 Section D. Dissolution of compact.--

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

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

710 ARTICLE XII

712 SEVERABILITY AND CONSTRUCTION.--

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

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

720 ARTICLE XIII

722 BINDING EFFECT OF COMPACT AND OTHER LAWS.--

723 Section A. Other laws.--

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

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

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

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

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

737 (3) Upon the request of a party to a conflict over meaning
 738 or interpretation of Interstate Commission actions, and upon a
 739 majority vote of the compacting states, the Interstate

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740 Commission may issue advisory opinions regarding such meaning or
741 interpretation.

742 (4) In the event any provision of this compact exceeds the
743 constitutional limits imposed on any compacting state, the
744 obligations, duties, powers, or jurisdiction sought to be
745 conferred by such provision upon the Interstate Commission shall
746 be ineffective and such obligations, duties, powers, or
747 jurisdiction shall remain in the compacting state and shall be
748 exercised by the agency thereof to which such obligations,
749 duties, powers, or jurisdiction are delegated by law in effect
750 at the time this compact becomes effective.

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

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

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

760 (2) The council shall consist of seven members and the
761 Secretary of the Department of Juvenile Justice or his or her
762 designee, who shall serve as the chair of the council and may
763 vote only to break a tie. The compact administrator or his or
764 her designee and the Executive Director of the Department of Law
765 Enforcement or his or her designee shall serve as members of the
766 council. The remaining members shall be appointed by the
767 Governor for terms of 4 years; however, the Governor may, in

768 writing and on an individual basis for each appointee, delegate
 769 the power of appointment to the Secretary of Juvenile Justice.
 770 Of the initial appointees, one shall be appointed for a term of
 771 1 year, one shall be appointed for a term of 2 years, one shall
 772 be appointed for a term of 3 years, and two shall be appointed
 773 for terms of 4 years each.

774 (3) Appointees shall be selected from individuals with
 775 personal or professional experience in the juvenile justice
 776 system and may include a victim's advocate, employees of the
 777 Department of Children and Family Services, employees of the
 778 Department of Law Enforcement who work with missing and
 779 exploited children, and a parent who, at the time of
 780 appointment, does not have a child involved in the juvenile
 781 justice system.

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

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

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

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

798 Section 4. Sections 985.502 and 985.5025, Florida
799 Statutes, shall stand repealed 2 years after the effective date
800 of this act unless reviewed and saved from repeal through
801 reenactment by the Legislature.

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