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HB 577, Engrossed 1

2005 Legislature

1 A bill to be entitled

2 An act relating to the Interstate Compact for Juveniles;
3 amending s. 985.502, F.S.; revising provisions of the
4 former Interstate Compact on Juveniles; providing purpose
5 of the compact; providing definitions; providing for an
6 Interstate Commission for Juveniles; providing for the
7 appointment of commissioners; providing for an executive
8 committee; providing for meetings; providing powers and
9 duties of the Interstate Commission; providing for its
10 organization and operation; providing for bylaws,
11 officers, and staff; providing for qualified immunity from
12 liability for the commissioners, the executive director,
13 and employees; requiring the Interstate Commission to
14 adopt rules; providing for oversight, enforcement, and
15 dispute resolution by the Interstate Commission; providing
16 for the activities of the Interstate Commission to be
17 financed by an annual assessment from each compacting
18 state; requiring member states to create a State Council
19 for Interstate Juvenile Supervision; providing for the
20 effective date of the compact and amendments thereto;
21 providing for a state's withdrawal from and reinstatement
22 to the compact; providing for assistance, certain
23 penalties, suspension, or termination following default by
24 a state; providing for judicial enforcement; providing for
25 dissolution of the compact; providing for severability and
26 construction of the compact; providing for the effect of
27 the compact with respect to other laws and for its binding
28 effect; creating s. 985.5025, F.S.; creating the State

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

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29 Council for Interstate Juvenile Offender Supervision to
 30 oversee state participation in the compact; providing
 31 membership; providing for records and open meetings;
 32 prescribing procedures if the council is abolished;
 33 repealing ss. 985.503, 985.504, 985.505, 985.506, and
 34 985.507, F.S., relating to obsolete provisions governing
 35 the former compact superseded by the act; providing for
 36 the future legislative review and repeal of ss. 985.502
 37 and 985.5025, F.S.; providing an effective date.

38

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

40

41 Section 1. Section 985.502, Florida Statutes, is amended
 42 to read:

43 (Substantial rewording of section. See

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

45 985.502 Execution of interstate compact for

46 juveniles.--The Governor is authorized and directed to execute a

47 compact on behalf of this state with any other state or states

48 legally joining thereto in the form substantially as follows.

49 This compact does not interfere with this state's authority to

50 determine policy regarding juvenile offenders and nonoffenders

51 within this state.

52

53 THE INTERSTATE COMPACT FOR JUVENILES

54

55 ARTICLE I

56

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PURPOSE.--

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

70 | (2) It is the purpose of this compact, through means of
71 | joint and cooperative action among the compacting states to: (A)
72 | ensure that the adjudicated juveniles and status offenders
73 | subject to this compact are provided adequate supervision and
74 | services in the receiving state as ordered by the adjudicating
75 | judge or parole authority in the sending state; (B) ensure that
76 | the public safety interests of the public, including the victims
77 | of juvenile offenders, in both the sending and receiving states
78 | are adequately protected; (C) return juveniles who have run
79 | away, absconded, or escaped from supervision or control or who
80 | have been accused of an offense to the state requesting their
81 | return; (D) make contracts for the cooperative
82 | institutionalization in public facilities in member states for
83 | delinquent youth needing special services; (E) provide for the
84 |

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85 effective tracking and supervision of juveniles; (F) equitably
86 allocate the costs, benefits, and obligations of the compacting
87 states; (G) establish procedures to manage the movement between
88 states of juvenile offenders released to the community under the
89 jurisdiction of courts, juvenile departments, or any other
90 criminal or juvenile justice agency that has jurisdiction over
91 juvenile offenders; (H) ensure immediate notice to jurisdictions
92 where defined offenders are authorized to travel or to relocate
93 across state lines; (I) establish procedures to resolve pending
94 charges (detainers) against juvenile offenders prior to transfer
95 or release to the community under the terms of this compact; (J)
96 establish a system of uniform data collection of information
97 pertaining to juveniles subject to this compact which allows
98 access by authorized juvenile justice and criminal justice
99 officials, and regular reporting of activities under this
100 compact to heads of state executive, judicial, and legislative
101 branches and juvenile and criminal justice administrators; (K)
102 monitor compliance with rules governing interstate movement of
103 juveniles and initiate interventions to address and correct
104 noncompliance; (L) coordinate training and education regarding
105 the regulation of interstate movement of juveniles for officials
106 involved in such activity; and (M) coordinate the implementation
107 and operation of the compact with the Interstate Compact for the
108 Placement of Children, the Interstate Compact for Adult Offender
109 Supervision, and other compacts affecting juveniles,
110 particularly in those cases where concurrent or overlapping
111 supervision issues arise. It is the policy of the compacting
112 states that the activities conducted by the Interstate

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113 Commission created in this compact are the formation of public
 114 policies and therefore are public business. Furthermore, the
 115 compacting states shall cooperate and observe their individual
 116 and collective duties and responsibilities for the prompt return
 117 and acceptance of juveniles subject to the provisions of the
 118 compact. The provisions of the compact shall be reasonably and
 119 liberally construed to accomplish the purposes and policies of
 120 the compact.

122 ARTICLE II

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

126 (1) "Bylaws" means those bylaws established by the
 127 Interstate Commission for its governance or for directing or
 128 controlling its actions or conduct.

129 (2) "Compact administrator" means the individual in each
 130 compacting state, appointed pursuant to the terms of this
 131 compact, who is responsible for the administration and
 132 management of the state's supervision and transfer of juveniles
 133 subject to the terms of this compact, the rules adopted by the
 134 Interstate Commission, and the policies adopted by the state
 135 council under this compact.

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

138 (4) "Commissioner" means the voting representative of each
 139 compacting state appointed pursuant to Article III of this
 140 compact.

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

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

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

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

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

158 (b) Adjudicated delinquent - a person found to have
 159 committed an offense that, if committed by an adult, would be a
 160 criminal offense;

161 (c) Accused status offender - a person charged with an
 162 offense that would not be a criminal offense if committed by an
 163 adult;

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

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

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

171 (10) "Probation or parole" means any kind of supervision
 172 or conditional release of juveniles authorized under the laws of
 173 the compacting states.

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

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

186
 187 ARTICLE III

188
 189 INTERSTATE COMMISSION FOR JUVENILES.--

190 (1) The compacting states hereby create the "Interstate
 191 Commission for Juveniles." The Interstate Commission shall be a
 192 body corporate and joint agency of the compacting states. The
 193 Interstate Commission shall have all the responsibilities,
 194 powers, and duties set forth in this compact, and such
 195 additional powers as may be conferred upon it by subsequent

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196 action of the respective legislatures of the compacting states
 197 in accordance with the terms of this compact.

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

207 (3) In addition to the commissioners who are the voting
 208 representatives of each state, the Interstate Commission shall
 209 include individuals who are not commissioners, but who are
 210 members of interested organizations. Such noncommissioner
 211 members must include a member of the national organization of
 212 governors, legislatures, state chief justices, attorneys
 213 general, Interstate Compact for Adult Offender Supervision,
 214 Interstate Compact for the Placement of Children, juvenile
 215 justice and juvenile corrections officials, and crime victims.
 216 All noncommissioner members of the Interstate Commission shall
 217 be ex officio, nonvoting members. The Interstate Commission may
 218 provide in its bylaws for such additional ex officio, nonvoting
 219 members, including members of other national organizations, in
 220 such numbers as shall be determined by the Interstate
 221 Commission.

222 (4) Each compacting state represented at any meeting of
 223 the Interstate Commission is entitled to one vote. A majority of

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224 the compacting states shall constitute a quorum for the
225 transaction of business, unless a larger quorum is required by
226 the bylaws of the Interstate Commission.

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

240 (6) Each member of the Interstate Commission shall have
241 the right and power to cast a vote to which that compacting
242 state is entitled and to participate in the business and affairs
243 of the Interstate Commission. A member shall vote in person and
244 may not delegate a vote to another compacting state. However, a
245 commissioner, in consultation with the state council, shall
246 appoint another authorized representative, in the absence of the
247 commissioner from that state, to cast a vote on behalf of the
248 compacting state at a specified meeting. The bylaws may provide
249 for members' participation in meetings by telephone or other
250 means of telecommunication or electronic communication.

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

259
 260 ARTICLE IV

261
 262 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The
 263 Interstate Commission shall have the following powers and
 264 duties:

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 307 | (14) To sue and to be sued.
- 308 | (15) To adopt a seal and bylaws governing the management
- 309 | and operation of the Interstate Commission.
- 310 | (16) To perform such functions as may be necessary or
- 311 | appropriate to achieve the purposes of this compact.
- 312 | (17) To report annually to the legislatures, governors,
- 313 | judiciary, and state councils of the compacting states
- 314 | concerning the activities of the Interstate Commission during
- 315 | the preceding year. Such reports shall also include any
- 316 | recommendations that may have been adopted by the Interstate
- 317 | Commission.
- 318 | (18) To coordinate education, training, and public
- 319 | awareness regarding the interstate movement of juveniles for
- 320 | officials involved in such activity.
- 321 | (19) To establish uniform standards of the reporting,
- 322 | collecting, and exchanging of data.
- 323 | (20) To maintain its corporate books and records in
- 324 | accordance with the bylaws.

ARTICLE V

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

329 | Section A. Bylaws.--The Interstate Commission shall, by a

330 | majority of the members present and voting, within 12 months

331 | after the first Interstate Commission meeting, adopt bylaws to

332 | govern its conduct as may be necessary or appropriate to carry

333 | out the purposes of the compact, including, but not limited to:

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

354 Section B. Officers and staff.--

- 355 (1) The Interstate Commission shall, by a majority of the
 356 members, elect annually from among its members a chairperson and
 357 vice chairperson, each of whom shall have such authority and
 358 duties as may be specified in the bylaws. The chairperson or, in
 359 the chairperson's absence or disability, the vice chairperson
 360 shall preside at all meetings of the Interstate Commission. The
 361 officers so elected shall serve without compensation or

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362 remuneration from the Interstate Commission; provided that,
363 subject to the availability of budgeted funds, the officers
364 shall be reimbursed for any ordinary and necessary costs and
365 expenses incurred by them in the performance of their duties and
366 responsibilities as officers of the Interstate Commission.

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

375 Section C. Qualified immunity, defense, and
376 indemnification.--

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

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

399 (3) The Interstate Commission shall defend the executive
400 director or the employees or representatives of the Interstate
401 Commission and, subject to the approval of the Attorney General
402 of the state represented by any commissioner of a compacting
403 state, shall defend such commissioner or the commissioner's
404 representatives or employees in any civil action seeking to
405 impose liability arising out of any actual or alleged act,
406 error, or omission that occurred within the scope of Interstate
407 Commission employment, duties, or responsibilities, or that the
408 defendant had a reasonable basis for believing occurred within
409 the scope of Interstate Commission employment, duties, or
410 responsibilities; provided that the actual or alleged act,
411 error, or omission did not result from intentional or willful
412 and wanton misconduct on the part of such person.

413 (4) The Interstate Commission shall indemnify and hold the
414 commissioner of a compacting state or the commissioner's
415 representatives or employees, or the Interstate Commission's
416 representatives or employees, harmless in the amount of any

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417 settlement or judgment obtained against such persons arising out
 418 of any actual or alleged act, error, or omission that occurred
 419 within the scope of Interstate Commission employment, duties, or
 420 responsibilities, or that such persons had a reasonable basis
 421 for believing occurred within the scope of Interstate Commission
 422 employment, duties, or responsibilities; provided that the
 423 actual or alleged act, error, or omission did not result from
 424 intentional or willful and wanton misconduct on the part of such
 425 persons.

426
 427 ARTICLE VI
 428

429 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--

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

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

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

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

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

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

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

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

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

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

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

484
 485 ARTICLE VII
 486

487 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE
 488 INTERSTATE COMMISSION.--

489 Section A. Oversight.--

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

496 (2) The courts and executive agencies in each compacting
 497 state shall enforce this compact and shall take all actions
 498 necessary and appropriate to effectuate the compact's purposes
 499 and intent. The provisions of this compact and the rules adopted
 500 hereunder shall be received by all the judges, public officers,

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501 commissions, and departments of the state government as evidence
 502 of the authorized statute and administrative rules. All courts
 503 shall take judicial notice of the compact and the rules. In any
 504 judicial or administrative proceeding in a compacting state
 505 pertaining to the subject matter of this compact which may
 506 affect the powers, responsibilities, or actions of the
 507 Interstate Commission, the commission shall be entitled to
 508 receive all service of process in any such proceeding and shall
 509 have standing to intervene in the proceeding for all purposes.

510 Section B. Dispute resolution.--

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

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

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

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 528 ARTICLE VIII

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530 FINANCE.--

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

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

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

551 (4) The Interstate Commission shall keep accurate accounts
552 of all receipts and disbursements. The receipts and
553 disbursements of the Interstate Commission shall be subject to
554 the audit and accounting procedures established under its
555 bylaws. However, all receipts and disbursements of funds handled
556 by the Interstate Commission shall be audited yearly by a

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557 certified or licensed public accountant, and the report of the
 558 audit shall be included in and become part of the annual report
 559 of the Interstate Commission.

561 ARTICLE IX

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

580 ARTICLE X

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

583 (1) Any state, including the District of Columbia (or its
 584 designee), the Commonwealth of Puerto Rico, the United States

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585 Virgin Islands, Guam, American Samoa, and the Northern Mariana
 586 Islands, as defined in Article II of this compact, is eligible
 587 to become a compacting state.

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

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

604
 605 ARTICLE XI
 606

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

609 Section A. Withdrawal.--

610 (1) Once effective, the compact shall continue in force
 611 and remain binding upon each and every compacting state;
 612 provided that a compacting state may withdraw from the compact

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613 by specifically repealing the statute that enacted the compact
 614 into law.

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

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

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

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

632 Section B. Technical assistance, fines, suspension,
 633 termination, and default.--

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

639 (a) Remedial training and technical assistance as directed
 640 by the Interstate Commission;

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641 | (b) Alternative dispute resolution;
642 | (c) Fines, fees, and costs in such amounts as are deemed
643 | to be reasonable as fixed by the Interstate Commission; or
644 | (d) Suspension or termination of membership in the
645 | compact, which shall be imposed only after all other reasonable
646 | means of securing compliance under the bylaws and rules have
647 | been exhausted and the Interstate Commission has therefore
648 | determined that the offending state is in default. Immediate
649 | notice of suspension shall be given by the Interstate Commission
650 | to the Governor, the Chief Justice or the Chief Judicial Officer
651 | of the state, the majority and the minority leaders of the
652 | defaulting state's legislature, and the state council. The
653 | grounds for default include, but are not limited to, failure of
654 | a compacting state to perform such obligations or
655 | responsibilities imposed upon it by this compact, the bylaws, or
656 | duly adopted rules and any other ground designated in commission
657 | bylaws and rules. The Interstate Commission shall immediately
658 | notify the defaulting state in writing of the penalty imposed by
659 | the Interstate Commission and of the default pending a cure of
660 | the default. The commission shall stipulate the conditions and
661 | the time period within which the defaulting state must cure its
662 | default. If the defaulting state fails to cure the default
663 | within the period specified by the commission, the defaulting
664 | state shall be terminated from the compact upon an affirmative
665 | vote of a majority of the compacting states and all rights,
666 | privileges, and benefits conferred by this compact shall be
667 | terminated from the effective date of termination.

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

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

678 (4) The Interstate Commission shall not bear any costs
679 relating to the defaulting state unless otherwise mutually
680 agreed upon in writing between the Interstate Commission and the
681 defaulting state.

682 (5) Reinstatement following termination of any compacting
683 state requires both a reenactment of the compact by the
684 defaulting state and the approval of the Interstate Commission
685 pursuant to the rules.

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

696 Section D. Dissolution of compact.--
 697 (1) The compact dissolves effective upon the date of the
 698 withdrawal or default of the compacting state which reduces
 699 membership in the compact to one compacting state.
 700 (2) Upon the dissolution of the compact, the compact
 701 becomes null and void and shall be of no further force or
 702 effect, the business and affairs of the Interstate Commission
 703 shall be concluded, and any surplus funds shall be distributed
 704 in accordance with the bylaws.

705
 706 ARTICLE XII

707
 708 SEVERABILITY AND CONSTRUCTION.--

709 (1) The provisions of this compact are severable, and if
 710 any phrase, clause, sentence, or provision is deemed
 711 unenforceable, the remaining provisions of the compact shall be
 712 enforceable.
 713 (2) The provisions of this compact shall be liberally
 714 construed to effectuate its purposes.

715
 716 ARTICLE XIII

717
 718 BINDING EFFECT OF COMPACT AND OTHER LAWS.--

719 Section A. Other laws.--

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

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

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

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

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

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

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

747 Section 2. Section 985.5025, Florida Statutes, is created
748 to read:

749 985.5025 State Council for Interstate Juvenile Offender
750 Supervision.--

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

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

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

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

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

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

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

794 Section 4. Sections 985.502 and 985.5025, Florida
795 Statutes, shall stand repealed 2 years after the effective date
796 of this act unless reviewed and saved from repeal through
797 reenactment by the Legislature.

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