

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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BILL: SB 430

INTRODUCER: Senator Wright

SUBJECT: Interstate Compact on Educational Opportunity for Military Children

DATE: January 11, 2022

REVISED: \_\_\_\_\_

|    | ANALYST      | STAFF DIRECTOR  | REFERENCE | ACTION             |
|----|--------------|-----------------|-----------|--------------------|
| 1. | <u>Brown</u> | <u>Caldwell</u> | <u>MS</u> | <u>Pre-meeting</u> |
| 2. | _____        | _____           | <u>AP</u> | _____              |

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**I. Summary:**

SB 430 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (Compact) and provides for future legislative review and repeal of the Compact on July 1, 2025.

The state is a member of the Compact. Participation in the Compact enables member states to address educational transition issues faced by military families as they transfer from a state or school district pursuant to official military orders.

The bill takes effect upon becoming law.

**II. Present Situation:**

**Interstate Compact on Educational Opportunity for Military Children**

Children in active-duty military families face unique educational challenges. A military child changes schools on average three times more often than a non-military child.<sup>1</sup> When a parent is reassigned, a military child may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and
- Having a temporary guardian appointed while the child’s parent is deployed.<sup>2</sup>

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<sup>1</sup> U.S. Dep’t of Defense Education Activity (DoDEA). *All About DoDEA Educational Partnerships*, available at <https://www.dodea.edu/Partnership/about.cfm> (last visited Nov. 19, 2021).

<sup>2</sup> Military Interstate Children’s Compact Commission, *Guide for Parents, School Officials and Public Administrators*, p. 2, available at [http://www.mic3.net/assets/2018\\_parents\\_guide.pdf](http://www.mic3.net/assets/2018_parents_guide.pdf) (last visited Nov. 22, 2021).

The Interstate Compact on Educational Opportunity for Military Children (Compact) assists member states in uniformly addressing educational transition issues faced by active-duty military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, participation in academic programs and extracurricular activities, and graduation. The Compact was developed by the Council of State Governments, in cooperation with the U.S. Department of Defense.

States join the Compact by enacting it into law, which Florida did in 2008.<sup>3</sup> Ten states must enact the Compact before it can take effect and be binding on member states. This occurred on July 9, 2008, when Delaware became the tenth state to adopt the Compact. Currently, all 50 states and the District of Columbia are members of the Compact.<sup>4</sup>

Students eligible for assistance under the Compact must receive public funding through the local education agency and be the children of:

- Active duty members of the uniformed services<sup>5</sup>, including members of the National Guard and Reserve on active-duty orders;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired, for a period of one year following separation; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty, for a period of one year after death.<sup>6</sup>

### ***Florida State Council***

The Compact requires member states to establish a State Council to coordinate implementation of the Compact.<sup>7</sup> While each state may determine the membership of its own State Council, membership must include, at a minimum, the following:

- State superintendent of education;
- Superintendent of a school district with a high concentration of military children;
- One representative from a military installation;
- One representative from the legislative branch of government; and
- One representative from the executive branch of government.<sup>8</sup>

Additionally, the state must appoint or designate a military family education liaison and a compact commissioner. Each of these appointees, unless already a full voting member of the

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<sup>3</sup> Ch. 2008-225, Laws of Fla.

<sup>4</sup> Military Interstate Children's Compact Commission, *Interactive Map*, available at <http://www.mic3.net/interactive-map.html> (last visited Nov. 22, 2021).

<sup>5</sup> "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services. See Article II, s. R of the Compact, s. 1000.36, F.S.

<sup>6</sup> Article III, s. A of the Compact, s. 1000.36, F.S.

<sup>7</sup> Article VIII of the Compact, s. 1000.36, F.S.

<sup>8</sup> Article VIII, s. A of the Compact, s. 1000.36, F.S.

council, shall serve as an ex officio member of the state council.<sup>9</sup> Florida's State Council conducts meetings on a quarterly basis, typically via teleconference.<sup>10</sup>

### ***Military Interstate Children's Compact Commission***

The Compact establishes the Military Interstate Children's Compact Commission (Commission) to provide national-level oversight of the Compact. The Commission may adopt and enforce rules and bylaws and perform various administrative functions necessary for day-to-day operations.<sup>11</sup> The Commission is comprised of one voting representative, or Compact Commissioner, from each member state.<sup>12</sup> Each state is entitled to one vote on Compact rule adoption or other business matters.<sup>13</sup> The Commission must meet at least once each calendar year.<sup>14</sup>

The Commission is authorized to promulgate Compact rules which govern member states in the areas addressed by the Compact.<sup>15</sup> Compact rules have the force and effect of statutory law in member states and supersede conflicting member state laws to the extent of the conflict.<sup>16</sup> Compact rules must not exceed the scope of authority granted by the Compact. A majority of member state legislatures may invalidate a Compact rule by legislative action.<sup>17</sup>

### ***Review of Compact Rule Adoption***

Since its enactment in 2008, Florida's Compact legislation has included a repeal provision which requires automatic repeal of the Compact after a period of time, unless reauthorized by the Legislature. The repeal provision addresses concerns regarding unconstitutional delegation of legislative authority under Article II, s. 3 of the State Constitution. Because membership in the Compact entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the intervening period.

The Legislature last reauthorized the Compact during the 2019 Regular Session,<sup>18</sup> and provided for repeal of the Compact on July 1, 2022, unless reviewed and saved from repeal by the Legislature by that date.

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<sup>9</sup> Article VIII, s. B. and C., of the Compact and s. 1000.39(2)(e), F.S.

<sup>10</sup> Military Interstate Children's Compact Commission, *Florida State Council Profile*, available at <https://mic3.net/state/florida/> (last visited Nov. 23, 2021).

<sup>11</sup> Articles IX and X of the Compact, s. 1000.36, F.S.

<sup>12</sup> Article IX, s. B. of the Compact, s. 1000.36, F.S. The voting representative from each state is the compact commissioner.

<sup>13</sup> Article IX, s. B (1.) of the Compact, s. 1000.36, F.S.

<sup>14</sup> Article IX, s. D of the Compact, s. 1000.36, F.S.

<sup>15</sup> See Interstate Compact on Educational Opportunity for Military Children, Compact Rules, Adopted 2009, amended October 17, 2018, available at <http://www.mic3.net/assets/rules-2018-revised-9-nov--2018.pdf> (last visited Nov. 23, 2021).

<sup>16</sup> Article X, s. B and Article XVIII, s. B of the Compact, s. 1000.36, F.S. The Compact also provides that if any part of the 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. See Article XVIII, s. E of the Compact, s. 1000.36, F.S.

<sup>17</sup> Article XII, s. D. of the Compact, s. 1000.36, F.S.

<sup>18</sup> Chapter 2019-7, Laws of Fla.

**III. Effect of Proposed Changes:**

The bill amends s. 1000.40, F.S., to reauthorize Florida's Compact legislation and provide for the repeal of the Compact statutes, ss. 1000.36, 1000.361, 1000.38, and 1000.39, F.S., on July 1, 2025, unless reviewed and reenacted by the Legislature by that date.

The bill takes effect upon becoming law.

**IV. Constitutional issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

To address concerns regarding the delegation of legislative authority, the bill provides for automatic repeal of Florida's Compact legislation after a period of time, unless reauthorized by the Legislature.<sup>19</sup> Because membership in the Compact requires the state to agree to be bound by rules promulgated by a non-legislative entity, i.e., the Interstate Commission, the repeal provision allows the Legislature to periodically review Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. Reauthorization of the Compact after these reviews diminishes a claim that the Legislature has delegated its authority.<sup>20</sup>

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

<sup>19</sup> See s. 5, ch. 2008-225, s. 3, ch. 2010-52, s. 2, ch. 2013-20, s. 2, s. 2, ch. 2016-34, and s. 1, ch. 2019-7, Laws of Fla.

<sup>20</sup> See Florida Senate, *Legislative Bill Analysis for SB 212* (2019).

**C. Government Sector Impact:**

The annual fee that member states pay as dues to the Interstate Commission is at the rate of \$1.15 per dependent child of a military family eligible for transfer under the Interstate Compact. The total number of children of active duty personnel in the state for FY 2019-2020 was 39,293, with dues owed of \$45,187, paid for through the 2019-2020 General Appropriations Act. The number of eligible children decreased to 38,761 in 2020-2021, while the amount appropriated for 2020-2021 and 2021-2022 stayed at \$45,187. If the annual appropriation remains fairly constant for FY 2022-2023 through FY 2024-2025, the total appropriation is estimated to be \$135,561.<sup>21</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends section 1000.40 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>21</sup> Florida Dep't of Education, *2020 Agency Legislative Bill Analysis, HB 153* (Oct. 20, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).