

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 1446

INTRODUCER: Senator Wright

SUBJECT: Interstate Education Compacts

DATE: March 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Favorable
2.	_____	_____	AED	_____
3.	_____	_____	FP	_____

I. Summary:

SB 1446 ratifies the Interstate Teacher Mobility Compact (ITMC or Compact) by adopting the model legislation into Florida statute.

The ITMC will allow teachers with an eligible license held in a Compact member state to be granted an equivalent license in another Compact member state, lowering barriers to teacher mobility and getting teachers back into the classroom more seamlessly.

Once the ITMC is effective, following ratification by the tenth state, the designated commissioner of each member state will coordinate implementation of the policies and procedures necessary to effectuate the ITMC.

The bill also updates citations to federal law in the Interstate Compact on Educational Opportunity for Military Children statute.

The fiscal impact of the bill is indeterminate. See Section V.

The bill has an effective date of July 1, 2023.

II. Present Situation:

Interstate Licensure Compacts

Interstate compacts are contracts between two or more states creating an agreement on a particular policy issue, adopting a certain standard, or cooperating on regional or national matters.¹ Such compacts are constitutionally authorized, legislatively enacted, and legally

¹ National Center for Interstate Compacts, *FAQs-What is an interstate compact* <https://licensing.csg.org/compacts/> (last visited Mar. 21, 2023).

binding agreements among member states.² There are currently nine interstate licensure compacts, of which Florida is a member of two:³

- Interstate Compact on Nurse Licensure.⁴
- Counseling Compact.⁵

Interstate Teacher Mobility Compact

The Interstate Teacher Mobility Compact (ITMC or Compact) is an interstate occupational licensure compact. The ITMC will allow teachers to use an eligible license held in a Compact member state to be granted an equivalent license in another Compact member state, lowering barriers to teacher mobility and getting teachers back into the classroom more seamlessly.⁶

To be eligible, a license must require a bachelor's degree and completion of a state-approved program for teacher licensure such as teacher preparation program at a college or university.⁷ Further, for a license to be eligible under the Compact their license must be unencumbered (i.e., not restricted, probationary, provisional, substitute or temporary).⁸

Teachers holding a Compact eligible license can apply for licensure in another member state and receive the closest equivalent license without submitting additional materials, taking state-specific exams, or completing additional coursework.⁹

The ITMC preserves the regulatory authority of each Compact member state to protect public health and safety through the existing state regulatory structure. Unlike national licensure initiatives that supersede state regulatory authority, interstate occupational licensure compacts allow a member state to continue to determine the requirements for licensure in that state.¹⁰

The benefits of the ITMC include:¹¹

- Preserving the existing state-based licensure system.
- Creating an alternative path to licensure for teachers relocating to a new state.
- Improving communication and information sharing between states.
- Requiring criminal background checks.
- Improving licensure portability for teachers.
- Improving mobility for military spouses.

² Interstate Teacher Mobility Compact, *Interstate Teacher Mobility Compact (ITMC)* (2023), available at <https://teachercompact.org/wp-content/uploads/sites/28/2022/11/ITMC-Overview.pdf>.

³ National Center for Interstate Compacts, *State and U.S. Territory Membership in Interstate Licensure Compacts* (2023), available at <https://teachercompact.org/wp-content/uploads/sites/28/2023/01/State-Compact-Membership.pdf>.

⁴ Section 464.0095, F.S.

⁵ Section 491.017, F.S.

⁶ Interstate Teacher Mobility Compact, *Interstate Teacher Mobility Compact (ITMC)* (2023), available at <https://teachercompact.org/wp-content/uploads/sites/28/2022/11/ITMC-Overview.pdf>.

⁷ Interstate Teacher Mobility Compact, *Model Testimony* (2023), available at <https://teachercompact.org/wp-content/uploads/sites/28/2023/01/ITMC-Model-Testimony.pdf>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

The ITMC is an initiative of the Department of Defense, The Council of State Governments, and the National Association of State Directors of Teacher Education Certification.¹² As of March 21, 2023, Colorado and Utah have enacted the Compact with legislation pending in 13 other states, including Florida.¹³

Educator Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Department of Education (DOE).¹⁴ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.¹⁵ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”¹⁶

To be eligible for an educator certificate, an individual must meet the following eligibility requirements:¹⁷

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor’s or higher degree from an accredited institution of higher learning¹⁸ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor’s or higher degree;¹⁹
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

After meeting eligibility requirements, an individual may choose a certification route. The DOE issues three types of educator certificates:

¹² Interstate Teacher Mobility Compact, *About* <https://teachercompact.org/> (last visited Mar. 20, 2023).

¹³ Interstate Teacher Mobility Compact, *Compact Map* <https://teachercompact.org/compact-map/> (last visited Mar. 20, 2023).

¹⁴ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹⁵ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certified individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

¹⁶ Section 1012.54, F.S.; *see* rule 6A-4.001(1), F.A.C.

¹⁷ Section 1012.56(2)(a)-(f), F.S.

¹⁸ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Institutional Accrediting Agencies*, https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html#RegionalInstitutional (last visited Mar. 15, 2023).

¹⁹ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). Section 1012.56(2)(c), F.S.

- Professional Certificate: Florida's highest type of full-time educator certification;²⁰ valid for 5 years and renewable.²¹
- Temporary Certificate: covers employment in full-time positions for which educator certification is required;²² generally valid for 3 years and nonrenewable.²³
- Athletic Coaching Certificate: covers full-time and part-time employment as a public school athletic coach;²⁴

Professional Educator Certificate

A professional teaching certificate is valid for five school fiscal years and is renewable. A professional certificate is awarded to an applicant who meets the basic eligibility requirements for certification and demonstrates mastery of:²⁵

- General knowledge, only if serving as a classroom teacher.
- Subject area knowledge.
- Professional preparation and education competence.

Acceptable means of demonstrating mastery of general knowledge are specified in law and include passing one of several different examinations identified by the State Board of Education (SBE), having a valid teaching certificate from another state, having a valid certificate from the National Board for Professional Teaching Standards (NBPTS), teaching a minimum of two semesters in either full-time or part-time status at a state college or university or at the private college level, or having a master's or higher degree from an accredited postsecondary education institution.

The acceptable means of demonstrating mastery of subject area knowledge are specified in law and include passing a subject area or other alternative examination as approved by the SBE, having a valid teaching certificate from another state, having a valid certificate from the NBPTS, or a passing score or program completion of a specified defense language proficiency test or program.²⁶

A candidate for a professional certificate may demonstrate professional preparation and education competence through the completion of a teacher preparation program and a passing

²⁰ Rule 6A-4.004(3), F.A.C.

²¹ Section 1012.56(7)(a), F.S.; *see* rule 6A-4.0051(3)(d), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 5-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; rule 6A-4.004(4), F.A.C.

²² Rule 6A-4.004(1)(a)2., F.A.C.

²³ Section 1012.56(7)(e), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. The veteran's pathway to educator certification authorizes a 5 year nonrenewable temporary certificate. Section 1012.56(7)(e)2., F.S. The DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c), F.S.

²⁴ Section 1012.55(2)(a), F.S.

²⁵ Section 1012.56, F.S.

²⁶ *Id.*

score on the corresponding professional education competency exam required by the SBE.²⁷

Other means include:

- Documentation of a valid professional standard teaching certificate issued by another state, the NBPTS, or a national educator credentialing board approved by the SBE.
- Passing the professional education competency examination and documentation of two semesters of successful, full-time or part-time teaching in a state college or university or a private college or university approved by the DOE.
- Successful completion of professional preparation courses, successful completion of a professional preparation and education competence program, and achievement of a passing score on the professional education competency examination.
- Successful completion of a professional development certification and education competency program.
- Successful completion of a competency-based certification program and achievement of a passing score on the professional education competency examination.

An applicant seeking a professional certification must:²⁸

- Meet the basic eligibility requirements for certification;²⁹
- Demonstrate mastery of general knowledge, if the person serves as a classroom teacher;³⁰
- Demonstrate mastery of subject area knowledge;³¹ and
- Demonstrate mastery of professional preparation and education competence.³²

A professional certificate valid for five years and is renewable,³³ but may be extended by:

- One year due to serious illness or injury of the applicant or other extraordinary extenuating circumstances; or
- A period of time equal to the active duty status for any person who volunteers or is called into wartime or required peacetime military service.

Temporary Educator Certificate

A temporary teaching certificate is valid for three school years and is nonrenewable. The DOE is required by law to issue a temporary certificate to any applicant who:³⁴

- Completes applicable subject area content requirements or demonstrates mastery of subject area knowledge by, for example, successful completion of an approved exam; and
- Holds an accredited degree or a degree approved by the DOE at the level required for the subject area specialization in SBE rule.

²⁷ Florida Department of Education, *Competencies and Skills Required for Teacher Certification in Florida* (Oct. 1, 2020), incorporated by reference in rule 6A-4.0021, F.A.C., available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10344>.

²⁸ Section 1012.56(7), F.S.

²⁹ Section 1012.56(2)(a)-(f), F.S.

³⁰ Section 1012.56(2)(g) and (3), F.S.; Florida DOE, *General Knowledge*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.stml> (last visited Mar. 15, 2023).

³¹ Section 1012.56(2)(h) and (5), F.S.

³² Section 1012.56(2)(i) and (6), F.S.; Florida DOE, *Professional Preparation and Education Competence*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.stml> (last visited Mar. 15, 2023).

³³ Sections 1012.56(7)(a) and 1012.585, F.S.; rule 6A-4.0051(1), F.A.C.

³⁴ Section 1012.56(7), F.S.

A classroom teacher under a temporary certificate has the validity period of the certificate to complete the remaining requirements of general knowledge and professional preparation and education competence in preparation for application for a professional certificate.³⁵

Generally, a temporary certificate is valid for 3 years and is nonrenewable.³⁶

Military Educator Certification Pathways and Benefits

In addition to the options above, Florida offers a 5-year temporary certificate for military veterans who have not earned a bachelor's degree and meet all of the following preliminary requirements:³⁷

- Minimum of 48 months of active duty military service with an honorable/medical discharge.
- Minimum of 60 college credits with a 2.5 grade point average.
- Passing score on a Florida subject area examination for bachelor's level subjects which demonstrates mastery of subject area knowledge.

Applicants who meet the preliminary requirements are issued a statement of eligibility with the following final requirements of employment in a Florida school district with an assigned mentor and a cleared background screening. This certificate is limited to a one-time issuance, and is nonrenewable.³⁸

Reciprocity for Out-of-State Teachers

Florida has two reciprocity routes for certified out-of-state teachers.³⁹

For a teacher with a currently valid standard certificate issued by a state other than Florida, the certificate must:⁴⁰

- Be comparable to a Florida Professional Certificate;
- Be issued in a subject comparable to a Florida certification subject;⁴¹ and
- Require the same or higher level of training required for certification in that subject in Florida.

For a teacher with a valid currently valid certificate issued by the NBPTS, the Florida certificate will reflect the Florida subject considered comparable to the NBPTS subject.⁴²

³⁵ Section 1012.56(7), F.S.

³⁶ *Id.*

³⁷ Florida Department of Education, *Military Veterans Certification Pathway*, <https://www.fldoe.org/teaching/certification/military/cert-pathway.stml> (last visited Mar. 20, 2023).

³⁸ Section 1012.56(7)(e)2., F.S.

³⁹ Florida Department of Education, *Reciprocity for Out-of-state Teachers and Administrators*, <https://www.fldoe.org/teaching/certification/pathways-routes/certified-teacher-or-administrator.stml> (last visited Mar. 20, 2023).

⁴⁰ *Id.*

⁴¹ Florida Department of Education, *Certificate Subjects*, <https://www.fldoe.org/teaching/certification/certificate-subjects/> (last visited Mar. 20, 2023).

⁴² Florida Department of Education, *Certificate Subjects*, <https://www.fldoe.org/teaching/certification/certificate-subjects/> (last visited Mar. 20, 2023).

Military Certification Fee Waivers

The Don Hahnfeldt Veteran and Military Family Opportunity Act⁴³ provides the opportunity for members of the United States Armed Forces, veterans and their spouses to request a waiver for initial certification fees and certification examination fees.⁴⁴

Interstate Compact on Educational Opportunity for Military Children

Children in active-duty military families face unique educational challenges. The average military child transfers to a different state or school district six to nine times during kindergarten through grade 12.⁴⁵ When a parent is reassigned, military children may be impacted by:⁴⁶

- Record transfer issues.
- Varied course sequencing and academic placement policies.
- Varied graduation requirements.
- Exclusion from extracurricular activities.
- Redundant or missed entrance or exit testing.
- Varied kindergarten and first grade entrance ages.
- The need to appoint temporary guardians while the child's parent is deployed.

The Interstate Compact on Educational Opportunity for Military Children (Compact) assists member states in uniformly addressing educational transition issues faced by active-duty military families. The Compact governs member states in several areas:⁴⁷

- Enrollment, including education records, immunizations, and Kindergarten and first grade entrance age.
- Placement, including course and education program placement, special education services, placement flexibility, and absence related to deployment activities.
- Graduation, including course waivers, exit exams, and transfers during the senior year.
- Extracurricular participation including participating after tryouts have passed, and schools making reasonable accommodations in such circumstances.

Children of active duty military, National Guard members on active duty orders, reservists on active duty orders, National Oceanic and Atmospheric Administration commissioned officers, U.S. Public Health Service commissioned officers, and veterans who are medically discharged or retired for one year are eligible for assistance under the Compact. The Compact also covers children of those who perish on active duty for a period of one year following their death.⁴⁸

⁴³ Ch. 2018-7 s. 53, Laws of Fla.

⁴⁴ Florida Department of Education, *Military Certification Fee Waivers* <https://www.fldoe.org/teaching/certification/military/fee-waivers.stml> (last visited Mar. 20, 2023).

⁴⁵ National Military Family Association, *Frequent Moves Take Their Toll on Military Kids*, <https://www.militaryfamily.org/wp-content/uploads/The-Military-Teen-Experience-Report-2021.pdf#:~:text=The%20National%20Military%20Family%20Association%20provides%20spouse%20scholarships%2C,the%20families%20of%20the%20wounded%2C%20ill%2C%20or%20injured.> (last visited Mar. 21, 2023).

⁴⁶ Military Interstate Children's Compact Commission, *Guide for Parents, School Officials, and Public Administrators*, available at <https://indd.adobe.com/view/f41d20ad-3121-4c98-ab68-61c4b7daec69>.

⁴⁷ Department of Defense Education Activity, *The Interstate Compact on Educational Opportunity for Military Children Fact Sheet for Service Providers* (2015), available at <https://www.dodea.edu/Partnership/upload/InterstateCompactToolKit-OOreview-15June2015.pdf>.

⁴⁸ Council of State Governments, Background, <http://www.mic3.net/background.html> (last visited Mar. 13, 2023).

States join the Compact by enacting it into law, which Florida did in 2008.⁴⁹ Ten states must enact the Compact before it can take effect and be binding on member states. This occurred when Delaware became the tenth state to adopt the Compact on July 9, 2008.⁵⁰ Currently, all 50 states and the District of Columbia are Compact members.⁵¹

The Compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the Compact. The Commission may adopt and enforce rules and bylaws and perform various administrative functions necessary for day-to-day operation.⁵² The Commission comprises one voting representative, or Compact Commissioner, from each member state. Each state is entitled to one vote on Compact rule adoption or other business matters.⁵³ The Commission must meet at least once per year.⁵⁴

Compact Rule Adoption

The Commission is authorized to promulgate Compact rules which govern member states in areas addressed by the Compact. These rules have the force and effect of statutory law in member states and supersede conflicting member state laws to the extent of the conflict.⁵⁵

Each member state in the Compact must coordinate all relevant governmental entities to advise the state's compliance with and participation in the Compact through a state council or similar body.⁵⁶ Membership of the state council must include the state superintendent of education, a superintendent of a school district with a high concentration of military children, a representative from a military installation, and one representative each from the legislative and executive branches of government.⁵⁷

Each member state under the Compact owes the Commission an annual fee. Dues are calculated using the number of children, ages 5-18, of active service members multiplied by the rate of \$1.15. The total number of children of active duty personnel in Florida for fiscal year 2021 was 38,761, resulting in dues owed of \$44,575.⁵⁸

Florida's Compact legislation requires automatic repeal of the Compact after a period of time. In 2022, the Legislature extended the Compact, the date for automatic repeal is now July 1, 2025.⁵⁹

⁴⁹ Ch. 2008-225, Laws of Fla.; *codified at* ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S.

⁵⁰ Article XV, s. B. of the Compact, s. 1000.36, F.S.; 76 Del. Laws 327 (2008).

⁵¹ Military Interstate Children's Compact Commission, *Interactive Map*, <http://www.mic3.net/interactive-map.html> (last visited Mar. 13, 2023).

⁵² Article X, of the Compact, s. 1000.36, F.S.

⁵³ Article IX, s. B. of the Compact, s. 1000.36, F.S.

⁵⁴ Article IX, s. D. of the Compact, s. 1000.36, F.S.

⁵⁵ Article X, s. B. and XVIII, s. B. of the Compact, s. 1000.36, F.S.

⁵⁶ 32 CFR s. 89.3

⁵⁷ *Id.*

⁵⁸ Military Interstate Children' Compact Commission, *MIC3 FY2021 Proposed Dues* (2020), available at https://mic3.net/wp-content/uploads/2020/09/Dues_FY2021-FINAL.pdf.

⁵⁹ Section 1000.40, F.S.

III. Effect of Proposed Changes:

SB 1446 creates s. 1012.993, F.S., to implement the Interstate Teacher Mobility Compact (ITMC or Compact) model legislation. The ITMC will allow teachers with an eligible license held in a Compact member state to be granted an equivalent license in another Compact member state, lowering barriers to teacher mobility and getting teachers back into the classroom more seamlessly.

Teachers holding a Compact-eligible license can apply for licensure in another member state and receive the closest equivalent license without submitting additional materials, taking state-specific exams or completing additional coursework.

Special exceptions were created for some populations in the Compact to support equitable access. Due to the mobility patterns of military spouses, the barriers to receiving a license that would be considered unencumbered under the Compact are much higher. Teachers meeting the definition of an eligible military spouse will be able to use a temporary or provisional license for the purposes of the Compact. Career and Technical Education Teaching Licenses often do not require a bachelor's degree as a requirement for licensure, so the Compact allows these licenses to be considered eligible without that requirement.⁶⁰

The model legislation is comprised of 13 articles as follows:⁶¹

Article I: Purpose

The purpose of the Compact is to facilitate the mobility of teachers across the member states, with the goal of supporting teachers through a new pathway to licensure by:

- Creating a streamlined pathway to licensure mobility for teachers;
- Supporting the relocation of eligible military spouses;
- Facilitating and enhancing the exchange of licensure, investigative, and disciplinary information between the member states;
- Enhancing the power of state and district level education officials to hire qualified, competent teachers by removing barriers to the employment of out-of-state teachers;
- Supporting the retention of teachers in the profession by removing barriers to re-licensure in a new state; and
- Maintaining state sovereignty in the regulation of the teaching profession.

Article II: Definitions

This section establishes the definitions of key terms as used throughout the Compact, to alleviate confusion on the part of practitioners and jurisdictions. Defined terms are capitalized throughout the document.

⁶⁰ *Id.*

⁶¹ Interstate Teacher Mobility Compact, *Section-By-Section-Review* (2023), available at <https://teachercompact.org/wp-content/uploads/sites/28/2022/11/ITMC-Section-By-Section-Review.pdf>.

Article III: Licensure Under the Compact

This section describes the model of licensure reciprocity and the responsibilities of member states in effectuating the Compact. It also highlights the upholding of state sovereignty and the narrow scope of the Compact in its effect on state licensing policy. Member states must submit a list of eligible licenses that the state will grant in accordance with the Compact to licensees coming from other Compact member states.

The requirements for a license to be eligible are as follows:

- Requirements for licensure include a bachelor's degree (except as provided below).
- Requirements for licensure include a state-approved program for teacher licensure.
- The license is not a restricted, probationary, provisional, substitute or temporary credential (except as provided below).

Teachers coming from one Compact member state to another will be granted, upon their application, the closest equivalent eligible license to the one currently held. The receiving state may determine that there is no equivalent eligible license.

This section also outlines population-specific carve-outs as follows:

- Eligible Military Spouses may exchange licenses that are probationary or provisional.
- Career and Technical Education Teachers licenses that do not require a bachelor's degree may be considered eligible.

Article IV: Licensure Not Under the Compact

This section highlights specific cases within the operation of the Compact that states maintain authority.

- States may impose additional state-specific requirements at the point of renewal.
- States may require additional documentation and information to place teachers on a state salary schedule.
- States maintain ownership of licensee data and information.
- Existing agreements between states that include licensure reciprocity or benefits to out-of-state teachers are not superseded by the Compact.

Article V: Teacher Qualifications and Requirements for Licensure Under the Compact

This section outlines requirements for a teacher to utilize the Compact to receive an equivalent license in a member state. Those are as follows:

- Except as provided for eligible military spouses, a teacher may only be eligible to receive a license under this Compact where that teacher holds a valid, unencumbered license in a member state.
- Upon their application to receive a license under this Compact, a teacher must undergo a criminal background check in the receiving state in accordance with the laws and regulations of the receiving state; and
- A teacher must provide the receiving state with information in addition to the information required for licensure for the purpose of determining compensation, if applicable.

Article VI: Discipline / Adverse Action

This section states that discipline authority remains with the member states and their respective practice laws. Member states are authorized and required to provide files and information regarding investigation and discipline of teachers. Member states are required to communicate the intention for disclosure and protect any shared information.

Article VII: Establishment of the Interstate Teacher Mobility Compact Commission

This section outlines the composition and powers of the Compact commission and executive committee. The Compact is not a waiver of sovereign immunity.

- Each member state is entitled to exactly one commissioner, who is the primary administrative officer of the state licensing authority or their designee.
- Each commissioner has one (1) vote on commission rules and bylaws.
- The commission may establish a term of office, code of ethics, bylaws, rules, a budget and financial records in order to carry out the Compact.
- The commission may elect an executive committee composed of seven delegates.
- All commission meetings shall be open to the public unless confidential or privileged information must be discussed.

Article VIII: Rulemaking

- Rules carry the force of law in all member states.
- A simple majority of member state legislatures may veto a rule of the commission.
- If the commission takes an action that is beyond the scope of the Compact, the action is invalid and has no force and effect.

Article IX: Facilitating Information Exchange

This section requires that the commission provide facilitating the information exchange required for the administration of the Compact and reiterates that the Compact does not limit or inhibit a member state's ability to maintain ownership of its licensure data.

Article X: Oversight, Dispute Resolution, and Enforcement

This section ensures compliance with the compact by member states. The procedures to be followed in the event of a failure by a member state to comply with the Compact include:

- A period of technical assistance in remedying the situation;
- Dispute resolution, including mediation and binding processes; and
- Termination from the Compact if no other means of compliance is successful. The commission shall attempt to resolve any Compact-related disputes that may arise between states.

Article XI: Effectuation, Withdrawal, and Amendment

The Compact takes effect on the date of enactment by the tenth state. States that join the Compact before the first convening of the commission (Charter Member States) shall determine

that States that join after this date are subject to the rules of the commission as they exist on the date when the Compact becomes law in that state.

Member states may enact a law to repeal their membership in the Compact. A state's withdrawal takes effect 6 months after enactment of such law. The Compact may be amended by every member state enacting the amendment into law.

Article XII: Construction and Severability

The Compact is to be liberally construed to effectuate its purposes. The Compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States constitution, all other provisions remain valid for all member states; and
- If a provision is held contrary to a member state's constitution, the Compact retains its full force in all other states, and all other provisions remain valid in the affected state.

Article XIII: Consistent Effect and Conflict with Other State Laws

This section reiterates that teachers are subject to the scope of practice of the state in which they are practicing. It also reiterates that rules and bylaws of the commission are binding on member states. According to legal precedent, if a conflict exists between a state law and the Compact, the state law is superseded to the extent of the conflict.

In addition, the bill updates citations to federal law within s. 1000.36, F.S., The Interstate Compact on Educational Opportunity for Military Children.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate. The bill could have a negative impact on state revenues or expenditures due to costs associated with the payment of annual dues and compact fees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1000.36 of the Florida Statutes.
This bill creates section 1012.993 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.