

By Senator Harrell

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1 A bill to be entitled
2 An act relating to the certification of developmental
3 disabilities services personnel; creating s. 393.0659,
4 F.S.; providing legislative intent; defining the terms
5 "certification" and "third-party credentialing
6 entity"; beginning on a specified date, requiring that
7 all support coordinators and certain direct service
8 providers obtain and maintain certification by a
9 third-party credentialing entity; specifying that
10 certification of direct service providers is subject
11 to certain appropriations; requiring the Agency for
12 Persons with Disabilities to approve one or more
13 third-party credentialing entities; specifying
14 criteria for approval of third-party credentialing
15 entities; requiring the agency to approve certain
16 third-party credentialing entities under certain
17 circumstances; requiring the agency to approve at
18 least one third-party credentialing entity by a
19 specified date; providing that the agency must require
20 employers of support coordinators and direct service
21 providers to report certain information to the third-
22 party credentialing entity for a specified purpose;
23 providing for the review and appeal of decisions made
24 by third-party credentialing entities; authorizing the
25 agency to adopt rules; providing effective dates.

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

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29 Section 1. Section 393.0659, Florida Statutes, is created

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30 to read:

31 393.0659 Certification of support coordinators and certain
32 direct service providers; agency duties; rulemaking.-

33 (1) LEGISLATIVE INTENT.-To enable the state to provide a
34 systematic approach to staff development for persons providing
35 care to individuals with developmental disabilities, it is the
36 intent of the Legislature that the agency work in collaboration
37 with relevant stakeholders to ensure that staff have the
38 knowledge, skills, and abilities necessary to competently
39 provide services to individuals with developmental disabilities
40 by requiring all support coordinators and direct service
41 providers who work in residential facilities and are not
42 otherwise licensed or certified pursuant to state law to earn
43 and maintain a professional certification issued by a third-
44 party credentialing entity approved by the agency.

45 (2) DEFINITIONS.-As used in this section, the term:

46 (a) "Certification" means a professional credential awarded
47 by an approved third-party credentialing entity to individuals
48 demonstrating core competency in providing services to persons
49 with developmental disabilities and adherence to established
50 standards of professional ethics in the performance of their
51 duties.

52 (b) "Third-party credentialing entity" means an agency-
53 approved nonprofit organization that develops and administers
54 professional, facility, or organization certification programs
55 according to applicable nationally recognized certification or
56 psychometric standards.

57 (3) CERTIFICATION REQUIRED FOR SUPPORT COORDINATORS AND
58 CERTAIN DIRECT SERVICE PROVIDERS.-Effective July 1, 2021:

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59 (a) All support coordinators shall earn and maintain
60 certification issued by a third-party credentialing entity.

61 (b) All direct service providers who are not otherwise
62 licensed or certified pursuant to state law shall earn and
63 maintain certification issued by a third-party credentialing
64 entity.

65 (c) The requirement for direct service providers to earn
66 and maintain certification as provided in paragraph (b) is
67 subject to appropriations sufficient to develop and operate the
68 certification program for direct service providers.

69 (4) THIRD-PARTY CREDENTIALING ENTITIES.—

70 (a) The agency shall approve one or more third-party
71 credentialing entities for the purposes of developing and
72 administering certification programs for individuals who provide
73 services to individuals with developmental disabilities as
74 support coordinators or direct service providers. To obtain
75 approval, a third-party credentialing entity must:

76 1. Demonstrate compliance with nationally recognized
77 standards for developing and administering professional
78 certification programs to certify individuals who provide
79 services to individuals with developmental disabilities as
80 support coordinators or direct service providers;

81 2. Establish professional requirements and standards that
82 applicants for certification must achieve to obtain and maintain
83 certification;

84 3. Develop core competencies and examination instruments
85 according to nationally recognized certification or psychometric
86 standards;

87 4. Maintain a professional code of ethics and a

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88 disciplinary process that apply to all certificateholders under
89 this section;

90 5. Maintain a publicly accessible database of all
91 certificateholders under this section, including any history of
92 ethical or disciplinary violations;

93 6. Require biennial continuing education for
94 certificateholders under this section;

95 7. Administer a continuing education provider program to
96 ensure that only qualified providers offer continuing education
97 opportunities for certificateholders; and

98 8. Maintain an advisory committee, including
99 representatives from the agency, agency-recognized service
100 providers, and other relevant stakeholders. The third-party
101 credentialing entity may appoint additional members to the
102 advisory committee.

103 (b) The agency shall approve a third-party credentialing
104 entity that has been approved pursuant to s. 402.40(3) or s.
105 397.321(15) and that meets the requirements of this section.

106 (5) DUTIES OF THE AGENCY.—

107 (a) By October 1, 2020, the agency must approve at least
108 one third-party credentialing entity for the purposes of
109 developing and administering certification programs for support
110 coordinators and direct service providers.

111 (b) The agency shall require all employers of support
112 coordinators and direct service providers to report any
113 violation of ethical or professional conduct to the third-party
114 credentialing entity to ensure that certificateholders comply
115 with the professional code of ethics and disciplinary process
116 established under paragraph (4) (a).

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117 (6) DUE PROCESS.—Any decision by an approved third-party
118 credentialing entity to deny, revoke, or suspend a
119 certification, or otherwise impose sanctions on a
120 certificateholder, is reviewable by the agency. Upon receiving
121 an adverse determination, the certificateholder may request an
122 administrative hearing pursuant to ss. 120.569 and 120.57(1)
123 within 30 days after completing any appeals process offered by
124 the third-party credentialing entity or the agency, as
125 applicable.

126 (7) RULEMAKING.—The agency may adopt rules to implement
127 this section.

128 Section 2. Except as otherwise expressly provided in this
129 act, this act shall take effect July 1, 2020.