

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [HB 29](#)

TITLE: Pub. Rec. & Meetings/Social Work Licensure
Interstate Compact

SPONSOR(S): Hunschofsky

COMPANION BILL: None

LINKED BILLS: [HB 27](#) Hunschofsky

RELATED BILLS: None

Committee References

[Health Professions & Programs](#)



[Government Operations](#)



[Health & Human Services](#)

SUMMARY

Effect of the Bill:

HB 29 creates public records and public meeting exemptions required to implement and administer the Social Work Licensure Interstate Compact (Compact). HB 29 is linked to HB 27, which authorizes Florida to enter into the Compact. The Compact requires member states to share certain licensure and personal identifying information of applicants, protect certain information from public disclosure, and to allow certain meetings to be closed. Florida law grants public access to government records and meetings, unless a statutory exemption exists. Current law does not provide exemptions for the Compact.

The bill specifies that the public records and public meeting exemptions are subject to the Open Government Sunset Review Act and shall be repealed on October 2, 2030, unless reenacted by the Legislature.

Fiscal or Economic Impact:

The bill will have a significant, negative fiscal impact on the Department of Health which estimates that it will cost \$116,340 (\$111,240 non-recurring, \$5,100 recurring) to implement the provisions of the bill. There is no fiscal impact on local governments.

Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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ANALYSIS

EFFECT OF THE BILL:

The bill creates public records and public meetings exemptions required to implement and administer the [Social Work Licensure Interstate Compact](#). The Compact requires member states to share certain licensure and personal identifying information of social workers practicing under the Compact and to protect certain information from public disclosure. The Compact also requires certain meetings held by the [Social Work Interstate Compact Commission](#) (Commission) to convene in closed, nonpublic meetings to receive legal advice or to discuss matters that are specifically exempt from disclosure under the Compact. Florida law guarantees a right to inspect and copy any state, county, or municipal record and access to government meetings, unless a statutory exemption exists. Current law does not provide a public records or public meetings exemption for the compact.

Open Government

STORAGE NAME: h0029.HPP

DATE: 2/10/2025

The Florida Constitution sets forth the state’s public policy regarding access to government records and meetings. Every person is guaranteed a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.¹ All meetings of any collegial public body of the executive branch of state government or any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, must be open and noticed to the public.² The Legislature, however, may provide by general law an exemption³ from public record or meeting requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.⁴

Pursuant to the Open Government Sunset Review Act,⁵ a new public record or meeting exemption or substantial amendment of an existing exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁶

Public Records

Current law addresses the public policy regarding access to government records, guaranteeing every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.⁷ Furthermore, the Open Government Sunset Review Act provides that a public record exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the “Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.”⁸ An identifiable public purpose is served if the exemption meets one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual’s safety; however, only the identity of an individual may be exempted under this provision; or
- Protect trade or business secrets.⁹

Public Meetings

Current law also addresses public policy regarding access to government meetings, further requiring all meetings of any board or commission of any state agency or authority, or of any agency or authority of any county, municipality, or political subdivision, at which official acts are to be taken to be open to the public at all times, unless the meeting is exempt.¹⁰ The board or commission must provide reasonable notice of all public meetings.¹¹ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status or that operates in a manner that unreasonably restricts the public’s access to the facility.¹² Minutes of a public meeting must be promptly recorded and open to public inspection.¹³ Failure to abide by public meeting requirements will invalidate any resolution, rule, or formal action adopted at a meeting.¹⁴ A public officer

¹ Art. I, s. 24(a), FLA. CONST.

² Art. I, s. 24(b), FLA. CONST.

³ A public record exemption means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), [s. 286.011, F.S.](#), or s. 24, Art. I of the Florida Constitution. See [s. 119.011\(8\), F.S.](#)

⁴ Art. I, s. 24(c), FLA. CONST.

⁵ S. [119.15, F.S.](#)

⁶ S. [119.15\(3\), F.S.](#)

⁷ See [s. 119.01, F.S.](#)

⁸ S. [119.15\(6\)\(b\), F.S.](#)

⁹ *Id.*

¹⁰ S. [286.011\(1\), F.S.](#)

¹¹ *Id.*

¹² S. [286.011\(6\), F.S.](#)

¹³ S. [286.011\(2\), F.S.](#)

¹⁴ S. [286.011\(1\), F.S.](#)

or member of a governmental entity who violates public meeting requirements is subject to civil and criminal penalties.¹⁵

The bill exempts a social worker's personal identifying information, other than the social worker's name, licensure information, or licensure number, obtained from the [coordinated data system](#) and held by the Department of Health (DOH) or the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board), unless the laws of the state that originally reported the information to the data system authorizes its disclosure. Disclosure under such circumstance is limited to the extent permitted under the laws of the reporting state. (Section [1](#))

The bill creates a public meetings exemption to allow meetings, or a portion of a meeting, held by the Commission, the Commission's executive committee, or any other committees of the Commission to convene in a closed meeting if the meeting is held to receive legal advice or to discuss the following:

- Noncompliance of a compact member state with its obligations under the compact;
- The employment, compensation, discipline, or other matter, practices or procedures related to specific employees;
- Current or threatened discipline of a licensee by the Commission or by a member state's licensing authority;
- Current, threatened, or reasonably anticipated litigation;
- Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- Accusing any person of a crime or formally censuring any person;
- Trade secrets or commercial or financial information that is privileged or confidential;
- Information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;
- Investigative records compiled for law enforcement purposes;
- Information related to any investigative reports prepared by, or on behalf of, or for use of the Commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to the compact;
- Matters specifically exempted from disclosure by federal or member state law; or
- Other matters as adopted by the commission by rule.

The bill also creates a public records exemption for any recordings, minutes, and records generated during an exempt meeting or any portion of an exempt meeting. (Section [1](#))

The bill specifies that the public records and public meeting exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2030, unless saved from repeal by reenactment by the Legislature. (Section [1](#))

The bill provides public necessity statements for the public meeting and public record exemptions, as required by the State Constitution. The public necessity statement for the public records exemption states that protection of such information is required under the Compact, which the state must adopt in order to become a member of the Compact. Without the public records exemption, the state would be prohibited from becoming a party to the Compact and would be unable to effectively and efficiently administer the Compact.

The public necessity statement for the for public meeting exemption states that it is a public necessity to exempt Compact Commission meetings wherein matters specifically exempt from disclosure by federal or state law are discussed. Without the public meeting exemption for these meetings, the state would be prohibited from becoming a member of the Compact.

The bill also provides that it is a public necessity that the recordings, minutes, and records generated during an exempt meeting be made exempt from public disclosure, as the release of such information would negate the public meeting exemption. (Section [2](#))

¹⁵ Section [286.011\(3\), F.S.](#)

The effective date of the bill is the same date that HB 27 or similar legislation takes effect, if such legislation is adopted in the same legislative session or extension thereof and becomes law. (Section 3)

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

DOH will experience a non-recurring increase in workload associated with updating the License Verification Search Site and data exchange services due to differences in exempt information for current licensees and those practicing under the compact. These costs cannot be absorbed by current budget authority, and the Department will need additional contractual services for set-up costs. Total estimated increase in workload and costs are \$116,340 in contracted services.¹⁶

Updates to fully integrate the bill are estimated to take six months. This reflects a minimum of 927 initial non-recurring contracted hours at a rate of \$120/hr for a total cost of \$111,240 (\$120/hr x 927) and annual recurring system maintenance costs of \$5,100, for a total estimated cost of \$116,340.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Social Work Licensure Interstate Compact](#)

The Social Work Licensure Interstate Compact (Compact) was created to facilitate multistate practice of licensed social work both in-person and through telehealth. The Compact is governed by the Social Work Licensure Interstate Compact Commission (Commission), which is responsible for creating and enforcing the rules and regulations that administer and govern the Compact.

Under the compact, a multistate license to practice as a social worker is issued by the licensing authority in the applicant's home state and authorizes the social worker to practice in all compact member states. Compact states are required to accept multistate licenses from other compact member states as authorization to practice in each member state. A social worker practicing under the compact practice privileges must comply with the practice laws of the state in which he or she is practicing or where the patient is located.

[Coordinated Data System](#)

The Compact requires each member state to share certain information regarding all social workers practicing under the Compact. The information must be submitted through a shared coordinated data system and must include the social worker's:

- Identifying information;
- Licensure data;
- Any adverse actions taken against a social worker's license;¹⁷
- Nonconfidential information related to the social worker's participation in alternative programs;
- Licensure application denials and the reason for such denials;
- Current significant investigative information; and

¹⁶ DOH, *Agency Bill Analysis*, HB 27 (2025) pgs. 11-12, on file with the House Health Professions and Programs Subcommittee.

¹⁷ Adverse action is any disciplinary action that is a matter of public record which is taken by a state's regulatory authority against a social worker's license to practice in that state.

- Any other information that may facilitate the administration of the compact or the protection of the public, as determined by Commission rules.¹⁸

A member state may designate information submitted to the data system that may not be shared with the public without the express permission of that member state. Also, any information submitted to the data system information that is subsequently expunged according to federal law or the laws of the reporting compact state shall be removed from the data system.

[Social Work Licensure Interstate Compact Commission](#)

The Commission is the governing body and entity responsible for creating and enforcing the rules and regulations that administer and govern the Compact. The Commission is composed of representatives from each compact member state’s licensing board. The Compact permits the Commission to establish an executive committee and other committees, as needed, to act on the behalf of, and within the powers granted to them by, the Commission.

Commission Meetings

Compact Commission meetings must be open to the public and public notice must be given. However, the compact does allow the Commission or the executive committee or other committees of the Commission to convene in a closed, non-public meeting to receive legal advice or to discuss certain items including:

- Noncompliance of a compact member state with its obligations under the compact;
- The employment, compensation, discipline, or other matter, practices or procedures related to specific employees;
- Current or threatened discipline of a licensee by the Commission or by a member state's licensing authority;
- Current, threatened, or reasonably anticipated litigation;
- Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- Accusing any person of a crime or formally censuring any person;
- Trade secrets or commercial or financial information that is privileged or confidential;
- Information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;
- Investigative records compiled for law enforcement purposes;
- Information related to any investigative reports prepared by, or on behalf of, or for use of the Commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to the compact;
- Matters specifically exempted from disclosure by federal or member state law; or
- Other matters as adopted by the commission by rule.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	101	Hunschofsky	Rodriguez	Died in House

¹⁸ Social Work Licensure Compact Model Legislation, at <https://swcompact.org/wp-content/uploads/sites/30/2023/11/Social-Work-Licensure-Compact-Final-PDF.pdf> (last visited January 14, 2025).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Health Professions & Programs Subcommittee			McElroy	Curry
Government Operations Subcommittee				
Health & Human Services Committee				