

ENROLLED**2022 Legislature****CS for SB 438, 1st Engrossed**

2022438er

1
2 An act relating to the United States Space Force;
3 amending s. 61.703, F.S.; revising the definition of
4 the term "uniformed service" to include the United
5 States Space Force; amending s. 92.51, F.S.; revising
6 the Armed Forces officers authorized to take or
7 administer specified oaths, affidavits, or
8 acknowledgements to include United States Space Force
9 officers; amending s. 97.021, F.S.; revising the
10 definition of the term "uniformed services" to include
11 the United States Space Force; amending s. 115.01,
12 F.S.; revising the military service branches for which
13 any county or state official who is called to active
14 service may receive a leave of absence; amending s.
15 163.3175, F.S.; updating military base names; amending
16 s. 210.04, F.S.; adding post exchanges operated by the
17 United States Space Force to those that are exempt
18 from paying tax on cigarettes sold; amending s.
19 250.01, F.S.; revising the definition of the term
20 "armed forces" to include the United States Space
21 Force; amending s. 250.43, F.S.; revising the armed
22 forces uniforms that are protected from imitation to
23 include uniforms of the United States Space Force;
24 amending s. 250.52, F.S.; prohibiting persons from
25 soliciting or persuading another not to enlist with
26 the United States Space Force when the country is at
27 war or there are indications of a pending war;
28 amending s. 295.061, F.S.; revising the definition of
29 the term "United States Armed Forces" to include the
30 United States Space Force; amending s. 296.02, F.S.;
31 revising the definition of the term "peacetime
32 service" to include service in the United States Space
33 Force; amending s. 331.304, F.S.; revising the names
34 of specified former Air Force bases to reflect they
35 are Space Force bases; amending s. 461.002, F.S.;
36 providing an exception to graduate podiatric
37 physicians practicing in the United States Space
38 Force; amending s. 466.002, F.S.; providing an
39 exemption to graduate dentists or dental surgeons
40 practicing in the United States Space Force; amending
41 s. 496.415, F.S.; prohibiting a person from
42 representing or claiming to be a member of the United
43 States Space Force in connection with any solicitation
44 or charitable or sponsor sales promotion; amending s.
45 540.08, F.S.; revising the definition of the term

"member of the armed forces" to include members of the United States Space Force; amending s. 695.031, F.S.; including members of the United States Space Force and the United States Air Force as servicemembers who may acknowledge certain instruments; amending s. 718.113, F.S.; including the official flag that represents the United States Space Force as a flag that may be displayed by a condominium owner; amending s. 720.304, F.S.; including the official flag that represents the United States Space Force as a flag that may be displayed by a homeowner; amending s. 790.25, F.S.; authorizing members of the United States Space Force to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization; amending s. 817.312, F.S.; prohibiting a person from unlawfully using the uniforms, medals, or insignia of the United States Space Force; amending s. 1000.36, F.S.; revising the definition of the term "uniformed services" to include the United States Space Force; amending s. 1003.051, F.S.; revising the definition of the term "military student" to include a student who is a dependent of a current or former member of the United States Space Force; reenacting ss. 373.324(7), 409.1664(1)(c), 520.14(1), 627.7283(5), 689.27(1)(d), 790.015(5), 790.06(4) and (11)(b), 790.062(1), 790.065(13), 790.0655(2)(d), and 948.21(1), (2), and (3), F.S., which reference the definition of the term "servicemember," to incorporate the amendment made to s. 250.01, F.S., in references thereto; providing effective dates.

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

Section 1. Paragraph (a) of subsection (20) of section 61.703, Florida Statutes, is amended to read:

61.703 Definitions.—As used in this part:

(20) "Uniformed service" means any of the following:

(a) Active and reserve components of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard of the United States.

Section 2. Subsection (1) of section 92.51, Florida Statutes, is amended to read:

92.51 Oaths, affidavits, and acknowledgments; taken or administered by commissioned officer of United States Armed Forces.—

(1) Oaths, affidavits, and acknowledgments required or authorized by the laws of this state may be taken or administered within or without the United States by or before any commissioned officer in active service of the Armed Forces of the United States with the rank of second lieutenant or higher in the Army, Air Force, Space Force, or Marine Corps or ensign or higher in the Navy or Coast Guard when the person

100 required or authorized to make and execute the oath, affidavit,
101 or acknowledgment is a member of the Armed Forces of the United
102 States, the spouse of such member or a person whose duties
103 require the person's presence with the Armed Forces of the
104 United States.

105 Section 3. Subsection (42) of section 97.021, Florida
106 Statutes, is amended to read:

107 97.021 Definitions.—For the purposes of this code, except
108 where the context clearly indicates otherwise, the term:

109 (42) "Uniformed services" means the Army, Navy, Air Force,
110 Marine Corps, Space Force, and Coast Guard, the commissioned
111 corps of the Public Health Service, and the commissioned corps
112 of the National Oceanic and Atmospheric Administration.

113 Section 4. Section 115.01, Florida Statutes, is amended to
114 read:

115 115.01 Leave of absence for military service.—Any county or
116 state official of the state, subject to the provisions and
117 conditions hereinafter set forth, may be granted leave of
118 absence from his or her office, to serve in the volunteer forces
119 of the United States, or in the National Guard of any state, or
120 in the regular Army, ~~or~~ Navy, Air Force, Marine Corps, or Space
121 Force of the United States, when the same shall be called into
122 active service of the United States during war between the
123 United States and a foreign government.

124 Section 5. Paragraph (n) of subsection (2) of section
125 163.3175, Florida Statutes, is amended to read:

126 163.3175 Legislative findings on compatibility of
127 development with military installations; exchange of information
128 between local governments and military installations.—

129 (2) Certain major military installations, due to their
130 mission and activities, have a greater potential for
131 experiencing compatibility and coordination issues than others.
132 Consequently, this section and the provisions in s.
133 163.3177(6)(a), relating to compatibility of land development
134 with military installations, apply to specific affected local
135 governments in proximity to and in association with specific
136 military installations, as follows:

137 (n) Patrick Space ~~Air~~ Force Base and Cape Canaveral Space
138 ~~Air~~ Force Station, associated with Brevard County and Satellite
139 Beach.

140 Section 6. Paragraph (a) of subsection (4) of section
141 210.04, Florida Statutes, is amended to read:

142 210.04 Construction; exemptions; collection.—

143 (4) No tax shall be required to be paid:

144 (a) Upon cigarettes sold at post exchanges, ship service
145 stores, ship stores, slop chests, or base exchanges to members
146 of the Armed Services of the United States when such post
147 exchanges, ship service stores, or base exchanges are operated
148 under regulations of the Army, Navy, ~~or~~ Air Force, or Space
149 Force of the United States on military, naval, space force, or
150 air force reservations in this state or when such ship stores or
151 slop chests are operated under the regulations of the United
152 States Navy on ships of the United States Navy; however, it is
153 unlawful for anyone, including members of the Armed Services of

154 the United States, to purchase such tax-exempt cigarettes for
155 purposes of resale. Any person who resells, or offers for
156 resale, tax-exempt cigarettes purchased at post exchanges, ship
157 service stores, ship stores, slop chests, or base exchanges is
158 guilty of a violation of the cigarette tax law, punishable as
159 provided in s. 210.18(1).

160 Section 7. Subsection (4) of section 250.01, Florida
161 Statutes, is amended to read:

162 250.01 Definitions.—As used in this chapter, the term:

163 (4) “Armed forces” means the United States Army, Navy, Air
164 Force, Marine Corps, Space Force, and Coast Guard.

165 Section 8. Subsection (2) of section 250.43, Florida
166 Statutes, is amended to read:

167 250.43 Wearing of uniform and insignia of rank; penalty.—

168 (2) Every person other than an officer or enlisted person
169 of the Florida National Guard, naval militia, or marine corps of
170 this state, any other state, Puerto Rico, or the District of
171 Columbia, or of the United States Army, Navy, Marine Corps, ~~or~~
172 Air Force, or Space Force, who wears the uniform of the United
173 States Army, Navy, Marine Corps, Air Force, Space Force,
174 National Guard, Naval Militia, or Marine Corps or any part of
175 such uniform, or a uniform or part of uniform similar thereto,
176 or in imitation thereof, within the bounds of the state, except
177 in cases where the wearing of such uniform is permitted by the
178 laws of the United States and the regulations of the Secretary
179 of Defense, commits a misdemeanor of the first degree,
180 punishable as provided in s. 775.082 or s. 775.083. This section
181 does not prohibit persons in the theatrical profession from
182 wearing such uniforms while actually engaged in such profession,
183 in any playhouse or theater, in a production in no way
184 reflecting upon such uniform; does not prohibit the uniform rank
185 of civic societies parading or traveling in a body or assembling
186 in a lodge room; and does not apply to cadets of any military
187 school or to Boy Scouts or Girl Scouts.

188 Section 9. Section 250.52, Florida Statutes, is amended to
189 read:

190 250.52 Unlawful to persuade citizens not to enlist;
191 penalty.—Whenever the United States is at war, or our foreign
192 relations tend to indicate an impending war or state of war, a
193 person may not solicit or persuade a citizen of the United
194 States not to enlist or serve in the Army, Air Force, Space
195 Force, Marine Corps, Coast Guard, or Navy, or in any reserve
196 component thereof, or in the Florida National Guard, or publicly
197 attempt to dissuade any such citizen from enlisting. This
198 section does not apply to the soliciting or persuading done by
199 any person related by affinity or consanguinity to the person
200 solicited or persuaded or whose advice is requested by the
201 person solicited or persuaded. Any person who violates this
202 section commits a misdemeanor of the first degree, punishable as
203 provided in s. 775.082 or s. 775.083.

204 Section 10. Paragraph (b) of subsection (1) of section
205 295.061, Florida Statutes, is amended to read:

206 295.061 Active duty servicemembers; death benefits.—

207 (1) As used in this section, the term:

208 (b) "United States Armed Forces" means the United States
209 Army, Navy, Air Force, Marine Corps, Space Force, and Coast
210 Guard.

211 Section 11. Subsection (7) of section 296.02, Florida
212 Statutes, is amended to read:

213 296.02 Definitions.—For the purposes of this part, except
214 where the context clearly indicates otherwise:

215 (7) "Peacetime service" means Army, Navy, Marines, Coast
216 Guard, ~~or~~ Air Force, or Space Force service that is not during a
217 wartime era as defined in s. 1.01(14).

218 Section 12. Subsection (1) of section 331.304, Florida
219 Statutes, is amended to read:

220 331.304 Spaceport territory.—The following property shall
221 constitute spaceport territory:

222 (1) Certain real property located in Brevard County that is
223 included within the 1998 boundaries of Patrick Space Force Base,
224 formerly Patrick Air Force Base; Cape Canaveral Space Force
225 Station, formerly Cape Canaveral Air Force Station, ~~or~~ John F.
226 Kennedy Space Center. The territory consisting of areas within
227 the John F. Kennedy Space Center and the Cape Canaveral Space
228 ~~Air~~ Force Station may be referred to as the "Cape Canaveral
229 Spaceport."

230 Section 13. Subsection (3) of section 461.002, Florida
231 Statutes, is amended to read:

232 461.002 Exceptions.—

233 (3) This chapter shall not apply to the practice of
234 podiatric medicine by graduate podiatric physicians in the
235 United States Army, Air Force, Space Force, Marines, Navy,
236 Public Health Service, Coast Guard, or United States Department
237 of Veterans Affairs in the discharge of their official duties.

238 Section 14. Subsection (3) of section 466.002, Florida
239 Statutes, is amended to read:

240 466.002 Persons exempt from operation of chapter.—Nothing
241 in this chapter shall apply to the following practices, acts,
242 and operations:

243 (3) The practice of dentistry in the discharge of their
244 official duties by graduate dentists or dental surgeons in the
245 United States Army, Air Force, Space Force, Marines, Navy,
246 Public Health Service, Coast Guard, or United States Department
247 of Veterans Affairs.

248 Section 15. Subsection (6) of section 496.415, Florida
249 Statutes, is amended to read:

250 496.415 Prohibited acts.—It is unlawful for any person in
251 connection with the planning, conduct, or execution of any
252 solicitation or charitable or sponsor sales promotion to:

253 (6) Falsely state that he or she is a member of or
254 represents a charitable organization or sponsor, or falsely
255 state or represent that he or she is a member of or represents
256 the United States Air Force, United States Army, United States
257 Coast Guard, United States Marine Corps, United States Navy,
258 United States Space Force, the National Guard, or a law
259 enforcement or emergency service organization.

260 Section 16. Subsection (3) of section 540.08, Florida
261 Statutes, is amended to read:

540.08 Unauthorized publication of name or likeness.—

(3) If a person uses the name, portrait, photograph, or other likeness of a member of the armed forces without obtaining the consent required in subsection (1) and such use is not subject to any exception listed in this section, a court may impose a civil penalty of up to \$1,000 per violation in addition to the civil remedies contained in subsection (2). Each commercial transaction constitutes a violation under this section. As used in this section, the term “member of the armed forces” means an officer or enlisted member of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard of the United States, the Florida National Guard, and the United States Reserve Forces, including any officer or enlisted member who died as a result of injuries sustained in the line of duty.

Section 17. Subsection (1) of section 695.031, Florida Statutes, is amended to read:

695.031 Affidavits and acknowledgments by members of armed forces and their spouses.—

(1) In addition to the manner, form and proof of acknowledgment of instruments as now provided by law, any person serving in or with the Armed Forces of the United States, including the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or any component or any arm or service of any thereof, including any female auxiliary of any thereof, and any person whose duties require his or her presence with the Armed Forces of the United States, as herein designated, or otherwise designated by law or military or naval command, may acknowledge any instrument, wherever located, either within or without the state, or without the United States, before any commissioned officer in active service of the Armed Forces of the United States, as herein designated, or otherwise designated by law, or military or naval command, or order, with the rank of second lieutenant or higher in the Army, Air Force, Space Force, or Marine Corps, or of any component or any arm or service of any ~~either~~ thereof, including any female auxiliary of any thereof, or ensign or higher in the Navy or United States Coast Guard, or of any component or any arm or service of either thereof, including any female auxiliary of any thereof.

Section 18. Subsection (4) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters and protection; display of religious decorations.—

(4) Any unit owner may display one portable, removable United States flag in a respectful way and, on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veterans Day, may display in a respectful way portable, removable official flags, not larger than 4 1/2 feet by 6 feet, that represent the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, regardless of any declaration rules or requirements dealing with flags or decorations.

Section 19. Paragraph (a) of subsection (2) of section 720.304, Florida Statutes, is amended to read:

720.304 Right of owners to peaceably assemble; display of

316 flag; SLAPP suits prohibited.—

317 (2)(a) Any homeowner may display one portable, removable
318 United States flag or official flag of the State of Florida in a
319 respectful manner, and one portable, removable official flag, in
320 a respectful manner, not larger than 4 1/2 feet by 6 feet, which
321 represents the United States Army, Navy, Air Force, Marine
322 Corps, Space Force, or Coast Guard, or a POW-MIA flag,
323 regardless of any covenants, restrictions, bylaws, rules, or
324 requirements of the association.

325 Section 20. Subsection (3) of section 790.25, Florida
326 Statutes, is amended to read:

327 790.25 Lawful ownership, possession, and use of firearms
328 and other weapons.—

329 (3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06
330 do not apply in the following instances, and, despite such
331 sections, it is lawful for the following persons to own,
332 possess, and lawfully use firearms and other weapons,
333 ammunition, and supplies for lawful purposes:

334 (a) Members of the Militia, National Guard, Florida State
335 Defense Force, Army, Navy, Air Force, Marine Corps, Space Force,
336 Coast Guard, organized reserves, and other armed forces of the
337 state and of the United States, when on duty, when training or
338 preparing themselves for military duty, or while subject to
339 recall or mobilization;

340 (b) Citizens of this state subject to duty in the Armed
341 Forces under s. 2, Art. X of the State Constitution, under
342 chapters 250 and 251, and under federal laws, when on duty or
343 when training or preparing themselves for military duty;

344 (c) Persons carrying out or training for emergency
345 management duties under chapter 252;

346 (d) Sheriffs, marshals, prison or jail wardens, police
347 officers, Florida highway patrol officers, game wardens, revenue
348 officers, forest officials, special officers appointed under the
349 provisions of chapter 354, and other peace and law enforcement
350 officers and their deputies and assistants and full-time paid
351 peace officers of other states and of the Federal Government who
352 are carrying out official duties while in this state;

353 (e) Officers or employees of the state or United States
354 duly authorized to carry a concealed weapon;

355 (f) Guards or messengers of common carriers, express
356 companies, armored car carriers, mail carriers, banks, and other
357 financial institutions, while actually employed in and about the
358 shipment, transportation, or delivery of any money, treasure,
359 bullion, bonds, or other thing of value within this state;

360 (g) Regularly enrolled members of any organization duly
361 authorized to purchase or receive weapons from the United States
362 or from this state, or regularly enrolled members of clubs
363 organized for target, skeet, or trap shooting, while at or going
364 to or from shooting practice; or regularly enrolled members of
365 clubs organized for modern or antique firearms collecting, while
366 such members are at or going to or from their collectors' gun
367 shows, conventions, or exhibits;

368 (h) A person engaged in fishing, camping, or lawful hunting
369 or going to or returning from a fishing, camping, or lawful

370 hunting expedition;

371 (i) A person engaged in the business of manufacturing,
372 repairing, or dealing in firearms, or the agent or
373 representative of any such person while engaged in the lawful
374 course of such business;

375 (j) A person firing weapons for testing or target practice
376 under safe conditions and in a safe place not prohibited by law
377 or going to or from such place;

378 (k) A person firing weapons in a safe and secure indoor
379 range for testing and target practice;

380 (l) A person traveling by private conveyance when the
381 weapon is securely encased or in a public conveyance when the
382 weapon is securely encased and not in the person's manual
383 possession;

384 (m) A person while carrying a pistol unloaded and in a
385 secure wrapper, concealed or otherwise, from the place of
386 purchase to his or her home or place of business or to a place
387 of repair or back to his or her home or place of business;

388 (n) A person possessing arms at his or her home or place of
389 business;

390 (o) Investigators employed by the several public defenders
391 of the state, while actually carrying out official duties,
392 provided such investigators:

- 393 1. Are employed full time;
394 2. Meet the official training standards for firearms
395 established by the Criminal Justice Standards and Training
396 Commission as provided in s. 943.12(5) and the requirements of
397 ss. 493.6108(1)(a) and 943.13(1)-(4); and
398 3. Are individually designated by an affidavit of consent
399 signed by the employing public defender and filed with the clerk
400 of the circuit court in the county in which the employing public
401 defender resides.

402 (p) Investigators employed by the capital collateral
403 regional counsel, while actually carrying out official duties,
404 provided such investigators:

- 405 1. Are employed full time;
406 2. Meet the official training standards for firearms as
407 established by the Criminal Justice Standards and Training
408 Commission as provided in s. 943.12(1) and the requirements of
409 ss. 493.6108(1)(a) and 943.13(1)-(4); and
410 3. Are individually designated by an affidavit of consent
411 signed by the capital collateral regional counsel and filed with
412 the clerk of the circuit court in the county in which the
413 investigator is headquartered.

414 (q)1. A tactical medical professional who is actively
415 operating in direct support of a tactical operation by a law
416 enforcement agency provided that:

417 a. The tactical medical professional is lawfully able to
418 possess firearms and has an active concealed weapons permit
419 issued pursuant to s. 790.06.

420 b. The tactical medical professional is appointed to a law
421 enforcement tactical team of a law enforcement agency by the
422 head of the law enforcement agency.

423 c. The law enforcement agency has an established policy

424 providing for the appointment, training, and deployment of the
425 tactical medical professional.

426 d. The tactical medical professional successfully completes
427 a firearms safety training and tactical training as established
428 or designated by the appointing law enforcement agency.

429 e. The law enforcement agency provides and the tactical
430 medical professional participates in annual firearm training and
431 tactical training.

432 2. While actively operating in direct support of a tactical
433 operation by a law enforcement agency, a tactical medical
434 professional:

435 a. May carry a firearm in the same manner as a law
436 enforcement officer, as defined in s. 943.10 and,
437 notwithstanding any other law, at any place a tactical law
438 enforcement operation occurs.

439 b. Has no duty to retreat and is justified in the use of
440 any force which he or she reasonably believes is necessary to
441 defend himself or herself or another from bodily harm.

442 c. Has the same immunities and privileges as a law
443 enforcement officer, as defined in s. 943.10, in a civil or
444 criminal action arising out of a tactical law enforcement
445 operation when acting within the scope of his or her official
446 duties.

447 3. This paragraph may not be construed to authorize a
448 tactical medical professional to carry, transport, or store any
449 firearm or ammunition on any fire apparatus or EMS vehicle.

450 4. The appointing law enforcement agency shall issue any
451 firearm or ammunition that the tactical medical professional
452 carries in accordance with this paragraph.

453 5. For the purposes of this paragraph, the term "tactical
454 medical professional" means a paramedic, as defined in s.
455 401.23, a physician, as defined in s. 458.305, or an osteopathic
456 physician, as defined in s. 459.003, who is appointed to provide
457 direct support to a tactical law enforcement unit by providing
458 medical services at high-risk incidents, including, but not
459 limited to, hostage incidents, narcotics raids, hazardous
460 surveillance, sniper incidents, armed suicidal persons,
461 barricaded suspects, high-risk felony warrant service, fugitives
462 refusing to surrender, and active shooter incidents.

463 Section 21. Paragraph (a) of subsection (1) of section
464 817.312, Florida Statutes, is amended to read:

465 817.312 Unlawful use of uniforms, medals, or insignia.—

466 (1)(a) A person may not:

467 1. Misrepresent himself or herself as a member or veteran
468 of the United States Air Force, United States Army, United
469 States Coast Guard, United States Marine Corps, United States
470 Navy, United States Space Force, or National Guard; or

471 2. Wear the uniform of or any medal or insignia authorized
472 for use by members or veterans of the United States Air Force,
473 United States Army, United States Coast Guard, United States
474 Marine Corps, United States Navy, or the National Guard which he
475 or she is not authorized to wear

476

477 while soliciting for charitable contributions or for the purpose

478 of material gain, including, but not limited to, obtaining
479 employment or public office resulting in receiving compensation.

480 Section 22. Contingent upon SB 430 or similar legislation
481 extending the repeal date of the Interstate Compact on
482 Educational Opportunity for Military Children taking effect,
483 section 1000.36, Florida Statutes, is amended to read:

484 1000.36 Interstate Compact on Educational Opportunity for
485 Military Children.—The Governor is authorized and directed to
486 execute the Interstate Compact on Educational Opportunity for
487 Military Children on behalf of this state with any other state
488 or states legally joining therein in the form substantially as
489 follows:

490

491 Interstate Compact on Educational
492 Opportunity for Military Children

493

494 ARTICLE I

495

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

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

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

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

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

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

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

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

521 H. Promoting flexibility and cooperation between the
522 educational system, parents, and the student in order to achieve
523 educational success for the student.

524

525 ARTICLE II

526

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

529 A. "Active duty" means the full-time duty status in the
530 active uniformed service of the United States, including members
531 of the National Guard and Reserve on active duty orders pursuant

532 to 10 U.S.C. ss. 1209 and 1211.

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

536 C. "Compact commissioner" means the voting representative
537 of each compacting state appointed under Article VIII of this
538 compact.

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

542 E. "Educational records" or "education records" means those
543 official records, files, and data directly related to a student
544 and maintained by the school or local education agency,
545 including, but not limited to, records encompassing all the
546 material kept in the student's cumulative folder such as general
547 identifying data, records of attendance and of academic work
548 completed, records of achievement and results of evaluative
549 tests, health data, disciplinary status, test protocols, and
550 individualized education programs.

551 F. "Extracurricular activities" means a voluntary activity
552 sponsored by the school or local education agency or an
553 organization sanctioned by the local education agency.
554 Extracurricular activities include, but are not limited to,
555 preparation for and involvement in public performances,
556 contests, athletic competitions, demonstrations, displays, and
557 club activities.

558 G. "Interstate Commission on Educational Opportunity for
559 Military Children" means the commission that is created under
560 Article IX of this compact, which is generally referred to as
561 the Interstate Commission.

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

566 I. "Member state" means a state that has enacted this
567 compact.

568 J. "Military installation" means a base, camp, post,
569 station, yard, center, homeport facility for any ship, or other
570 activity under the jurisdiction of the Department of Defense,
571 including any leased facility, which is located within any of
572 the several states, the District of Columbia, the Commonwealth
573 of Puerto Rico, the United States Virgin Islands, Guam, American
574 Samoa, the Northern Mariana Islands, and any other United States
575 Territory. The term does not include any facility used primarily
576 for civil works, rivers and harbors projects, or flood control
577 projects.

578 K. "Nonmember state" means a state that has not enacted
579 this compact.

580 L. "Receiving state" means the state to which a child of a
581 military family is sent, brought, or caused to be sent or
582 brought.

583 M. "Rule" means a written statement by the Interstate
584 Commission adopted under Article XII of this compact which is of
585 general applicability, implements, interprets, or prescribes a

586 policy or provision of the compact, or an organizational,
587 procedural, or practice requirement of the Interstate
588 Commission, and has the force and effect of statutory law in a
589 member state, and includes the amendment, repeal, or suspension
590 of an existing rule.

591 N. "Sending state" means the state from which a child of a
592 military family is sent, brought, or caused to be sent or
593 brought.

594 O. "State" means a state of the United States, the District
595 of Columbia, the Commonwealth of Puerto Rico, the United States
596 Virgin Islands, Guam, American Samoa, the Northern Mariana
597 Islands, and any other United States Territory.

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

601 Q. "Transition" means:

602 1. The formal and physical process of transferring from
603 school to school; or

604 2. The period of time in which a student moves from one
605 school in the sending state to another school in the receiving
606 state.

607 R. "Uniformed services" means the Army, Navy, Air Force,
608 Space Force, Marine Corps, Coast Guard as well as the
609 Commissioned Corps of the National Oceanic and Atmospheric
610 Administration, and Public Health Services.

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

614

615 ARTICLE III

616

617 APPLICABILITY.—

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

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

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

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

629 B. This interstate compact applies to local education
630 agencies.

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

632 1. Inactive members of the National Guard and military
633 reserves;

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

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

638 4. Other United States Department of Defense personnel and
639 other federal agency civilian and contract employees not defined

640 as active-duty members of the uniformed services.

641

642 ARTICLE IV

643

644 EDUCATIONAL RECORDS AND ENROLLMENT.—

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

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

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

670 D. Students shall be allowed to continue their enrollment
671 at grade level in the receiving state commensurate with their
672 grade level, including kindergarten, from a local education
673 agency in the sending state at the time of transition,
674 regardless of age. A student who has satisfactorily completed
675 the prerequisite grade level in the local education agency in
676 the sending state is eligible for enrollment in the next highest
677 grade level in the receiving state, regardless of age. A student
678 transferring after the start of the school year in the receiving
679 state shall enter the school in the receiving state on their
680 validated level from an accredited school in the sending state.

681

682 ARTICLE V

683

684 PLACEMENT AND ATTENDANCE.—

685 A. If a student transfers before or during the school year,
686 the receiving state school shall initially honor placement of
687 the student in educational courses based on the student's
688 enrollment in the sending state school or educational
689 assessments conducted at the school in the sending state if the
690 courses are offered. Course placement includes, but is not
691 limited to, Honors, International Baccalaureate, Advanced
692 Placement, vocational, technical, and career pathways courses.
693 Continuing the student's academic program from the previous

694 school and promoting placement in academically and career
695 challenging courses should be paramount when considering
696 placement. A school in the receiving state is not precluded from
697 performing subsequent evaluations to ensure appropriate
698 placement and continued enrollment of the student in the
699 courses.

700 B. The receiving state school must initially honor
701 placement of the student in educational programs based on
702 current educational assessments conducted at the school in the
703 sending state or participation or placement in like programs in
704 the sending state. Such programs include, but are not limited
705 to:

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

708

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

712 C. A receiving state must initially provide comparable
713 services to a student with disabilities based on his or her
714 current individualized education program (IEP) in compliance
715 with the requirements of the Individuals with Disabilities
716 Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving
717 state must make reasonable accommodations and modifications to
718 address the needs of incoming students with disabilities,
719 subject to an existing section 504 or title II plan, to provide
720 the student with equal access to education, in compliance with
721 the provisions of Section 504 of the Rehabilitation Act, 29
722 U.S.C.A. s. 794, and with title II of the Americans with
723 Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the
724 receiving state is not precluded from performing subsequent
725 evaluations to ensure appropriate placement and continued
726 enrollment of the student in the courses.

727 D. Local education agency administrative officials may
728 waive course or program prerequisites, or other preconditions
729 for placement in courses or programs offered under the
730 jurisdiction of the local education agency.

731 E. A student whose parent or legal guardian is an active
732 duty member of the uniformed services and has been called to
733 duty for, is on leave from, or immediately returned from
734 deployment to, a combat zone or combat support posting shall be
735 granted additional excused absences at the discretion of the
736 local education agency superintendent to visit with his or her
737 parent or legal guardian relative to such leave or deployment of
738 the parent or guardian.

739

740 ARTICLE VI

741

742 ELIGIBILITY.—

743 A. When considering the eligibility of a child for
744 enrolling in a school:

- 745 1. A special power of attorney relative to the guardianship
746 of a child of a military family and executed under applicable
747 law is sufficient for the purposes of enrolling the child in

748 school and for all other actions requiring parental
749 participation and consent.

750 2. A local education agency is prohibited from charging
751 local tuition to a transitioning military child placed in the
752 care of a noncustodial parent or other person standing in loco
753 parentis who lives in a school's jurisdiction different from
754 that of the custodial parent.

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

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

764

765 ARTICLE VII

766

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

770 A. Local education agency administrative officials shall
771 waive specific courses required for graduation if similar
772 coursework has been satisfactorily completed in another local
773 education agency or shall provide reasonable justification for
774 denial. If a waiver is not granted to a student who would
775 qualify to graduate from the sending school, the local education
776 agency must provide an alternative means of acquiring required
777 coursework so that graduation may occur on time.

778 B. States shall accept exit or end-of-course exams required
779 for graduation from the sending state; national norm-referenced
780 achievement tests; or alternative testing, in lieu of testing
781 requirements for graduation in the receiving state. If these
782 alternatives cannot be accommodated by the receiving state for a
783 student transferring in his or her senior year, then the
784 provisions of Article VII, Section C shall apply.

785 C. If a military student transfers at the beginning of or
786 during his or her senior year and is not eligible to graduate
787 from the receiving local education agency after all alternatives
788 have been considered, the sending and receiving local education
789 agencies must ensure the receipt of a diploma from the sending
790 local education agency, if the student meets the graduation
791 requirements of the sending local education agency. If one of
792 the states in question is not a member of this compact, the
793 member state shall use its best efforts to facilitate the on
794 time graduation of the student in accordance with Sections A and
795 B of this Article.

796

797 ARTICLE VIII

798

799 STATE COORDINATION.—Each member state shall, through the
800 creation of a state council or use of an existing body or board,
801 provide for the coordination among its agencies of government,

802 local education agencies, and military installations concerning
803 the state's participation in, and compliance with, this compact
804 and Interstate Commission activities.

805 A. Each member state may determine the membership of its
806 own state council, but the membership must include at least: the
807 state superintendent of education, the superintendent of a
808 school district that has a high concentration of military
809 children, a representative from a military installation, one
810 representative each from the legislative and executive branches
811 of government, and other offices and stakeholder groups the
812 state council deems appropriate. A member state that does not
813 have a school district deemed to contain a high concentration of
814 military children may appoint a superintendent from another
815 school district to represent local education agencies on the
816 state council.

817 B. The state council of each member state shall appoint or
818 designate a military family education liaison to assist military
819 families and the state in facilitating the implementation of
820 this compact.

821 C. The compact commissioner responsible for the
822 administration and management of the state's participation in
823 the compact shall be appointed by the Governor or as otherwise
824 determined by each member state.

825 D. The compact commissioner and the military family
826 education liaison shall be ex officio members of the state
827 council, unless either is already a full voting member of the
828 state council.

829

830 ARTICLE IX

831

832 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR
833 MILITARY CHILDREN.—The member states hereby create the
834 "Interstate Commission on Educational Opportunity for Military
835 Children." The activities of the Interstate Commission are the
836 formation of public policy and are a discretionary state
837 function. The Interstate Commission shall:

838 A. Be a body corporate and joint agency of the member
839 states and shall have all the responsibilities, powers, and
840 duties set forth herein, and such additional powers as may be
841 conferred upon it by a subsequent concurrent action of the
842 respective legislatures of the member states in accordance with
843 the terms of this compact.

844 B. Consist of one Interstate Commission voting
845 representative from each member state who shall be that state's
846 compact commissioner.

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

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

852 3. A representative shall not delegate a vote to another
853 member state. In the event the compact commissioner is unable to
854 attend a meeting of the Interstate Commission, the Governor or
855 state council may delegate voting authority to another person

856 from their state for a specified meeting.

857 4. The bylaws may provide for meetings of the Interstate
858 Commission to be conducted by telecommunication or electronic
859 communication.

860 C. Consist of ex officio, nonvoting representatives who are
861 members of interested organizations. The ex officio members, as
862 defined in the bylaws, may include, but not be limited to,
863 members of the representative organizations of military family
864 advocates, local education agency officials, parent and teacher
865 groups, the United States Department of Defense, the Education
866 Commission of the States, the Interstate Agreement on the
867 Qualification of Educational Personnel, and other interstate
868 compacts affecting the education of children of military
869 members.

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

873 E. Establish an executive committee, whose members shall
874 include the officers of the Interstate Commission and such other
875 members of the Interstate Commission as determined by the
876 bylaws. Members of the executive committee shall serve a 1-year
877 term. Members of the executive committee are entitled to one
878 vote each. The executive committee shall have the power to act
879 on behalf of the Interstate Commission, with the exception of
880 rulemaking, during periods when the Interstate Commission is not
881 in session. The executive committee shall oversee the day-to-day
882 activities of the administration of the compact, including
883 enforcement and compliance with the compact, its bylaws and
884 rules, and other such duties as deemed necessary. The United
885 States Department of Defense shall serve as an ex officio,
886 nonvoting member of the executive committee.

887 F. The Interstate Commission shall collect standardized
888 data concerning the educational transition of the children of
889 military families under this compact as directed through its
890 rules which shall specify the data to be collected, the means of
891 collection and data exchange, and reporting requirements. The
892 methods of data collection, exchange, and reporting shall,
893 insofar as is reasonably possible, conform to current technology
894 and coordinate its information functions with the appropriate
895 custodian of records as identified in the bylaws and rules.

896 G. The Interstate Commission shall create a procedure that
897 permits military officials, education officials, and parents to
898 inform the Interstate Commission if and when there are alleged
899 violations of the compact or its rules or when issues subject to
900 the jurisdiction of the compact or its rules are not addressed
901 by the state or local education agency. This section does not
902 create a private right of action against the Interstate
903 Commission or any member state.

904

905 ARTICLE X

906

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

909 A. Provide for dispute resolution among member states.

910 B. Adopt rules and take all necessary actions to effect the
911 goals, purposes, and obligations as enumerated in this compact.
912 The rules have the force and effect of statutory law and are
913 binding in the compact states to the extent and in the manner
914 provided in this compact.

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

918 D. Enforce compliance with the compact provisions, the
919 rules adopted by the Interstate Commission, and the bylaws,
920 using all necessary and proper means, including, but not limited
921 to, the use of judicial process.

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

924 F. Purchase and maintain insurance and bonds.

925 G. Borrow, accept, hire, or contract for services of
926 personnel.

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

932 I. Elect or appoint such officers, attorneys, employees,
933 agents, or consultants, and to fix their compensation, define
934 their duties, and determine their qualifications; and to
935 establish the Interstate Commission's personnel policies and
936 programs relating to conflicts of interest, rates of
937 compensation, and qualifications of personnel.

938 J. Accept any and all donations and grants of money,
939 equipment, supplies, materials, and services, and to receive,
940 utilize, and dispose of it.

941 K. Lease, purchase, accept contributions or donations of,
942 or otherwise to own, hold, improve, or use any property, real,
943 personal, or mixed.

944 L. Sell, convey, mortgage, pledge, lease, exchange,
945 abandon, or otherwise dispose of any property, real, personal,
946 or mixed.

947 M. Establish a budget and make expenditures.

948 N. Adopt a seal and bylaws governing the management and
949 operation of the Interstate Commission.

950 O. Report annually to the legislatures, governors,
951 judiciary, and state councils of the member states concerning
952 the activities of the Interstate Commission during the preceding
953 year. Such reports shall also include any recommendations that
954 may have been adopted by the Interstate Commission.

955 P. Coordinate education, training, and public awareness
956 regarding the compact, its implementation, and operation for
957 officials and parents involved in such activity.

958 Q. Establish uniform standards for the reporting,
959 collecting, and exchanging of data.

960 R. Maintain corporate books and records in accordance with
961 the bylaws.

962 S. Perform such functions as may be necessary or
963 appropriate to achieve the purposes of this compact.

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

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.—

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

1. Establishing the fiscal year of the Interstate Commission;

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

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

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

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

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

7. Providing “start up” rules for initial administration of the compact.

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

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

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

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

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

1018 Commission.

1019 D. The executive committee may, subject to the approval of
1020 the Interstate Commission, appoint or retain an executive
1021 director for such period, upon such terms and conditions and for
1022 such compensation, as the Interstate Commission may deem
1023 appropriate. The executive director shall serve as secretary to
1024 the Interstate Commission but is not a member of the Interstate
1025 Commission. The executive director shall hire and supervise such
1026 other persons as may be authorized by the Interstate Commission.

1027 E. The Interstate Commission's executive director and its
1028 employees are immune from suit and liability, either personally
1029 or in their official capacity, for a claim for damage to or loss
1030 of property or personal injury or other civil liability caused
1031 or arising out of, or relating to, an actual or alleged act,
1032 error, or omission that occurred, or that such person had a
1033 reasonable basis for believing occurred, within the scope of
1034 Interstate Commission employment, duties, or responsibilities,
1035 provided that the person is not protected from suit or liability
1036 for damage, loss, injury, or liability caused by the intentional
1037 or willful and wanton misconduct of the person.

1038 1. The liability of the Interstate Commission's executive
1039 director and employees or Interstate Commission representatives,
1040 acting within the scope of the person's employment or duties,
1041 for acts, errors, or omissions occurring within the person's
1042 state may not exceed the limits of liability set forth under the
1043 constitution and laws of that state for state officials,
1044 employees, and agents. The Interstate Commission is considered
1045 to be an instrumentality of the states for the purposes of any
1046 such action. This subsection does not protect the person from
1047 suit or liability for damage, loss, injury, or liability caused
1048 by the intentional or willful and wanton misconduct of the
1049 person.

1050 2. The Interstate Commission shall defend the executive
1051 director and its employees and, subject to the approval of the
1052 Attorney General or other appropriate legal counsel of the
1053 member state represented by an Interstate Commission
1054 representative, shall defend an Interstate Commission
1055 representative in any civil action seeking to impose liability
1056 arising out of an actual or alleged act, error, or omission that
1057 occurred within the scope of Interstate Commission employment,
1058 duties, or responsibilities, or that the defendant had a
1059 reasonable basis for believing occurred within the scope of
1060 Interstate Commission employment, duties, or responsibilities,
1061 provided that the actual or alleged act, error, or omission did
1062 not result from intentional or willful and wanton misconduct on
1063 the part of the person.

1064 3. To the extent not covered by the state involved, a
1065 member state, the Interstate Commission, and the representatives
1066 or employees of the Interstate Commission shall be held harmless
1067 in the amount of a settlement or judgment, including attorney's
1068 fees and costs, obtained against a person arising out of an
1069 actual or alleged act, error, or omission that occurred within
1070 the scope of Interstate Commission employment, duties, or
1071 responsibilities, or that the person had a reasonable basis for

1072 believing occurred within the scope of Interstate Commission
1073 employment, duties, or responsibilities, provided that the
1074 actual or alleged act, error, or omission did not result from
1075 intentional or willful and wanton misconduct on the part of the
1076 person.

1077

1078 ARTICLE XII

1079

1080 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—The
1081 Interstate Commission shall adopt rules to effectively and
1082 efficiently implement this act to achieve the purposes of this
1083 compact.

1084 A. If the Interstate Commission exercises its rulemaking
1085 authority in a manner that is beyond the scope of the purposes
1086 of this act, or the powers granted hereunder, the action
1087 undertaken by the Interstate Commission is invalid and has no
1088 force or effect.

1089 B. Rules must be adopted pursuant to a rulemaking process
1090 that substantially conforms to the "Model State Administrative
1091 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.
1092 1 (2000) as amended, as may be appropriate to the operations of
1093 the Interstate Commission.

1094 C. No later than 30 days after a rule is adopted, a person
1095 may file a petition for judicial review of the rule. The filing
1096 of the petition does not stay or otherwise prevent the rule from
1097 becoming effective unless a court finds that the petitioner has
1098 a substantial likelihood of success on the merits of the
1099 petition. The court shall give deference to the actions of the
1100 Interstate Commission consistent with applicable law and shall
1101 not find the rule to be unlawful if the rule represents a
1102 reasonable exercise of the Interstate Commission's authority.

1103 D. If a majority of the legislatures of the compacting
1104 states rejects a rule by enactment of a statute or resolution in
1105 the same manner used to adopt the compact, then the rule is
1106 invalid and has no further force and effect in any compacting
1107 state.

1108

1109 ARTICLE XIII

1110

1111 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.—

1112 A. The executive, legislative, and judicial branches of
1113 state government in each member state shall enforce this compact
1114 and shall take all actions necessary and appropriate to
1115 effectuate the compact's purposes and intent. The provisions of
1116 this compact and the rules adopted under it have the force and
1117 effect of statutory law.

1118 B. All courts shall take judicial notice of the compact and
1119 its adopted rules in any judicial or administrative proceeding
1120 in a member state pertaining to the subject matter of this
1121 compact which may affect the powers, responsibilities, or
1122 actions of the Interstate Commission.

1123 C. The Interstate Commission is entitled to receive all
1124 service of process in any such proceeding, and has standing to
1125 intervene in the proceeding for all purposes. Failure to provide

1126 service of process to the Interstate Commission renders a
1127 judgment or order void as to the Interstate Commission, this
1128 compact, or its adopted rules.

1129 D. If the Interstate Commission determines that a member
1130 state has defaulted in the performance of its obligations or
1131 responsibilities under this compact, or the bylaws or the
1132 adopted rules, the Interstate Commission shall:

1133 1. Provide written notice to the defaulting state and other
1134 member states of the nature of the default, the means of curing
1135 the default, and any action taken by the Interstate Commission.
1136 The Interstate Commission must specify the conditions by which
1137 the defaulting state must cure its default.

1138 2. Provide remedial training and specific technical
1139 assistance regarding the default.

1140 3. If the defaulting state fails to cure the default,
1141 terminate the defaulting state from the compact upon an
1142 affirmative vote of a majority of the member states and all
1143 rights, privileges, and benefits conferred by this compact shall
1144 be terminated from the effective date of termination. A cure of
1145 the default does not relieve the offending state of obligations
1146 or liabilities incurred during the period of the default.

1147 E. Suspension or termination of membership in the compact
1148 may not be imposed on a member until all other means of securing
1149 compliance have been exhausted. Notice of the intent to suspend
1150 or terminate membership must be given by the Interstate
1151 Commission to the Governor, the majority and minority leaders of
1152 the defaulting state's legislature, and each of the member
1153 states.

1154 F. A state that has been suspended or terminated is
1155 responsible for all assessments, obligations, and liabilities
1156 incurred through the effective date of suspension or
1157 termination, including obligations, the performance of which
1158 extends beyond the effective date of suspension or termination.

1159 G. The remaining member states of the Interstate Commission
1160 do not bear any costs arising from a state that has been found
1161 to be in default or that has been suspended or terminated from
1162 the compact, unless otherwise mutually agreed upon in writing
1163 between the Interstate Commission and the defaulting state.

1164 H. A defaulting state may appeal the action of the
1165 Interstate Commission by petitioning the United States District
1166 Court for the District of Columbia or the federal district where
1167 the Interstate Commission has its principal offices. The
1168 prevailing party shall be awarded all costs of such litigation,
1169 including reasonable attorney's fees.

1170 I. The Interstate Commission shall attempt, upon the
1171 request of a member state, to resolve disputes that are subject
1172 to the compact and that may arise among member states and
1173 between member and nonmember states. The Interstate Commission
1174 shall promulgate a rule providing for both mediation and binding
1175 dispute resolution for disputes as appropriate.

1176 1. The Interstate Commission, in the reasonable exercise of
1177 its discretion, shall enforce the provisions and rules of this
1178 compact.

1179 2. The Interstate Commission may, by majority vote of the

1180 members, initiate legal action in the United States District
1181 Court for the District of Columbia or, at the discretion of the
1182 Interstate Commission, in the federal district where the
1183 Interstate Commission has its principal offices to enforce
1184 compliance with the provisions of the compact, or its
1185 promulgated rules and bylaws, against a member state in default.
1186 The relief sought may include both injunctive relief and
1187 damages. In the event judicial enforcement is necessary, the
1188 prevailing party shall be awarded all costs of such litigation,
1189 including reasonable attorney's fees.

1190 3. The remedies herein are not the exclusive remedies of
1191 the Interstate Commission. The Interstate Commission may avail
1192 itself of any other remedies available under state law or the
1193 regulation of a profession.

1194

1195 ARTICLE XIV

1196

1197 FINANCING OF THE INTERSTATE COMMISSION.—

1198 A. The Interstate Commission shall pay, or provide for the
1199 payment of, the reasonable expenses of its establishment,
1200 organization, and ongoing activities.

1201 B. The Interstate Commission may levy on and collect an
1202 annual assessment from each member state to cover the cost of
1203 the operations and activities of the Interstate Commission and
1204 its staff which must be in a total amount sufficient to cover
1205 the Interstate Commission's annual budget as approved each year.
1206 The aggregate annual assessment amount shall be allocated based
1207 upon a formula to be determined by the Interstate Commission,
1208 which shall adopt a rule binding upon all member states.

1209 C. The Interstate Commission may not incur any obligation
1210 of any kind before securing the funds adequate to meet the
1211 obligation and the Interstate Commission may not pledge the
1212 credit of any of the member states, except by and with the
1213 permission of the member state.

1214 D. The Interstate Commission shall keep accurate accounts
1215 of all receipts and disbursements. The receipts and
1216 disbursements of the Interstate Commission are subject to audit
1217 and accounting procedures established under its bylaws. However,
1218 all receipts and disbursements of funds handled by the
1219 Interstate Commission shall be audited yearly by a certified or
1220 licensed public accountant, and the report of the audit shall be
1221 included in and become part of the annual report of the
1222 Interstate Commission.

1223

1224 ARTICLE XV

1225

1226 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.—

1227 A. Any state is eligible to become a member state.

1228 B. The compact shall take effect and be binding upon
1229 legislative enactment of the compact into law by not less than
1230 10 of the states. The effective date shall be no earlier than
1231 December 1, 2007. Thereafter, it shall become effective and
1232 binding as to any other member state upon enactment of the
1233 compact into law by that state. The governors of nonmember

1234 states or their designees shall be invited to participate in the
1235 activities of the Interstate Commission on a nonvoting basis
1236 before adoption of the compact by all states.

1237 C. The Interstate Commission may propose amendments to the
1238 compact for enactment by the member states. An amendment does
1239 not become effective and binding upon the Interstate Commission
1240 and the member states until the amendment is enacted into law by
1241 unanimous consent of the member states.

1242

1243 ARTICLE XVI

1244

1245 WITHDRAWAL AND DISSOLUTION.—

1246 A. Once in effect, the compact continues in force and
1247 remains binding upon each and every member state, provided that
1248 a member state may withdraw from the compact, specifically
1249 repealing the statute that enacted the compact into law.

1250 1. Withdrawal from the compact occurs when a statute
1251 repealing its membership is enacted by the state, but does not
1252 take effect until 1 year after the effective date of the statute
1253 and until written notice of the withdrawal has been given by the
1254 withdrawing state to the Governor of each other member state.

1255 2. The withdrawing state must immediately notify the
1256 chairperson of the Interstate Commission in writing upon the
1257 introduction of legislation repealing this compact in the
1258 withdrawing state. The Interstate Commission shall notify the
1259 other member states of the withdrawing state's intent to
1260 withdraw within 60 days after its receipt thereof.

1261 3. A withdrawing state is responsible for all assessments,
1262 obligations, and liabilities incurred through the effective date
1263 of withdrawal, including obligations, the performance of which
1264 extend beyond the effective date of withdrawal.

1265 4. Reinstatement following withdrawal of a member state
1266 shall occur upon the withdrawing state reenacting the compact or
1267 upon such later date as determined by the Interstate Commission.

1268 B. This compact shall dissolve effective upon the date of
1269 the withdrawal or default of the member state which reduces the
1270 membership in the compact to one member state.

1271 C. Upon the dissolution of this compact, the compact
1272 becomes void and has no further force or effect, and the
1273 business and affairs of the Interstate Commission shall be
1274 concluded and surplus funds shall be distributed in accordance
1275 with the bylaws.

1276

1277 ARTICLE XVII

1278

1279 SEVERABILITY AND CONSTRUCTION.—

1280 A. The provisions of this compact shall be severable, and
1281 if any phrase, clause, sentence, or provision is deemed
1282 unenforceable, the remaining provisions of the compact shall be
1283 enforceable.

1284 B. The provisions of this compact shall be liberally
1285 construed to effectuate its purposes.

1286 C. This compact does not prohibit the applicability of
1287 other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS.—

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

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

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

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

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

Section 23. Subsection (1) of section 1003.051, Florida Statutes, is amended to read:

1003.051 Purple Star Campuses.—

(1) As used in this section, the term "military student" means a student who is:

(a) Enrolled in a school district, charter school, or any school or educational institution participating in an educational choice scholarship program established pursuant to chapter 1002; and

(b) A dependent of a current member of the United States military serving on active duty in, or a former member of, the Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard; a reserve component of any branch of the United States military; or the Florida National Guard.

Section 24. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (7) of section 373.324, Florida Statutes, is reenacted to read:

373.324 License renewal.—

(7) Notwithstanding the renewal requirements in subsection (3) and s. 250.4815 for members of the Florida National Guard and the United States Armed Forces Reserves, any active water well contractor license issued under this part to a servicemember as defined in s. 250.01 or his or her spouse, both of whom reside in Florida, may not become inactive while the servicemember is serving on military orders which take him or her over 35 miles from his or her residence and shall be considered an active license for up to 180 days after the servicemember returns to his or her Florida residence. If the license renewal requirements are met within the 180-day extension period, the servicemember or his or her spouse may not be charged any additional costs, such as, but not limited to, late fees or delinquency fees, above the normal license fees. This subsection does not waive renewal requirements such as registering, continuing education, and all associated fees. The

1342 servicemember must present to the water management district
1343 issuing the license a copy of his or her official military
1344 orders or a written verification from the member's commanding
1345 officer before the end of the 180-day period in order to qualify
1346 for the extension.

1347 Section 25. For the purpose of incorporating the amendment
1348 made by this act to section 250.01, Florida Statutes, in a
1349 reference thereto, paragraph (c) of subsection (1) of section
1350 409.1664, Florida Statutes, is reenacted to read:

1351 409.1664 Adoption benefits for qualifying adoptive
1352 employees of state agencies, veterans, and servicemembers.—

1353 (1) As used in this section, the term:

1354 (c) "Servicemember" has the same meaning as in s.
1355 250.01(19).

1356 Section 26. For the purpose of incorporating the amendment
1357 made by this act to section 250.01, Florida Statutes, in a
1358 reference thereto, subsection (1) of section 520.14, Florida
1359 Statutes, is reenacted to read:

1360 520.14 Termination of retail installment contract for
1361 leasing a motor vehicle by a servicemember.—

1362 (1) Any servicemember, as defined in s. 250.01, may
1363 terminate his or her retail installment contract for leasing a
1364 motor vehicle by providing the sales finance company with a
1365 written notice of termination, effective on the date specified
1366 in the notice, which date shall be at least 30 days after the
1367 receipt of the notice by the sales finance company, if any of
1368 the following criteria are met:

1369 (a) The servicemember is required, pursuant to a permanent
1370 change of station, to move outside the continental United
1371 States; or

1372 (b) The servicemember receives temporary duty orders,
1373 temporary change of station orders, or active duty orders
1374 outside the continental United States, provided such orders are
1375 for a period exceeding 60 days.

1376 Section 27. For the purpose of incorporating the amendment
1377 made by this act to section 250.01, Florida Statutes, in a
1378 reference thereto, subsection (5) of section 627.7283, Florida
1379 Statutes, is reenacted to read:

1380 627.7283 Cancellation; return of unearned premium.—

1381 (5) The insurer must refund 100 percent of the unearned
1382 premium if the insured is a servicemember, as defined in s.
1383 250.01, who cancels because he or she is called to active duty
1384 or transferred by the United States Armed Forces to a location
1385 where the insurance is not required. The insurer may require a
1386 servicemember to submit either a copy of the official military
1387 orders or a written verification signed by the servicemember's
1388 commanding officer to support the refund authorized under this
1389 subsection. If the insurer cancels, the insurer must refund 100
1390 percent of the unearned premium. Cancellation is without
1391 prejudice to any claim originating prior to the effective date
1392 of the cancellation. For purposes of this section, unearned
1393 premiums must be computed on a pro rata basis.

1394 Section 28. For the purpose of incorporating the amendment
1395 made by this act to section 250.01, Florida Statutes, in a

1396 reference thereto, paragraph (d) of subsection (1) of section
1397 689.27, Florida Statutes, is reenacted to read:

1398 689.27 Termination by servicemember of agreement to
1399 purchase real property.—

1400 (1) Notwithstanding any other provisions of law and for the
1401 purposes of this section:

1402 (d) "Servicemember" shall have the same meaning as provided
1403 in s. 250.01.

1404 Section 29. For the purpose of incorporating the amendment
1405 made by this act to section 250.01, Florida Statutes, in a
1406 reference thereto, subsection (5) of section 790.015, Florida
1407 Statutes, is reenacted to read:

1408 790.015 Nonresidents who are United States citizens and
1409 hold a concealed weapons license in another state; reciprocity.—

1410 (5) The requirement of paragraph (1)(a) does not apply to a
1411 person who:

1412 (a) Is a servicemember, as defined in s. 250.01; or

1413 (b) Is a veteran of the United States Armed Forces who was
1414 discharged under honorable conditions.

1415 Section 30. For the purpose of incorporating the amendment
1416 made by this act to section 250.01, Florida Statutes, in
1417 references thereto, subsection (4) and paragraph (b) of
1418 subsection (11) of section 790.06, Florida Statutes, are
1419 reenacted to read:

1420 790.06 License to carry concealed weapon or firearm.—

1421 (4) The application shall be completed, under oath, on a
1422 form adopted by the Department of Agriculture and Consumer
1423 Services and shall include:

1424 (a) The name, address, place of birth, date of birth, and
1425 race of the applicant;

1426 (b) A statement that the applicant is in compliance with
1427 criteria contained within subsections (2) and (3);

1428 (c) A statement that the applicant has been furnished a
1429 copy of or a website link to this chapter and is knowledgeable
1430 of its provisions;

1431 (d) A conspicuous warning that the application is executed
1432 under oath and that a false answer to any question, or the
1433 submission of any false document by the applicant, subjects the
1434 applicant to criminal prosecution under s. 837.06;

1435 (e) A statement that the applicant desires a concealed
1436 weapon or firearms license as a means of lawful self-defense;
1437 and

1438 (f) Directions for an applicant who is a servicemember, as
1439 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
1440 request expedited processing of his or her application.

1441 (11)

1442 (b) A license issued to a servicemember, as defined in s.
1443 250.01, is subject to paragraph (a); however, such a license
1444 does not expire while the servicemember is serving on military
1445 orders that have taken him or her over 35 miles from his or her
1446 residence and shall be extended, as provided in this paragraph,
1447 for up to 180 days after his or her return to such residence. If
1448 the license renewal requirements in paragraph (a) are met within
1449 the 180-day extension period, the servicemember may not be

1450 charged any additional costs, such as, but not limited to, late
1451 fees or delinquency fees, above the normal license fees. The
1452 servicemember must present to the Department of Agriculture and
1453 Consumer Services a copy of his or her official military orders
1454 or a written verification from the member's commanding officer
1455 before the end of the 180-day period in order to qualify for the
1456 extension.

1457 Section 31. For the purpose of incorporating the amendment
1458 made by this act to section 250.01, Florida Statutes, in a
1459 reference thereto, subsection (1) of section 790.062, Florida
1460 Statutes, is reenacted to read:

1461 790.062 Members and veterans of United States Armed Forces;
1462 exceptions from licensure provisions.—

1463 (1) Notwithstanding s. 790.06(2)(b), the Department of
1464 Agriculture and Consumer Services shall issue a license to carry
1465 a concealed weapon or firearm under s. 790.06 if the applicant
1466 is otherwise qualified and:

1467 (a) Is a servicemember, as defined in s. 250.01; or

1468 (b) Is a veteran of the United States Armed Forces who was
1469 discharged under honorable conditions.

1470 Section 32. For the purpose of incorporating the amendment
1471 made by this act to section 250.01, Florida Statutes, in a
1472 reference thereto, subsection (13) of section 790.065, Florida
1473 Statutes, is reenacted to read:

1474 790.065 Sale and delivery of firearms.—

1475 (13) A person younger than 21 years of age may not purchase
1476 a firearm. The sale or transfer of a firearm to a person younger
1477 than 21 years of age may not be made or facilitated by a
1478 licensed importer, licensed manufacturer, or licensed dealer. A
1479 person who violates this subsection commits a felony of the
1480 third degree, punishable as provided in s. 775.082, s. 775.083,
1481 or s. 775.084. The prohibitions of this subsection do not apply
1482 to the purchase of a rifle or shotgun by a law enforcement
1483 officer or correctional officer, as those terms are defined in
1484 s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a
1485 servicemember as defined in s. 250.01.

1486 Section 33. For the purpose of incorporating the amendment
1487 made by this act to section 250.01, Florida Statutes, in a
1488 reference thereto, paragraph (d) of subsection (2) of section
1489 790.0655, Florida Statutes, is reenacted to read:

1490 790.0655 Purchase and delivery of firearms; mandatory
1491 waiting period; exceptions; penalties.—

1492 (2) The waiting period does not apply in the following
1493 circumstances:

1494 (d) When a rifle or shotgun is being purchased by a law
1495 enforcement officer or correctional officer, as those terms are
1496 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a
1497 servicemember as defined in s. 250.01.

1498 Section 34. For the purpose of incorporating the amendment
1499 made by this act to section 250.01, Florida Statutes, in
1500 references thereto, subsections (1), (2), and (3) of section
1501 948.21, Florida Statutes, are reenacted to read:

1502 948.21 Condition of probation or community control;
1503 military servicemembers and veterans.—

1504 (1) Effective for a probationer or community controllee
1505 whose crime is committed on or after July 1, 2012, and who is a
1506 veteran, as defined in s. 1.01, or servicemember, as defined in
1507 s. 250.01, who suffers from a military service-related mental
1508 illness, traumatic brain injury, substance abuse disorder, or
1509 psychological problem, the court may, in addition to any other
1510 conditions imposed, impose a condition requiring the probationer
1511 or community controllee to participate in a treatment program
1512 capable of treating the probationer's or community controllee's
1513 mental illness, traumatic brain injury, substance abuse
1514 disorder, or psychological problem.

1515 (2) Effective for a probationer or community controllee
1516 whose crime is committed on or after July 1, 2016, and who is a
1517 veteran, as defined in s. 1.01, including a veteran who is
1518 discharged or released under a general discharge, or
1519 servicemember, as defined in s. 250.01, who suffers from a
1520 military service-related mental illness, traumatic brain injury,
1521 substance abuse disorder, or psychological problem, the court
1522 may, in addition to any other conditions imposed, impose a
1523 condition requiring the probationer or community controllee to
1524 participate in a treatment program capable of treating the
1525 probationer or community controllee's mental illness, traumatic
1526 brain injury, substance abuse disorder, or psychological
1527 problem.

1528 (3) Effective for a probationer or community controllee
1529 whose crime is committed on or after October 1, 2019, and who is
1530 a veteran, as defined in s. 1.01; a veteran who is discharged or
1531 released under any condition; a servicemember, as defined in s.
1532 250.01; an individual who is a current or former United States
1533 Department of Defense contractor; or an individual who is a
1534 current or former military member of a foreign allied country,
1535 who suffers from a military service-related mental illness,
1536 traumatic brain injury, substance abuse disorder, or
1537 psychological problem, the court may, in addition to any other
1538 conditions imposed, impose a condition requiring the probationer
1539 or community controllee to participate in a treatment program
1540 capable of treating the probationer or community controllee's
1541 mental illness, traumatic brain injury, substance abuse
1542 disorder, or psychological problem.

1543 Section 35. Except as otherwise expressly provided in this
1544 act, this act shall take effect July 1, 2022.