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HB 521

2010 Legislature

1 A bill to be entitled
2 An act relating to the Interstate Compact on Educational
3 Opportunity for Military Children; repealing s. 5 of ch.
4 2008-225, Laws of Florida; abrogating the future repeal of
5 ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S., relating
6 to the compact; amending s. 1000.36, F.S.; deleting
7 provisions relating to the disclosure of information and
8 records and the closure of meetings by the Interstate
9 Commission on Educational Opportunity for Military
10 Children; providing for future legislative review and
11 repeal of the compact; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 5 of chapter 2008-225, Laws of Florida,
16 is repealed.

17 Section 2. Section 1000.36, Florida Statutes, is amended
18 to read:

19 1000.36 Interstate Compact on Educational Opportunity for
20 Military Children.—The Governor is authorized and directed to
21 execute the Interstate Compact on Educational Opportunity for
22 Military Children on behalf of this state with any other state
23 or states legally joining therein in the form substantially as
24 follows:

25 Interstate Compact on Educational
26 Opportunity for Military Children

27 ARTICLE I

28 PURPOSE.—It is the purpose of this compact to remove

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

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

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

66 C. "Compact commissioner" means the voting representative
67 of each compacting state appointed under Article VIII of this
68 compact.

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

72 E. "Educational records" or "education records" means
73 those official records, files, and data directly related to a
74 student and maintained by the school or local education agency,
75 including, but not limited to, records encompassing all the
76 material kept in the student's cumulative folder such as general
77 identifying data, records of attendance and of academic work
78 completed, records of achievement and results of evaluative
79 tests, health data, disciplinary status, test protocols, and
80 individualized education programs.

81 F. "Extracurricular activities" means a voluntary activity
82 sponsored by the school or local education agency or an
83 organization sanctioned by the local education agency.
84 Extracurricular activities include, but are not limited to,

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85 preparation for and involvement in public performances,
86 contests, athletic competitions, demonstrations, displays, and
87 club activities.

88 G. "Interstate Commission on Educational Opportunity for
89 Military Children" means the commission that is created under
90 Article IX of this compact, which is generally referred to as
91 the Interstate Commission.

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

96 I. "Member state" means a state that has enacted this
97 compact.

98 J. "Military installation" means a base, camp, post,
99 station, yard, center, homeport facility for any ship, or other
100 activity under the jurisdiction of the Department of Defense,
101 including any leased facility, which is located within any of
102 the several states, the District of Columbia, the Commonwealth
103 of Puerto Rico, the United States Virgin Islands, Guam, American
104 Samoa, the Northern Marianas Islands, and any other United
105 States Territory. The term does not include any facility used
106 primarily for civil works, rivers and harbors projects, or flood
107 control projects.

108 K. "Nonmember state" means a state that has not enacted
109 this compact.

110 L. "Receiving state" means the state to which a child of a
111 military family is sent, brought, or caused to be sent or
112 brought.

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113 M. "Rule" means a written statement by the Interstate
114 Commission adopted under Article XII of this compact which is of
115 general applicability, implements, interprets, or prescribes a
116 policy or provision of the compact, or an organizational,
117 procedural, or practice requirement of the Interstate
118 Commission, and has the force and effect of statutory law in a
119 member state, and includes the amendment, repeal, or suspension
120 of an existing rule.

121 N. "Sending state" means the state from which a child of a
122 military family is sent, brought, or caused to be sent or
123 brought.

124 O. "State" means a state of the United States, the
125 District of Columbia, the Commonwealth of Puerto Rico, the
126 United States Virgin Islands, Guam, American Samoa, the Northern
127 Marianas Islands, and any other United States Territory.

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

131 Q. "Transition" means:

132 1. The formal and physical process of transferring from
133 school to school; or

134 2. The period of time in which a student moves from one
135 school in the sending state to another school in the receiving
136 state.

137 R. "Uniformed services" means the Army, Navy, Air Force,
138 Marine Corps, Coast Guard as well as the Commissioned Corps of
139 the National Oceanic and Atmospheric Administration, and Public
140 Health Services.

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

144 ARTICLE III

145 APPLICABILITY.—

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

148 1. Active duty members of the uniformed services,
149 including members of the National Guard and Reserve on active-
150 duty orders pursuant to 10 U.S.C. ss. 1209 and 1211;

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

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

157 B. This interstate compact applies to local education
158 agencies.

159 C. This compact does not apply to the children of:

160 1. Inactive members of the National Guard and military
161 reserves;

162 2. Members of the uniformed services now retired, except
163 as provided in Section A;

164 3. Veterans of the uniformed services, except as provided
165 in Section A; and

166 4. Other United States Department of Defense personnel and
167 other federal agency civilian and contract employees not defined
168 as active-duty members of the uniformed services.

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ARTICLE IV

EDUCATIONAL RECORDS AND ENROLLMENT.—

A. If a child's official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, that school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of the request, the school in the sending state shall process and furnish the official education records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules adopted by the Interstate Commission.

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

D. Students shall be allowed to continue their enrollment

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197 | at grade level in the receiving state commensurate with their
198 | grade level, including kindergarten, from a local education
199 | agency in the sending state at the time of transition,
200 | regardless of age. A student who has satisfactorily completed
201 | the prerequisite grade level in the local education agency in
202 | the sending state is eligible for enrollment in the next highest
203 | grade level in the receiving state, regardless of age. A student
204 | transferring after the start of the school year in the receiving
205 | state shall enter the school in the receiving state on their
206 | validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE.—

209 | A. If a student transfers before or during the school
210 | year, the receiving state school shall initially honor placement
211 | of the student in educational courses based on the student's
212 | enrollment in the sending state school or educational
213 | assessments conducted at the school in the sending state if the
214 | courses are offered. Course placement includes, but is not
215 | limited to, Honors, International Baccalaureate, Advanced
216 | Placement, vocational, technical, and career pathways courses.
217 | Continuing the student's academic program from the previous
218 | school and promoting placement in academically and career
219 | challenging courses should be paramount when considering
220 | placement. A school in the receiving state is not precluded from
221 | performing subsequent evaluations to ensure appropriate
222 | placement and continued enrollment of the student in the
223 | courses.

224 | B. The receiving state school must initially honor

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225 placement of the student in educational programs based on
226 current educational assessments conducted at the school in the
227 sending state or participation or placement in like programs in
228 the sending state. Such programs include, but are not limited
229 to:

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

232 A school in the receiving state is not precluded from performing
233 subsequent evaluations to ensure appropriate placement and
234 continued enrollment of the student in the courses.

235 C. A receiving state must initially provide comparable
236 services to a student with disabilities based on his or her
237 current individualized education program (IEP) in compliance
238 with the requirements of the Individuals with Disabilities
239 Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving
240 state must make reasonable accommodations and modifications to
241 address the needs of incoming students with disabilities,
242 subject to an existing section 504 or title II plan, to provide
243 the student with equal access to education, in compliance with
244 the provisions of Section 504 of the Rehabilitation Act, 29
245 U.S.C.A. s. 794, and with title II of the Americans with
246 Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the
247 receiving state is not precluded from performing subsequent
248 evaluations to ensure appropriate placement and continued
249 enrollment of the student in the courses.

250 D. Local education agency administrative officials may
251 waive course or program prerequisites, or other preconditions
252 for placement in courses or programs offered under the

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253 jurisdiction of the local education agency.

254 E. A student whose parent or legal guardian is an active-
 255 duty member of the uniformed services and has been called to
 256 duty for, is on leave from, or immediately returned from
 257 deployment to, a combat zone or combat support posting shall be
 258 granted additional excused absences at the discretion of the
 259 local education agency superintendent to visit with his or her
 260 parent or legal guardian relative to such leave or deployment of
 261 the parent or guardian.

262 ARTICLE VI

263 ELIGIBILITY.—

264 A. When considering the eligibility of a child for
 265 enrolling in a school:

266 1. A special power of attorney relative to the
 267 guardianship of a child of a military family and executed under
 268 applicable law is sufficient for the purposes of enrolling the
 269 child in school and for all other actions requiring parental
 270 participation and consent.

271 2. A local education agency is prohibited from charging
 272 local tuition to a transitioning military child placed in the
 273 care of a noncustodial parent or other person standing in loco
 274 parentis who lives in a school's jurisdiction different from
 275 that of the custodial parent.

276 3. A transitioning military child, placed in the care of a
 277 noncustodial parent or other person standing in loco parentis
 278 who lives in a school's jurisdiction different from that of the
 279 custodial parent, may continue to attend the school in which he
 280 or she was enrolled while residing with the custodial parent.

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281 B. State and local education agencies must facilitate the
282 opportunity for transitioning military children's inclusion in
283 extracurricular activities, regardless of application deadlines,
284 to the extent they are otherwise qualified.

285 ARTICLE VII

286 GRADUATION.—In order to facilitate the on-time graduation
287 of children of military families, states and local education
288 agencies shall incorporate the following procedures:

289 A. Local education agency administrative officials shall
290 waive specific courses required for graduation if similar
291 coursework has been satisfactorily completed in another local
292 education agency or shall provide reasonable justification for
293 denial. If a waiver is not granted to a student who would
294 qualify to graduate from the sending school, the local education
295 agency must provide an alternative means of acquiring required
296 coursework so that graduation may occur on time.

297 B. States shall accept exit or end-of-course exams
298 required for graduation from the sending state; national norm-
299 referenced achievement tests; or alternative testing, in lieu of
300 testing requirements for graduation in the receiving state. If
301 these alternatives cannot be accommodated by the receiving state
302 for a student transferring in his or her senior year, then the
303 provisions of Article VII, Section C shall apply.

304 C. If a military student transfers at the beginning of or
305 during his or her senior year and is not eligible to graduate
306 from the receiving local education agency after all alternatives
307 have been considered, the sending and receiving local education
308 agencies must ensure the receipt of a diploma from the sending

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309 local education agency, if the student meets the graduation
310 requirements of the sending local education agency. If one of
311 the states in question is not a member of this compact, the
312 member state shall use its best efforts to facilitate the on-
313 time graduation of the student in accordance with Sections A and
314 B of this Article.

315 ARTICLE VIII

316 STATE COORDINATION.—Each member state shall, through the
317 creation of a state council or use of an existing body or board,
318 provide for the coordination among its agencies of government,
319 local education agencies, and military installations concerning
320 the state's participation in, and compliance with, this compact
321 and Interstate Commission activities.

322 A. Each member state may determine the membership of its
323 own state council, but the membership must include at least: the
324 state superintendent of education, the superintendent of a
325 school district that has a high concentration of military
326 children, a representative from a military installation, one
327 representative each from the legislative and executive branches
328 of government, and other offices and stakeholder groups the
329 state council deems appropriate. A member state that does not
330 have a school district deemed to contain a high concentration of
331 military children may appoint a superintendent from another
332 school district to represent local education agencies on the
333 state council.

334 B. The state council of each member state shall appoint or
335 designate a military family education liaison to assist military
336 families and the state in facilitating the implementation of

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365 a quorum for the transaction of business, unless a larger quorum
366 is required by the bylaws of the Interstate Commission.

367 3. A representative shall not delegate a vote to another
368 member state. In the event the compact commissioner is unable to
369 attend a meeting of the Interstate Commission, the Governor or
370 state council may delegate voting authority to another person
371 from their state for a specified meeting.

372 4. The bylaws may provide for meetings of the Interstate
373 Commission to be conducted by telecommunication or electronic
374 communication.

375 C. Consist of ex officio, nonvoting representatives who
376 are members of interested organizations. The ex officio members,
377 as defined in the bylaws, may include, but not be limited to,
378 members of the representative organizations of military family
379 advocates, local education agency officials, parent and teacher
380 groups, the United States Department of Defense, the Education
381 Commission of the States, the Interstate Agreement on the
382 Qualification of Educational Personnel, and other interstate
383 compacts affecting the education of children of military
384 members.

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

388 E. Establish an executive committee, whose members shall
389 include the officers of the Interstate Commission and such other
390 members of the Interstate Commission as determined by the
391 bylaws. Members of the executive committee shall serve a 1-year
392 term. Members of the executive committee are entitled to one

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393 | vote each. The executive committee shall have the power to act
394 | on behalf of the Interstate Commission, with the exception of
395 | rulemaking, during periods when the Interstate Commission is not
396 | in session. The executive committee shall oversee the day-to-day
397 | activities of the administration of the compact, including
398 | enforcement and compliance with the compact, its bylaws and
399 | rules, and other such duties as deemed necessary. The United
400 | States Department of Defense shall serve as an ex officio,
401 | nonvoting member of the executive committee.

402 | ~~F. Establish bylaws and rules that provide for conditions~~
403 | ~~and procedures under which the Interstate Commission shall make~~
404 | ~~its information and official records available to the public for~~
405 | ~~inspection or copying. The Interstate Commission may exempt from~~
406 | ~~disclosure information or official records to the extent they~~
407 | ~~would adversely affect personal privacy rights or proprietary~~
408 | ~~interests.~~

409 | ~~G. Give public notice of all meetings and all meetings~~
410 | ~~shall be open to the public, except as set forth in the rules or~~
411 | ~~as otherwise provided in the compact. The Interstate Commission~~
412 | ~~and its committees may close a meeting, or portion thereof,~~
413 | ~~where it determines by two-thirds vote that an open meeting~~
414 | ~~would be likely to:~~

415 | ~~1. Relate solely to the Interstate Commission's internal~~
416 | ~~personnel practices and procedures;~~

417 | ~~2. Disclose matters specifically exempted from disclosure~~
418 | ~~by federal and state statute;~~

419 | ~~3. Disclose trade secrets or commercial or financial~~
420 | ~~information which is privileged or confidential;~~

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421 ~~4. Involve accusing a person of a crime, or formally~~
 422 ~~censuring a person;~~

423 ~~5. Disclose information of a personal nature where~~
 424 ~~disclosure would constitute a clearly unwarranted invasion of~~
 425 ~~personal privacy;~~

426 ~~6. Disclose investigative records compiled for law~~
 427 ~~enforcement purposes; or~~

428 ~~7. Specifically relate to the Interstate Commission's~~
 429 ~~participation in a civil action or other legal proceeding.~~

430 ~~H. For a meeting, or portion of a meeting, closed pursuant~~
 431 ~~to this provision, the Interstate Commission's legal counsel or~~
 432 ~~designee shall certify that the meeting may be closed and shall~~
 433 ~~reference each relevant exemptible provision. The Interstate~~
 434 ~~Commission shall keep minutes which shall fully and clearly~~
 435 ~~describe all matters discussed in a meeting and shall provide a~~
 436 ~~full and accurate summary of actions taken, and the reasons~~
 437 ~~therefor, including a description of the views expressed and the~~
 438 ~~record of a roll call vote. All documents considered in~~
 439 ~~connection with an action shall be identified in such minutes.~~
 440 ~~All minutes and documents of a closed meeting shall remain under~~
 441 ~~seal, subject to release by a majority vote of the Interstate~~
 442 ~~Commission.~~

443 F.I. The Interstate Commission shall collect standardized
 444 data concerning the educational transition of the children of
 445 military families under this compact as directed through its
 446 rules which shall specify the data to be collected, the means of
 447 collection and data exchange, and reporting requirements. The
 448 methods of data collection, exchange, and reporting shall,

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449 insofar as is reasonably possible, conform to current technology
450 and coordinate its information functions with the appropriate
451 custodian of records as identified in the bylaws and rules.

452 ~~G.J.~~ The Interstate Commission shall create a procedure
453 that permits military officials, education officials, and
454 parents to inform the Interstate Commission if and when there
455 are alleged violations of the compact or its rules or when
456 issues subject to the jurisdiction of the compact or its rules
457 are not addressed by the state or local education agency. This
458 section does not create a private right of action against the
459 Interstate Commission or any member state.

460 ARTICLE X

461 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.—The
462 Interstate Commission has the power to:

463 A. Provide for dispute resolution among member states.

464 B. Adopt rules and take all necessary actions to effect
465 the goals, purposes, and obligations as enumerated in this
466 compact. The rules have the force and effect of statutory law
467 and are binding in the compact states to the extent and in the
468 manner provided in this compact.

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

472 D. Enforce compliance with the compact provisions, the
473 rules adopted by the Interstate Commission, and the bylaws,
474 using all necessary and proper means, including, but not limited
475 to, the use of judicial process.

476 E. Establish and maintain offices that shall be located

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- 477 within one or more of the member states.
- 478 F. Purchase and maintain insurance and bonds.
- 479 G. Borrow, accept, hire, or contract for services of
480 personnel.
- 481 H. Establish and appoint committees, including, but not
482 limited to, an executive committee as required by Article IX,
483 Section E, which shall have the power to act on behalf of the
484 Interstate Commission in carrying out its powers and duties
485 hereunder.
- 486 I. Elect or appoint such officers, attorneys, employees,
487 agents, or consultants, and to fix their compensation, define
488 their duties, and determine their qualifications; and to
489 establish the Interstate Commission's personnel policies and
490 programs relating to conflicts of interest, rates of
491 compensation, and qualifications of personnel.
- 492 J. Accept any and all donations and grants of money,
493 equipment, supplies, materials, and services, and to receive,
494 utilize, and dispose of it.
- 495 K. Lease, purchase, accept contributions or donations of,
496 or otherwise to own, hold, improve, or use any property, real,
497 personal, or mixed.
- 498 L. Sell, convey, mortgage, pledge, lease, exchange,
499 abandon, or otherwise dispose of any property, real, personal,
500 or mixed.
- 501 M. Establish a budget and make expenditures.
- 502 N. Adopt a seal and bylaws governing the management and
503 operation of the Interstate Commission.
- 504 O. Report annually to the legislatures, governors,

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533 governing any general or specific delegation of authority or
 534 function of the Interstate Commission;

535 4. Providing reasonable procedures for calling and
 536 conducting meetings of the Interstate Commission and ensuring
 537 reasonable notice of each such meeting;

538 5. Establishing the titles and responsibilities of the
 539 officers and staff of the Interstate Commission;

540 6. Providing a mechanism for concluding the operations of
 541 the Interstate Commission and the return of surplus funds that
 542 may exist upon the termination of the compact after the payment
 543 and reserving of all of its debts and obligations.

544 7. Providing "start up" rules for initial administration
 545 of the compact.

546 B. The Interstate Commission shall, by a majority of the
 547 members, elect annually from among its members a chairperson, a
 548 vice chairperson, and a treasurer, each of whom shall have such
 549 authority and duties as may be specified in the bylaws. The
 550 chairperson or, in the chairperson's absence or disability, the
 551 vice chairperson shall preside at all meetings of the Interstate
 552 Commission. The officers so elected shall serve without
 553 compensation or remuneration from the Interstate Commission;
 554 provided that, subject to the availability of budgeted funds,
 555 the officers shall be reimbursed for ordinary and necessary
 556 costs and expenses incurred by them in the performance of their
 557 responsibilities as officers of the Interstate Commission.

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

560 1. Managing the affairs of the Interstate Commission in a

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561 manner consistent with the bylaws and purposes of the Interstate
562 Commission;

563 2. Overseeing an organizational structure within, and
564 appropriate procedures for, the Interstate Commission to provide
565 for the adoption of rules, operating procedures, and
566 administrative and technical support functions; and

567 3. Planning, implementing, and coordinating communications
568 and activities with other state, federal, and local government
569 organizations in order to advance the goals of the Interstate
570 Commission.

571 D. The executive committee may, subject to the approval of
572 the Interstate Commission, appoint or retain an executive
573 director for such period, upon such terms and conditions and for
574 such compensation, as the Interstate Commission may deem
575 appropriate. The executive director shall serve as secretary to
576 the Interstate Commission but is not a member of the Interstate
577 Commission. The executive director shall hire and supervise such
578 other persons as may be authorized by the Interstate Commission.

579 E. The Interstate Commission's executive director and its
580 employees are immune from suit and liability, either personally
581 or in their official capacity, for a claim for damage to or loss
582 of property or personal injury or other civil liability caused
583 or arising out of, or relating to, an actual or alleged act,
584 error, or omission that occurred, or that such person had a
585 reasonable basis for believing occurred, within the scope of
586 Interstate Commission employment, duties, or responsibilities,
587 provided that the person is not protected from suit or liability
588 for damage, loss, injury, or liability caused by the intentional

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589 or willful and wanton misconduct of the person.

590 1. The liability of the Interstate Commission's executive
591 director and employees or Interstate Commission representatives,
592 acting within the scope of the person's employment or duties,
593 for acts, errors, or omissions occurring within the person's
594 state may not exceed the limits of liability set forth under the
595 constitution and laws of that state for state officials,
596 employees, and agents. The Interstate Commission is considered
597 to be an instrumentality of the states for the purposes of any
598 such action. This subsection does not protect the person from
599 suit or liability for damage, loss, injury, or liability caused
600 by the intentional or willful and wanton misconduct of the
601 person.

602 2. The Interstate Commission shall defend the executive
603 director and its employees and, subject to the approval of the
604 Attorney General or other appropriate legal counsel of the
605 member state represented by an Interstate Commission
606 representative, shall defend an Interstate Commission
607 representative in any civil action seeking to impose liability
608 arising out of an actual or alleged act, error, or omission that
609 occurred within the scope of Interstate Commission employment,
610 duties, or responsibilities, or that the defendant had a
611 reasonable basis for believing occurred within the scope of
612 Interstate Commission employment, duties, or responsibilities,
613 provided that the actual or alleged act, error, or omission did
614 not result from intentional or willful and wanton misconduct on
615 the part of the person.

616 3. To the extent not covered by the state involved, a

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617 member state, the Interstate Commission, and the representatives
 618 or employees of the Interstate Commission shall be held harmless
 619 in the amount of a settlement or judgment, including attorney's
 620 fees and costs, obtained against a person arising out of an
 621 actual or alleged act, error, or omission that occurred within
 622 the scope of Interstate Commission employment, duties, or
 623 responsibilities, or that the person had a reasonable basis for
 624 believing occurred within the scope of Interstate Commission
 625 employment, duties, or responsibilities, provided that the
 626 actual or alleged act, error, or omission did not result from
 627 intentional or willful and wanton misconduct on the part of the
 628 person.

629 ARTICLE XII

630 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—The
 631 Interstate Commission shall adopt rules to effectively and
 632 efficiently implement this act to achieve the purposes of this
 633 compact.

634 A. If the Interstate Commission exercises its rulemaking
 635 authority in a manner that is beyond the scope of the purposes
 636 of this act, or the powers granted hereunder, the action
 637 undertaken by the Interstate Commission is invalid and has no
 638 force or effect.

639 B. Rules must be adopted pursuant to a rulemaking process
 640 that substantially conforms to the "Model State Administrative
 641 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.
 642 1 (2000) as amended, as may be appropriate to the operations of
 643 the Interstate Commission.

644 C. No later than 30 days after a rule is adopted, a person

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645 may file a petition for judicial review of the rule. The filing
 646 of the petition does not stay or otherwise prevent the rule from
 647 becoming effective unless a court finds that the petitioner has
 648 a substantial likelihood of success on the merits of the
 649 petition. The court shall give deference to the actions of the
 650 Interstate Commission consistent with applicable law and shall
 651 not find the rule to be unlawful if the rule represents a
 652 reasonable exercise of the Interstate Commission's authority.

653 D. If a majority of the legislatures of the compacting
 654 states rejects a rule by enactment of a statute or resolution in
 655 the same manner used to adopt the compact, then the rule is
 656 invalid and has no further force and effect in any compacting
 657 state.

658 ARTICLE XIII

659 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.—

660 A. The executive, legislative, and judicial branches of
 661 state government in each member state shall enforce this compact
 662 and shall take all actions necessary and appropriate to
 663 effectuate the compact's purposes and intent. The provisions of
 664 this compact and the rules adopted under it have the force and
 665 effect of statutory law.

666 B. All courts shall take judicial notice of the compact
 667 and its adopted rules in any judicial or administrative
 668 proceeding in a member state pertaining to the subject matter of
 669 this compact which may affect the powers, responsibilities, or
 670 actions of the Interstate Commission.

671 C. The Interstate Commission is entitled to receive all
 672 service of process in any such proceeding, and has standing to

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673 | intervene in the proceeding for all purposes. Failure to provide
674 | service of process to the Interstate Commission renders a
675 | judgment or order void as to the Interstate Commission, this
676 | compact, or its adopted rules.

677 | D. If the Interstate Commission determines that a member
678 | state has defaulted in the performance of its obligations or
679 | responsibilities under this compact, or the bylaws or the
680 | adopted rules, the Interstate Commission shall:

681 | 1. Provide written notice to the defaulting state and
682 | other member states of the nature of the default, the means of
683 | curing the default, and any action taken by the Interstate
684 | Commission. The Interstate Commission must specify the
685 | conditions by which the defaulting state must cure its default.

686 | 2. Provide remedial training and specific technical
687 | assistance regarding the default.

688 | 3. If the defaulting state fails to cure the default,
689 | terminate the defaulting state from the compact upon an
690 | affirmative vote of a majority of the member states and all
691 | rights, privileges, and benefits conferred by this compact shall
692 | be terminated from the effective date of termination. A cure of
693 | the default does not relieve the offending state of obligations
694 | or liabilities incurred during the period of the default.

695 | E. Suspension or termination of membership in the compact
696 | may not be imposed on a member until all other means of securing
697 | compliance have been exhausted. Notice of the intent to suspend
698 | or terminate membership must be given by the Interstate
699 | Commission to the Governor, the majority and minority leaders of
700 | the defaulting state's legislature, and each of the member

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701 states.

702 F. A state that has been suspended or terminated is
703 responsible for all assessments, obligations, and liabilities
704 incurred through the effective date of suspension or
705 termination, including obligations, the performance of which
706 extends beyond the effective date of suspension or termination.

707 G. The remaining member states of the Interstate
708 Commission do not bear any costs arising from a state that has
709 been found to be in default or that has been suspended or
710 terminated from the compact, unless otherwise mutually agreed
711 upon in writing between the Interstate Commission and the
712 defaulting state.

713 H. A defaulting state may appeal the action of the
714 Interstate Commission by petitioning the United States District
715 Court for the District of Columbia or the federal district where
716 the Interstate Commission has its principal offices. The
717 prevailing party shall be awarded all costs of such litigation,
718 including reasonable attorney's fees.

719 I. The Interstate Commission shall attempt, upon the
720 request of a member state, to resolve disputes that are subject
721 to the compact and that may arise among member states and
722 between member and nonmember states. The Interstate Commission
723 shall promulgate a rule providing for both mediation and binding
724 dispute resolution for disputes as appropriate.

725 1. The Interstate Commission, in the reasonable exercise
726 of its discretion, shall enforce the provisions and rules of
727 this compact.

728 2. The Interstate Commission may, by majority vote of the

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729 members, initiate legal action in the United States District
730 Court for the District of Columbia or, at the discretion of the
731 Interstate Commission, in the federal district where the
732 Interstate Commission has its principal offices to enforce
733 compliance with the provisions of the compact, or its
734 promulgated rules and bylaws, against a member state in default.
735 The relief sought may include both injunctive relief and
736 damages. In the event judicial enforcement is necessary, the
737 prevailing party shall be awarded all costs of such litigation,
738 including reasonable attorney's fees.

739 3. The remedies herein are not the exclusive remedies of
740 the Interstate Commission. The Interstate Commission may avail
741 itself of any other remedies available under state law or the
742 regulation of a profession.

743 ARTICLE XIV

744 FINANCING OF THE INTERSTATE COMMISSION.—

745 A. The Interstate Commission shall pay, or provide for the
746 payment of, the reasonable expenses of its establishment,
747 organization, and ongoing activities.

748 B. The Interstate Commission may levy on and collect an
749 annual assessment from each member state to cover the cost of
750 the operations and activities of the Interstate Commission and
751 its staff which must be in a total amount sufficient to cover
752 the Interstate Commission's annual budget as approved each year.
753 The aggregate annual assessment amount shall be allocated based
754 upon a formula to be determined by the Interstate Commission,
755 which shall adopt a rule binding upon all member states.

756 C. The Interstate Commission may not incur any obligation

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757 of any kind before securing the funds adequate to meet the
758 obligation and the Interstate Commission may not pledge the
759 credit of any of the member states, except by and with the
760 permission of the member state.

761 D. The Interstate Commission shall keep accurate accounts
762 of all receipts and disbursements. The receipts and
763 disbursements of the Interstate Commission are subject to audit
764 and accounting procedures established under its bylaws. However,
765 all receipts and disbursements of funds handled by the
766 Interstate Commission shall be audited yearly by a certified or
767 licensed public accountant, and the report of the audit shall be
768 included in and become part of the annual report of the
769 Interstate Commission.

770 ARTICLE XV

771 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.—

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

773 B. The compact shall take effect and be binding upon
774 legislative enactment of the compact into law by not less than
775 10 of the states. The effective date shall be no earlier than
776 December 1, 2007. Thereafter, it shall become effective and
777 binding as to any other member state upon enactment of the
778 compact into law by that state. The governors of nonmember
779 states or their designees shall be invited to participate in the
780 activities of the Interstate Commission on a nonvoting basis
781 before adoption of the compact by all states.

782 C. The Interstate Commission may propose amendments to the
783 compact for enactment by the member states. An amendment does
784 not become effective and binding upon the Interstate Commission

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785 and the member states until the amendment is enacted into law by
786 unanimous consent of the member states.

787 ARTICLE XVI

788 WITHDRAWAL AND DISSOLUTION.—

789 A. Once in effect, the compact continues in force and
790 remains binding upon each and every member state, provided that
791 a member state may withdraw from the compact, specifically
792 repealing the statute that enacted the compact into law.

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

798 2. The withdrawing state must immediately notify the
799 chairperson of the Interstate Commission in writing upon the
800 introduction of legislation repealing this compact in the
801 withdrawing state. The Interstate Commission shall notify the
802 other member states of the withdrawing state's intent to
803 withdraw within 60 days after its receipt thereof.

804 3. A withdrawing state is responsible for all assessments,
805 obligations, and liabilities incurred through the effective date
806 of withdrawal, including obligations, the performance of which
807 extend beyond the effective date of withdrawal.

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

811 B. This compact shall dissolve effective upon the date of
812 the withdrawal or default of the member state which reduces the

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813 membership in the compact to one member state.

814 C. Upon the dissolution of this compact, the compact
815 becomes void and has no further force or effect, and the
816 business and affairs of the Interstate Commission shall be
817 concluded and surplus funds shall be distributed in accordance
818 with the bylaws.

819 ARTICLE XVII

820 SEVERABILITY AND CONSTRUCTION.—

821 A. The provisions of this compact shall be severable, and
822 if any phrase, clause, sentence, or provision is deemed
823 unenforceable, the remaining provisions of the compact shall be
824 enforceable.

825 B. The provisions of this compact shall be liberally
826 construed to effectuate its purposes.

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

829 ARTICLE XVIII

830 BINDING EFFECT OF COMPACT AND OTHER LAWS.—

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

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

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

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

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

846 Section 3. Sections 1000.36, 1000.37, 1000.38, and
847 1000.39, Florida Statutes, shall stand repealed 3 years after
848 the effective date of this act unless reviewed and saved from
849 repeal through reenactment by the Legislature.

850 Section 4. This act shall take effect upon becoming a law.