

## ENROLLED

CS/HB 1203, Engrossed 1

2008 Legislature

1 A bill to be entitled

2 An act relating to the Interstate Compact on Educational  
3 Opportunity for Military Children; creating s. 1000.36,  
4 F.S.; directing the Governor to execute the Interstate  
5 Compact on Educational Opportunity for Military Children  
6 on behalf of this state with any other state or states  
7 legally adopting the compact; providing definitions;  
8 providing applicability; providing for the transfer of  
9 education records from a sending to a receiving state;  
10 requiring that children of military personnel be enrolled  
11 in classes at current grade level; providing for  
12 eligibility for graduation; providing for a state council  
13 to coordinate agencies and schools; providing for  
14 membership on the council; creating the Interstate  
15 Commission on Educational Opportunity for Military  
16 Children; providing for membership, organization,  
17 meetings, operations, powers, and duties; creating an  
18 executive committee; requiring the commission to adopt  
19 rules; providing for a legal challenge to the adopted  
20 rules; providing for oversight, enforcement, and dispute  
21 resolution; providing procedures to suspend or terminate  
22 member states; authorizing the commission to levy and  
23 collect an annual assessment from each member state;  
24 providing the method for the compact to become effective  
25 and binding on the member states; providing procedures for  
26 the withdrawal of a member state; providing severability;  
27 providing for the effect of the compact on member states'  
28 laws; creating s. 1000.37, F.S.; requiring the Secretary

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 of State to furnish a copy of the enrolled act enacting  
 30 the Interstate Compact on Educational Opportunity for  
 31 Military Children to each of the states approving the  
 32 compact; creating s. 1000.38, F.S.; authorizing the  
 33 designation of a Compact Commissioner and a Military  
 34 Family Education Liaison by the Governor; creating s.  
 35 1000.39, F.S.; creating the State Council on Interstate  
 36 Educational Opportunity for Military Children; providing  
 37 purpose and membership; prohibiting compensation;  
 38 authorizing reimbursement for per diem and travel  
 39 expenses; providing for public records and open meetings;  
 40 requiring the Department of Education to provide  
 41 administrative support; prescribing procedures if the  
 42 council is abolished; providing for future legislative  
 43 review and repeal of the act; providing an effective date.

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

47 Section 1. Section 1000.36, Florida Statutes, is created  
 48 to read:

49 1000.36 Interstate Compact on Educational  
 50 Opportunity for Military Children.--The Governor is authorized  
 51 and directed to execute the Interstate Compact on Educational  
 52 Opportunity for Military Children on behalf of this state with  
 53 any other state or states legally joining therein in the form  
 54 substantially as follows:

55 Interstate Compact on Educational  
 56 Opportunity for Military Children

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ARTICLE I

PURPOSE.--It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance or age requirements.

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

D. Facilitating the on-time graduation of children of military families.

E. Providing for the adoption and enforcement of administrative rules implementing this compact.

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

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83 H. Promoting flexibility and cooperation between the  
 84 educational system, parents, and the student in order to achieve  
 85 educational success for the student.

86 ARTICLE II

87 DEFINITIONS.--As used in this compact, unless the context  
 88 clearly requires a different construction, the term:

89 A. "Active duty" means the full-time duty status in the  
 90 active uniformed service of the United States, including members  
 91 of the National Guard and Reserve on active duty orders pursuant  
 92 to 10 U.S.C. ss. 1209 and 1211.

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

96 C. "Compact commissioner" means the voting representative  
 97 of each compacting state appointed under Article VIII of this  
 98 compact.

99 D. "Deployment" means the period 1 month before the  
 100 service members' departure from their home station on military  
 101 orders through 6 months after return to their home station.

102 E. "Educational records" or "education records" means  
 103 those official records, files, and data directly related to a  
 104 student and maintained by the school or local education agency,  
 105 including, but not limited to, records encompassing all the  
 106 material kept in the student's cumulative folder such as general  
 107 identifying data, records of attendance and of academic work  
 108 completed, records of achievement and results of evaluative  
 109 tests, health data, disciplinary status, test protocols, and  
 110 individualized education programs.

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111 F. "Extracurricular activities" means a voluntary activity  
 112 sponsored by the school or local education agency or an  
 113 organization sanctioned by the local education agency.  
 114 Extracurricular activities include, but are not limited to,  
 115 preparation for and involvement in public performances,  
 116 contests, athletic competitions, demonstrations, displays, and  
 117 club activities.

118 G. "Interstate Commission on Educational Opportunity for  
 119 Military Children" means the commission that is created under  
 120 Article IX of this compact, which is generally referred to as  
 121 the Interstate Commission.

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

126 I. "Member state" means a state that has enacted this  
 127 compact.

128 J. "Military installation" means a base, camp, post,  
 129 station, yard, center, homeport facility for any ship, or other  
 130 activity under the jurisdiction of the Department of Defense,  
 131 including any leased facility, which is located within any of  
 132 the several states, the District of Columbia, the Commonwealth  
 133 of Puerto Rico, the United States Virgin Islands, Guam, American  
 134 Samoa, the Northern Marianas Islands, and any other United  
 135 States Territory. The term does not include any facility used  
 136 primarily for civil works, rivers and harbors projects, or flood  
 137 control projects.

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138           K. "Nonmember state" means a state that has not enacted  
 139 this compact.

140           L. "Receiving state" means the state to which a child of a  
 141 military family is sent, brought, or caused to be sent or  
 142 brought.

143           M. "Rule" means a written statement by the Interstate  
 144 Commission adopted under Article XII of this compact which is of  
 145 general applicability, implements, interprets, or prescribes a  
 146 policy or provision of the compact, or an organizational,  
 147 procedural, or practice requirement of the Interstate  
 148 Commission, and has the force and effect of statutory law in a  
 149 member state, and includes the amendment, repeal, or suspension  
 150 of an existing rule.

151           N. "Sending state" means the state from which a child of a  
 152 military family is sent, brought, or caused to be sent or  
 153 brought.

154           O. "State" means a state of the United States, the  
 155 District of Columbia, the Commonwealth of Puerto Rico, the  
 156 United States Virgin Islands, Guam, American Samoa, the Northern  
 157 Marianas Islands, and any other United States Territory.

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

161           Q. "Transition" means:

162           1. The formal and physical process of transferring from  
 163 school to school; or





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219 C. Compact states must give 30 days from the date of  
 220 enrollment or within such time as is reasonably determined under  
 221 the rules adopted by the Interstate Commission for students to  
 222 obtain any immunization required by the receiving state. For a  
 223 series of immunizations, initial vaccinations must be obtained  
 224 within 30 days or within such time as is reasonably determined  
 225 under the rules promulgated by the Interstate Commission.

226 D. Students shall be allowed to continue their enrollment  
 227 at grade level in the receiving state commensurate with their  
 228 grade level, including kindergarten, from a local education  
 229 agency in the sending state at the time of transition,  
 230 regardless of age. A student who has satisfactorily completed  
 231 the prerequisite grade level in the local education agency in  
 232 the sending state is eligible for enrollment in the next highest  
 233 grade level in the receiving state, regardless of age. A student  
 234 transferring after the start of the school year in the receiving  
 235 state shall enter the school in the receiving state on their  
 236 validated level from an accredited school in the sending state.

237 ARTICLE V

238 PLACEMENT AND ATTENDANCE.--

239 A. If a student transfers before or during the school  
 240 year, the receiving state school shall initially honor placement  
 241 of the student in educational courses based on the student's  
 242 enrollment in the sending state school or educational  
 243 assessments conducted at the school in the sending state if the  
 244 courses are offered. Course placement includes, but is not  
 245 limited to, Honors, International Baccalaureate, Advanced  
 246 Placement, vocational, technical, and career pathways courses.

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247 Continuing the student's academic program from the previous  
248 school and promoting placement in academically and career  
249 challenging courses should be paramount when considering  
250 placement. A school in the receiving state is not precluded from  
251 performing subsequent evaluations to ensure appropriate  
252 placement and continued enrollment of the student in the  
253 courses.

254 B. The receiving state school must initially honor  
255 placement of the student in educational programs based on  
256 current educational assessments conducted at the school in the  
257 sending state or participation or placement in like programs in  
258 the sending state. Such programs include, but are not limited  
259 to:

- 260 1. Gifted and talented programs; and
- 261 2. English as a second language (ESL).

262  
263 A school in the receiving state is not precluded from performing  
264 subsequent evaluations to ensure appropriate placement and  
265 continued enrollment of the student in the courses.

266 C. A receiving state must initially provide comparable  
267 services to a student with disabilities based on his or her  
268 current individualized education program (IEP) in compliance  
269 with the requirements of the Individuals with Disabilities  
270 Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving  
271 state must make reasonable accommodations and modifications to  
272 address the needs of incoming students with disabilities,  
273 subject to an existing section 504 or title II plan, to provide  
274 the student with equal access to education, in compliance with

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275 the provisions of Section 504 of the Rehabilitation Act, 29  
 276 U.S.C.A. s. 794, and with title II of the Americans with  
 277 Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the  
 278 receiving state is not precluded from performing subsequent  
 279 evaluations to ensure appropriate placement and continued  
 280 enrollment of the student in the courses.

281 D. Local education agency administrative officials may  
 282 waive course or program prerequisites, or other preconditions  
 283 for placement in courses or programs offered under the  
 284 jurisdiction of the local education agency.

285 E. A student whose parent or legal guardian is an active-  
 286 duty member of the uniformed services and has been called to  
 287 duty for, is on leave from, or immediately returned from  
 288 deployment to, a combat zone or combat support posting shall be  
 289 granted additional excused absences at the discretion of the  
 290 local education agency superintendent to visit with his or her  
 291 parent or legal guardian relative to such leave or deployment of  
 292 the parent or guardian.

293 ARTICLE VI

294 ELIGIBILITY.--

295 A. When considering the eligibility of a child for  
 296 enrolling in a school:

297 1. A special power of attorney relative to the  
 298 guardianship of a child of a military family and executed under  
 299 applicable law is sufficient for the purposes of enrolling the  
 300 child in school and for all other actions requiring parental  
 301 participation and consent.



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330 referenced achievement tests; or alternative testing, in lieu of  
 331 testing requirements for graduation in the receiving state. If  
 332 these alternatives cannot be accommodated by the receiving state  
 333 for a student transferring in his or her senior year, then the  
 334 provisions of Article VII, Section C shall apply.

335 C. If a military student transfers at the beginning or  
 336 during his or her senior year and is not eligible to graduate  
 337 from the receiving local education agency after all alternatives  
 338 have been considered, the sending and receiving local education  
 339 agencies must ensure the receipt of a diploma from the sending  
 340 local education agency, if the student meets the graduation  
 341 requirements of the sending local education agency. If one of  
 342 the states in question is not a member of this compact, the  
 343 member state shall use its best efforts to facilitate the on-  
 344 time graduation of the student in accordance with Sections A and  
 345 B of this Article.

346 ARTICLE VIII

347 STATE COORDINATION.--Each member state shall, through the  
 348 creation of a state council or use of an existing body or board,  
 349 provide for the coordination among its agencies of government,  
 350 local education agencies, and military installations concerning  
 351 the state's participation in, and compliance with, this compact  
 352 and Interstate Commission activities.

353 A. Each member state may determine the membership of its  
 354 own state council but the membership must include at least: the  
 355 state superintendent of education, the superintendent of a  
 356 school district that has a high concentration of military  
 357 children, a representative from a military installation, one

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358 representative each from the legislative and executive branches  
 359 of government, and other offices and stakeholder groups the  
 360 state council deems appropriate. A member state that does not  
 361 have a school district deemed to contain a high concentration of  
 362 military children may appoint a superintendent from another  
 363 school district to represent local education agencies on the  
 364 state council.

365 B. The state council of each member state shall appoint or  
 366 designate a military family education liaison to assist military  
 367 families and the state in facilitating the implementation of  
 368 this compact.

369 C. The compact commissioner responsible for the  
 370 administration and management of the state's participation in  
 371 the compact shall be appointed by the Governor or as otherwise  
 372 determined by each member state.

373 D. The compact commissioner and the military family  
 374 education liaison shall be ex officio members of the state  
 375 council, unless either is already a full voting member of the  
 376 state council.

377 ARTICLE IX

378 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR  
 379 MILITARY CHILDREN.--The member states hereby create the  
 380 "Interstate Commission on Educational Opportunity for Military  
 381 Children." The activities of the Interstate Commission are the  
 382 formation of public policy and are a discretionary state  
 383 function. The Interstate Commission shall:

384 A. Be a body corporate and joint agency of the member  
 385 states and shall have all the responsibilities, powers, and

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386 duties set forth herein, and such additional powers as may be  
 387 conferred upon it by a subsequent concurrent action of the  
 388 respective legislatures of the member states in accordance with  
 389 the terms of this compact.

390 B. Consist of one Interstate Commission voting  
 391 representative from each member state who shall be that state's  
 392 compact commissioner.

393 1. Each member state represented at a meeting of the  
 394 Interstate Commission is entitled to one vote.

395 2. A majority of the total member states shall constitute  
 396 a quorum for the transaction of business, unless a larger quorum  
 397 is required by the bylaws of the Interstate Commission.

398 3. A representative shall not delegate a vote to another  
 399 member state. In the event the compact commissioner is unable to  
 400 attend a meeting of the Interstate Commission, the Governor or  
 401 state council may delegate voting authority to another person  
 402 from their state for a specified meeting.

403 4. The bylaws may provide for meetings of the Interstate  
 404 Commission to be conducted by telecommunication or electronic  
 405 communication.

406 C. Consist of ex officio, nonvoting representatives who  
 407 are members of interested organizations. The ex officio members,  
 408 as defined in the bylaws, may include, but not be limited to,  
 409 members of the representative organizations of military family  
 410 advocates, local education agency officials, parent and teacher  
 411 groups, the United States Department of Defense, the Education  
 412 Commission of the States, the Interstate Agreement on the  
 413 Qualification of Educational Personnel, and other interstate

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414 compacts affecting the education of children of military  
 415 members.

416 D. Meet at least once each calendar year. The chairperson  
 417 may call additional meetings and, upon the request of a simple  
 418 majority of the member states, shall call additional meetings.

419 E. Establish an executive committee, whose members shall  
 420 include the officers of the Interstate Commission and such other  
 421 members of the Interstate Commission as determined by the  
 422 bylaws. Members of the executive committee shall serve a 1-year  
 423 term. Members of the executive committee are entitled to one  
 424 vote each. The executive committee shall have the power to act  
 425 on behalf of the Interstate Commission, with the exception of  
 426 rulemaking, during periods when the Interstate Commission is not  
 427 in session. The executive committee shall oversee the day-to-day  
 428 activities of the administration of the compact including  
 429 enforcement and compliance with the compact, its bylaws and  
 430 rules, and other such duties as deemed necessary. The United  
 431 States Department of Defense shall serve as an ex officio,  
 432 nonvoting member of the executive committee.

433 F. Establish bylaws and rules that provide for conditions  
 434 and procedures under which the Interstate Commission shall make  
 435 its information and official records available to the public for  
 436 inspection or copying. The Interstate Commission may exempt from  
 437 disclosure information or official records to the extent they  
 438 would adversely affect personal privacy rights or proprietary  
 439 interests.

440 G. Give public notice of all meetings and all meetings  
 441 shall be open to the public, except as set forth in the rules or

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442 as otherwise provided in the compact. The Interstate Commission  
443 and its committees may close a meeting, or portion thereof,  
444 where it determines by two-thirds vote that an open meeting  
445 would be likely to:

446 1. Relate solely to the Interstate Commission's internal  
447 personnel practices and procedures;

448 2. Disclose matters specifically exempted from disclosure  
449 by federal and state statute;

450 3. Disclose trade secrets or commercial or financial  
451 information which is privileged or confidential;

452 4. Involve accusing a person of a crime, or formally  
453 censuring a person;

454 5. Disclose information of a personal nature where  
455 disclosure would constitute a clearly unwarranted invasion of  
456 personal privacy;

457 6. Disclose investigative records compiled for law  
458 enforcement purposes; or

459 7. Specifically relate to the Interstate Commission's  
460 participation in a civil action or other legal proceeding.

461 H. For a meeting, or portion of a meeting, closed pursuant  
462 to this provision, the Interstate Commission's legal counsel or  
463 designee shall certify that the meeting may be closed and shall  
464 reference each relevant exemptible provision. The Interstate  
465 Commission shall keep minutes which shall fully and clearly  
466 describe all matters discussed in a meeting and shall provide a  
467 full and accurate summary of actions taken, and the reasons  
468 therefore, including a description of the views expressed and  
469 the record of a roll call vote. All documents considered in

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470 connection with an action shall be identified in such minutes.  
 471 All minutes and documents of a closed meeting shall remain under  
 472 seal, subject to release by a majority vote of the Interstate  
 473 Commission.

474 I. The Interstate Commission shall collect standardized  
 475 data concerning the educational transition of the children of  
 476 military families under this compact as directed through its  
 477 rules which shall specify the data to be collected, the means of  
 478 collection and data exchange, and reporting requirements. The  
 479 methods of data collection, exchange, and reporting shall, in so  
 480 far as is reasonably possible, conform to current technology and  
 481 coordinate its information functions with the appropriate  
 482 custodian of records as identified in the bylaws and rules.

483 J. The Interstate Commission shall create a procedure that  
 484 permits military officials, education officials, and parents to  
 485 inform the Interstate Commission if and when there are alleged  
 486 violations of the compact or its rules or when issues subject to  
 487 the jurisdiction of the compact or its rules are not addressed  
 488 by the state or local education agency. This section does not  
 489 create a private right of action against the Interstate  
 490 Commission or any member state.

491 ARTICLE X

492 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The  
 493 Interstate Commission has the power to:

494 A. Provide for dispute resolution among member states.

495 B. Adopt rules and take all necessary actions to effect  
 496 the goals, purposes, and obligations as enumerated in this  
 497 compact. The rules have the force and effect of statutory law

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498 and are binding in the compact states to the extent and in the  
 499 manner provided in this compact.

500 C. Issue, upon request of a member state, advisory  
 501 opinions concerning the meaning or interpretation of the  
 502 interstate compact, its bylaws, rules, and actions.

503 D. Enforce compliance with the compact provisions, the  
 504 rules adopted by the Interstate Commission, and the bylaws,  
 505 using all necessary and proper means, including, but not limited  
 506 to, the use of judicial process.

507 E. Establish and maintain offices that shall be located  
 508 within one or more of the member states.

509 F. Purchase and maintain insurance and bonds.

510 G. Borrow, accept, hire, or contract for services of  
 511 personnel.

512 H. Establish and appoint committees, including, but not  
 513 limited to, an executive committee as required by Article IX,  
 514 Section E, which shall have the power to act on behalf of the  
 515 Interstate Commission in carrying out its powers and duties  
 516 hereunder.

517 I. Elect or appoint such officers, attorneys, employees,  
 518 agents, or consultants, and to fix their compensation, define  
 519 their duties, and determine their qualifications; and to  
 520 establish the Interstate Commission's personnel policies and  
 521 programs relating to conflicts of interest, rates of  
 522 compensation, and qualifications of personnel.

523 J. Accept any and all donations and grants of money,  
 524 equipment, supplies, materials, and services, and to receive,  
 525 utilize, and dispose of it.



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554           A. The Interstate Commission shall, by a majority of the  
 555 members present and voting, within 12 months after the first  
 556 Interstate Commission meeting, adopt bylaws to govern its  
 557 conduct as may be necessary or appropriate to carry out the  
 558 purposes of the compact, including, but not limited to:

559           1. Establishing the fiscal year of the Interstate  
 560 Commission;

561           2. Establishing an executive committee and such other  
 562 committees as may be necessary;

563           3. Providing for the establishment of committees and for  
 564 governing any general or specific delegation of authority or  
 565 function of the Interstate Commission;

566           4. Providing reasonable procedures for calling and  
 567 conducting meetings of the Interstate Commission and ensuring  
 568 reasonable notice of each such meeting;

569           5. Establishing the titles and responsibilities of the  
 570 officers and staff of the Interstate Commission;

571           6. Providing a mechanism for concluding the operations of  
 572 the Interstate Commission and the return of surplus funds that  
 573 may exist upon the termination of the compact after the payment  
 574 and reserving of all of its debts and obligations.

575           7. Providing "start up" rules for initial administration  
 576 of the compact.

577           B. The Interstate Commission shall, by a majority of the  
 578 members, elect annually from among its members a chairperson, a  
 579 vice chairperson, and a treasurer, each of whom shall have such  
 580 authority and duties as may be specified in the bylaws. The  
 581 chairperson or, in the chairperson's absence or disability, the

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582 vice chairperson shall preside at all meetings of the Interstate  
 583 Commission. The officers so elected shall serve without  
 584 compensation or remuneration from the Interstate Commission;  
 585 provided that, subject to the availability of budgeted funds,  
 586 the officers shall be reimbursed for ordinary and necessary  
 587 costs and expenses incurred by them in the performance of their  
 588 responsibilities as officers of the Interstate Commission.

589 C. The executive committee has the authority and duties as  
 590 may be set forth in the bylaws, including, but not limited to:

591 1. Managing the affairs of the Interstate Commission in a  
 592 manner consistent with the bylaws and purposes of the Interstate  
 593 Commission;

594 2. Overseeing an organizational structure within, and  
 595 appropriate procedures for, the Interstate Commission to provide  
 596 for the adoption of rules, operating procedures, and  
 597 administrative and technical support functions; and

598 3. Planning, implementing, and coordinating communications  
 599 and activities with other state, federal, and local government  
 600 organizations in order to advance the goals of the Interstate  
 601 Commission.

602 D. The executive committee may, subject to the approval of  
 603 the Interstate Commission, appoint or retain an executive  
 604 director for such period, upon such terms and conditions and for  
 605 such compensation, as the Interstate Commission may deem  
 606 appropriate. The executive director shall serve as secretary to  
 607 the Interstate Commission, but is not a member of the Interstate  
 608 Commission. The executive director shall hire and supervise such  
 609 other persons as may be authorized by the Interstate Commission.

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610           E. The Interstate Commission's executive director and its  
 611 employees are immune from suit and liability, either personally  
 612 or in their official capacity, for a claim for damage to or loss  
 613 of property or personal injury or other civil liability caused  
 614 or arising out of, or relating to, an actual or alleged act,  
 615 error, or omission that occurred, or that such person had a  
 616 reasonable basis for believing occurred, within the scope of  
 617 Interstate Commission employment, duties, or responsibilities,  
 618 provided that the person is not protected from suit or liability  
 619 for damage, loss, injury, or liability caused by the intentional  
 620 or willful and wanton misconduct of the person.

621           1. The liability of the Interstate Commission's executive  
 622 director and employees or Interstate Commission representatives,  
 623 acting within the scope of the person's employment or duties,  
 624 for acts, errors, or omissions occurring within the person's  
 625 state may not exceed the limits of liability set forth under the  
 626 constitution and laws of that state for state officials,  
 627 employees, and agents. The Interstate Commission is considered  
 628 to be an instrumentality of the states for the purposes of any  
 629 such action. This subsection does not protect the person from  
 630 suit or liability for damage, loss, injury, or liability caused  
 631 by the intentional or willful and wanton misconduct of the  
 632 person.

633           2. The Interstate Commission shall defend the executive  
 634 director and its employees and, subject to the approval of the  
 635 Attorney General or other appropriate legal counsel of the  
 636 member state represented by an Interstate Commission  
 637 representative, shall defend an Interstate Commission

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638 representative in any civil action seeking to impose liability  
 639 arising out of an actual or alleged act, error, or omission that  
 640 occurred within the scope of Interstate Commission employment,  
 641 duties, or responsibilities, or that the defendant had a  
 642 reasonable basis for believing occurred within the scope of  
 643 Interstate Commission employment, duties, or responsibilities,  
 644 provided that the actual or alleged act, error, or omission did  
 645 not result from intentional or willful and wanton misconduct on  
 646 the part of the person.

647 3. To the extent not covered by the state involved, a  
 648 member state, the Interstate Commission, and the representatives  
 649 or employees of the Interstate Commission shall be held harmless  
 650 in the amount of a settlement or judgment, including attorney's  
 651 fees and costs, obtained against a person arising out of an  
 652 actual or alleged act, error, or omission that occurred within  
 653 the scope of Interstate Commission employment, duties, or  
 654 responsibilities, or that the person had a reasonable basis for  
 655 believing occurred within the scope of Interstate Commission  
 656 employment, duties, or responsibilities, provided that the  
 657 actual or alleged act, error, or omission did not result from  
 658 intentional or willful and wanton misconduct on the part of the  
 659 person.

660 ARTICLE XII

661 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--The  
 662 Interstate Commission shall adopt rules to effectively and  
 663 efficiently implement this act to achieve the purposes of this  
 664 compact.

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665 A. If the Interstate Commission exercises its rulemaking  
 666 authority in a manner that is beyond the scope of the purposes  
 667 of this act, or the powers granted hereunder, the action  
 668 undertaken by the Interstate Commission is invalid and has no  
 669 force or effect.

670 B. Rules must be adopted pursuant to a rulemaking process  
 671 that substantially conforms to the "Model State Administrative  
 672 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.  
 673 1 (2000) as amended, as may be appropriate to the operations of  
 674 the Interstate Commission.

675 C. No later than 30 days after a rule is adopted, a person  
 676 may file a petition for judicial review of the rule. The filing  
 677 of the petition does not stay, or otherwise prevent the rule  
 678 from becoming effective, unless a court finds that the  
 679 petitioner has a substantial likelihood of success on the merits  
 680 of the petition. The court shall give deference to the actions  
 681 of the Interstate Commission consistent with applicable law and  
 682 shall not find the rule to be unlawful if the rule represents a  
 683 reasonable exercise of the Interstate Commission's authority.

684 D. If a majority of the legislatures of the compacting  
 685 states rejects a rule by enactment of a statute or resolution in  
 686 the same manner used to adopt the compact, then the rule is  
 687 invalid and has no further force and effect in any compacting  
 688 state.

689 ARTICLE XIII

690 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.--

691 A. The executive, legislative, and judicial branches of  
 692 state government in each member state shall enforce this compact

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693 and shall take all actions necessary and appropriate to  
 694 effectuate the compact's purposes and intent. The provisions of  
 695 this compact and the rules adopted under it have the force and  
 696 effect of statutory law.

697 B. All courts shall take judicial notice of the compact  
 698 and its adopted rules in any judicial or administrative  
 699 proceeding in a member state pertaining to the subject matter of  
 700 this compact which may affect the powers, responsibilities, or  
 701 actions of the Interstate Commission.

702 C. The Interstate Commission is entitled to receive all  
 703 service of process in any such proceeding, and has standing to  
 704 intervene in the proceeding for all purposes. Failure to provide  
 705 service of process to the Interstate Commission renders a  
 706 judgment or order void as to the Interstate Commission, this  
 707 compact, or its adopted rules.

708 D. If the Interstate Commission determines that a member  
 709 state has defaulted in the performance of its obligations or  
 710 responsibilities under this compact, or the bylaws or the  
 711 adopted rules, the Interstate Commission shall:

712 1. Provide written notice to the defaulting state and  
 713 other member states of the nature of the default, the means of  
 714 curing the default, and any action taken by the Interstate  
 715 Commission. The Interstate Commission must specify the  
 716 conditions by which the defaulting state must cure its default.

717 2. Provide remedial training and specific technical  
 718 assistance regarding the default.

719 3. If the defaulting state fails to cure the default,  
 720 terminate the defaulting state from the compact upon an

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721 affirmative vote of a majority of the member states and all  
722 rights, privileges, and benefits conferred by this compact shall  
723 be terminated from the effective date of termination. A cure of  
724 the default does not relieve the offending state of obligations  
725 or liabilities incurred during the period of the default.

726 E. Suspension or termination of membership in the compact  
727 may not be imposed on a member until all other means of securing  
728 compliance have been exhausted. Notice of the intent to suspend  
729 or terminate membership must be given by the Interstate  
730 Commission to the Governor, the majority and minority leaders of  
731 the defaulting state's legislature, and each of the member  
732 states.

733 F. A state that has been suspended or terminated is  
734 responsible for all assessments, obligations, and liabilities  
735 incurred through the effective date of suspension or termination  
736 including obligations, the performance of which extends beyond  
737 the effective date of suspension or termination.

738 G. The remaining member states of the Interstate  
739 Commission do not bear any costs arising from a state that has  
740 been found to be in default or that has been suspended or  
741 terminated from the compact, unless otherwise mutually agreed  
742 upon in writing between the Interstate Commission and the  
743 defaulting state.

744 H. A defaulting state may appeal the action of the  
745 Interstate Commission by petitioning the United States District  
746 Court for the District of Columbia or the federal district where  
747 the Interstate Commission has its principal offices. The

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748 prevailing party shall be awarded all costs of such litigation  
 749 including reasonable attorney's fees.

750 I. The Interstate Commission shall attempt, upon the  
 751 request of a member state, to resolve disputes that are subject  
 752 to the compact and that may arise among member states and  
 753 between member and nonmember states. The Interstate Commission  
 754 shall promulgate a rule providing for both mediation and binding  
 755 dispute resolution for disputes as appropriate.

756 1. The Interstate Commission, in the reasonable exercise  
 757 of its discretion, shall enforce the provisions and rules of  
 758 this compact.

759 2. The Interstate Commission may, by majority vote of the  
 760 members, initiate legal action in the United States District  
 761 Court for the District of Columbia or, at the discretion of the  
 762 Interstate Commission, in the federal district where the  
 763 Interstate Commission has its principal offices to enforce  
 764 compliance with the provisions of the compact, or its  
 765 promulgated rules and bylaws, against a member state in default.  
 766 The relief sought may include both injunctive relief and  
 767 damages. In the event judicial enforcement is necessary, the  
 768 prevailing party shall be awarded all costs of such litigation,  
 769 including reasonable attorney's fees.

770 3. The remedies herein are not the exclusive remedies of  
 771 the Interstate Commission. The Interstate Commission may avail  
 772 itself of any other remedies available under state law or the  
 773 regulation of a profession.

774 ARTICLE XIV

775 FINANCING OF THE INTERSTATE COMMISSION.--

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776 A. The Interstate Commission shall pay, or provide for the  
 777 payment of, the reasonable expenses of its establishment,  
 778 organization, and ongoing activities.

779 B. The Interstate Commission may levy on and collect an  
 780 annual assessment from each member state to cover the cost of  
 781 the operations and activities of the Interstate Commission and  
 782 its staff which must be in a total amount sufficient to cover  
 783 the Interstate Commission's annual budget as approved each year.  
 784 The aggregate annual assessment amount shall be allocated based  
 785 upon a formula to be determined by the Interstate Commission,  
 786 which shall adopt a rule binding upon all member states.

787 C. The Interstate Commission may not incur any obligation  
 788 of any kind before securing the funds adequate to meet the  
 789 obligation and the Interstate Commission may not pledge the  
 790 credit of any of the member states, except by and with the  
 791 permission of the member state.

792 D. The Interstate Commission shall keep accurate accounts  
 793 of all receipts and disbursements. The receipts and  
 794 disbursements of the Interstate Commission are subject to audit  
 795 and accounting procedures established under its bylaws. However,  
 796 all receipts and disbursements of funds handled by the  
 797 Interstate Commission shall be audited yearly by a certified or  
 798 licensed public accountant and the report of the audit shall be  
 799 included in and become part of the annual report of the  
 800 Interstate Commission.

801 ARTICLE XV

802 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.--

803 A. Any state is eligible to become a member state.

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804 B. The compact shall take effect and be binding upon  
 805 legislative enactment of the compact into law by not less than  
 806 10 of the states. The effective date shall be no earlier than  
 807 December 1, 2007. Thereafter, it shall become effective and  
 808 binding as to any other member state upon enactment of the  
 809 compact into law by that state. The governors of nonmember  
 810 states or their designees shall be invited to participate in the  
 811 activities of the Interstate Commission on a nonvoting basis  
 812 before adoption of the compact by all states.

813 C. The Interstate Commission may propose amendments to the  
 814 compact for enactment by the member states. An amendment does  
 815 not become effective and binding upon the Interstate Commission  
 816 and the member states until the amendment is enacted into law by  
 817 unanimous consent of the member states.

818 ARTICLE XVI

819 WITHDRAWAL AND DISSOLUTION.--

820 A. Once in effect, the compact continues in force and  
 821 remains binding upon each and every member state, provided that  
 822 a member state may withdraw from the compact, specifically  
 823 repealing the statute that enacted the compact into law.

824 1. Withdrawal from the compact occurs when a statute  
 825 repealing its membership is enacted by the state, but does not  
 826 take effect until 1 year after the effective date of the statute  
 827 and until written notice of the withdrawal has been given by the  
 828 withdrawing state to the Governor of each other member state.

829 2. The withdrawing state must immediately notify the  
 830 chairperson of the Interstate Commission in writing upon the  
 831 introduction of legislation repealing this compact in the

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832 withdrawing state. The Interstate Commission shall notify the  
 833 other member states of the withdrawing state's intent to  
 834 withdraw within 60 days after its receipt thereof.

835 3. A withdrawing state is responsible for all assessments,  
 836 obligations, and liabilities incurred through the effective date  
 837 of withdrawal, including obligations, the performance of which  
 838 extend beyond the effective date of withdrawal.

839 4. Reinstatement following withdrawal of a member state  
 840 shall occur upon the withdrawing state reenacting the compact or  
 841 upon such later date as determined by the Interstate Commission.

842 B. This compact shall dissolve effective upon the date of  
 843 the withdrawal or default of the member state which reduces the  
 844 membership in the compact to one member state.

845 C. Upon the dissolution of this compact, the compact  
 846 becomes void and has no further force or effect, and the  
 847 business and affairs of the Interstate Commission shall be  
 848 concluded and surplus funds shall be distributed in accordance  
 849 with the bylaws.

850 ARTICLE XVII

851 SEVERABILITY AND CONSTRUCTION.--

852 A. The provisions of this compact shall be severable, and  
 853 if any phrase, clause, sentence, or provision is deemed  
 854 unenforceable, the remaining provisions of the compact shall be  
 855 enforceable.

856 B. The provisions of this compact shall be liberally  
 857 construed to effectuate its purposes.

858 C. This compact does not prohibit the applicability of  
 859 other interstate compacts to which the states are members.

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ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS.--

A. This compact does not prevent the enforcement of any other law of a member state that is not inconsistent with this compact.

B. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

C. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

D. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

E. If any part of this compact exceeds the constitutional limits imposed on the Legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Section 2. Section 1000.37, Florida Statutes, is created to read:

1000.37 Copies to other states approving.--After the effective date of this act, the Secretary of State shall furnish to each of the states approving the Interstate Compact on Educational Opportunity for Military Children an enrolled copy of this act.

Section 3. Section 1000.38, Florida Statutes, is created to read:

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886 1000.38 Compact Commissioner and Military Family Education  
 887 Liaison; Interstate Compact on Educational Opportunity for  
 888 Military Children.--

889 (1) In furtherance of Articles VIII and IX of the  
 890 Interstate Compact on Educational Opportunity for Military  
 891 Children, the Governor shall designate a:

892 (a) Compact Commissioner, who shall be responsible for the  
 893 administration and management of this state's participation in  
 894 the compact and who shall serve as this state's voting  
 895 representative on the Interstate Commission on Educational  
 896 Opportunity for Military Children.

897 (b) Military Family Education Liaison from the list of  
 898 recommendations provided under s. 1000.39(2), who shall be  
 899 responsible for assisting military families and the state in  
 900 facilitating the implementation of this compact.

901 (2) The Compact Commissioner and the Military Family  
 902 Education Liaison shall serve at the pleasure of the Governor.

903 Section 4. Section 1000.39, Florida Statutes, is created  
 904 to read:

905 1000.39 State council; Interstate Compact on Educational  
 906 Opportunity for Military Children.--

907 (1) Pursuant to Article VIII of the Interstate Compact on  
 908 Educational Opportunity for Military Children, the State Council  
 909 on Interstate Educational Opportunity for Military Children is  
 910 created.

911 (2) (a) The purpose of the council is to provide advice and  
 912 recommendations regarding this state's participation in and  
 913 compliance with the compact and Interstate Commission on

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914 Educational Opportunity for Military Children activities.  
 915 (b) No later than 3 months after its formation, and  
 916 whenever requested by the Governor thereafter, the council shall  
 917 provide the Governor with names of at least three, but no more  
 918 than five, persons who are recommended by the council to serve  
 919 as the Military Family Education Liaison.  
 920 (3) The council shall consist of the following seven  
 921 members:  
 922 (a) The Commissioner of Education or his or her designee.  
 923 (b) The superintendent, or his or her designee, for the  
 924 school district with the highest percentage per capita of  
 925 military children during the previous school year.  
 926 (c) Two members appointed by the Commissioner of  
 927 Education, one of whom shall represent a military installation  
 928 located within this state and one of whom shall represent the  
 929 executive branch and possess experience in assisting military  
 930 families in obtaining educational services for their children.  
 931 The term of each member appointed under this paragraph shall be  
 932 for 4 years, except that, in order to provide for staggered  
 933 terms, the Commissioner of Education shall initially appoint one  
 934 member to a term of 2 years and one member to a term of 3 years.  
 935 (d) One member appointed by, and who shall serve at the  
 936 pleasure of, the President of the Senate and the Speaker of the  
 937 House of Representatives.  
 938 (e) The Compact Commissioner and the Military Family  
 939 Education Liaison designated by the Governor under s. 1000.38,  
 940 who shall serve as nonvoting, ex officio members of the council.  
 941 (4) Council members shall serve without compensation but

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942 are entitled to reimbursement for per diem and travel expenses  
 943 as provided in s. 112.061.

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

948 (6) The Department of Education shall provide  
 949 administrative support to the council.

950 (7) If the council is abolished, its records must be  
 951 appropriately stored, within 30 days after the effective date of  
 952 its abolition, by the department or its successor agency. Any  
 953 property assigned to the council must be reclaimed by the  
 954 department or its successor agency. The council may not perform  
 955 any activities after the effective date of its abolition.

956 Section 5. Sections 1000.36, 1000.37, 1000.38, and  
 957 1000.39, Florida Statutes, shall stand repealed 2 years after  
 958 the effective date of this act unless reviewed and saved from  
 959 repeal through reenactment by the Legislature.

960 Section 6. This act shall take effect July 1, 2008, or  
 961 upon enactment of the compact into law by nine other states,  
 962 whichever date occurs later.