

1                   A bill to be entitled  
2           An act relating to the Interstate Compact for Juveniles;  
3           reenacting s. 985.802, F.S.; providing purpose of the  
4           compact; providing definitions; providing for an  
5           Interstate Commission for Juveniles; providing for the  
6           appointment of commissioners; providing for an executive  
7           committee; providing for meetings; providing powers and  
8           duties of the Interstate Commission; providing for its  
9           organization and operation; providing for bylaws,  
10          officers, and staff; providing for qualified immunity from  
11          liability for the commissioners, the executive director,  
12          and employees; requiring the Interstate Commission to  
13          adopt rules; providing for oversight, enforcement, and  
14          dispute resolution by the Interstate Commission; providing  
15          for the activities of the Interstate Commission to be  
16          financed by an annual assessment from each compacting  
17          state; requiring member states to create a State Council  
18          for Interstate Juvenile Supervision; providing for the  
19          effective date of the compact and amendments thereto;  
20          providing for a state's withdrawal from and reinstatement  
21          to the compact; providing for assistance, certain  
22          penalties, suspension, or termination following default by  
23          a state; providing for judicial enforcement; providing for  
24          dissolution of the compact; providing for severability and  
25          construction of the compact; providing for the effect of  
26          the compact with respect to other laws and for its binding  
27          effect; reenacting s. 985.8025, F.S.; creating the State  
28          Council for Interstate Juvenile Offender Supervision to

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29 |       oversee state participation in the compact; providing  
 30 |       membership; providing for records and open meetings;  
 31 |       prescribing procedures if the council is abolished;  
 32 |       providing an effective date.

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

36 |       Section 1. Notwithstanding the repeal of this section by  
 37 |       section 4 of chapter 2005-80, Laws of Florida, effective 2 years  
 38 |       after the effective date of the act, section 985.802, Florida  
 39 |       Statutes, is reenacted to read:

40 |       985.802 Execution of interstate compact for juveniles.—The  
 41 |       Governor is authorized and directed to execute a compact on  
 42 |       behalf of this state with any other state or states legally  
 43 |       joining thereto in the form substantially as follows. This  
 44 |       compact does not interfere with this state's authority to  
 45 |       determine policy regarding juvenile offenders and nonoffenders  
 46 |       within this state.

47 |                   THE INTERSTATE COMPACT FOR JUVENILES

48 |                                   ARTICLE I

49 |       PURPOSE.—

50 |       (1) The compacting states to this Interstate Compact  
 51 |       recognize that each state is responsible for the proper  
 52 |       supervision or return of juveniles, delinquents, and status  
 53 |       offenders who are on probation or parole and who have absconded,  
 54 |       escaped, or run away from supervision and control and in so  
 55 |       doing have endangered their own safety and the safety of others.  
 56 |       The compacting states also recognize that each state is

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57 | responsible for the safe return of juveniles who have run away  
58 | from home and in doing so have left their state of residence.  
59 | The compacting states also recognize that Congress, by enacting  
60 | the Crime Control Act, 4 U.S.C. s. 112 (1965), has authorized  
61 | and encouraged compacts for cooperative efforts and mutual  
62 | assistance in the prevention of crime.

63 |       (2) It is the purpose of this compact, through means of  
64 | joint and cooperative action among the compacting states to: (A)  
65 | ensure that the adjudicated juveniles and status offenders  
66 | subject to this compact are provided adequate supervision and  
67 | services in the receiving state as ordered by the adjudicating  
68 | judge or parole authority in the sending state; (B) ensure that  
69 | the public safety interests of the public, including the victims  
70 | of juvenile offenders, in both the sending and receiving states  
71 | are adequately protected; (C) return juveniles who have run  
72 | away, absconded, or escaped from supervision or control or who  
73 | have been accused of an offense to the state requesting their  
74 | return; (D) make contracts for the cooperative  
75 | institutionalization in public facilities in member states for  
76 | delinquent youth needing special services; (E) provide for the  
77 | effective tracking and supervision of juveniles; (F) equitably  
78 | allocate the costs, benefits, and obligations of the compacting  
79 | states; (G) establish procedures to manage the movement between  
80 | states of juvenile offenders released to the community under the  
81 | jurisdiction of courts, juvenile departments, or any other  
82 | criminal or juvenile justice agency that has jurisdiction over  
83 | juvenile offenders; (H) ensure immediate notice to jurisdictions  
84 | where defined offenders are authorized to travel or to relocate

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85 | across state lines; (I) establish procedures to resolve pending  
86 | charges (detainers) against juvenile offenders prior to transfer  
87 | or release to the community under the terms of this compact; (J)  
88 | establish a system of uniform data collection of information  
89 | pertaining to juveniles subject to this compact which allows  
90 | access by authorized juvenile justice and criminal justice  
91 | officials, and regular reporting of activities under this  
92 | compact to heads of state executive, judicial, and legislative  
93 | branches and juvenile and criminal justice administrators; (K)  
94 | monitor compliance with rules governing interstate movement of  
95 | juveniles and initiate interventions to address and correct  
96 | noncompliance; (L) coordinate training and education regarding  
97 | the regulation of interstate movement of juveniles for officials  
98 | involved in such activity; and (M) coordinate the implementation  
99 | and operation of the compact with the Interstate Compact for the  
100 | Placement of Children, the Interstate Compact for Adult Offender  
101 | Supervision, and other compacts affecting juveniles,  
102 | particularly in those cases where concurrent or overlapping  
103 | supervision issues arise. It is the policy of the compacting  
104 | states that the activities conducted by the Interstate  
105 | Commission created in this compact are the formation of public  
106 | policies and therefore are public business. Furthermore, the  
107 | compacting states shall cooperate and observe their individual  
108 | and collective duties and responsibilities for the prompt return  
109 | and acceptance of juveniles subject to the provisions of the  
110 | compact. The provisions of the compact shall be reasonably and  
111 | liberally construed to accomplish the purposes and policies of  
112 | the compact.

ARTICLE II

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

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

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

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

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

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

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

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

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

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

148 (b) Adjudicated delinquent - a person found to have  
 149 committed an offense that, if committed by an adult, would be a  
 150 criminal offense;

151 (c) Accused status offender - a person charged with an  
 152 offense that would not be a criminal offense if committed by an  
 153 adult;

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

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

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

161 (10) "Probation or parole" means any kind of supervision  
 162 or conditional release of juveniles authorized under the laws of  
 163 the compacting states.

164 (11) "Rule" means a written statement by the Interstate  
 165 Commission adopted pursuant to Article VI of this compact which  
 166 is of general applicability and implements, interprets, or  
 167 prescribes a policy or provision of the compact, or an  
 168 organizational, procedural, or practice requirement of the

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169 | commission; has the force and effect of statutory law in a  
170 | compacting state; and includes the amendment, repeal, or  
171 | suspension of an existing rule.

172 |       (12) "State" means a state of the United States, the  
173 | District of Columbia (or its designee), the Commonwealth of  
174 | Puerto Rico, the United States Virgin Islands, Guam, American  
175 | Samoa, and the Northern Mariana Islands.

176 |                                   ARTICLE III

177 |           INTERSTATE COMMISSION FOR JUVENILES.—

178 |       (1) The compacting states hereby create the "Interstate  
179 | Commission for Juveniles." The Interstate Commission shall be a  
180 | body corporate and joint agency of the compacting states. The  
181 | Interstate Commission shall have all the responsibilities,  
182 | powers, and duties set forth in this compact, and such  
183 | additional powers as may be conferred upon it by subsequent  
184 | action of the respective legislatures of the compacting states  
185 | in accordance with the terms of this compact.

186 |       (2) The Interstate Commission shall consist of  
187 | commissioners appointed by the appropriate appointing authority  
188 | in each state pursuant to the rules and requirements of each  
189 | compacting state and in consultation with the State Council for  
190 | Interstate Juvenile Supervision created hereunder. The  
191 | commissioner shall be the compact administrator, deputy compact  
192 | administrator, or designee from that state who shall serve on  
193 | the Interstate Commission in such capacity under or pursuant to  
194 | the applicable law of the compacting state.

195 |       (3) In addition to the commissioners who are the voting  
196 | representatives of each state, the Interstate Commission shall

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197 include individuals who are not commissioners, but who are  
198 members of interested organizations. Such noncommissioner  
199 members must include a member of the national organization of  
200 governors, legislatures, state chief justices, attorneys  
201 general, Interstate Compact for Adult Offender Supervision,  
202 Interstate Compact for the Placement of Children, juvenile  
203 justice and juvenile corrections officials, and crime victims.  
204 All noncommissioner members of the Interstate Commission shall  
205 be ex officio, nonvoting members. The Interstate Commission may  
206 provide in its bylaws for such additional ex officio, nonvoting  
207 members, including members of other national organizations, in  
208 such numbers as shall be determined by the Interstate  
209 Commission.

210 (4) Each compacting state represented at any meeting of  
211 the Interstate Commission is entitled to one vote. A majority of  
212 the compacting states shall constitute a quorum for the  
213 transaction of business, unless a larger quorum is required by  
214 the bylaws of the Interstate Commission.

215 (5) The Interstate Commission shall establish an executive  
216 committee, which shall include commission officers, members, and  
217 others as determined by the bylaws. The executive committee  
218 shall have the power to act on behalf of the Interstate  
219 Commission during periods when the Interstate Commission is not  
220 in session, with the exception of rulemaking or amendment to the  
221 compact. The executive committee shall oversee the day-to-day  
222 activities of the administration of the compact, which shall be  
223 managed by an executive director and Interstate Commission  
224 staff. The executive committee shall administer enforcement and



225 compliance with the provisions of the compact, its bylaws, and  
 226 rules, and shall perform other duties as directed by the  
 227 Interstate Commission or set forth in the bylaws.

228 (6) Each member of the Interstate Commission shall have  
 229 the right and power to cast a vote to which that compacting  
 230 state is entitled and to participate in the business and affairs  
 231 of the Interstate Commission. A member shall vote in person and  
 232 may not delegate a vote to another compacting state. However, a  
 233 commissioner, in consultation with the state council, shall  
 234 appoint another authorized representative, in the absence of the  
 235 commissioner from that state, to cast a vote on behalf of the  
 236 compacting state at a specified meeting. The bylaws may provide  
 237 for members' participation in meetings by telephone or other  
 238 means of telecommunication or electronic communication.

239 (7) The Interstate Commission shall collect standardized  
 240 data concerning the interstate movement of juveniles as directed  
 241 through its rules, which shall specify the data to be collected,  
 242 the means of collection and data exchange, and reporting  
 243 requirements. Such methods of data collection, exchange, and  
 244 reporting shall, insofar as is reasonably possible, conform to  
 245 up-to-date technology and coordinate its information functions  
 246 with the appropriate repository of records.

247 ARTICLE IV

248 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.—The  
 249 Interstate Commission shall have the following powers and  
 250 duties:

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

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

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

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

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

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

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

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

276 (9) To elect or appoint such officers, attorneys,  
277 employees, agents, or consultants; to fix their compensation,  
278 define their duties, and determine their qualifications; and to  
279 establish the Interstate Commission's personnel policies and  
280 programs relating to, inter alia, conflicts of interest, rates

281 of compensation, and qualifications of personnel.

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

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

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

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

293 (14) To sue and to be sued.

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

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

298 (17) To report annually to the legislatures, governors,  
 299 judiciary, and state councils of the compacting states  
 300 concerning the activities of the Interstate Commission during  
 301 the preceding year. Such reports shall also include any  
 302 recommendations that may have been adopted by the Interstate  
 303 Commission.

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

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

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

311 ARTICLE V

312 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.—

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

318 (1) Establishing the fiscal year of the Interstate  
 319 Commission;

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

322 (3) Providing for the establishment of committees  
 323 governing any general or specific delegation of any authority or  
 324 function of the Interstate Commission;

325 (4) Providing reasonable procedures for calling and  
 326 conducting meetings of the Interstate Commission and ensuring  
 327 reasonable notice of each such meeting;

328 (5) Establishing the titles and responsibilities of the  
 329 officers of the Interstate Commission;

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

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

336 (8) Establishing standards and procedures for compliance

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337 and technical assistance in carrying out the compact.

338 Section B. Officers and staff.—

339 (1) The Interstate Commission shall, by a majority of the  
340 members, elect annually from among its members a chairperson and  
341 vice chairperson, each of whom shall have such authority and  
342 duties as may be specified in the bylaws. The chairperson or, in  
343 the chairperson's absence or disability, the vice chairperson  
344 shall preside at all meetings of the Interstate Commission. The  
345 officers so elected shall serve without compensation or  
346 remuneration from the Interstate Commission; provided that,  
347 subject to the availability of budgeted funds, the officers  
348 shall be reimbursed for any ordinary and necessary costs and  
349 expenses incurred by them in the performance of their duties and  
350 responsibilities as officers of the Interstate Commission.

351 (2) The Interstate Commission shall, through its executive  
352 committee, appoint or retain an executive director for such  
353 period, upon such terms and conditions, and for such  
354 compensation as the Interstate Commission deems appropriate. The  
355 executive director shall serve as secretary to the Interstate  
356 Commission, but may not be a member, and shall hire and  
357 supervise such other staff as may be authorized by the  
358 Interstate Commission.

359 Section C. Qualified immunity, defense, and  
360 indemnification.—

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

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365 liability caused or arising out of or relating to any actual or  
366 alleged act, error, or omission that occurred, or that such  
367 person had a reasonable basis for believing occurred, within the  
368 scope of commission employment, duties, or responsibilities;  
369 provided that any such person is not protected from suit or  
370 liability for any damage, loss, injury, or liability caused by  
371 the intentional or willful and wanton misconduct of any such  
372 person.

373 (2) The liability of any commissioner, or the employee or  
374 agent of a commissioner, acting within the scope of such  
375 person's employment or duties for acts, errors, or omissions  
376 occurring within such person's state may not exceed the limits  
377 of liability set forth under the constitution and laws of that  
378 state for state officials, employees, and agents. Nothing in  
379 this subsection shall be construed to protect any such person  
380 from suit or liability for any damage, loss, injury, or  
381 liability caused by the intentional or willful and wanton  
382 misconduct of any such person.

383 (3) The Interstate Commission shall defend the executive  
384 director or the employees or representatives of the Interstate  
385 Commission and, subject to the approval of the Attorney General  
386 of the state represented by any commissioner of a compacting  
387 state, shall defend such commissioner or the commissioner's  
388 representatives or employees in any civil action seeking to  
389 impose liability arising out of any actual or alleged act,  
390 error, or omission that occurred within the scope of Interstate  
391 Commission employment, duties, or responsibilities, or that the  
392 defendant had a reasonable basis for believing occurred within

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393 the scope of Interstate Commission employment, duties, or  
394 responsibilities; provided that the actual or alleged act,  
395 error, or omission did not result from intentional or willful  
396 and wanton misconduct on the part of such person.

397 (4) The Interstate Commission shall indemnify and hold the  
398 commissioner of a compacting state or the commissioner's  
399 representatives or employees, or the Interstate Commission's  
400 representatives or employees, harmless in the amount of any  
401 settlement or judgment obtained against such persons arising out  
402 of any actual or alleged act, error, or omission that occurred  
403 within the scope of Interstate Commission employment, duties, or  
404 responsibilities, or that such persons had a reasonable basis  
405 for believing occurred within the scope of Interstate Commission  
406 employment, duties, or responsibilities; provided that the  
407 actual or alleged act, error, or omission did not result from  
408 intentional or willful and wanton misconduct on the part of such  
409 persons.

#### 410 ARTICLE VI

##### 411 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—

412 (1) The Interstate Commission shall adopt and publish  
413 rules in order to effectively and efficiently achieve the  
414 purposes of the compact.

415 (2) Rulemaking shall occur pursuant to the criteria set  
416 forth in this article and the bylaws and rules adopted pursuant  
417 thereto. Such rulemaking shall substantially conform to the  
418 principles of the "Model State Administrative Procedures Act,"  
419 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such  
420 other administrative procedures act as the Interstate Commission

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421 | deems appropriate consistent with due process requirements under  
422 | the United States Constitution as now or hereafter interpreted  
423 | by the United States Supreme Court. All rules and amendments  
424 | shall become binding as of the date specified, as published with  
425 | the final version of the rule as approved by the Interstate  
426 | Commission.

427 |       (3) When adopting a rule, the Interstate Commission shall,  
428 | at a minimum:

429 |       (a) Publish the proposed rule's entire text stating the  
430 | reason for that proposed rule;

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

434 |       (c) Provide an opportunity for an informal hearing if  
435 | petitioned by 10 or more persons; and

436 |       (d) Adopt a final rule and its effective date, if  
437 | appropriate, based on input from state or local officials or  
438 | interested parties.

439 |       (4) Allow, not later than 60 days after a rule is adopted,  
440 | any interested person to file a petition in the United States  
441 | District Court for the District of Columbia, or in the Federal  
442 | District Court where the Interstate Commission's principal  
443 | office is located, for judicial review of such rule. If the  
444 | court finds that the Interstate Commission's actions are not  
445 | supported by the substantial evidence in the rulemaking record,  
446 | the court shall hold the rule unlawful and set it aside. For  
447 | purposes of this subsection, evidence is substantial if it would  
448 | be considered substantial evidence under the Model State



449 Administrative Procedures Act.

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

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

459 (7) Upon determination by the Interstate Commission that a  
 460 state of emergency exists, it may adopt an emergency rule that  
 461 shall become effective immediately upon adoption; provided that  
 462 the usual rulemaking procedures provided hereunder shall be  
 463 retroactively applied to said rule as soon as reasonably  
 464 possible, but no later than 90 days after the effective date of  
 465 the emergency rule.

466 ARTICLE VII

467 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE  
 468 INTERSTATE COMMISSION.—

469 Section A. Oversight.—

470 (1) The Interstate Commission shall oversee the  
 471 administration and operations of the interstate movement of  
 472 juveniles subject to this compact in the compacting states and  
 473 shall monitor such activities being administered in  
 474 noncompacting states which may significantly affect compacting  
 475 states.

476 (2) The courts and executive agencies in each compacting

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477 state shall enforce this compact and shall take all actions  
478 necessary and appropriate to effectuate the compact's purposes  
479 and intent. The provisions of this compact and the rules adopted  
480 hereunder shall be received by all the judges, public officers,  
481 commissions, and departments of the state government as evidence  
482 of the authorized statute and administrative rules. All courts  
483 shall take judicial notice of the compact and the rules. In any  
484 judicial or administrative proceeding in a compacting state  
485 pertaining to the subject matter of this compact which may  
486 affect the powers, responsibilities, or actions of the  
487 Interstate Commission, the commission shall be entitled to  
488 receive all service of process in any such proceeding and shall  
489 have standing to intervene in the proceeding for all purposes.

490 Section B. Dispute resolution.—

491 (1) The compacting states shall report to the Interstate  
492 Commission on all issues and activities necessary for the  
493 administration of the compact as well as issues and activities  
494 pertaining to compliance with the provisions of the compact and  
495 its bylaws and rules.

496 (2) The Interstate Commission shall attempt, upon the  
497 request of a compacting state, to resolve any disputes or other  
498 issues that are subject to the compact and that may arise among  
499 compacting states and between compacting and noncompacting  
500 states. The commission shall adopt a rule providing for both  
501 mediation and binding dispute resolution for disputes among the  
502 compacting states.

503 (3) The Interstate Commission, in the reasonable exercise  
504 of its discretion, shall enforce the provisions and rules of

505 | this compact using any or all means set forth in Article XI of  
 506 | this compact.

507 | ARTICLE VIII

508 | FINANCE.—

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

512 | (2) The Interstate Commission shall levy on and collect an  
 513 | annual assessment from each compacting state to cover the cost  
 514 | of the internal operations and activities of the Interstate  
 515 | Commission and its staff which must be in a total amount  
 516 | sufficient to cover the Interstate Commission's annual budget as  
 517 | approved each year. The aggregate annual assessment amount shall  
 518 | be allocated based upon a formula to be determined by the  
 519 | Interstate Commission, taking into consideration the population  
 520 | of each compacting state and the volume of interstate movement  
 521 | of juveniles in each compacting state, and the Interstate  
 522 | Commission shall adopt a rule that is binding upon all  
 523 | compacting states governing the assessment.

524 | (3) The Interstate Commission shall not incur any  
 525 | obligations of any kind prior to securing the funds adequate to  
 526 | meet the same, nor shall the Interstate Commission pledge the  
 527 | credit of any of the compacting states, except by and with the  
 528 | authority of the compacting state.

529 | (4) The Interstate Commission shall keep accurate accounts  
 530 | of all receipts and disbursements. The receipts and  
 531 | disbursements of the Interstate Commission shall be subject to  
 532 | the audit and accounting procedures established under its

533 | bylaws. However, all receipts and disbursements of funds handled  
 534 | by the Interstate Commission shall be audited yearly by a  
 535 | certified or licensed public accountant, and the report of the  
 536 | audit shall be included in and become part of the annual report  
 537 | of the Interstate Commission.

538 | ARTICLE IX

539 | THE STATE COUNCIL.—Each member shall create a State Council  
 540 | for Interstate Juvenile Supervision. While each state may  
 541 | determine the membership of its own state council, its  
 542 | membership must include at least one representative from the  
 543 | legislative, judicial, and executive branches of government; at  
 544 | least one representative of victims groups; a parent of a youth  
 545 | who is not currently in the juvenile justice system; and the  
 546 | compact administrator, deputy compact administrator, or  
 547 | designee. Each compacting state retains the right to determine  
 548 | the qualifications of the compact administrator or deputy  
 549 | compact administrator. Each state council may advise and  
 550 | exercise oversight and advocacy concerning that state's  
 551 | participation in the activities of the Interstate Commission and  
 552 | other duties as may be determined by that state, including, but  
 553 | not limited to, development of policy concerning operations and  
 554 | procedures of the compact within that state.

555 | ARTICLE X

556 | COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.—

557 | (1) Any state, including the District of Columbia (or its  
 558 | designee), the Commonwealth of Puerto Rico, the United States  
 559 | Virgin Islands, Guam, American Samoa, and the Northern Mariana  
 560 | Islands, as defined in Article II of this compact, is eligible

561 to become a compacting state.

562 (2) The compact shall become effective and binding upon  
 563 legislative enactment of the compact into law by no less than 35  
 564 of the states. The initial effective date shall be the later of  
 565 July 1, 2005, or upon enactment into law by the 35th  
 566 jurisdiction. Thereafter, it shall become effective and binding  
 567 as to any other compacting state upon enactment of the compact  
 568 into law by that state. The governors of nonmember states or  
 569 their designees shall be invited to participate in the  
 570 activities of the Interstate Commission on a nonvoting basis  
 571 prior to adoption of the compact by all states and territories  
 572 of the United States.

573 (3) The Interstate Commission may propose amendments to  
 574 the compact for enactment by the compacting states. No amendment  
 575 shall become effective and binding upon the Interstate  
 576 Commission and the compacting states unless and until it is  
 577 enacted into law by unanimous consent of the compacting states.

578 ARTICLE XI

579 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL  
 580 ENFORCEMENT.—

581 Section A. Withdrawal.—

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

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

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

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

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

604           Section B. Technical assistance, fines, suspension,  
605 termination, and default.—

606           (1) If the Interstate Commission determines that any  
607 compacting state has at any time defaulted in the performance of  
608 any of its obligations or responsibilities under this compact,  
609 or the bylaws or duly adopted rules, the Interstate Commission  
610 may impose any or all of the following penalties:

611           (a) Remedial training and technical assistance as directed  
612 by the Interstate Commission;

613           (b) Alternative dispute resolution;

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

616           (d) Suspension or termination of membership in the

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617 compact, which shall be imposed only after all other reasonable  
618 means of securing compliance under the bylaws and rules have  
619 been exhausted and the Interstate Commission has therefore  
620 determined that the offending state is in default. Immediate  
621 notice of suspension shall be given by the Interstate Commission  
622 to the Governor, the Chief Justice or the Chief Judicial Officer  
623 of the state, the majority and the minority leaders of the  
624 defaulting state's legislature, and the state council. The  
625 grounds for default include, but are not limited to, failure of  
626 a compacting state to perform such obligations or  
627 responsibilities imposed upon it by this compact, the bylaws, or  
628 duly adopted rules and any other ground designated in commission  
629 bylaws and rules. The Interstate Commission shall immediately  
630 notify the defaulting state in writing of the penalty imposed by  
631 the Interstate Commission and of the default pending a cure of  
632 the default. The commission shall stipulate the conditions and  
633 the time period within which the defaulting state must cure its  
634 default. If the defaulting state fails to cure the default  
635 within the period specified by the commission, the defaulting  
636 state shall be terminated from the compact upon an affirmative  
637 vote of a majority of the compacting states and all rights,  
638 privileges, and benefits conferred by this compact shall be  
639 terminated from the effective date of termination.

640 (2) Within 60 days after the effective date of termination  
641 of a defaulting state, the Interstate Commission shall notify  
642 the Governor, the Chief Justice or Chief Judicial Officer, the  
643 majority and minority leaders of the defaulting state's  
644 legislature, and the state council of such termination.

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645 (3) The defaulting state is responsible for all  
646 assessments, obligations, and liabilities incurred through the  
647 effective date of termination, including any obligations the  
648 performance of which extends beyond the effective date of  
649 termination.

650 (4) The Interstate Commission shall not bear any costs  
651 relating to the defaulting state unless otherwise mutually  
652 agreed upon in writing between the Interstate Commission and the  
653 defaulting state.

654 (5) Reinstatement following termination of any compacting  
655 state requires both a reenactment of the compact by the  
656 defaulting state and the approval of the Interstate Commission  
657 pursuant to the rules.

658 Section C. Judicial enforcement.—The Interstate Commission  
659 may, by majority vote of the members, initiate legal action in  
660 the United States District Court for the District of Columbia  
661 or, at the discretion of the Interstate Commission, in the  
662 federal district where the Interstate Commission has its  
663 offices, to enforce compliance with the provisions of the  
664 compact and its duly adopted rules and bylaws against any  
665 compacting state in default. In the event judicial enforcement  
666 is necessary, the prevailing party shall be awarded all costs of  
667 such litigation, including reasonable attorney's fees.

668 Section D. Dissolution of compact.—

669 (1) The compact dissolves effective upon the date of the  
670 withdrawal or default of the compacting state which reduces  
671 membership in the compact to one compacting state.

672 (2) Upon the dissolution of the compact, the compact



673 becomes null and void and shall be of no further force or  
 674 effect, the business and affairs of the Interstate Commission  
 675 shall be concluded, and any surplus funds shall be distributed  
 676 in accordance with the bylaws.

677 ARTICLE XII

678 SEVERABILITY AND CONSTRUCTION.—

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

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

685 ARTICLE XIII

686 BINDING EFFECT OF COMPACT AND OTHER LAWS.—

687 Section A. Other laws.—

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

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

694 Section B. Binding effect of the compact.—

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

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

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

706 (4) In the event any provision of this compact exceeds the  
 707 constitutional limits imposed on any compacting state, the  
 708 obligations, duties, powers, or jurisdiction sought to be  
 709 conferred by such provision upon the Interstate Commission shall  
 710 be ineffective and such obligations, duties, powers, or  
 711 jurisdiction shall remain in the compacting state and shall be  
 712 exercised by the agency thereof to which such obligations,  
 713 duties, powers, or jurisdiction are delegated by law in effect  
 714 at the time this compact becomes effective.

715 Section 2. Notwithstanding the repeal of this section by  
 716 section 4 of chapter 2005-80, Laws of Florida, effective 2 years  
 717 after the effective date of the act, section 985.8025, Florida  
 718 Statutes, is reenacted to read:

719 985.8025 State Council for Interstate Juvenile Offender  
 720 Supervision.—

721 (1) Pursuant to Article IX of the Interstate Compact for  
 722 Juveniles in s. 985.802, the State Council for Interstate  
 723 Juvenile Offender Supervision is created. The purpose of the  
 724 council is to oversee state participation in the activities of  
 725 the Interstate Commission for Juveniles.

726 (2) The council shall consist of seven members and the  
 727 secretary of the Department of Juvenile Justice or his or her  
 728 designee, who shall serve as the chair of the council and may

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729 | vote only to break a tie. The compact administrator or his or  
730 | her designee and the executive director of the Department of Law  
731 | Enforcement or his or her designee shall serve as members of the  
732 | council. The remaining members shall be appointed by the  
733 | Governor for terms of 4 years; however, the Governor may, in  
734 | writing and on an individual basis for each appointee, delegate  
735 | the power of appointment to the Secretary of Juvenile Justice.  
736 | Of the initial appointees, one shall be appointed for a term of  
737 | 1 year, one shall be appointed for a term of 2 years, one shall  
738 | be appointed for a term of 3 years, and two shall be appointed  
739 | for terms of 4 years each.

740 |       (3) Appointees shall be selected from individuals with  
741 | personal or professional experience in the juvenile justice  
742 | system and may include a victim's advocate, employees of the  
743 | Department of Children and Family Services, employees of the  
744 | Department of Law Enforcement who work with missing and  
745 | exploited children, and a parent who, at the time of  
746 | appointment, does not have a child involved in the juvenile  
747 | justice system.

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

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

755 |       (6) If the council is abolished, its records must be  
756 | appropriately stored, within 30 days after the effective date of

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757 | its abolition, by the Department of Juvenile Justice or its  
758 | successor agency. Any property assigned to the council must be  
759 | reclaimed by the department or its successor agency. The council  
760 | may not perform any activities after the effective date of its  
761 | abolition.

762 |       Section 3. This act shall take effect upon becoming a law.