

By Senator Harrell

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1 A bill to be entitled
2 An act relating to the Social Work Licensure Compact;
3 creating s. 491.022, F.S.; creating the Social Work
4 Licensure Compact; providing a purpose and objectives
5 of the compact; defining terms; specifying
6 requirements for state participation in the compact;
7 specifying requirements for member states to maintain
8 membership in the compact; requiring member states to
9 designate the categories of social work licensure
10 which are eligible for issuance of a multistate
11 license in such states; specifying criteria licensed
12 social workers must meet to be issued a multistate
13 license under the compact; providing additional
14 requirements based on the licensure category of such
15 social workers; providing for the renewal of
16 multistate licenses; specifying that a licensed social
17 worker's services provided in a remote state are
18 subject to that remote member state's regulatory
19 authority; authorizing remote states to act on a
20 licensee's multistate authorization to practice;
21 specifying the consequences and parameters of practice
22 for a licensee whose multistate license or multistate
23 authorization to practice is encumbered; specifying
24 procedures for issuing multistate licenses; providing
25 for the recognition of multistate licenses in all
26 member states; providing construction; specifying that
27 a licensed social worker may hold a home state license
28 in only one member state at a time; specifying
29 requirements and procedures for reissuing a multistate

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30 license by a new home state; providing construction;
31 authorizing active duty military personnel or their
32 spouses to keep their home state designation during
33 active duty; authorizing member states to take adverse
34 action against a licensee's multistate authorization
35 to practice and to issue subpoenas for hearings and
36 investigations under certain circumstances; providing
37 requirements and procedures for such adverse actions
38 and subpoenas; authorizing member states to recover
39 costs of investigations and depositions from the
40 affected licensed social workers in adverse actions;
41 authorizing member states to engage in joint
42 investigations under certain circumstances; providing
43 that a licensee's multistate authorization to practice
44 must be deactivated in all member states for the
45 duration of an encumbrance imposed by the licensee's
46 home state; providing for notice to the data system
47 and the licensee's home state of any adverse action
48 taken against a licensee; providing construction;
49 establishing the Social Work Licensure Compact
50 Commission; providing for membership, meetings, and
51 powers of the commission; providing for powers,
52 duties, membership, and meetings of the commission's
53 executive committee; requiring the commission to adopt
54 annual reports and provide them to member states;
55 providing public notice and records requirements for
56 meetings of the commission; authorizing the commission
57 to hold closed, nonpublic meetings under certain
58 circumstances; providing for the financing of the

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59 commission; providing commission members, officers,
60 executive directors, employees, and representatives
61 immunity from civil liability under certain
62 circumstances; providing construction; requiring the
63 commission to defend the commission's members,
64 officers, executive directors, employees, and
65 representatives in civil actions under certain
66 circumstances; providing construction; requiring the
67 commission to indemnify and hold harmless such
68 individuals for any settlement or judgment obtained in
69 such actions under certain circumstances; providing
70 construction; providing for the development of the
71 data system, reporting procedures, and the exchange of
72 specified information between member states; requiring
73 member states to report any adverse action taken
74 against a licensee and monitor the data system for
75 adverse action taken against a licensee in other
76 member states; authorizing member states to designate
77 as confidential information provided to the data
78 system; requiring the commission to remove information
79 from the data system under certain circumstances;
80 providing rulemaking procedures for the commission,
81 including public notice and meeting requirements;
82 providing for member state enforcement of the compact;
83 providing for the jurisdiction and venue for court
84 proceedings brought against the commission; specifying
85 that the commission is entitled to receive service of
86 process, and has standing to intervene, in certain
87 judicial and administrative proceedings; rendering

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88 certain judgments and orders void as to the
89 commission, the compact, or commission rules under
90 certain circumstances; providing for defaults,
91 technical assistance, and termination of compact
92 membership; providing procedures for the resolution of
93 certain disputes; providing for commission enforcement
94 of the compact; providing for remedies; providing that
95 only a member state may seek enforcement of the
96 compact against the commission; providing for
97 implementation of, withdrawal from, and amendment to
98 the compact; providing construction and severability;
99 specifying that licensees providing services in a
100 remote state under the compact must adhere to the laws
101 and rules of the remote state; providing construction;
102 amending s. 456.073, F.S.; requiring the Department of
103 Health to report certain investigative information to
104 the data system of the Social Work Licensure Compact;
105 amending s. 456.076, F.S.; requiring that monitoring
106 contracts for impaired practitioners participating in
107 treatment programs contain certain terms; amending s.
108 491.004, F.S.; requiring the Board of Clinical Social
109 Work, Marriage and Family Therapy, and Mental Health
110 Counseling to appoint an individual to serve as the
111 state's delegate on the Social Work Licensure Compact
112 Commission; amending ss. 491.005 and 491.006, F.S.;
113 exempting social workers practicing under the compact
114 from certain licensure requirements; amending s.
115 491.009, F.S.; authorizing certain disciplinary action
116 under the compact for specified prohibited acts;

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117 amending s. 768.28, F.S.; designating the state
118 delegate and other members or employees of the
119 commission as state agents for the purpose of applying
120 waivers of sovereign immunity; requiring the
121 commission to pay certain claims or judgments;
122 authorizing the commission to maintain insurance
123 coverage to pay such claims or judgments; providing an
124 effective date.

125
126 Be It Enacted by the Legislature of the State of Florida:

127
128 Section 1. Section 491.022, Florida Statutes, is created to
129 read:

130 491.022 Social Work Licensure Compact.—The Social Work
131 Licensure Compact is hereby enacted into law and entered into by
132 this state with all other states legally joining therein in the
133 form substantially as follows:

134
135 ARTICLE I

136 PURPOSE

137
138 (1) The purpose of the compact is to facilitate interstate
139 practice of licensed social workers and improve public access to
140 competent social work services.

141 (2) The compact preserves the regulatory authority of
142 member states to protect public health and safety through the
143 current system of state licensure. The compact is designed to
144 achieve all of the following objectives:

145 (a) Increase public access to social work services.

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146 (b) Reduce overly burdensome and duplicative requirements
147 associated with holding multiple licenses.

148 (c) Enhance member states' ability to protect the public's
149 health and safety.

150 (d) Encourage the cooperation of member states in
151 regulating multistate practice of licensed social workers.

152 (e) Promote mobility and address workforce shortages by
153 eliminating the necessity for licenses in multiple states by
154 providing for the mutual recognition of other member state
155 licenses.

156 (f) Support military families.

157 (g) Facilitate the exchange of licensure and disciplinary
158 information among member states.

159 (h) Authorize all member states to hold a licensed social
160 worker accountable for abiding by the laws, regulations, and
161 applicable professional standards in the member state in which
162 the client is located at the time care is rendered.

163 (i) Allow for the use of telehealth to facilitate increased
164 access to licensed social work services.

165

166 ARTICLE II

167 DEFINITIONS

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169 As used in the compact, and except as otherwise provided,
170 the term:

171 (1) "Active military member" means any individual on full-
172 time duty status in the active Armed Forces of the United
173 States, including members of the National Guard and Reserve.

174 (2) "Adverse action" means any administrative, civil,

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175 equitable, or criminal action authorized by a state's laws which
176 is imposed by a licensing authority or other authority against a
177 licensed social worker, including actions against an
178 individual's license or multistate authorization to practice,
179 such as revocation, suspension, probation, monitoring of the
180 licensee, limitation on the licensee's practice, or any other
181 encumbrance on licensure affecting a licensed social worker's
182 authorization to practice, including issuance of a cease and
183 desist action.

184 (3) "Alternative program" means a nondisciplinary
185 monitoring or practice remediation process approved by a
186 licensing authority to address practitioners with an impairment.

187 (4) "Charter member state" means a member state that
188 enacted legislation to adopt the compact before the effective
189 date of the compact as provided in Article XIV.

190 (5) "Commission" means the government agency whose
191 membership consists of all states that have enacted the compact,
192 which is known as the Social Work Licensure Compact Commission,
193 as described in Article X, and which operates as an
194 instrumentality of the member states.

195 (6) "Current significant investigative information" means:

196 (a) Investigative information that a licensing authority,
197 after a preliminary inquiry that includes notification and an
198 opportunity for the licensed social worker to respond, has
199 reason to believe is not groundless and, if proved true, would
200 indicate more than a minor infraction as may be defined by the
201 commission; or

202 (b) Investigative information that indicates that the
203 licensed social worker represents an immediate threat to public

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204 health and safety, as defined by the commission, regardless of
205 whether the licensed social worker has been notified and has had
206 an opportunity to respond.

207 (7) "Data system" means a repository of information about
208 licensees, including, but not limited to, continuing education,
209 examination records, licensure status, current significant
210 investigative information, disqualifying events, multistate
211 licenses, adverse action information, and any other information
212 required by the commission.

213 (8) "Disqualifying event" means any adverse action or
214 incident that results in an encumbrance that disqualifies or
215 makes the licensee ineligible to obtain, retain, or renew a
216 multistate license.

217 (9) "Domicile" means the jurisdiction in which a licensee
218 resides and intends to remain indefinitely.

219 (10) "Encumbrance" means a revocation or suspension of, or
220 any limitation on, the full and unrestricted practice of social
221 work as licensed and regulated by a licensing authority.

222 (11) "Executive committee" means a group of delegates
223 elected or appointed to act on behalf of, and within the powers
224 granted to them by, the compact and commission.

225 (12) "Home state" means the member state that is a
226 licensee's primary domicile.

227 (13) "Impairment" means a condition that may impair a
228 practitioner's ability to engage in full and unrestricted
229 practice as a licensed social worker without some type of
230 intervention and may include, but is not limited to, alcohol and
231 drug dependence, a mental health impairment, or a neurological
232 or physical impairment.

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233 (14) "Licensed social worker" means any clinical, master's,
234 or bachelor's category social worker licensed by a member state
235 regardless of the title used by that member state.

236 (15) "Licensee" means an individual who currently holds a
237 license from a member state to practice as a licensed social
238 worker.

239 (16) "Licensing authority" means the board or agency of a
240 member state, or an equivalent, which is responsible for the
241 licensing and regulation of licensed social workers.

242 (17) "Member state" means a state, commonwealth, district,
243 or territory of the United States which has enacted the compact.

244 (18) "Multistate authorization to practice" means a legally
245 authorized privilege to practice which is equivalent to a
246 license associated with a multistate license authorizing the
247 practice of social work in a remote state.

248 (19) "Multistate license" means a license to practice as a
249 licensed social worker issued by a home state's licensing
250 authority which authorizes the licensed social worker to
251 practice in all member states under the multistate authorization
252 to practice.

253 (20) "Qualifying national exam" means a national licensing
254 examination approved by the commission.

255 (21) "Remote state" means a member state other than the
256 licensee's home state.

257 (22) "Rule" means a regulation adopted by the commission,
258 as authorized by the compact, which regulation has the force of
259 law.

260 (23) "Single-state license" means a license to practice
261 social work issued by any state which authorizes practice only

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262 within the issuing state. The term does not include a multistate
263 authorization to practice in any member state.

264 (24) "Social work" or "social work services" means the
265 application of social work theory, knowledge, methods, and
266 ethics and the professional use of self to restore or enhance
267 social, psychosocial, or biopsychosocial functioning of
268 individuals, couples, families, groups, organizations, and
269 communities through the care and services provided by a licensed
270 social worker as set forth in the member state's statutes and
271 regulations in the state where the services are being provided.

272 (25) "State" means any state, commonwealth, district, or
273 territory of the United States which regulates the practice of
274 social work.

275 (26) "Unencumbered license" means a license that authorizes
276 a licensed social worker to engage in the full and unrestricted
277 practice of social work.

278 ARTICLE III

279 STATE PARTICIPATION IN THE COMPACT

280
281
282 (1) To be eligible to participate in the compact, a
283 potential member state must meet all of the following criteria
284 at the time of joining the compact:

285 (a) License and regulate the practice of social work at the
286 clinical, master's, or bachelor's categories.

287 (b) Require applicants for licensure to graduate from a
288 program that:

289 1. Is operated by a college or university recognized by the
290 state's licensing authority;

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291 2. Is accredited, or in candidacy by an institution that
292 subsequently becomes accredited, by an accrediting agency
293 recognized by either:

294 a. The Council for Higher Education Accreditation, or its
295 successor; or

296 b. The United States Department of Education; and

297 3. Corresponds to the multistate license sought, as
298 outlined in Article IV.

299 (c) Require applicants for clinical licensure to complete a
300 period of supervised practice.

301 (d) Have a mechanism in place for receiving, investigating,
302 and adjudicating complaints about licensees.

303 (2) To maintain membership in the compact, a member state
304 must:

305 (a) Require applicants for a multistate license to pass a
306 qualifying national exam for the corresponding category of
307 multistate license sought, as outlined in Article IV;

308 (b) Participate fully in the commission's data system,
309 including using the commission's unique identifier as defined by
310 commission rule;

311 (c) Notify the commission, in compliance with the terms of
312 the compact and rules, of any adverse action or the availability
313 of current significant investigative information regarding a
314 licensee;

315 (d) Implement procedures for considering the criminal
316 history records of applicants for a multistate license. Such
317 procedures must include the submission of fingerprints or other
318 biometric-based information by applicants for the purpose of
319 obtaining an applicant's criminal history record information

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320 from the Federal Bureau of Investigation and the agency
321 responsible for retaining that state's criminal records;

322 (e) Comply with the rules of the commission;

323 (f) Require an applicant to obtain or retain a license in
324 the home state and meet the home state's qualifications for
325 licensure or renewal of licensure, as well as all other
326 applicable home state laws;

327 (g) Authorize a licensee holding a multistate license in
328 any member state to practice in accordance with the terms of the
329 compact and rules of the commission; and

330 (h) Designate a delegate to participate in commission
331 meetings.

332 (3) A member state meeting the requirements under
333 subsections (1) and (2) shall designate the categories of social
334 work licensure which are eligible for issuance of a multistate
335 license for applicants in such member state. To the extent that
336 any member state does not meet the requirements for
337 participation in the compact for any category of social work
338 licensure, such member state may, but is not obligated to, issue
339 a multistate license to applicants who otherwise meet the
340 requirements of Article IV for issuance of a multistate license
341 in such category or categories of licensure.

342 ARTICLE IV

343 SOCIAL WORKER PARTICIPATION IN THE COMPACT

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345
346 (1) To be eligible for a multistate license under the
347 compact, an applicant must, regardless of license category, meet
348 all of the following criteria:

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349 (a) Hold or be eligible for an active, unencumbered license
350 in the home state.

351 (b) Submit, in connection with an application for a
352 multistate license, fingerprints or other biometric-based data
353 for the purpose of obtaining criminal history record information
354 from the Federal Bureau of Investigation and the agency
355 responsible for retaining that state's criminal records.

356 (c) Notify the home state of any adverse action,
357 encumbrance, or restriction on any professional license imposed
358 by any member state or nonmember state within 30 days after the
359 date the action is taken.

360 (d) Meet any continuing competency requirements established
361 by the home state.

362 (e) Abide by the laws, regulations, and applicable
363 standards in the member state where the client is located at the
364 time care is rendered.

365 (2) An applicant for a clinical-category multistate license
366 must meet all of the following requirements:

367 (a) Fulfill a competency requirement, which may be
368 satisfied by any of the following:

369 1. Passage of a clinical-category qualifying national exam;

370 2. For an applicant licensed before a qualifying national
371 exam was required by the home state in the clinical category,
372 licensure of the applicant in his or her home state in the
373 clinical category, accompanied by a period of continuous social
374 work licensure thereafter, all of which may be further governed
375 by the rules of the commission; or

376 3. The substantial equivalency of the foregoing competency
377 requirements which the commission may determine by rule.

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378 (b) Attain at least a master's degree in social work from a
379 program that is:

380 1. Operated by a college or university recognized by the
381 home state's licensing authority; and

382 2. Accredited, or in candidacy that subsequently receives
383 accreditation, by an accrediting agency recognized by either:

384 a. The Council for Higher Education Accreditation or its
385 successor; or

386 b. The United States Department of Education.

387 (c) Fulfill a practice requirement, which may be satisfied
388 by demonstrating completion of any of the following:

389 1. A period of postgraduate supervised clinical practice
390 equal to a minimum of 3,000 hours;

391 2. A minimum of 2 years of full-time postgraduate
392 supervised clinical practice; or

393 3. The substantial equivalency of the foregoing practice
394 requirements which the commission may determine by rule.

395 (3) An applicant for a master's-category multistate license
396 must meet all of the following requirements:

397 (a) Fulfill a competency requirement, which may be
398 satisfied by any of the following:

399 1. Passage of a master's-category qualifying national exam;

400 2. For an applicant licensed before a qualifying national
401 exam was required by the home state in the master's category,
402 licensure of the applicant in his or her home state in the
403 master's category, accompanied by a continuous period of social
404 work licensure thereafter, all of which may be further governed
405 by the rules of the commission; or

406 3. The substantial equivalency of the foregoing competency

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407 requirements which the commission may determine by rule.

408 (b) Attain at least a master's degree in social work from a
409 program that is:

410 1. Operated by a college or university recognized by the
411 home state's licensing authority; and

412 2. Accredited, or in candidacy by an institution that
413 subsequently becomes accredited, by an accrediting agency
414 recognized by either:

415 a. The Council for Higher Education Accreditation or its
416 successor; or

417 b. The United States Department of Education.

418 (4) An applicant for a bachelor's-category multistate
419 license must meet all of the following requirements:

420 (a) Fulfill a competency requirement, which may be
421 satisfied by:

422 1. Passage of a bachelor's-category qualifying national
423 exam;

424 2. For an applicant licensed before a qualifying national
425 exam was required by the home state in the bachelor's category,
426 licensure of the applicant in his or her home state at the
427 bachelor's category, accompanied by a period of continuous
428 social work licensure thereafter, all of which may be further
429 governed by the rules of the commission; or

430 3. The substantial equivalency of the foregoing competency
431 requirements which the commission may determine by rule.

432 (b) Attain at least a bachelor's degree in social work from
433 a program that is:

434 1. Operated by a college or university recognized by the
435 home state's licensing authority; and

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436 2. Accredited, or in candidacy that subsequently becomes
437 accredited, by an accrediting agency recognized by either:

438 a. The Council for Higher Education Accreditation or its
439 successor; or

440 b. The United States Department of Education.

441 (5) The multistate license for a licensed social worker is
442 subject to the renewal requirements of the home state. The
443 licensed social worker must maintain compliance with the
444 requirements of subsection (1) to be eligible to renew a
445 multistate license.

446 (6) The licensed social worker's services in a remote state
447 are subject to that remote state's regulatory authority. A
448 remote state may, in accordance with due process and that remote
449 state's laws, remove a licensed social worker's multistate
450 authorization to practice in the remote state for a specific
451 period of time, impose fines, and take any other necessary
452 actions to protect the health and safety of its citizens.

453 (7) If a multistate license is encumbered, the licensed
454 social worker's multistate authorization to practice must be
455 deactivated in all remote states until the multistate license is
456 no longer encumbered.

457 (8) If a multistate authorization to practice is encumbered
458 in a remote state, the licensed social worker's multistate
459 authorization to practice may be deactivated in that state until
460 the multistate authorization to practice is no longer
461 encumbered.

462
463 ARTICLE V

464 ISSUANCE OF A MULTISTATE LICENSE

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466 (1) Upon receipt of an application for a multistate
467 license, the home state's licensing authority shall determine
468 the applicant's eligibility for a multistate license in
469 accordance with Article IV.

470 (2) If such applicant is eligible under Article IV, the
471 home state's licensing authority must issue a multistate license
472 that authorizes the applicant or licensed social worker to
473 practice in all member states under a multistate authorization
474 to practice.

475 (3) Upon issuance of a multistate license, the home state's
476 licensing authority shall designate whether the licensed social
477 worker holds a multistate license at the bachelor's, master's,
478 or clinical category of social work.

479 (4) A multistate license issued by a home state to a
480 resident in that state must be recognized by all member states
481 as authorizing social work practice under a multistate
482 authorization to practice corresponding to each category of
483 licensure regulated in each member state.

484

485 ARTICLE VI

486 AUTHORITY OF THE SOCIAL WORK LICENSURE COMPACT COMMISSION AND
487 MEMBER STATE LICENSING AUTHORITIES

488

489 (1) The compact and rules of the commission do not limit,
490 restrict, or in any way reduce the ability of a member state to:

491 (a) Enact and enforce laws, regulations, or other rules
492 related to the practice of social work in that state, provided
493 those laws, regulations, or other rules do not conflict with the

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494 provisions of the compact.

495 (b) Take adverse action against a licensee's single-state
496 license to practice social work in that state.

497 (c) Take adverse action against a licensee's multistate
498 authorization to practice social work in that state.

499 (2) The compact and rules of the commission do not limit,
500 restrict, or in any way reduce the ability of a licensee's home
501 state to take adverse action against a licensee's multistate
502 license based upon information provided by a remote state.

503 (3) The compact does not affect the requirements
504 established by a member state for the issuance of a single-state
505 license.

506
507 ARTICLE VII

508 REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

509
510 (1) A licensee may hold a multistate license, issued by his
511 or her home state, in only one member state at any given time.

512 (2) If a licensee changes his or her home state by moving
513 between two member states, the following requirements apply:

514 (a) The licensee must immediately apply for the reissuance
515 of the multistate license in the new home state. The licensee
516 shall notify the former home state in accordance with the rules
517 of the commission.

518 (b) Upon receipt of an application to reissue a multistate
519 license, the new home state must verify that the multistate
520 license is active, unencumbered, and eligible for reissuance
521 under the terms of the compact and the rules of the commission.
522 The multistate license issued by the former home state must be

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523 deactivated and all member states notified in accordance with
524 the applicable rules adopted by the commission.

525 (c) Before reissuing the multistate license, the new home
526 state must conduct procedures for considering the criminal
527 history records of the licensee. Such procedures must include
528 the submission of fingerprints or other biometric-based
529 information by applicants for the purpose of obtaining an
530 applicant's criminal history record information from the Federal
531 Bureau of Investigation and the agency responsible for retaining
532 that state's criminal records.

533 (d) If required for initial licensure, the new home state
534 may require completion of jurisprudence requirements in the new
535 home state.

536 (e) Notwithstanding any other provision of the compact, if
537 a licensee does not meet the requirements set forth in the
538 compact for the reissuance of a multistate license by the new
539 home state, the licensee is subject to the new home state
540 requirements for the issuance of a single-state license in that
541 state.

542 (3) If a licensee changes his or her domicile by moving
543 from a member state to a nonmember state, or from a nonmember
544 state to a member state, the licensee is subject to the state's
545 requirements for the issuance of a single-state license in the
546 new home state.

547 (4) The compact does not interfere with a licensee's
548 ability to hold a single-state license in multiple states;
549 however, for the purposes of the compact, a licensee may have
550 only one home state and only one multistate license.

551 (5) The compact does not interfere with the requirements

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552 established by a member state for the issuance of a single-state
553 license.

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555 ARTICLE VIII556 MILITARY FAMILIES

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558 An active military member or his or her spouse shall
559 designate a home state as the state in which the individual
560 holds a multistate license. The individual may retain the home
561 state designation during the period the servicemember is on
562 active duty.

563

564 ARTICLE IX565 ADVERSE ACTIONS

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567 (1) In addition to the other powers conferred by general
568 law, a remote state has the authority, in accordance with
569 existing state due process law, to:

570 (a) Take adverse action against a licensed social worker's
571 multistate authorization to practice, but only within that
572 member state, and to issue subpoenas for both hearings and
573 investigations that require the attendance and testimony of
574 witnesses as well as the production of evidence. Subpoenas
575 issued by a licensing authority in a member state for the
576 attendance and testimony of witnesses or the production of
577 evidence from another member state must be enforced in the
578 latter state by any court of competent jurisdiction, according
579 to the practice and procedure of that court applicable to
580 subpoenas issued in proceedings pending before it. The issuing

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581 licensing authority shall pay any witness fees, travel expenses,
582 mileage, and other fees required by the service statutes of the
583 state in which the witnesses or evidence is located.

584 (b) Only the home state may take adverse action against a
585 licensed social worker's multistate license.

586 (2) For purposes of taking adverse action, the home state
587 must give the same priority and effect to reported conduct
588 received from a member state as it would if the conduct had
589 occurred within the home state. In so doing, the home state
590 shall apply its own state laws to determine appropriate action.

591 (3) The home state shall complete any pending
592 investigations of a licensed social worker who changes his or
593 her home state during the course of the investigation. The home
594 state also may take appropriate action and shall promptly report
595 the conclusions of the investigations to the administrator of
596 the data system. The administrator of the data system shall
597 promptly notify the new home state of any adverse action.

598 (4) A member state may, if otherwise authorized by state
599 law, recover from the affected licensed social worker the costs
600 of investigations and dispositions of cases resulting from any
601 adverse action taken against that licensed social worker.

602 (5) A member state may take adverse action based on the
603 factual findings of another member state, provided that the
604 member state follows its own procedures for taking the adverse
605 action.

606 (6) (a) In addition to the authority granted to a member
607 state by its respective social work practice act or other
608 applicable state law, any member state may participate with
609 other member states in joint investigations of licensees.

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610 (b) Member states shall share any investigative,
611 litigation, or compliance materials in furtherance of any joint
612 or individual investigation initiated under the compact.

613 (7) If adverse action is taken by the home state against
614 the multistate license of a licensed social worker, the licensed
615 social worker's multistate authorization to practice in all
616 other member states must be deactivated until all encumbrances
617 have been removed from the multistate license. All home state
618 disciplinary orders that impose adverse action against the
619 license of a licensed social worker must include a statement
620 that the licensed social worker's multistate authorization to
621 practice is deactivated in all member states until all
622 conditions of the decision, order, or agreement are satisfied.

623 (8) If a member state takes adverse action, it must
624 promptly notify the administrator of the data system. The
625 administrator of the data system shall promptly notify the home
626 state and all other member states of any adverse actions taken
627 by remote states.

628 (9) The compact does not override a member state's decision
629 that participation in an alternative program may be used in lieu
630 of adverse action.

631 (10) The compact does not authorize a member state to
632 demand the issuance of subpoenas for attendance and testimony of
633 witnesses or the production of evidence from another member
634 state for lawful actions within that member state.

635 (11) The compact does not authorize a member state to
636 impose discipline against a licensed social worker who holds a
637 multistate authorization to practice for actions committed in
638 another member state which were lawful in that state.

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667ARTICLE XESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION

(1) Commission established.—The member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact, to be known as the Social Work Licensure Compact Commission. The commission is an instrumentality of the member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in Article XIV.

(2) Membership, voting, and meetings.—

(a) Each member state is entitled to one delegate selected by that member state's licensing authority. The delegate must be one of the following:

1. A current member of the state's licensing authority who is a licensed social worker or public member of the state's licensing authority; or

2. An administrator of the state's licensing authority or his or her designee.

(b) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(c) The commission may recommend removal or suspension of any delegate from office.

(d) A member state's licensing authority shall fill any vacancy of its delegate on the commission within 60 days after the vacancy occurs.

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668 (e) Each delegate is entitled to one vote on all matters
669 before the commission requiring a vote by commission delegates.

670 (f) A delegate must vote in person or by such other means
671 as provided in the bylaws. The bylaws may provide for delegates
672 to meet by telecommunication, video conference, or other similar
673 electronic means of communication.

674 (g) The commission shall meet at least once during each
675 calendar year. Additional meetings may be held as set forth in
676 the bylaws. The commission may meet by telecommunication, video
677 conference, or other similar electronic means of communication.

678 (3) Powers.—The commission may do all of the following:

679 (a) Establish the fiscal year of the commission.

680 (b) Establish code of conduct and conflict of interest
681 policies.

682 (c) Establish and amend rules and bylaws.

683 (d) Maintain its financial records in accordance with the
684 bylaws.

685 (e) Meet and take such actions as are consistent with the
686 provisions of the compact, the commission's rules, and the
687 bylaws.

688 (f) Initiate and conclude legal proceedings or actions in
689 the name of the commission, provided that the standing of any
690 state's licensing authority to sue or be sued under applicable
691 law is not affected.

692 (g) Maintain and certify records and information provided
693 to a member state as the authenticated business records of the
694 commission, or designate an agent to do so on the commission's
695 behalf.

696 (h) Purchase and maintain insurance and bonds.

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- 697 (i) Borrow, accept, or contract for services of personnel,
698 including, but not limited to, employees of a member state.
- 699 (j) Conduct an annual financial review.
- 700 (k) Hire employees and elect or appoint officers; fix
701 compensation for, define duties of, such individuals and grant
702 them appropriate authority to carry out the purposes of the
703 compact; and establish the commission's personnel policies and
704 programs relating to conflicts of interest, qualifications of
705 personnel, and other related personnel matters.
- 706 (l) Assess and collect fees.
- 707 (m) Accept, receive, use, and dispose of any appropriate
708 gifts, donations, grants of money, other revenue sources,
709 equipment, supplies, materials, and services, provided that at
710 all times the commission avoids any appearance of impropriety or
711 conflict of interest.
- 712 (n) Lease, purchase, retain, own, hold, improve, or use any
713 property, real, personal, or mixed, or any undivided interest
714 therein.
- 715 (o) Sell, convey, mortgage, pledge, lease, exchange,
716 abandon, or otherwise dispose of any property, real, personal,
717 or mixed.
- 718 (p) Establish a budget and make expenditures.
- 719 (q) Borrow money.
- 720 (r) Appoint committees, including standing committees,
721 composed of members, state regulators, state legislators or
722 their representatives, consumer representatives, and such other
723 interested persons as may be designated in the compact and the
724 bylaws.
- 725 (s) Provide and receive information from, and cooperate

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726 with, law enforcement agencies.

727 (t) Establish and elect an executive committee, including a
728 chair and a vice chair.

729 (u) Determine whether a state's statutorily adopted compact
730 language is materially different from the model compact language
731 such that the state would not qualify for participation in the
732 compact.

733 (v) Perform any other functions necessary to achieve the
734 purposes of the compact.

735 (4) The executive committee.-

736 (a) The executive committee may act on behalf of the
737 commission according to the terms of the compact. The powers,
738 duties, and responsibilities of the executive committee include
739 all of the following:

740 1. Overseeing the day-to-day activities of administration
741 of the compact, including enforcement and compliance with the
742 compact and its rules and bylaws and other such duties as deemed
743 necessary by the commission.

744 2. Recommending to the commission changes to the rules or
745 bylaws, changes to the compact legislation, and fees charged to
746 member states, fees charged to licensees, and other fees.

747 3. Ensuring compact administration services are
748 appropriately provided, including by contract.

749 4. Preparing and recommending the budget.

750 5. Maintaining financial records on behalf of the
751 commission.

752 6. Monitoring compact compliance of member states and
753 providing compliance reports to the commission.

754 7. Establishing additional committees as necessary.

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755 8. Exercising the powers and duties of the commission in
756 the interim between commission meetings, except for adopting or
757 amending rules, adopting or amending bylaws, and exercising any
758 other powers and duties expressly reserved to the commission by
759 rule or bylaw.

760 9. Performing other duties as provided in the rules or
761 bylaws of the commission.

762 (b) The executive committee may be composed of up to 11
763 members, as follows:

764 1. A chair and a vice chair, who must be voting members of
765 the executive committee.

766 2. Five voting members, selected by the commission from the
767 current membership of the commission.

768 3. Up to four ex-officio, nonvoting members from four
769 recognized national social work organizations specified by the
770 commission, selected by their respective organizations.

771 (c) The commission may remove any member of the executive
772 committee as provided in the commission's bylaws.

773 (d) The executive committee shall meet at least annually.

774 1. Executive committee meetings must be open to the public,
775 except that the executive committee may meet in a closed,
776 nonpublic meeting as provided in subsection (6).

777 2. The executive committee shall give 7 days' notice of its
778 meetings, posted on its website and as determined by the
779 commission, to provide notice to persons with an interest in the
780 business of the commission.

781 3. The executive committee may hold a special meeting in
782 accordance with subsection (6).

783 (5) Annual report.—The commission shall adopt and provide

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784 to the member states an annual report.

785 (6) Meetings of the commission.—All meetings of the
786 commission are open to the public, except that the commission
787 may meet in a closed, nonpublic meeting as provided in s.
788 491.023.

789 (a) Public notice for all meetings of the full commission
790 must be given in the same manner as required under the
791 rulemaking provisions in Article XII, except that the commission
792 may hold a special meeting as provided in paragraph (b).

793 (b) The commission may hold a special meeting when it must
794 meet to conduct emergency business by giving 48 hours' notice to
795 all commissioners, on the commission's website, and by other
796 means as provided in the commission's rules. The commission's
797 legal counsel shall certify that the commission's need to meet
798 qualifies as an emergency.

799 (c) If a meeting, or portion of a meeting, is closed, the
800 presiding officer must state that the meeting will be closed and
801 reference each relevant exempting provision, and such reference
802 must be recorded in the minutes.

803 (d) The commission shall keep minutes that fully and
804 clearly describe all matters discussed in a meeting and shall
805 provide a full and accurate summary of actions taken, and the
806 reasons therefor, including a description of the views
807 expressed. All documents considered in connection with an action
808 must be identified in the minutes. All minutes and documents of
809 a closed meeting must remain under seal, subject to release only
810 by a majority vote of the commission or order of a court of
811 competent jurisdiction.

812 (7) Financing of the commission.—

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813 (a) The commission shall pay, or provide for the payment
814 of, the reasonable expenses of its establishment, organization,
815 and ongoing activities.

816 (b) The commission may accept any appropriate revenue
817 sources as provided in paragraph (3) (m).

818 (c) The commission may levy and collect an annual
819 assessment from each member state to cover the cost of the
820 operations and activities of the commission and its staff, which
821 must be in a total amount sufficient to cover its annual budget
822 as approved each year for which revenue is not provided by other
823 sources. The aggregate annual assessment amount for member
824 states shall be allocated based upon a formula that the
825 commission shall adopt by rule.

826 (d) The commission may not incur obligations of any kind
827 before securing the funds adequate to meet such obligations, and
828 the commission may not pledge the credit of any of the member
829 states, except by and with the authority of the member state.

830 (e) The commission shall keep accurate accounts of all
831 receipts and disbursements. The receipts and disbursements of
832 the commission are subject to the financial review and
833 accounting procedures established under its bylaws. However, all
834 receipts and disbursements of funds handled by the commission
835 are subject to an annual financial review by a certified or
836 licensed public accountant, and the report of the financial
837 review must be included in and become part of the annual report
838 of the commission.

839 (8) *Qualified immunity, defense, and indemnification.*

840 (a) The members, officers, executive director, employees,
841 and representatives of the commission are immune from suit and

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842 liability, both personally and in their official capacity, for
843 any claim for damage to or loss of property or personal injury
844 or other civil liability caused by or arising out of any actual
845 or alleged act, error, or omission that occurred, or that the
846 person against whom the claim is made had a reasonable basis for
847 believing occurred, within the scope of commission employment,
848 duties, or responsibilities. This paragraph does not protect any
849 such person from suit or liability for any damage, loss, injury,
850 or liability caused by the intentional or willful or wanton
851 misconduct of that person. The procurement of insurance of any
852 type by the commission does not compromise or limit the immunity
853 granted hereunder.

854 (b) The commission shall defend any member, officer,
855 executive director, employee, or representative of the
856 commission in any civil action seeking to impose liability
857 arising out of any actual or alleged act, error, or omission
858 that occurred within the scope of commission employment, duties,
859 or responsibilities, or that the commission determines the
860 person against whom the claim is made had a reasonable basis for
861 believing occurred within the scope of commission employment,
862 duties, or responsibilities, provided that the actual or alleged
863 act, error, or omission did not result from that person's
864 intentional or willful or wanton misconduct. This paragraph may
865 not be construed to prohibit such person from retaining his or
866 her own counsel at his or her own expense.

867 (c) The commission shall indemnify and hold harmless any
868 member, officer, executive director, employee, or representative
869 of the commission for the amount of any settlement or judgment
870 obtained against that person arising out of any actual or

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871 alleged act, error, or omission that occurred within the scope
872 of commission employment, duties, or responsibilities, or, as
873 determined by the commission, that the person against whom the
874 claim is made had a reasonable basis for believing occurred
875 within the scope of commission employment, duties, or
876 responsibilities, provided that the actual or alleged act,
877 error, or omission did not result from the intentional or
878 willful or wanton misconduct of that person.

879 (d) This paragraph may not be construed as a limitation on
880 the liability of any licensee for professional malpractice or
881 misconduct that is governed solely by any other applicable state
882 laws.

883 (e) The compact may not be interpreted to waive or
884 otherwise abrogate a member state's state action immunity or
885 state action affirmative defense with respect to antitrust
886 claims under the Sherman Antitrust Act, Clayton Antitrust Act of
887 1914, or any other state or federal antitrust or anticompetitive
888 law or regulation.

889 (f) The compact may not be construed as a waiver of
890 sovereign immunity by the member states or by the commission.

891

892 ARTICLE XI

893 DATA SYSTEM

894

895 (1) The commission shall provide for the development,
896 maintenance, operation, and use of a coordinated data system.

897 (2) The commission shall assign each applicant for a
898 multistate license a unique identifier, as determined by the
899 rules of the commission.

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- 900 (3) Notwithstanding any other state law to the contrary, a
901 member state shall submit a uniform data set to the data system
902 on all individuals to whom the compact is applicable as required
903 by the rules of the commission, including all of the following
904 information:
- 905 (a) Identifying information.
906 (b) Licensure data.
907 (c) Adverse actions against a license and related
908 information.
- 909 (d) Nonconfidential information related to alternative
910 program participation, the beginning and ending dates of such
911 participation, and other information related to such
912 participation not made confidential under member state law.
- 913 (e) Any denial of application for licensure and the reason
914 for such denial.
- 915 (f) Any current significant investigative information.
916 (g) Other information that may facilitate the
917 administration of the compact or the protection of the public,
918 as determined by the rules of the commission.
- 919 (4) The records and information provided to a member state
920 under the compact or through the data system, when certified by
921 the commission or an agent thereof, constitute the authenticated
922 business records of the commission and are entitled to any
923 associated hearsay exception in any relevant judicial, quasi-
924 judicial, or administrative proceedings in a member state.
- 925 (5) (a) Current significant investigative information
926 pertaining to a licensee in any member state may be made
927 available only to other member states.
- 928 (b) It is the responsibility of the member states to report

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929 any adverse action against a licensee and to monitor the
930 database to determine whether adverse action has been taken
931 against a licensee in another member state. Adverse action
932 information pertaining to a licensee in any member state must be
933 made available to other member states.

934 (6) Member states contributing information to the data
935 system may designate information that may not be shared with the
936 public without the express permission of the contributing state.

937 (7) Any information submitted to the data system which is
938 subsequently expunged pursuant to federal law or the laws of the
939 member state contributing the information must be removed from
940 the data system.

941
942 ARTICLE XII

943 RULEMAKING

944
945 (1) The commission shall adopt rules to implement and
946 administer the compact. A rule is invalid and has no force or
947 effect if a court of competent jurisdiction holds that the rule
948 is invalid because the commission exercised its rulemaking
949 authority in a manner that is beyond the scope and purposes of
950 the compact, or the powers granted hereunder, or based upon
951 another applicable standard of review.

952 (2) The rules of the commission have the force of law in
953 each member state; however, if the rules of the commission
954 conflict with the laws, regulations, or applicable standards of
955 a member state governing the practice of social work as held by
956 a court of competent jurisdiction, the rules of the commission
957 are ineffective in that state to the extent of the conflict.

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958 (3) The commission shall exercise its rulemaking powers
959 pursuant to the criteria set forth in this article and the rules
960 adopted hereunder. Rules become binding the day after they are
961 adopted or the date specified in the rule or amendment,
962 whichever is later.

963 (4) If a majority of the legislatures of the member states
964 rejects a rule or portion of a rule, by enactment of a statute
965 or resolution in the same manner used to adopt the compact
966 within 4 years after the date of adoption of the rule, such rule
967 has no further force and effect in any member state.

968 (5) Rules must be adopted at a regular or special meeting
969 of the commission.

970 (6) Before adoption of a proposed rule, the commission
971 shall hold a public hearing and allow persons to provide oral
972 and written comments, data, facts, opinions, and arguments.

973 (7) Before adoption of a proposed rule by the commission,
974 and at least 30 days before the meeting at which the commission
975 will hold a public hearing on the proposed rule, the commission
976 shall provide a notice of proposed rulemaking:

977 (a) On the website of the commission or on another publicly
978 accessible platform;

979 (b) To persons who have requested notice of the
980 commission's notices of proposed rulemaking; and

981 (c) In any other manner as specified by commission rule.

982 (8) The notice of proposed rulemaking must include all of
983 the following:

984 (a) The time, date, and location of the public hearing at
985 which the commission will hear public comments on the proposed
986 rule and, if different, the time, date, and location of the

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987 meeting where the commission will consider and vote on the
988 proposed rule.

989 (b) If the hearing is held through telecommunication, video
990 conference, or other similar electronic means, the mechanism for
991 accessing the hearing must be included in the notice of proposed
992 rulemaking.

993 (c) The text of the proposed rule and the reasons
994 necessitating the rule.

995 (d) A request for comments on the proposed rule from any
996 interested person.

997 (e) The manner in which interested persons may submit
998 written comments.

999 (9) All hearings must be recorded. A copy of the recording
1000 and all written comments and documents received by the
1001 commission in response to the proposed rule must be made
1002 available to the public.

1003 (10) This article does not require a separate hearing on
1004 each rule. Rules may be grouped for the convenience of the
1005 commission at hearings required by this article.

1006 (11) The commission shall, by majority vote of all members,
1007 take final action on the proposed rule based on the rulemaking
1008 record and the full text of the rule.

1009 (a) The commission may adopt changes to the proposed rule
1010 if the changes do not expand the original purpose of the
1011 proposed rule.

1012 (b) The commission shall provide an explanation of the
1013 reasons for substantive changes made to the proposed rule as
1014 well as the reasons why substantive changes recommended by
1015 commenters were not made.

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1016 (c) The commission shall set a reasonable effective date
1017 for each rule. Except for an emergency as provided in subsection
1018 (12), the effective date of the rule must be at least 30 days
1019 after the commission issues the notice of rule adoption or
1020 amendment.

1021 (12) Upon determination that an emergency exists, the
1022 commission may consider and adopt an emergency rule with 48
1023 hours' notice, with opportunity to comment, provided that the
1024 usual rulemaking procedures provided in the compact and in this
1025 article are retroactively applied to the rule as soon as
1026 reasonably possible, but in no event later than 90 days after
1027 the effective date of the rule. For purposes of this subsection,
1028 an emergency rule is one that must be adopted immediately in
1029 order to:

1030 (a) Meet an imminent threat to public health, safety, or
1031 welfare;

1032 (b) Prevent a loss of commission or member state funds;

1033 (c) Meet a deadline for the adoption of a rule which is
1034 established by federal law or rule; or

1035 (d) Protect public health and safety.

1036 (13) The commission or an authorized committee of the
1037 commission may direct revisions to a previously adopted rule for
1038 purposes of correcting typographical errors, errors in format,
1039 errors in consistency, or grammatical errors. Public notice of
1040 any revision must be posted on the commission's website. The
1041 revision is subject to challenge by any person for a period of
1042 30 days after posting. The revision may be challenged only on
1043 the grounds that the revision results in a material change to a
1044 rule. A challenge must be made in writing and delivered to the

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1045 commission before the end of the notice period. If a challenge
1046 is not made, the revision will take effect without further
1047 action. If the revision is challenged, the revision may not take
1048 effect without the approval of the commission.

1049 (14) A member state's rulemaking requirements do not apply
1050 under this compact.

1051
1052 ARTICLE XIII

1053 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1054
1055 (1) Oversight.-

1056 (a) The executive and judicial branches of state government
1057 in each member state shall enforce the compact and take all
1058 actions necessary to implement the compact.

1059 (b) Except as otherwise provided in the compact, venue is
1060 proper and judicial proceedings by or against the commission
1061 shall be brought solely and exclusively in a court of competent
1062 jurisdiction where the principal office of the commission is
1063 located. The commission may waive venue and jurisdictional
1064 defenses to the extent that it adopts or consents to participate
1065 in alternative dispute resolution proceedings. This paragraph
1066 does not affect or limit the selection or propriety of venue in
1067 any action against a licensee for professional malpractice,
1068 misconduct, or any such similar matter.

1069 (c) The commission is entitled to receive service of
1070 process in any proceeding regarding the enforcement or
1071 interpretation of the compact and has standing to intervene in
1072 such a proceeding for all purposes. Failure to provide the
1073 commission service of process renders a judgment or an order

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1074 void as to the commission, the compact, or adopted rules.

1075 (2) *Default, technical assistance, and termination.*—

1076 (a) If the commission determines that a member state has
1077 defaulted in the performance of its obligations or
1078 responsibilities under the compact or the adopted rules, the
1079 commission must provide written notice to the defaulting state.
1080 The notice of default must describe the default, the proposed
1081 means of curing the default, and any other action that the
1082 commission may take, and must offer training and specific
1083 technical assistance regarding the default.

1084 (b) The commission shall provide a copy of the notice of
1085 default to the other member states.

1086 (c) If a state in default fails to cure the default, the
1087 defaulting state may be terminated from the compact upon an
1088 affirmative vote of a majority of the delegates of the member
1089 states, and all rights, privileges, and benefits conferred on
1090 that state by the compact may be terminated on the effective
1091 date of termination. A cure of the default does not relieve the
1092 offending state of obligations or liabilities incurred during
1093 the period of default.

1094 (d) Termination of membership in the compact may be imposed
1095 only after all other means of securing compliance have been
1096 exhausted. The commission shall give notice of intent to suspend
1097 or terminate to the Governor of the defaulting state, the
1098 majority and minority leaders of the defaulting state's
1099 legislature, the defaulting state's licensing authority, and the
1100 licensing authority of each member state.

1101 (e) A state that has its membership terminated from the
1102 compact is responsible for all assessments, obligations, and

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1103 liabilities incurred through the effective date of termination,
1104 including obligations that extend beyond the effective date of
1105 termination.

1106 (f) Upon the termination of a state's membership from the
1107 compact, that state shall immediately provide notice to all
1108 licensees within that state of such termination. The terminated
1109 state shall continue to recognize all licenses granted under the
1110 compact for at least 180 days after the date of the notice of
1111 termination.

1112 (g) The commission does not bear any costs related to a
1113 state that is found to be in default or that has been terminated
1114 from the compact, unless agreed upon in writing between the
1115 commission and the defaulting state.

1116 (h) The defaulting state may appeal the action of the
1117 commission by petitioning the United States District Court for
1118 the District of Columbia or the federal district where the
1119 commission has its principal offices. The prevailing party shall
1120 be awarded all costs of such litigation, including reasonable
1121 attorney fees.

1122 (3) *Dispute resolution.*

1123 (a) Upon request by a member state, the commission shall
1124 attempt to resolve disputes related to the compact which arise
1125 among member states and between member and nonmember states.

1126 (b) The commission shall adopt a rule providing for both
1127 mediation and binding dispute resolution for disputes, as
1128 appropriate.

1129 (4) *Enforcement.*

1130 (a) By majority vote as provided by rule, the commission
1131 may initiate legal action against a member state in default in

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1132 the United States District Court for the District of Columbia or
1133 the federal district where the commission has its principal
1134 offices to enforce compliance with the compact and its adopted
1135 rules. The relief sought may include both injunctive relief and
1136 damages. In the event judicial enforcement is necessary, the
1137 prevailing party shall be awarded all costs of such litigation,
1138 including reasonable attorney fees. The remedies herein are not
1139 the exclusive remedies of the commission. The commission may
1140 pursue any other remedies available under federal law or the
1141 defaulting member state's law.

1142 (b) A member state may initiate legal action against the
1143 commission in the United States District Court for the District
1144 of Columbia or the federal district where the commission has its
1145 principal offices to enforce compliance with the compact and its
1146 adopted rules. The relief sought may include both injunctive
1147 relief and damages. In the event judicial enforcement is
1148 necessary, the prevailing party shall be awarded all costs of
1149 such litigation, including reasonable attorney fees.

1150 (c) Only a member state may seek enforcement of the compact
1151 against the commission.

1153 ARTICLE XIV

1154 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1155
1156 (1) The compact becomes effective on the date the compact
1157 statute is enacted into law in the seventh member state.

1158 (2) (a) On or after the effective date of the compact, the
1159 commission shall convene and review the enactment of each of the
1160 first seven charter member states to determine whether the

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1161 statute enacted by each such charter member state is materially
1162 different from the model compact language.

1163 1. A charter member state whose enactment is found to be
1164 materially different from the model compact language is entitled
1165 to the default process set forth in Article XIII.

1166 2. If any member state is later found to be in default or
1167 is terminated or withdraws from the compact, the commission
1168 remains in existence and the compact remains in effect even if
1169 the number of member states is less than seven.

1170 (b) Member states enacting the compact after the seven
1171 initial charter member states are subject to the process set
1172 forth in paragraph (3) (u) of Article X to determine whether
1173 their enactments are materially different from the model compact
1174 language and whether they qualify for participation in the
1175 compact.

1176 (c) All actions taken for the benefit of the commission or
1177 in furtherance of administration of the compact before the
1178 effective date of the compact or the commission coming into
1179 existence are considered to be actions of the commission unless
1180 specifically repudiated by the commission.

1181 (d) Any state that joins the compact subsequent to the
1182 commission's initial adoption of the rules and bylaws is subject
1183 to the rules and bylaws as they exist on the date on which the
1184 compact becomes law in that state. Any rule that has been
1185 previously adopted by the commission has the full force and
1186 effect of law on the day the compact becomes law in that state.

1187 (3) Any member state may withdraw from the compact by
1188 enacting a statute repealing the compact.

1189 (a) A member state's withdrawal does not take effect until

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1190 180 days after enactment of the repealing statute.

1191 (b) Withdrawal does not affect the continuing requirement
1192 of the withdrawing state's licensing authority to comply with
1193 the investigative and adverse action reporting requirements of
1194 the compact before the effective date of withdrawal.

1195 (c) Upon enactment of a statute repealing the compact, a
1196 state shall immediately provide notice of such withdrawal to all
1197 licensees within that state. Notwithstanding any subsequent
1198 statutory enactment to the contrary, such withdrawing state must
1199 continue to recognize all licenses granted under the compact for
1200 at least 180 days after the date of such notice of withdrawal.

1201 (4) The compact does not invalidate or prevent any
1202 licensure agreement or other cooperative arrangement between a
1203 member state and a nonmember state which does not conflict with
1204 the compact.

1205 (5) The compact may be amended by the member states. An
1206 amendment to the compact does not become effective and binding
1207 on any member state until it is enacted into the laws of all
1208 member states.

1210 ARTICLE XV

1211 CONSTRUCTION AND SEVERABILITY

1212
1213 (1) The compact and the commission's rulemaking authority
1214 shall be liberally construed so as to effectuate the purposes,
1215 implementation, and administration of the compact. Provisions of
1216 the compact expressly authorizing or requiring the adoption of
1217 rules may not be construed to limit the commission's rulemaking
1218 authority solely for those purposes.

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1219 (2) The provisions of the compact are severable, and if any
1220 phrase, clause, sentence, or provision of the compact is held by
1221 a court of competent jurisdiction to be contrary to the
1222 constitution of any member state, of a state seeking
1223 participation in the compact, or of the United States, or the
1224 applicability thereof to any government, agency, person, or
1225 circumstance is held to be unconstitutional by a court of
1226 competent jurisdiction, the validity of the remainder of the
1227 compact and the applicability thereof to any other government,
1228 agency, person, or circumstance is not affected.

1229 (3) Notwithstanding subsection (2), the commission may deny
1230 a state's participation in the compact, or may terminate a
1231 member state's participation in the compact in accordance with
1232 the requirements of subsection (2) of Article XIII, if it
1233 determines that a constitutional requirement of a member state
1234 is a material departure from the compact. Otherwise, if the
1235 compact is held to be contrary to the constitution of any member
1236 state, the compact remains in full force and effect as to the
1237 remaining member states and in full force and effect as to the
1238 member state affected as to all severable matters.

1240 ARTICLE XVI

1241 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

1242
1243 (1) A licensee providing services in a remote state under a
1244 multistate authorization to practice shall adhere to the laws
1245 and regulations, including applicable standards, of the remote
1246 state where the client is located at the time care is rendered.

1247 (2) The compact does not prevent or inhibit the enforcement

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1248 of any other law of a member state which is not inconsistent
1249 with the compact.

1250 (3) Any laws, statutes, regulations, or other legal
1251 requirements in a member state in conflict with the compact are
1252 superseded to the extent of the conflict.

1253 (4) All permissible agreements between the commission and
1254 the member states are binding in accordance with their terms.

1255 Section 2. Paragraph (b) of subsection (10) of section
1256 456.073, Florida Statutes, is amended to read:

1257 456.073 Disciplinary proceedings.—Disciplinary proceedings
1258 for each board shall be within the jurisdiction of the
1259 department.

1260 (10)

1261 (b) The department shall report any significant
1262 investigation information relating to a nurse holding a
1263 multistate license to the coordinated licensure information
1264 system pursuant to s. 464.0095; any investigative information
1265 relating to an audiologist or a speech-language pathologist
1266 holding a compact privilege under the Audiology and Speech-
1267 Language Pathology Interstate Compact to the data system
1268 pursuant to s. 468.1335; any investigative information relating
1269 to a physical therapist or physical therapist assistant holding
1270 a compact privilege under the Physical Therapy Licensure Compact
1271 to the data system pursuant to s. 486.112; any significant
1272 investigatory information relating to a psychologist practicing
1273 under the Psychology Interjurisdictional Compact to the
1274 coordinated licensure information system pursuant to s.
1275 490.0075; ~~and~~ any significant investigatory information relating
1276 to a health care practitioner practicing under the Professional

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1277 Counselors Licensure Compact to the data system pursuant to s.
1278 491.017; and any significant investigatory information relating
1279 to a clinical social worker practicing under the Social Work
1280 Licensure Compact to the data system pursuant to s. 491.022.

1281 Section 3. Subsection (5) of section 456.076, Florida
1282 Statutes, is amended to read:

1283 456.076 Impaired practitioner programs.—

1284 (5) A consultant shall enter into a participant contract
1285 with an impaired practitioner and shall establish the terms of
1286 monitoring and shall include the terms in a participant
1287 contract. In establishing the terms of monitoring, the
1288 consultant may consider the recommendations of one or more
1289 approved evaluators, treatment programs, or treatment providers.
1290 A consultant may modify the terms of monitoring if the
1291 consultant concludes, through the course of monitoring, that
1292 extended, additional, or amended terms of monitoring are
1293 required for the protection of the health, safety, and welfare
1294 of the public. If the impaired practitioner is an audiologist or
1295 a speech-language pathologist practicing under the Audiology and
1296 Speech-Language Pathology Interstate Compact pursuant to s.
1297 468.1335, a physical therapist or physical therapist assistant
1298 practicing under the Physical Therapy Licensure Compact pursuant
1299 to s. 486.112, a psychologist practicing under the Psychology
1300 Interjurisdictional Compact pursuant to s. 490.0075, ~~or~~ a health
1301 care practitioner practicing under the Professional Counselors
1302 Licensure Compact pursuant to s. 491.017, or a clinical social
1303 worker practicing under the Social Work Licensure Compact
1304 pursuant to s. 491.022, the terms of the monitoring contract
1305 must include the impaired practitioner's withdrawal from all

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1306 practice under the compact unless authorized by a member state.

1307 Section 4. Subsection (9) is added to section 491.004,
1308 Florida Statutes, to read:

1309 491.004 Board of Clinical Social Work, Marriage and Family
1310 Therapy, and Mental Health Counseling.—

1311 (9) The board shall appoint an individual to serve as the
1312 state's delegate on the Social Work Licensure Compact
1313 Commission, as required under s. 491.022.

1314 Section 5. Subsection (6) of section 491.005, Florida
1315 Statutes, is amended to read:

1316 491.005 Licensure by examination.—

1317 (6) EXEMPTIONS ~~EXEMPTION~~.—

1318 (a) A person licensed as a clinical social worker, marriage
1319 and family therapist, or mental health counselor in another
1320 state who is practicing under the Professional Counselors
1321 Licensure Compact pursuant to s. 491.017, and only within the
1322 scope provided therein, is exempt from the licensure
1323 requirements of this section, as applicable.

1324 (b) A person licensed as a clinical social worker in
1325 another state who is practicing under the Social Work Licensure
1326 Compact pursuant to s. 491.022, and only within the scope
1327 provided therein, is exempt from the licensure requirements of
1328 this section, as applicable.

1329 Section 6. Subsection (4) is added to section 491.006,
1330 Florida Statutes, to read:

1331 491.006 Licensure or certification by endorsement.—

1332 (4) A person licensed as a clinical social worker in
1333 another state who is practicing under the Social Work Licensure
1334 Compact pursuant to s. 491.022, and only within the scope

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1335 provided therein, is exempt from the licensure requirements of
1336 this section, as applicable.

1337 Section 7. Section 491.009, Florida Statutes, is amended to
1338 read:

1339 491.009 Discipline.—

1340 (1) The following acts constitute grounds for denial of a
1341 license or disciplinary action, as specified in s. 456.072(2),
1342 ~~or~~ s. 491.017, or s. 491.022:

1343 (a) Attempting to obtain, obtaining, or renewing a license,
1344 registration, or certificate under this chapter by bribery or
1345 fraudulent misrepresentation or through an error of the board or
1346 the department.

1347 (b) Having a license, registration, or certificate to
1348 practice a comparable profession revoked, suspended, or
1349 otherwise acted against, including the denial of certification
1350 or licensure by another state, territory, or country.

1351 (c) Being convicted or found guilty of, regardless of
1352 adjudication, or having entered a plea of nolo contendere to, a
1353 crime in any jurisdiction which directly relates to the practice
1354 of his or her profession or the ability to practice his or her
1355 profession. However, in the case of a plea of nolo contendere,
1356 the board shall allow the person who is the subject of the
1357 disciplinary proceeding to present evidence in mitigation
1358 relevant to the underlying charges and circumstances surrounding
1359 the plea.

1360 (d) False, deceptive, or misleading advertising or
1361 obtaining a fee or other thing of value on the representation
1362 that beneficial results from any treatment will be guaranteed.

1363 (e) Advertising, practicing, or attempting to practice

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1364 under a name other than one's own.

1365 (f) Maintaining a professional association with any person
1366 who the applicant, licensee, registered intern, or
1367 certificateholder knows, or has reason to believe, is in
1368 violation of this chapter or of a rule of the department or the
1369 board.

1370 (g) Knowingly aiding, assisting, procuring, or advising any
1371 nonlicensed, nonregistered, or noncertified person to hold
1372 himself or herself out as licensed, registered, or certified
1373 under this chapter.

1374 (h) Failing to perform any statutory or legal obligation
1375 placed upon a person licensed, registered, or certified under
1376 this chapter.

1377 (i) Willfully making or filing a false report or record;
1378 failing to file a report or record required by state or federal
1379 law; willfully impeding or obstructing the filing of a report or
1380 record; or inducing another person to make or file a false
1381 report or record or to impede or obstruct the filing of a report
1382 or record. Such report or record includes only a report or
1383 record which requires the signature of a person licensed,
1384 registered, or certified under this chapter.

1385 (j) Paying a kickback, rebate, bonus, or other remuneration
1386 for receiving a patient or client, or receiving a kickback,
1387 rebate, bonus, or other remuneration for referring a patient or
1388 client to another provider of mental health care services or to
1389 a provider of health care services or goods; referring a patient
1390 or client to oneself for services on a fee-paid basis when those
1391 services are already being paid for by some other public or
1392 private entity; or entering into a reciprocal referral

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1393 agreement.

1394 (k) Committing any act upon a patient or client which would
1395 constitute sexual battery or which would constitute sexual
1396 misconduct as defined pursuant to s. 491.0111.

1397 (l) Making misleading, deceptive, untrue, or fraudulent
1398 representations in the practice of any profession licensed,
1399 registered, or certified under this chapter.

1400 (m) Soliciting patients or clients personally, or through
1401 an agent, through the use of fraud, intimidation, undue
1402 influence, or a form of overreaching or vexatious conduct.

1403 (n) Failing to make available to a patient or client, upon
1404 written request, copies of tests, reports, or documents in the
1405 possession or under the control of the licensee, registered
1406 intern, or certificateholder which have been prepared for and
1407 paid for by the patient or client.

1408 (o) Failing to respond within 30 days to a written
1409 communication from the department or the board concerning any
1410 investigation by the department or the board, or failing to make
1411 available any relevant records with respect to any investigation
1412 about the licensee's, registered intern's, or
1413 certificateholder's conduct or background.

1414 (p) Being unable to practice the profession for which he or
1415 she is licensed, registered, or certified under this chapter
1416 with reasonable skill or competence as a result of any mental or
1417 physical condition or by reason of illness; drunkenness; or
1418 excessive use of drugs, narcotics, chemicals, or any other
1419 substance. In enforcing this paragraph, upon a finding by the
1420 State Surgeon General, the State Surgeon General's designee, or
1421 the board that probable cause exists to believe that the

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1422 licensee, registered intern, or certificateholder is unable to
1423 practice the profession because of the reasons stated in this
1424 paragraph, the department shall have the authority to compel a
1425 licensee, registered intern, or certificateholder to submit to a
1426 mental or physical examination by psychologists, physicians, or
1427 other licensees under this chapter, designated by the department
1428 or board. If the licensee, registered intern, or
1429 certificateholder refuses to comply with such order, the
1430 department's order directing the examination may be enforced by
1431 filing a petition for enforcement in the circuit court in the
1432 circuit in which the licensee, registered intern, or
1433 certificateholder resides or does business. The licensee,
1434 registered intern, or certificateholder against whom the
1435 petition is filed may not be named or identified by initials in
1436 any public court records or documents, and the proceedings shall
1437 be closed to the public. The department shall be entitled to the
1438 summary procedure provided in s. 51.011. A licensee, registered
1439 intern, or certificateholder affected under this paragraph shall
1440 at reasonable intervals be afforded an opportunity to
1441 demonstrate that he or she can resume the competent practice for
1442 which he or she is licensed, registered, or certified with
1443 reasonable skill and safety to patients.

1444 (q) Performing any treatment or prescribing any therapy
1445 which, by the prevailing standards of the mental health
1446 professions in the community, would constitute experimentation
1447 on human subjects, without first obtaining full, informed, and
1448 written consent.

1449 (r) Failing to meet the minimum standards of performance in
1450 professional activities when measured against generally

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1451 prevailing peer performance, including the undertaking of
1452 activities for which the licensee, registered intern, or
1453 certificateholder is not qualified by training or experience.

1454 (s) Delegating professional responsibilities to a person
1455 who the licensee, registered intern, or certificateholder knows
1456 or has reason to know is not qualified by training or experience
1457 to perform such responsibilities.

1458 (t) Violating a rule relating to the regulation of the
1459 profession or a lawful order of the department or the board
1460 previously entered in a disciplinary hearing.

1461 (u) Failure of the licensee, registered intern, or
1462 certificateholder to maintain in confidence a communication made
1463 by a patient or client in the context of such services, except
1464 as provided in s. 491.0147.

1465 (v) Making public statements which are derived from test
1466 data, client contacts, or behavioral research and which identify
1467 or damage research subjects or clients.

1468 (w) Violating any provision of this chapter or chapter 456,
1469 or any rules adopted pursuant thereto.

1470 (2) (a) The board or, in the case of certified master social
1471 workers, the department may enter an order denying licensure or
1472 imposing any of the penalties authorized in s. 456.072(2)
1473 against any applicant for licensure or any licensee who violates
1474 subsection (1) or s. 456.072(1).

1475 (b) The board may take adverse action against a clinical
1476 social worker's, a marriage and family therapist's, or a mental
1477 health counselor's privilege to practice under the Professional
1478 Counselors Licensure Compact pursuant to s. 491.017 and may
1479 impose any of the penalties in s. 456.072(2) if the clinical

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1480 social worker, marriage and family therapist, or mental health
1481 counselor commits an act specified in subsection (1) or s.
1482 456.072(1).

1483 (c) The board may take adverse action against a social
1484 worker's multistate authorization to practice under the Social
1485 Work Licensure Compact pursuant to s. 491.022 and may impose any
1486 of the penalties in s. 456.072(2) if the social worker commits
1487 an act specified in subsection (1) or s. 456.072(1).

1488 Section 8. Paragraph (m) is added to subsection (10) of
1489 section 768.28, Florida Statutes, to read:

1490 768.28 Waiver of sovereign immunity in tort actions;
1491 recovery limits; civil liability for damages caused during a
1492 riot; limitation on attorney fees; statute of limitations;
1493 exclusions; indemnification; risk management programs.—

1494 (10)

1495 (m) For purposes of this section, the individual appointed
1496 under s. 491.004(9) as the state's delegate on the Social Work
1497 Licensure Compact Commission, when serving in that capacity
1498 pursuant to s. 491.022, and any administrator, officer,
1499 executive director, employee, or representative of the
1500 commission, when acting within the scope of his or her
1501 employment, duties, or responsibilities in this state, is
1502 considered an agent of the state. The commission shall pay any
1503 claims or judgments pursuant to this section and may maintain
1504 insurance coverage to pay any such claims or judgments.

1505 Section 9. This act shall take effect July 1, 2025.