

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

HB 1029

2011

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.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
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

HB 1029

2011

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

HB 1029

2011

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.

HB 1029

2011

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

HB 1029

2011

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

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

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES.—

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

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

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

HB 1029

2011

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

HB 1029

2011

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

HB 1029

2011

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

HB 1029

2011

and technical assistance in carrying out the compact.

Section B. Officers and staff.—

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

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

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

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

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

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

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

HB 1029

2011

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

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

ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—

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

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

HB 1029

2011

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

HB 1029

2011

Administrative Procedures Act.

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

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

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

ARTICLE VII

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

Section A. Oversight.—

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

(2) The courts and executive agencies in each compacting

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

HB 1029

2011

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

ARTICLE VIII

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

HB 1029

2011

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.

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.

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

HB 1029

2011

to become a compacting state.

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

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

ARTICLE XI

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT.—

Section A. Withdrawal.—

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

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

HB 1029

2011

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

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

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

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

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

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

(b) Alternative dispute resolution;

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

(d) Suspension or termination of membership in the

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

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

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

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

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

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

Section D. Dissolution of compact.—

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

(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.

HB 1029

2011

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

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

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

985.8025 State Council for Interstate Juvenile Offender Supervision.—

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

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

HB 1029

2011

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

HB 1029

2011

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

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