

By Senator Evers

2-01352-11

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1 A bill to be entitled
2 An act relating to the Interstate Compact for
3 Juveniles; reenacting s. 985.802, F.S., which expired
4 by operation of law on August 26, 2010; providing
5 purpose of the compact; providing definitions;
6 providing for an Interstate Commission for Juveniles;
7 providing for the appointment of commissioners;
8 providing for an executive committee; providing for
9 meetings; providing powers and duties of the
10 Interstate Commission; providing for its organization
11 and operation; providing for bylaws, officers, and
12 staff; providing for qualified immunity from liability
13 for the commissioners, the executive director, and
14 employees; requiring the Interstate Commission to
15 adopt rules; providing for oversight, enforcement, and
16 dispute resolution by the Interstate Commission;
17 providing for the activities of the Interstate
18 Commission to be financed by an annual assessment from
19 each compacting state; requiring member states to
20 create a State Council for Interstate Juvenile
21 Supervision; providing for the effective date of the
22 compact and amendments thereto; providing for a
23 state's withdrawal from and reinstatement to the
24 compact; providing for assistance, certain penalties,
25 suspension, or termination following default by a
26 state; providing for judicial enforcement; providing
27 for dissolution of the compact; providing for
28 severability and construction of the compact;
29 providing for the effect of the compact with respect

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30 to other laws and for its binding effect; reenacting
31 s. 985.5025, F.S., which expired by operation of law
32 on August 26, 2010; creating the State Council for
33 Interstate Juvenile Offender Supervision to oversee
34 state participation in the compact; providing
35 membership; providing for records and open meetings;
36 prescribing procedures if the council is abolished;
37 providing an effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Section 985.802, Florida Statutes, is reenacted
42 to read:

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

50
51 THE INTERSTATE COMPACT FOR JUVENILES

52
53 ARTICLE I

54
55 PURPOSE.—

56 (1) The compacting states to this Interstate Compact
57 recognize that each state is responsible for the proper
58 supervision or return of juveniles, delinquents, and status

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

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

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

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117 liberally construed to accomplish the purposes and policies of
118 the compact.

120 ARTICLE II

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

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

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

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

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

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

141 (6) "Deputy compact administrator" means the individual, if
142 any, in each compacting state appointed to act on behalf of a
143 compact administrator pursuant to the terms of the compact who
144 is responsible for the administration and management of the
145 state's supervision and transfer of juveniles subject to the

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146 terms of this compact, the rules adopted by the Interstate
147 Commission, and the policies adopted by the state council under
148 this compact.

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

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

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

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

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

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

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

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

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

172 (11) "Rule" means a written statement by the Interstate
173 Commission adopted pursuant to Article VI of this compact which
174 is of general applicability and implements, interprets, or

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175 prescribes a policy or provision of the compact, or an
176 organizational, procedural, or practice requirement of the
177 commission; has the force and effect of statutory law in a
178 compacting state; and includes the amendment, repeal, or
179 suspension of an existing rule.

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

184 ARTICLE III

185 INTERSTATE COMMISSION FOR JUVENILES.—

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187
188 (1) The compacting states hereby create the "Interstate
189 Commission for Juveniles." The Interstate Commission shall be a
190 body corporate and joint agency of the compacting states. The
191 Interstate Commission shall have all the responsibilities,
192 powers, and duties set forth in this compact, and such
193 additional powers as may be conferred upon it by subsequent
194 action of the respective legislatures of the compacting states
195 in accordance with the terms of this compact.

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

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204 the applicable law of the compacting state.

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

220 (4) Each compacting state represented at any meeting of the
221 Interstate Commission is entitled to one vote. A majority of the
222 compacting states shall constitute a quorum for the transaction
223 of business, unless a larger quorum is required by the bylaws of
224 the Interstate Commission.

225 (5) The Interstate Commission shall establish an executive
226 committee, which shall include commission officers, members, and
227 others as determined by the bylaws. The executive committee
228 shall have the power to act on behalf of the Interstate
229 Commission during periods when the Interstate Commission is not
230 in session, with the exception of rulemaking or amendment to the
231 compact. The executive committee shall oversee the day-to-day
232 activities of the administration of the compact, which shall be

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233 managed by an executive director and Interstate Commission
234 staff. The executive committee shall administer enforcement and
235 compliance with the provisions of the compact, its bylaws, and
236 rules, and shall perform other duties as directed by the
237 Interstate Commission or set forth in the bylaws.

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

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

257
258 ARTICLE IV

259
260 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.—The
261 Interstate Commission shall have the following powers and

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262 duties:

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

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

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

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

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

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

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

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

288 (9) To elect or appoint such officers, attorneys,
289 employees, agents, or consultants; to fix their compensation,
290 define their duties, and determine their qualifications; and to

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291 establish the Interstate Commission's personnel policies and
292 programs relating to, inter alia, conflicts of interest, rates
293 of compensation, and qualifications of personnel.

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

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

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

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

305 (14) To sue and to be sued.

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

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

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

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

319 (19) To establish uniform standards of the reporting,

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320 collecting, and exchanging of data.

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

323
324 ARTICLE V

325
326 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.—

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

332 (1) Establishing the fiscal year of the Interstate
333 Commission;

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

336 (3) Providing for the establishment of committees governing
337 any general or specific delegation of any authority or function
338 of the Interstate Commission;

339 (4) Providing reasonable procedures for calling and
340 conducting meetings of the Interstate Commission and ensuring
341 reasonable notice of each such meeting;

342 (5) Establishing the titles and responsibilities of the
343 officers of the Interstate Commission;

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

348 (7) Providing start-up rules for initial administration of

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349 the compact; and

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

352 Section B. Officers and staff.—

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

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

373 Section C. Qualified immunity, defense, and
374 indemnification.—

375 (1) The Interstate Commission's executive director and
376 employees shall be immune from suit and liability, either
377 personally or in their official capacity, for any claim for

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378 damage to or loss of property or personal injury or other civil
379 liability caused or arising out of or relating to any actual or
380 alleged act, error, or omission that occurred, or that such
381 person had a reasonable basis for believing occurred, within the
382 scope of commission employment, duties, or responsibilities;
383 provided that any such person is not protected from suit or
384 liability for any damage, loss, injury, or liability caused by
385 the intentional or willful and wanton misconduct of any such
386 person.

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

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

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

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

424 ARTICLE VI

425 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—

426
427
428 (1) The Interstate Commission shall adopt and publish rules
429 in order to effectively and efficiently achieve the purposes of
430 the compact.

431 (2) Rulemaking shall occur pursuant to the criteria set
432 forth in this article and the bylaws and rules adopted pursuant
433 thereto. Such rulemaking shall substantially conform to the
434 principles of the "Model State Administrative Procedures Act,"
435 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such

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436 other administrative procedures act as the Interstate Commission
437 deems appropriate consistent with due process requirements under
438 the United States Constitution as now or hereafter interpreted
439 by the United States Supreme Court. All rules and amendments
440 shall become binding as of the date specified, as published with
441 the final version of the rule as approved by the Interstate
442 Commission.

443 (3) When adopting a rule, the Interstate Commission shall,
444 at a minimum:

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

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

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

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

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

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465 Administrative Procedures Act.

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

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

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

482
483 ARTICLE VII

484
485 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE
486 INTERSTATE COMMISSION.-

487 Section A. Oversight.-

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

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

508 Section B. Dispute resolution.-

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

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

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

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523 this compact using any or all means set forth in Article XI of
524 this compact.

526 ARTICLE VIII

528 FINANCE.—

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

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

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

549 (4) The Interstate Commission shall keep accurate accounts
550 of all receipts and disbursements. The receipts and
551 disbursements of the Interstate Commission shall be subject to

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552 the audit and accounting procedures established under its
553 bylaws. However, all receipts and disbursements of funds handled
554 by the Interstate Commission shall be audited yearly by a
555 certified or licensed public accountant, and the report of the
556 audit shall be included in and become part of the annual report
557 of the Interstate Commission.

558
559 ARTICLE IX

560
561 THE STATE COUNCIL.—Each member shall create a State Council
562 for Interstate Juvenile Supervision. While each state may
563 determine the membership of its own state council, its
564 membership must include at least one representative from the
565 legislative, judicial, and executive branches of government; at
566 least one representative of victims groups; a parent of a youth
567 who is not currently in the juvenile justice system; and the
568 compact administrator, deputy compact administrator, or
569 designee. Each compacting state retains the right to determine
570 the qualifications of the compact administrator or deputy
571 compact administrator. Each state council may advise and
572 exercise oversight and advocacy concerning that state's
573 participation in the activities of the Interstate Commission and
574 other duties as may be determined by that state, including, but
575 not limited to, development of policy concerning operations and
576 procedures of the compact within that state.

577
578 ARTICLE X

579
580 COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.—

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581 (1) Any state, including the District of Columbia (or its
582 designee), the Commonwealth of Puerto Rico, the United States
583 Virgin Islands, Guam, American Samoa, and the Northern Mariana
584 Islands, as defined in Article II of this compact, is eligible
585 to become a compacting state.

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

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

603 ARTICLE XI

605 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL 606 ENFORCEMENT.—

607 Section A. Withdrawal.—

608 (1) Once effective, the compact shall continue in force and
609 remain binding upon each and every compacting state; provided

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610 that a compacting state may withdraw from the compact by
611 specifically repealing the statute that enacted the compact into
612 law.

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

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

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

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

630 Section B. Technical assistance, fines, suspension,
631 termination, and default.-

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

637 (a) Remedial training and technical assistance as directed
638 by the Interstate Commission;

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639 (b) Alternative dispute resolution;
640 (c) Fines, fees, and costs in such amounts as are deemed to
641 be reasonable as fixed by the Interstate Commission; or
642 (d) Suspension or termination of membership in the compact,
643 which shall be imposed only after all other reasonable means of
644 securing compliance under the bylaws and rules have been
645 exhausted and the Interstate Commission has therefore determined
646 that the offending state is in default. Immediate notice of
647 suspension shall be given by the Interstate Commission to the
648 Governor, the Chief Justice or the Chief Judicial Officer of the
649 state, the majority and the minority leaders of the defaulting
650 state's legislature, and the state council. The grounds for
651 default include, but are not limited to, failure of a compacting
652 state to perform such obligations or responsibilities imposed
653 upon it by this compact, the bylaws, or duly adopted rules and
654 any other ground designated in commission bylaws and rules. The
655 Interstate Commission shall immediately notify the defaulting
656 state in writing of the penalty imposed by the Interstate
657 Commission and of the default pending a cure of the default. The
658 commission shall stipulate the conditions and the time period
659 within which the defaulting state must cure its default. If the
660 defaulting state fails to cure the default within the period
661 specified by the commission, the defaulting state shall be
662 terminated from the compact upon an affirmative vote of a
663 majority of the compacting states and all rights, privileges,
664 and benefits conferred by this compact shall be terminated from
665 the effective date of termination.
666 (2) Within 60 days after the effective date of termination
667 of a defaulting state, the Interstate Commission shall notify

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668 the Governor, the Chief Justice or Chief Judicial Officer, the
669 majority and minority leaders of the defaulting state's
670 legislature, and the state council of such termination.

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

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

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

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

694 Section D. Dissolution of compact.—

695 (1) The compact dissolves effective upon the date of the
696 withdrawal or default of the compacting state which reduces

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697 membership in the compact to one compacting state.

698 (2) Upon the dissolution of the compact, the compact
699 becomes null and void and shall be of no further force or
700 effect, the business and affairs of the Interstate Commission
701 shall be concluded, and any surplus funds shall be distributed
702 in accordance with the bylaws.

703
704 ARTICLE XII

705
706 SEVERABILITY AND CONSTRUCTION.—

707 (1) The provisions of this compact are severable, and if
708 any phrase, clause, sentence, or provision is deemed
709 unenforceable, the remaining provisions of the compact shall be
710 enforceable.

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

713
714 ARTICLE XIII

715
716 BINDING EFFECT OF COMPACT AND OTHER LAWS.—

717 Section A. Other laws.—

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

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

724 Section B. Binding effect of the compact.—

725 (1) All lawful actions of the Interstate Commission,

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726 including all rules and bylaws adopted by the Interstate
727 Commission, are binding upon the compacting states.

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

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

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

745 Section 2. Section 985.8025, Florida Statutes, is reenacted
746 to read:

747 985.8025 State Council for Interstate Juvenile Offender
748 Supervision.—

749 (1) Pursuant to Article IX of the Interstate Compact for
750 Juveniles in s. 985.802, the State Council for Interstate
751 Juvenile Offender Supervision is created. The purpose of the
752 council is to oversee state participation in the activities of
753 the Interstate Commission for Juveniles.

754 (2) The council shall consist of seven members and the

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

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

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

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

783 (6) If the council is abolished, its records must be

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

790 Section 3. This act shall take effect July 1, 2011.