

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

26 requirements for the membership and meetings of the  
27 commission; providing for the removal or suspension of  
28 commissioners; providing requirements, powers, and  
29 duties of the commission; authorizing the commission  
30 to adopt bylaws and rules; establishing the executive  
31 committee of the commission; providing for the  
32 membership and meetings of the committee; providing  
33 the duties and responsibilities of the committee;  
34 providing meeting requirements for the commission;  
35 requiring the commission to keep specified records and  
36 minutes; requiring the commission to pay specified  
37 expenses; authorizing the commission to accept  
38 specified donations and grants; prohibiting the  
39 commission from incurring specified obligations;  
40 providing specified immunity to certain individuals;  
41 providing exceptions; requiring the commission to  
42 defend specified individuals under certain  
43 circumstances; requiring the commission to indemnify  
44 certain individuals; providing exceptions; providing  
45 requirements for the rules of the commission;  
46 providing requirements for the exchange of specified  
47 information between member states; providing  
48 requirements for the oversight of the commission and  
49 member states; providing for the resolution of  
50 disputes through specified means, including specified

51 judicial proceedings; requiring courts and  
52 administrative agencies of member states to take  
53 specified actions; providing requirements for the  
54 commission and member states for member states that  
55 have defaulted in their performance of compact  
56 requirements; providing requirements for notifications  
57 to such member states; providing requirements for  
58 member states who fail to cure such defaults;  
59 providing requirements for the termination of the  
60 compact for such member states; providing requirements  
61 for member states whose participation in the compact  
62 is terminated; providing commission and member state  
63 requirements relating to the resolution of certain  
64 disputes; providing requirements for the compact to  
65 take effect; providing requirements for the effect of  
66 certain rules and bylaws on member states; providing  
67 requirements for member states to withdrawal from the  
68 compact; providing for construction and severability  
69 of the compact; providing for the consistent  
70 application of the compact in member states; providing  
71 that certain agreements are binding; amending s.  
72 1000.36, F.S.; updating a cross-reference within the  
73 Interstate Compact on Educational Opportunity for  
74 Military Children; providing an effective date.

75

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

77

78 Section 1. Section 1012.993, Florida Statutes, is created  
79 to read:

80 1012.993 Interstate Teacher Mobility Compact.—The Governor  
81 is authorized and directed to execute the Interstate Teacher  
82 Mobility Compact on behalf of this state with any other state or  
83 states legally joining therein in the form substantially as  
84 follows:

85

86 ARTICLE I

87 PURPOSE

88

89 The purpose of this compact is to facilitate the mobility  
90 of teachers across the member states with the goal of supporting  
91 teachers through a new pathway to licensure.

92 Through this compact, the member states seek to establish a  
93 collective regulatory framework which expedites and enhances the  
94 ability of teachers from a variety of backgrounds to move across  
95 state lines. This compact is intended to achieve the following  
96 objectives and should be interpreted accordingly. The member  
97 states hereby ratify the same intentions by subscribing hereto:

98 (1) Create a streamlined pathway to licensure mobility for  
99 teachers;

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

101       (3) Facilitate and enhance the exchange of licensure,  
 102 investigative, and disciplinary information between the member  
 103 states;

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

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

109       (6) Maintain state sovereignty in the regulation of the  
 110 teaching profession.

112                               ARTICLE II

113                               DEFINITIONS

114  
 115       As used in this compact, and except as otherwise provided,  
 116 the following definitions shall govern the terms herein:

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

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

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

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

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

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

136       (7) "Eligible military spouse" means the spouse of any  
137 individual in full-time duty status in the active uniformed  
138 service of the United States, including members of the National  
139 Guard and Reserve on active duty moving as a result of military  
140 mission or military career progression requirements, or are on  
141 their terminal move as a result of separation or retirement,  
142 including surviving spouses of deceased military members.

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

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

150       (10) "Member state" means any state that has adopted this

151 compact, including all agencies and officials of such a state.

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

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

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

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

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

168 (16) "Unencumbered license" means a current, valid  
 169 authorization issued by a member state's licensing authority  
 170 allowing an individual to serve as a teacher in K-12 public  
 171 education settings. An unencumbered license is not a restricted,  
 172 probationary, provisional, substitute, or temporary credential.

174 ARTICLE III  
 175 LICENSURE UNDER THE COMPACT

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177       (1) Licensure under this compact pertains only to the  
178 initial grant of a license by the receiving state. Nothing  
179 herein applies to any subsequent or ongoing compliance  
180 requirements that a receiving state might require for teachers.

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

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



201 held by the teacher in any other member state.

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

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

221  
 222 ARTICLE IV

223 LICENSURE NOT UNDER THE COMPACT

224  
 225 (1) Except as provided in Article III, nothing in this

226 compact shall be construed to limit or inhibit the power of a  
227 member state to regulate licensure or endorsements overseen by  
228 the member state's licensing authority.

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

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

236 (4) Nothing in this compact shall be construed to limit  
237 the power of a member state to control and maintain ownership of  
238 its information pertaining to teachers or limit the application  
239 of a member state's laws or regulations governing the ownership,  
240 use, or dissemination of information pertain to teachers.

241 (5) Nothing in this compact shall be construed to  
242 invalidate or alter any existing agreement or other cooperative  
243 arrangement which a member state may already be a party to or  
244 limit the ability of a member state to participate in any future  
245 agreement or other cooperative arrangement to:

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

249 (b) Participate in the exchange of names of teachers whose  
250 license has been subject to an adverse action by a member state;

251 or

252 (c) Participate in any agreement or cooperative  
 253 arrangement with a nonmember state.

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255 ARTICLE V

256 TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE UNDER THE  
 257 COMPACT

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

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

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

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

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274 ARTICLE VI

275 DISCIPLINE AND ADVERSE ACTIONS

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

ARTICLE VII  
ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY COMPACT  
COMMISSION

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

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

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

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

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

(c) Any commissioner may be removed or suspended from office as provided by the law of the state from which the

301 commissioner is appointed.

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

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

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

314 (g) The commission shall establish by rule a term of  
 315 office for commissioners.

316 (3) The commission shall have the following powers and  
 317 duties:

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

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

320 (c) Establish bylaws for the commission.

321 (d) Maintain its financial records in accordance with the  
 322 bylaws of the commission.

323 (e) Meet and take such actions as are consistent with the  
 324 provisions of this compact, the bylaws, and rules of the  
 325 commission.

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

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

337 (h) Purchase and maintain insurance and bonds.

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

342 (j) Hire employees, elect or appoint officers, fix  
343 compensation, define duties, grant such individuals appropriate  
344 authority to carry out the purposes of this compact, and  
345 establish the commission's personnel policies and programs  
346 relating to conflicts of interest, qualifications of personnel,  
347 and other related personnel matters.

348 (k) Lease, purchase, accept appropriate gifts or donations  
349 of, or otherwise own, hold, improve, or use, any property, real,  
350 personal or mixed, provided that at all times the commission

351 shall avoid any appearance of impropriety.  
 352 (l) Sell, convey, mortgage, pledge, lease, exchange,  
 353 abandon, or otherwise dispose of any property real, personal or  
 354 mixed.  
 355 (m) Establish a budget and make expenditures.  
 356 (n) Borrow money.  
 357 (o) Appoint committees, including standing committees  
 358 composed of members and such other interested persons as may be  
 359 designated in this interstate compact, rules, or bylaws.  
 360 (p) Provide and receive information from, and cooperate  
 361 with law enforcement agencies.  
 362 (q) Establish and elect an executive committee.  
 363 (r) Establish and develop a charter for an executive  
 364 information governance committee to advise on facilitating the  
 365 exchange of information, the use of information, data privacy,  
 366 and technical support needs and provide reports as needed.  
 367 (s) Perform such other functions as may be necessary or  
 368 appropriate to achieve the purposes of this compact consistent  
 369 with the state regulation of teacher licensure.  
 370 (t) Determine whether a state's adopted language is  
 371 materially different from the model compact language such that  
 372 the state would not qualify for participation in the compact.  
 373 (4) (a) The executive committee shall have the power to act  
 374 on behalf of the commission according to the terms of this  
 375 compact.

376        (b) The executive committee shall be composed of eight  
 377 voting members as follows:  
 378        1. The chair of the commission.  
 379        2. The vicechair of the commission.  
 380        3. The treasurer of the commission.  
 381        4. Five members who are elected by the commission from the  
 382 current membership as follows:  
 383        a. Four voting members representing geographic regions in  
 384 accordance with commission rules.  
 385        b. One at large voting member in accordance with  
 386 commission rules.  
 387        (c) The commission may add or remove members of the  
 388 executive committee as provided in commission rules.  
 389        (d) The executive committee shall meet at least once  
 390 annually.  
 391        (e) The executive committee shall have the following  
 392 duties and responsibilities:  
 393        1. Recommend to the entire commission changes to the rules  
 394 or bylaws, changes to the compact legislation, fees paid by  
 395 interstate compact member states such as annual dues and any  
 396 compact fee charged by the member states on behalf of the  
 397 commission.  
 398        2. Ensure commission administration services are  
 399 appropriately provided, contractual or otherwise.  
 400        3. Prepare and recommend the budget.



401        4. Maintain financial records on behalf of the commission.  
 402        5. Monitor compliance of member states and provide reports  
 403 to the commission.  
 404        6. Perform other duties as provided in the rules or  
 405 bylaws.  
 406        (5) (a) All meeting of the commission shall be open to the  
 407 public and public notice of meetings shall be given in  
 408 accordance with commission bylaws.  
 409        (b) The commission shall keep minutes of commission  
 410 meetings and shall provide a full and accurate summary of  
 411 actions take, and the reasons thereof, including a description  
 412 of the views expressed. All documents considered in connection  
 413 with an action shall be identified in such minutes.  
 414        (6) (a) The commission shall pay, or provide for the  
 415 payment of, the reasonable expenses of its establishment,  
 416 organization, and ongoing activities.  
 417        (b) The commission may accept all appropriate donations  
 418 and grants of money, equipment, supplies, materials, and  
 419 services, and receive, utilize, and dispose of the same,  
 420 provided that at all times the commission shall avoid any  
 421 appearance of impropriety or conflicts of interest.  
 422        (c) The commission may levy on and collect an annual  
 423 assessment from each member state or impose fees on other  
 424 parties to cover the cost of the operations and activities of  
 425 the commission, in accordance with the rules of the commission.

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

430        (e) The commission shall keep accurate accounts of all  
431 receipts and disbursements. The receipts and disbursements of  
432 the commission shall be subject to all accounting procedures  
433 established under the commission bylaws. All receipts and  
434 disbursements of funds of the commission shall be reviewed  
435 annually in accordance with commission bylaws and a report of  
436 the review shall be included in and become part of the annual  
437 report of the commission.

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

451       (b) The commission shall defend any member, officer,  
452 executive director, employee, or representative of the  
453 commission in any civil action seeking to impose liability  
454 arising out of any actual or alleged act, error, or omission  
455 that occurred within the scope of commission employment, duties,  
456 or responsibilities or that the person against whom the claim is  
457 made had a reasonable basis for believing occurred within the  
458 scope of commission employment, duties, or responsibilities.  
459 Nothing in this paragraph shall be construed to prohibit that  
460 person from retaining his or her own counsel and provide further  
461 that the actual or alleged act, error, or omission did not  
462 result from the person's intentional, willful, or wanton  
463 misconduct.

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

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ARTICLE VIII  
RULEMAKING

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

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

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

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

498       (5) Upon a determination that an emergency exists, the  
499 commission may consider and adopt an emergency rule with 48  
500 hours' notice, with opportunity for comment, provided the usual

501 rulemaking procedures shall be retroactively applied to the rule  
 502 as soon as reasonably possible, in no even later than 90 days  
 503 after the effective date of the rule. For the purposes of this  
 504 subsection, an emergency rule is one that must be adopted  
 505 immediately to:

- 506 (a) Meet an imminent threat to the public health, safety,  
 507 or welfare;
- 508 (b) Prevent a loss of commission or member state funds;
- 509 (c) Meet a deadline for the adoption of an administrative  
 510 rule that is established by federal law or rule; or
- 511 (d) Protect the public health or safety.

512  
 513 ARTICLE IX

514 FACILITATING THE EXCHANGE OF INFORMATION

515  
 516 (1) The commission shall provide for facilitating the  
 517 exchange of information to administer and implement the  
 518 provisions of this compact in accordance with the rules of the  
 519 commission, consistent with generally accepted data protection  
 520 principles.

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

ARTICLE X

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

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

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

(c) All courts and all administrative agencies shall take judicial notice of this compact, the rules of the commission, and any information provided to a member state pursuant thereto in any judicial or quasi-judicial proceeding in a member state pertaining to the subject matter of this compact, or which may affect the powers, responsibilities, or actions of the commission.

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

558 (2)(a) If the commission determines that a member state  
559 has defaulted in the performance of its obligations or  
560 responsibilities under this compact or the adopted rules, the  
561 commission shall:

562 1. Provide written notice to the defaulting state and  
563 other member states of the nature of the default, the proposed  
564 means of curing the default, and any other action to be taken by  
565 the commission; and

566 2. Provide remedial training and specific technical  
567 assistance regarding the default.

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

576 (c) Termination of membership in the compact shall be  
577 imposed only after all other means of securing compliance have  
578 been exhausted. Notice of intent to suspend or terminate shall  
579 be given by the commission to the Governor, the Majority and  
580 Minority Leaders of the State Legislature, and the state  
581 licensing authority of the of the defaulting state and to each  
582 of the member states.

583 (d) A state that has been terminated is responsible for  
584 all assessments, obligations, and liabilities incurred through  
585 the effective date of termination, including obligations that  
586 extend beyond the effective date of termination.

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

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

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

599 (h)1. Upon the request of a member state, the commission  
600 shall attempt to resolve disputes related to this compact that



601 arise among member states and between member and nonmember  
 602 states.

603 2. The commission shall adopt a rule providing for both  
 604 binding and nonbinding alternative dispute resolution for  
 605 disputes as appropriate.

606 (i)1. The commission, in the reasonable exercise of its  
 607 discretion, shall enforce the provisions and rules of this  
 608 compact.

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

621  
 622 ARTICLE XI

623 EFFECTUATION, WITHDRAWAL, AND AMENDMENT

624  
 625 (1) This compact shall come into effect on the date on

626 which the compact statute is enacted into law in the tenth  
627 member state.

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

633 (b) A charter member state whose enactment is found to be  
634 materially different from the model compact statute shall be  
635 entitled to the default process set forth in Article X.

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

641 (2) If any member state is later found to be in default,  
642 or is terminated or withdraws from the compact, the commissioner  
643 shall remain in existence and the compact shall remain in effect  
644 even if the number of member states should be less than 10.

645 (3) Any state that joins this compact after the  
646 commission's initial adoption of the rules and bylaws shall be  
647 subject to the rules and bylaws as they exist on the date on  
648 which this compact becomes law in that state. Any rule that has  
649 been previously adopted by the commission shall have the full  
650 force and effect of law on the day this compact becomes law in

651 that state, as the rules and bylaws may be amended as provided  
 652 in this compact.

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

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

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

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

665  
 666 ARTICLE XII

667 CONSTRUCTION AND SEVERABILITY

668  
 669 This compact shall be liberally construed to effectuate the  
 670 purpose thereof. The provisions of this compact shall be  
 671 severable and if any phrase, clause, sentence, or provision of  
 672 this compact is declared to be contrary to the Constitution of  
 673 any member state or a state seeking membership in this compact  
 674 or the United States Constitution or the applicability thereof  
 675 to any other government, agency, person, or circumstance is held

676 invalid, the validity of the remainder of this compact and the  
 677 applicability thereof to any government, agency, person, or  
 678 circumstance shall not be effected. If this compact shall be  
 679 held contrary to the Constitution of any member state, this  
 680 compact shall remain in full force and effect as to the  
 681 remaining member states and in full force and effect as to the  
 682 member state affected as to all severable matters.

684 ARTICLE XIII

685 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

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

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

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

697 1000.36 Interstate Compact on Educational Opportunity for  
 698 Military Children.—The Governor is authorized and directed to  
 699 execute the Interstate Compact on Educational Opportunity for  
 700 Military Children on behalf of this state with any other state

701 or states legally joining therein in the form substantially as  
 702 follows:

703 Interstate Compact on Educational  
 704 Opportunity for Military Children

705 ARTICLE II

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

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

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

715 C. "Compact commissioner" means the voting representative  
 716 of each compacting state appointed under Article VIII of this  
 717 compact.

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

721 E. "Educational records" or "education records" means  
 722 those official records, files, and data directly related to a  
 723 student and maintained by the school or local education agency,  
 724 including, but not limited to, records encompassing all the  
 725 material kept in the student's cumulative folder such as general

726 identifying data, records of attendance and of academic work  
727 completed, records of achievement and results of evaluative  
728 tests, health data, disciplinary status, test protocols, and  
729 individualized education programs.

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

737 G. "Interstate Commission on Educational Opportunity for  
738 Military Children" means the commission that is created under  
739 Article IX of this compact, which is generally referred to as  
740 the Interstate Commission.

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

745 I. "Member state" means a state that has enacted this  
746 compact.

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

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

757 K. "Nonmember state" means a state that has not enacted  
758 this compact.

759 L. "Receiving state" means the state to which a child of a  
760 military family is sent, brought, or caused to be sent or  
761 brought.

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

770 N. "Sending state" means the state from which a child of a  
771 military family is sent, brought, or caused to be sent or  
772 brought.

773 O. "State" means a state of the United States, the  
774 District of Columbia, the Commonwealth of Puerto Rico, the  
775 United States Virgin Islands, Guam, American Samoa, the Northern

776 Mariana Islands, and any other United States Territory.

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

780 Q. "Transition" means:

781 1. The formal and physical process of transferring from  
 782 school to school; or

783 2. The period of time in which a student moves from one  
 784 school in the sending state to another school in the receiving  
 785 state.

786 R. "Uniformed services" means the Army, Navy, Air Force,  
 787 Space Force, Marine Corps, Coast Guard as well as the  
 788 Commissioned Corps of the National Oceanic and Atmospheric  
 789 Administration, and Public Health Services.

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

793 ARTICLE III

794 APPLICABILITY.—

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

797 1. Active duty members of the uniformed services,  
 798 including members of the National Guard and Reserve on active-  
 799 duty orders pursuant to 10 U.S.C. chapters 1209 and 1211 ~~10~~  
 800 ~~U.S.C. ss. 1209 and 1211;~~



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

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

807           B. This interstate compact applies to local education  
 808 agencies.

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

810           1. Inactive members of the National Guard and military  
 811 reserves;

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

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

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

819           Section 3. This act shall take effect July 1, 2023.