

By Senator Wright

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1                                   A bill to be entitled  
2       An act relating to the interstate education compacts;  
3       creating s. 1012.993, F.S.; creating the Interstate  
4       Teacher Mobility Compact; providing the purpose and  
5       objectives of and definitions for the compact;  
6       providing requirements for the licensure of teachers  
7       in member states who hold specified licenses in other  
8       member states; providing requirements for teachers,  
9       including career and technical education teachers, who  
10      are licensed in one member state to become licensed in  
11      another member state; providing requirements for  
12      licensed teachers who are also eligible military  
13      spouses; providing requirements for the renewal of  
14      such licenses in the member state to which a teacher  
15      transferred his or her license; providing  
16      applicability; authorizing member states to require  
17      additional information for the purpose of determining  
18      teacher compensation; providing construction;  
19      providing requirements for licensure in a member  
20      state; providing requirements for the investigation or  
21      imposition of disciplinary measures and adverse  
22      actions for teachers; providing for the sharing and  
23      protection of certain information between member  
24      states; establishing the Interstate Teacher Mobility  
25      Compact Commission; providing the purpose of the  
26      commission; providing requirements for the membership  
27      and meetings of the commission; providing for the  
28      removal or suspension of commissioners; providing  
29      requirements, powers, and duties of the commission;

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30 authorizing the commission to adopt bylaws and rules;  
31 establishing the executive committee of the  
32 commission; providing for the membership and meetings  
33 of the executive committee; providing the duties and  
34 responsibilities of the committee; providing  
35 requirements for commission meetings; requiring the  
36 commission to keep specified records and minutes;  
37 requiring the commission to pay specified expenses;  
38 authorizing the commission to accept specified  
39 donations and grants; authorizing the commission to  
40 levy and collect annual assessments from member states  
41 or to impose fees on other parties for a specified  
42 purpose; prohibiting the commission from incurring  
43 specified obligations; providing specified immunity to  
44 certain individuals; providing exceptions; requiring  
45 the commission to defend specified individuals under  
46 certain circumstances; requiring the commission to  
47 indemnify certain individuals; providing exceptions;  
48 providing requirements for commission rules; providing  
49 requirements for the exchange of specified information  
50 between member states; providing requirements for the  
51 oversight of the commission and member states;  
52 providing for the resolution of disputes through  
53 specified means, including specified judicial  
54 proceedings; requiring courts and administrative  
55 agencies of member states to take judicial notice of  
56 the compact, commission rules, and certain  
57 information; providing requirements for the commission  
58 and member states when a member state has defaulted in

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59 its compliance with the compact; providing  
60 requirements for notice to such member states and  
61 other member states; providing requirements for member  
62 states that fail to cure such defaults; providing  
63 requirements for the termination of the compact for  
64 such member states; providing requirements for member  
65 states whose participation in the compact is  
66 terminated; providing requirements for the commission  
67 and member states relating to the resolution of  
68 certain disputes; providing requirements for the  
69 effectuation of the compact; providing requirements  
70 for the effectuation of certain rules and bylaws on  
71 member states; providing requirements for the  
72 withdrawal of member states from the compact;  
73 providing for construction and severability of the  
74 compact; providing for the consistent application of  
75 the compact in member states; providing that certain  
76 agreements are binding; amending s. 1000.36, F.S.;

77 updating a cross-reference within the Interstate  
78 Compact on Educational Opportunity for Military  
79 Children; providing an effective date.

80

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

82

83 Section 1. Section 1012.993, Florida Statutes, is created  
84 to read:

85 1012.993 Interstate Teacher Mobility Compact.—The Governor  
86 is authorized and directed to execute the Interstate Teacher  
87 Mobility Compact on behalf of this state with any other state or

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88 states legally joining therein in the form substantially as  
89 follows:

91 ARTICLE I

92 PURPOSE

93  
94 The purpose of this compact is to facilitate the mobility  
95 of teachers across the member states with the goal of supporting  
96 teachers through a new pathway to licensure. Through this  
97 compact, the member states seek to establish a collective  
98 regulatory framework which expedites and enhances the ability of  
99 teachers from a variety of backgrounds to move across state  
100 lines. This compact is intended to achieve the following  
101 objectives and should be interpreted accordingly. The member  
102 states hereby ratify the same intentions by subscribing hereto:

103 (1) Create a streamlined pathway to licensure mobility for  
104 teachers;

105 (2) Support the relocation of eligible military spouses;

106 (3) Facilitate and enhance the exchange of licensure,  
107 investigative, and disciplinary information between the member  
108 states;

109 (4) Enhance the power of state and district level education  
110 officials to hire qualified, competent teachers by removing  
111 barriers to the employment of out-of-state teachers;

112 (5) Support the retention of teachers in the profession by  
113 removing barriers to relicensure in a new state; and

114 (6) Maintain state sovereignty in the regulation of the  
115 teaching profession.

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## ARTICLE II

DEFINITIONS

As used in this compact, and except as otherwise provided,  
the following definitions shall govern the terms herein:

(1) "Active military member" means any person with a full-time duty status in the uniformed armed services of the United States, including members of the National Guard and Reserve.

(2) "Adverse action" means any limitation or restriction imposed by a member state's licensing authority, including the revocation, suspension, reprimand, probation, or limitation on the licensee's ability to work as a teacher.

(3) "Bylaws" means the bylaws established by the commission.

(4) "Career and technical education license" means a current, valid authorization issued by a member state's licensing authority allowing an individual to serve as a teacher in K-12 public educational settings in a specific career and technical education area.

(5) "Commissioner" means the delegate of a member state.

(6) "Eligible license" means a license to engage in the teaching profession which requires at least a bachelor's degree and the completion of a state approved program for teacher licensure.

(7) "Eligible military spouse" means the spouse of any individual in full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty moving as a result of military mission or military career progression requirements, or are on

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146 their terminal move as a result of separation or retirement,  
147 including surviving spouses of deceased military members.

148 (8) "Executive committee" means a group of commissioners  
149 elected or appointed to act on behalf of, and within the powers  
150 granted to them by, the commission as provided herein.

151 (9) "Licensing authority" means an official, agency, board,  
152 or other entity of a state that is responsible for the licensing  
153 and regulation of teachers authorized to teach in K-12 public  
154 educational settings.

155 (10) "Member state" means any state that has adopted this  
156 compact, including all agencies and officials of such a state.

157 (11) "Receiving state" means any state where a teacher has  
158 applied for licensure under this compact.

159 (12) "Rule" means any regulation adopted by the commission  
160 under this compact which shall have the force of law in each  
161 member state.

162 (13) "State" means a state, territory, or possession of the  
163 United States and the District of Columbia.

164 (14) "State practice laws" means a member state's laws,  
165 rules, and regulations that govern the teaching profession,  
166 define the scope of such profession, and create the method and  
167 grounds for imposing discipline.

168 (15) "Teacher" means an individual who currently holds an  
169 authorization from a member state which forms the basis for  
170 employment in the K-12 public schools of the state to provide  
171 instruction in a specific subject area, grade level, or student  
172 population.

173 (16) "Unencumbered license" means a current, valid  
174 authorization issued by a member state's licensing authority

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175 allowing an individual to serve as a teacher in K-12 public  
176 education settings. An unencumbered license is not a restricted,  
177 probationary, provisional, substitute, or temporary credential.

179 ARTICLE III

180 LICENSURE UNDER THE COMPACT

181  
182 (1) Licensure under this compact pertains only to the  
183 initial grant of a license by the receiving state. Nothing  
184 herein applies to any subsequent or ongoing compliance  
185 requirements that a receiving state might require for teachers.

186 (2) Each member state shall, in accordance with rules of  
187 the commission, define, compile, and update, as necessary, a  
188 list of eligible licenses and career and technical education  
189 licenses that the member state is willing to consider for  
190 equivalency under this compact and provide the list to the  
191 commission. The list shall include those licenses that a  
192 receiving state is willing to grant teachers from other member  
193 states, pending a determination of equivalency by the receiving  
194 state's licensing authority.

195 (3) Upon the receipt of an application for licensure by a  
196 teacher holding an unencumbered license, the receiving state  
197 shall determine which of the receiving state's eligible licenses  
198 the teacher is qualified to hold and shall grant such a license  
199 or licenses to the applicant. Such a determination shall be made  
200 in the sole discretion of the receiving state's licensing  
201 authority and may include a determination that the applicant is  
202 not eligible for any of the receiving state's licenses. For all  
203 teachers who hold an unencumbered license, the receiving state

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204 shall grant one or more unencumbered licenses that, in the  
205 receiving state's sole discretion, are equivalent to the license  
206 held by the teacher in any other member state.

207 (4) For active duty military members and eligible military  
208 spouses who hold a license that is not unencumbered, the  
209 receiving state shall grant an equivalent license or licenses  
210 that, in the receiving state's sole discretion, is equivalent to  
211 the license or licenses held by the teacher in any other member  
212 state, except where the receiving state does not have an  
213 equivalent license.

214 (5) For a teacher holding an unencumbered career and  
215 technical education license, the receiving state shall grant an  
216 unencumbered license equivalent to the career and technical  
217 education license held by the applying teacher and issued by  
218 another member state, as determined by the receiving state in  
219 its sole discretion, except where a career and technical  
220 education teacher does not hold a bachelor's degree and the  
221 receiving state requires a bachelor's degree for licenses to  
222 teach career and technical education. A receiving state may  
223 require career and technical education teachers to meet state  
224 industry recognized requirements, if required by law in the  
225 receiving state.

#### 226 ARTICLE IV

#### 227 LICENSURE NOT UNDER THE COMPACT

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229

230 (1) Except as provided in Article III, nothing in this  
231 compact shall be construed to limit or inhibit the power of a  
232 member state to regulate licensure or endorsements overseen by



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233 the member state's licensing authority.

234 (2) When a teacher is required to renew a license received  
235 pursuant to this compact, the state granting such a license may  
236 require the teacher to complete state-specific requirements as a  
237 condition of licensure renewal or advancement in that state.

238 (3) For purposes of determining compensation, a receiving  
239 state may require additional information from teachers receiving  
240 a license under the provisions of this compact.

241 (4) Nothing in this compact shall be construed to limit the  
242 power of a member state to control and maintain ownership of its  
243 information pertaining to teachers or limit the application of a  
244 member state's laws or regulations governing the ownership, use,  
245 or dissemination of information pertaining to teachers.

246 (5) Nothing in this compact shall be construed to  
247 invalidate or alter any existing agreement or other cooperative  
248 arrangement which a member state may already be a party to or  
249 limit the ability of a member state to participate in any future  
250 agreement or other cooperative arrangement to:

251 (a) Award teaching licenses or other benefits based on  
252 additional professional credentials, including, but not limited  
253 to, the National Board Certification;

254 (b) Participate in the exchange of names of teachers whose  
255 licenses have been subject to adverse actions by a member state;  
256 or

257 (c) Participate in any agreement or cooperative arrangement  
258 with a nonmember state.

260 ARTICLE V

261 TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE UNDER THE

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COMPACT

(1) Except as provided for active military members or eligible military spouses under subsection (4) of Article III, a teacher may be eligible to receive a license under this compact only where that teacher holds an unencumbered license in a member state.

(2) A teacher eligible to receive a license under this compact shall, unless otherwise provided herein:

(a) Upon their application to receive a license under this compact, undergo a criminal background check in the receiving state in accordance with the laws and regulations of the receiving state; and

(b) Provide the receiving state with information in addition to the information required for licensure for the purposes of determining compensation, if applicable.

ARTICLE VIDISCIPLINE AND ADVERSE ACTIONS

Nothing in this compact shall be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on teachers according to the state practice laws thereof.

ARTICLE VIIESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY COMPACTCOMMISSION

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291 (1) The interstate compact member states hereby create and  
292 establish a joint public agency known as the Interstate Teacher  
293 Mobility Compact Commission.

294 (a) The commission is a joint interstate governmental  
295 agency comprised of states that have enacted the Interstate  
296 Teacher Mobility Compact.

297 (b) Nothing in this compact shall be construed to be a  
298 waiver of sovereign immunity.

299 (2) (a) Each member state shall have and be limited to one  
300 delegate to the commission, who shall be given the title of  
301 commissioner.

302 (b) The commissioner shall be the primary administrative  
303 officer of the state licensing authority or their designee.

304 (c) Any commissioner may be removed or suspended from  
305 office as provided by the law of the state from which the  
306 commissioner is appointed.

307 (d) The member state shall fill any vacancy occurring in  
308 the commission within 90 days.

309 (e) Each commissioner shall be entitled to one vote about  
310 the adoption of rules and creation of bylaws and shall otherwise  
311 have an opportunity to participate in the business and affairs  
312 of the commission. A commissioner shall vote in person or by  
313 such other means as provided in the bylaws. The bylaws may  
314 provide for commissioners' participation in meetings by  
315 telephone or other means of communication.

316 (f) The commission shall meet at least once during each  
317 calendar year. Additional meetings shall be held as set forth in  
318 the bylaws.

319 (g) The commission shall establish by rule a term of office

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320 for commissioners.

321 (3) The commission shall have the following powers and  
322 duties:

323 (a) Establish a code of ethics for the commission.

324 (b) Establish a fiscal year of the commission.

325 (c) Establish bylaws for the commission.

326 (d) Maintain its financial records in accordance with the  
327 bylaws of the commission.

328 (e) Meet and take such actions as are consistent with the  
329 provisions of this compact, the bylaws, and rules of the  
330 commission.

331 (f) Adopt uniform rules to implement and administer this  
332 compact. The rules shall have the force and effect of law and  
333 shall be binding in all member states. In the event the  
334 commission exercises its rulemaking authority in a manner that  
335 is beyond the scope of the purposes of this compact, or the  
336 powers granted hereunder, then such an action by the commission  
337 shall be invalid and have no force and effect of law.

338 (g) Bring and prosecute legal proceedings or actions in the  
339 name of the commission, provided that the standing of any member  
340 state licensing authority to sue or be sued under applicable law  
341 shall not be affected.

342 (h) Purchase and maintain insurance and bonds.

343 (i) Borrow, accept, or contract for services of personnel,  
344 including, but not limited to, employees of a member state or an  
345 associated nongovernmental organization that is open to  
346 membership by all states.

347 (j) Hire employees, elect or appoint officers, fix  
348 compensation, define duties, grant such individuals appropriate

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349 authority to carry out the purposes of this compact, and  
350 establish the commission's personnel policies and programs  
351 relating to conflicts of interest, qualifications of personnel,  
352 and other related personnel matters.

353 (k) Lease, purchase, accept appropriate gifts or donations  
354 of, or otherwise own, hold, improve, or use, any property, real,  
355 personal, or mixed, provided that at all times the commission  
356 shall avoid any appearance of impropriety.

357 (l) Sell, convey, mortgage, pledge, lease, exchange,  
358 abandon, or otherwise dispose of any property real, personal, or  
359 mixed.

360 (m) Establish a budget and make expenditures.

361 (n) Borrow money.

362 (o) Appoint committees, including standing committees  
363 composed of members and such other interested persons as may be  
364 designated in this interstate compact, rules, or bylaws.

365 (p) Provide and receive information from, and cooperate  
366 with, law enforcement agencies.

367 (q) Establish and elect an executive committee.

368 (r) Establish and develop a charter for an executive  
369 information governance committee to advise on facilitating the  
370 exchange of information, the use of information, data privacy,  
371 and technical support needs and provide reports as needed.

372 (s) Perform such other functions as may be necessary or  
373 appropriate to achieve the purposes of this compact consistent  
374 with the state regulation of teacher licensure.

375 (t) Determine whether a state's adopted language is  
376 materially different from the model compact language such that  
377 the state would not qualify for participation in the compact.

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378       (4) (a) The executive committee shall have the power to act  
379 on behalf of the commission according to the terms of this  
380 compact.

381       (b) The executive committee shall be composed of eight  
382 voting members as follows:

383           1. The chair of the commission.

384           2. The vice chair of the commission.

385           3. The treasurer of the commission.

386           4. Five members who are elected by the commission from the  
387 current membership as follows:

388           a. Four voting members representing geographic regions in  
389 accordance with commission rules.

390           b. One at-large voting member in accordance with commission  
391 rules.

392       (c) The commission may add or remove members of the  
393 executive committee as provided in commission rules.

394       (d) The executive committee shall meet at least once  
395 annually.

396       (e) The executive committee shall have the following duties  
397 and responsibilities:

398           1. Recommend to the entire commission changes to the rules  
399 or bylaws, changes to the compact legislation, and fees paid by  
400 interstate compact member states such as annual dues and any  
401 compact fee charged by the member states on behalf of the  
402 commission.

403           2. Ensure commission administration services are  
404 appropriately provided, contractual or otherwise.

405           3. Prepare and recommend the budget.

406           4. Maintain financial records on behalf of the commission.

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407 5. Monitor compliance of member states and provide reports  
408 to the commission.

409 6. Perform other duties as provided in the rules or bylaws.

410 (5) (a) All meetings of the commission shall be open to the  
411 public, and public notice of meetings shall be given in  
412 accordance with commission bylaws.

413 (b) The commission shall keep minutes of commission  
414 meetings and shall provide a full and accurate summary of  
415 actions taken, and the reasons thereof, including a description  
416 of the views expressed. All documents considered in connection  
417 with an action shall be identified in such minutes.

418 (6) (a) The commission shall pay, or provide for the payment  
419 of, the reasonable expenses of its establishment, organization,  
420 and ongoing activities.

421 (b) The commission may accept all appropriate donations and  
422 grants of money, equipment, supplies, materials, and services,  
423 and receive, utilize, and dispose of the same, provided that at  
424 all times the commission shall avoid any appearance of  
425 impropriety or conflicts of interest.

426 (c) The commission may levy on and collect an annual  
427 assessment from each member state or impose fees on other  
428 parties to cover the cost of the operations and activities of  
429 the commission, in accordance with the rules of the commission.

430 (d) The commission shall not incur obligations of any kind  
431 prior to securing the funds adequate to meet the same; nor shall  
432 the commission pledge the credit of any of the member states,  
433 except by and with the authority of the member state.

434 (e) The commission shall keep accurate accounts of all  
435 receipts and disbursements. The receipts and disbursements of

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436 the commission shall be subject to all accounting procedures  
437 established under the commission bylaws. All receipts and  
438 disbursements of funds of the commission shall be reviewed  
439 annually in accordance with commission bylaws, and a report of  
440 the review shall be included in and become part of the annual  
441 report of the commission.

442 (7) (a) The members, officers, executive director,  
443 employees, and representatives of the commission shall be immune  
444 from suit and liability, either personally or in their official  
445 capacity, for any claim for damage to or loss of property or  
446 personal injury or other civil liability caused by or arising  
447 out of any actual or alleged act, error, or omission that  
448 occurred or that the person against whom the claim is made had a  
449 reasonable basis for believing occurred within the scope of  
450 commission employment, duties, or responsibilities. Nothing in  
451 this paragraph shall be construed to protect any such person  
452 from suit or liability for any damage, loss, injury, or  
453 liability caused by the intentional, willful, or wanton  
454 misconduct of that person.

455 (b) The commission shall defend any member, officer,  
456 executive director, employee, or representative of the  
457 commission in any civil action seeking to impose liability  
458 arising out of any actual or alleged act, error, or omission  
459 that occurred within the scope of commission employment, duties,  
460 or responsibilities or that the person against whom the claim is  
461 made had a reasonable basis for believing occurred within the  
462 scope of commission employment, duties, or responsibilities.  
463 Nothing in this paragraph shall be construed to prohibit that  
464 person from retaining his or her own counsel and provide further



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465 that the actual or alleged act, error, or omission did not  
466 result from the person's intentional, willful, or wanton  
467 misconduct.

468 (c) The commission shall indemnify and hold harmless any  
469 member, officer, executive director, employee, or representative  
470 of the commission for the amount of any settlement or judgement  
471 obtained against that person arising out of any actual or  
472 alleged act, error, or omission that occurred within the scope  
473 of commission employment, duties, or responsibilities, or that  
474 such person had a reasonable basis for believing occurred within  
475 the scope of commission employment, duties, or responsibilities,  
476 provided the actual or alleged act, error, or omission did not  
477 result from the intentional, willful, or wanton misconduct of  
478 that person.

479  
480 ARTICLE VIII

481 RULEMAKING

482  
483 (1) The commission shall exercise its rulemaking powers  
484 pursuant to the criteria set forth in this compact and the rules  
485 adopted thereunder. Rules and amendments shall become binding as  
486 of the date specified in each rule or amendment.

487 (2) The commission shall adopt reasonable rules to achieve  
488 the intent and purpose of this compact. In the event the  
489 commission exercises its rulemaking authority in a manner that  
490 is beyond the purpose and intent of this compact, or the powers  
491 granted hereunder, then such action by the commission shall be  
492 invalid and have no force and effect of law in the member  
493 states.

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494 (3) If a majority of the legislatures of the member states  
495 rejects a rule, by enactment of a statute or resolution in the  
496 same manner used to adopt this compact within 4 years of the  
497 date of the adoption of the rule, then such rule shall have no  
498 further force and effect in any member state.

499 (4) Rules or amendments to the rules shall be adopted or  
500 ratified at a regular or special meeting of the commission in  
501 accordance with the commission's rules and bylaws.

502 (5) Upon a determination that an emergency exists, the  
503 commission may consider and adopt an emergency rule with 48  
504 hours' notice, with opportunity for comment, provided the usual  
505 rulemaking procedures shall be retroactively applied to the rule  
506 as soon as reasonably possible, in no event later than 90 days  
507 after the effective date of the rule. For the purposes of this  
508 subsection, an emergency rule is one that must be adopted  
509 immediately to:

510 (a) Meet an imminent threat to the public health, safety,  
511 or welfare;

512 (b) Prevent a loss of commission or member state funds;

513 (c) Meet a deadline for the adoption of an administrative  
514 rule that is established by federal law or rule; or

515 (d) Protect the public health or safety.

516  
517 ARTICLE IX

518 FACILITATING THE EXCHANGE OF INFORMATION

519  
520 (1) The commission shall provide for facilitating the  
521 exchange of information to administer and implement the  
522 provisions of this compact in accordance with the rules of the

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523 commission, consistent with generally accepted data protection  
524 principles.

525 (2) Nothing in this compact shall be deemed or construed to  
526 alter, limit, or inhibit the power of a member state to control  
527 and maintain ownership of its licensee information or alter,  
528 limit, or inhibit the laws or regulations governing licensee  
529 information in member states.

530

531 ARTICLE X

532 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

533

534 (1) (a) The executive and judicial branches of state  
535 government in each member state shall enforce this compact and  
536 take all actions necessary and appropriate to effectuate this  
537 compact's purpose and intent. The provisions of this compact  
538 shall have standing as statutory law.

539 (b) Venue is proper and judicial proceedings by or against  
540 the commission shall be brought solely and exclusively in a  
541 court of competent jurisdiction where the principal office of  
542 the commission is located. The commission may waive venue and  
543 jurisdictional defenses to the extent it adopts or consents to  
544 participate in alternative dispute resolution proceedings.  
545 Nothing herein shall affect or limit the selection or propriety  
546 of venue in any action against a licensee for professional  
547 malpractice, misconduct, or any such similar matter.

548 (c) All courts and all administrative agencies shall take  
549 judicial notice of this compact, the rules of the commission,  
550 and any information provided to a member state pursuant thereto  
551 in any judicial or quasi-judicial proceeding in a member state

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552 pertaining to the subject matter of this compact, or which may  
553 affect the powers, responsibilities, or actions of the  
554 commission.

555 (d) The commission shall be entitled to receive service of  
556 process in any proceeding regarding the enforcement or  
557 interpretation of this compact and shall have standing to  
558 intervene in such a proceeding for all purposes. Failure to  
559 provide the commission service of process shall render a  
560 judgement or order void as to the commission, this compact, or  
561 adopted rules.

562 (2) (a) If the commission determines that a member state has  
563 defaulted in the performance of its obligations or  
564 responsibilities under this compact or the adopted rules, the  
565 commission shall:

566 1. Provide written notice to the defaulting state and other  
567 member states of the nature of the default, the proposed means  
568 of curing the default, and any other action to be taken by the  
569 commission; and

570 2. Provide remedial training and specific technical  
571 assistance regarding the default.

572 (b) If a state in default fails to cure the default, the  
573 defaulting state may be terminated from this compact upon an  
574 affirmative vote of a majority of the commissioners of the  
575 member states, and all rights, privileges, and benefits  
576 conferred on that state by this compact may be terminated on the  
577 effective date of termination. A cure of the default does not  
578 relieve the offending state of obligations or liabilities  
579 incurred during the period of default.

580 (c) Termination of membership in the compact shall be

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581 imposed only after all other means of securing compliance have  
582 been exhausted. Notice of intent to suspend or terminate shall  
583 be given by the commission to the Governor, the Majority and  
584 Minority Leaders of the State Legislature, and the state  
585 licensing authority of the defaulting state and to each of the  
586 member states.

587 (d) A state that has been terminated is responsible for all  
588 assessments, obligations, and liabilities incurred through the  
589 effective date of termination, including obligations that extend  
590 beyond the effective date of termination.

591 (e) The commission shall not bear any costs related to a  
592 state that is found to be in default or that has been terminated  
593 from this compact unless agreed upon in writing between the  
594 commission and the defaulting state.

595 (f) Nothing in this compact shall be construed to be a  
596 waiver of sovereign immunity.

597 (g) The defaulting state may appeal the action of the  
598 commission by petitioning the United States District Court for  
599 the District of Columbia or the federal district where the  
600 commission has its principal offices. The prevailing party shall  
601 be awarded all costs of such litigation, including reasonable  
602 attorney fees.

603 (h)1. Upon the request of a member state, the commission  
604 shall attempt to resolve disputes related to this compact that  
605 arise among member states and between member and nonmember  
606 states.

607 2. The commission shall adopt a rule providing for both  
608 binding and nonbinding alternative dispute resolution for  
609 disputes as appropriate.

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610 (i)1. The commission, in the reasonable exercise of its  
611 discretion, shall enforce the provisions and rules of this  
612 compact.

613 2. By a majority vote, the commission may initiate legal  
614 action in the United States District Court for the District of  
615 Columbia or the federal district where the commission has its  
616 principal offices against a member state in default to enforce  
617 compliance with the provisions of this compact and its adopted  
618 rules and bylaws. The relief sought may include both injunctive  
619 relief and damages. In the event judicial enforcement is  
620 necessary, the prevailing party shall be awarded all costs of  
621 such litigation, including reasonable attorney fees. The  
622 remedies herein shall not be the exclusive remedies of the  
623 commission. The commission may pursue any other remedies  
624 available under federal or state law.

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626 ARTICLE XI

627 EFFECTUATION, WITHDRAWAL, AND AMENDMENT

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629 (1) This compact shall come into effect on the date on  
630 which the compact statute is enacted into law in the tenth  
631 member state.

632 (a) On or after the effective date of this compact, the  
633 commission shall convene and review the enactment of each of the  
634 charter member states to determine if the statute enacted by  
635 such charter member state is materially different from the model  
636 compact statute.

637 (b) A charter member state whose enactment is found to be  
638 materially different from the model compact statute shall be

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639 entitled to the default process set forth in Article X.

640 (c) Member states enacting the compact subsequent to the  
641 charter member states shall be subject to the process set forth  
642 in Article VII(X) (a) to determine if their enactments are  
643 materially different from the model compact statute and whether  
644 they qualify for participation in the compact.

645 (2) If any member state is later found to be in default, or  
646 is terminated or withdraws from the compact, the commission  
647 shall remain in existence and the compact shall remain in effect  
648 even if the number of member states should be less than 10.

649 (3) Any state that joins this compact after the  
650 commission's initial adoption of the rules and bylaws shall be  
651 subject to the rules and bylaws as they exist on the date on  
652 which this compact becomes law in that state. Any rule that has  
653 been previously adopted by the commission shall have the full  
654 force and effect of law on the day this compact becomes law in  
655 that state, as the rules and bylaws may be amended as provided  
656 in this compact.

657 (4) Any member state may withdraw from this compact by  
658 enacting a statute repealing the same.

659 (a) A member state's withdrawal shall not take effect until  
660 6 months after the enactment of the repealing statute.

661 (b) Withdrawal shall not affect the continuing requirement  
662 of the withdrawing state's licensing authority to comply with  
663 the investigative and adverse action reporting requirements of  
664 this act prior to the effective date of the withdrawal.

665 (5) This compact may be amended by member states. No  
666 amendments to this compact shall become effective and binding  
667 upon any member state until it is enacted into the laws of all

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668 member states.

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ARTICLE XII

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CONSTRUCTION AND SEVERABILITY

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ARTICLE XIII

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CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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(1) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with this compact.

(2) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with this compact are superseded to the extent of the conflict.



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697 (3) All permissible agreements between the commission and  
698 the member states are binding in accordance with their terms.

699 Section 2. Articles II and III of section 1000.36, Florida  
700 Statutes, are amended to read:

701 1000.36 Interstate Compact on Educational Opportunity for  
702 Military Children.—The Governor is authorized and directed to  
703 execute the Interstate Compact on Educational Opportunity for  
704 Military Children on behalf of this state with any other state  
705 or states legally joining therein in the form substantially as  
706 follows:

707 Interstate Compact on Educational  
708 Opportunity for Military Children

709 ARTICLE II

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

712 A. "Active duty" means the full-time duty status in the  
713 active uniformed service of the United States, including members  
714 of the National Guard and Reserve on active duty orders pursuant  
715 to 10 U.S.C. chapters 1209 and 1211 ~~10 U.S.C. ss. 1209 and 1211.~~

716 B. "Children of military families" means school-aged  
717 children, enrolled in kindergarten through 12th grade, in the  
718 household of an active-duty member.

719 C. "Compact commissioner" means the voting representative  
720 of each compacting state appointed under Article VIII of this  
721 compact.

722 D. "Deployment" means the period 1 month before the  
723 servicemembers' departure from their home station on military  
724 orders through 6 months after return to their home station.

725 E. "Educational records" or "education records" means those

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726 official records, files, and data directly related to a student  
727 and maintained by the school or local education agency,  
728 including, but not limited to, records encompassing all the  
729 material kept in the student's cumulative folder such as general  
730 identifying data, records of attendance and of academic work  
731 completed, records of achievement and results of evaluative  
732 tests, health data, disciplinary status, test protocols, and  
733 individualized education programs.

734 F. "Extracurricular activities" means a voluntary activity  
735 sponsored by the school or local education agency or an  
736 organization sanctioned by the local education agency.  
737 Extracurricular activities include, but are not limited to,  
738 preparation for and involvement in public performances,  
739 contests, athletic competitions, demonstrations, displays, and  
740 club activities.

741 G. "Interstate Commission on Educational Opportunity for  
742 Military Children" means the commission that is created under  
743 Article IX of this compact, which is generally referred to as  
744 the Interstate Commission.

745 H. "Local education agency" means a public authority  
746 legally constituted by the state as an administrative agency to  
747 provide control of, and direction for, kindergarten through 12th  
748 grade public educational institutions.

749 I. "Member state" means a state that has enacted this  
750 compact.

751 J. "Military installation" means a base, camp, post,  
752 station, yard, center, homeport facility for any ship, or other  
753 activity under the jurisdiction of the Department of Defense,  
754 including any leased facility, which is located within any of

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755 the several states, the District of Columbia, the Commonwealth  
756 of Puerto Rico, the United States Virgin Islands, Guam, American  
757 Samoa, the Northern Mariana Islands, and any other United States  
758 Territory. The term does not include any facility used primarily  
759 for civil works, rivers and harbors projects, or flood control  
760 projects.

761 K. "Nonmember state" means a state that has not enacted  
762 this compact.

763 L. "Receiving state" means the state to which a child of a  
764 military family is sent, brought, or caused to be sent or  
765 brought.

766 M. "Rule" means a written statement by the Interstate  
767 Commission adopted under Article XII of this compact which is of  
768 general applicability, implements, interprets, or prescribes a  
769 policy or provision of the compact, or an organizational,  
770 procedural, or practice requirement of the Interstate  
771 Commission, and has the force and effect of statutory law in a  
772 member state, and includes the amendment, repeal, or suspension  
773 of an existing rule.

774 N. "Sending state" means the state from which a child of a  
775 military family is sent, brought, or caused to be sent or  
776 brought.

777 O. "State" means a state of the United States, the District  
778 of Columbia, the Commonwealth of Puerto Rico, the United States  
779 Virgin Islands, Guam, American Samoa, the Northern Mariana  
780 Islands, and any other United States Territory.

781 P. "Student" means the child of a military family for whom  
782 the local education agency receives public funding and who is  
783 formally enrolled in kindergarten through 12th grade.

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784 Q. "Transition" means:

785 1. The formal and physical process of transferring from  
786 school to school; or

787 2. The period of time in which a student moves from one  
788 school in the sending state to another school in the receiving  
789 state.

790 R. "Uniformed services" means the Army, Navy, Air Force,  
791 Space Force, Marine Corps, Coast Guard as well as the  
792 Commissioned Corps of the National Oceanic and Atmospheric  
793 Administration, and Public Health Services.

794 S. "Veteran" means a person who served in the uniformed  
795 services and who was discharged or released therefrom under  
796 conditions other than dishonorable.

797 ARTICLE III

798 APPLICABILITY.—

799 A. Except as otherwise provided in Section C, this compact  
800 applies to the children of:

801 1. Active duty members of the uniformed services, including  
802 members of the National Guard and Reserve on active-duty orders  
803 pursuant to 10 U.S.C. chapters 1209 and 1211 ~~10 U.S.C. ss. 1209~~  
804 ~~and 1211~~;

805 2. Members or veterans of the uniformed services who are  
806 severely injured and medically discharged or retired for a  
807 period of 1 year after medical discharge or retirement; and

808 3. Members of the uniformed services who die on active duty  
809 or as a result of injuries sustained on active duty for a period  
810 of 1 year after death.

811 B. This interstate compact applies to local education  
812 agencies.

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- 813 C. This compact does not apply to the children of:
- 814 1. Inactive members of the National Guard and military
- 815 reserves;
- 816 2. Members of the uniformed services now retired, except as
- 817 provided in Section A;
- 818 3. Veterans of the uniformed services, except as provided
- 819 in Section A; and
- 820 4. Other United States Department of Defense personnel and
- 821 other federal agency civilian and contract employees not defined
- 822 as active-duty members of the uniformed services.
- 823 Section 3. This act shall take effect July 1, 2023.