

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; providing
5 definitions; requiring certain direct service
6 providers and support coordinators to obtain and
7 maintain certification issued by a third-party
8 credentialing entity approved by the Agency for
9 Persons with Disabilities by a specified date;
10 providing that the certification of direct service
11 providers is contingent on sufficient appropriations
12 for such purpose; requiring the agency to approve
13 third-party credentialing entities that meet specified
14 requirements; requiring employers of direct service
15 providers and support coordinators to report ethical
16 or professional conduct violations to the third-party
17 credentialing entity; requiring that the agency
18 approve a third-party credentialing entity by a
19 specified date; providing due process; authorizing the
20 agency to adopt rules; providing effective dates.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 393.0659, Florida Statutes, is created
25 to read:

26 393.0659 Certification of direct service providers and
27 support coordinators; agency duties; rulemaking.—

28 (1) LEGISLATIVE INTENT.—In order to enable the state to
29 provide a systematic approach to staff development and training
30 for persons providing direct care to individuals with
31 developmental disabilities, it is the intent of the Legislature
32 that the agency work in collaboration with developmental
33 disabilities stakeholders, including agency-approved third-party
34 credentialing entities, to ensure that staff has the knowledge,
35 skills, and abilities necessary to competently provide services
36 to individuals with disabilities. Furthermore, it is the intent
37 of the Legislature to require direct service providers and
38 support coordinators who work in residential facilities and who
39 are not otherwise licensed or certified under state law to
40 obtain and maintain a professional certification issued by a
41 third-party credentialing entity approved by the agency.

42 (2) DEFINITIONS.—As used in this section, the term:

43 (a) "Certification" means a professional credential
44 awarded by an agency-approved, third-party credentialing entity
45 to persons who demonstrate core competency in providing services
46 to individuals with developmental disabilities and who adhere to
47 established standards of professional ethics in the performance
48 of their duties.

49 (b) "Direct service provider" has the same meaning as
50 provided in s. 393.063.

51 (c) "Support coordinator" has the same meaning as provided
52 in s. 393.063.

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

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

59 (a) A direct service provider who is not otherwise
60 licensed or certified under state law must obtain and maintain a
61 certification issued by a third-party credentialing entity
62 approved by the agency. Such requirement is contingent upon
63 appropriations sufficient to develop and operate the
64 certification program for direct service providers.

65 (b) A support coordinator must obtain and maintain a
66 certification issued by a third-party credentialing entity.

67 (4) THIRD-PARTY CREDENTIALING ENTITIES.—

68 (a) The agency shall approve one or more third-party
69 credentialing entities for the purpose of developing and
70 administering certification programs for persons who provide
71 services to individuals with developmental disabilities as
72 direct service providers or support coordinators. A third-party
73 credentialing entity shall submit a written request to the
74 agency for such approval. In order to obtain approval, the
75 third-party credentialing entity must:

76 1. Establish professional requirements and standards that
77 applicants for certification must achieve in order to obtain and
78 maintain certification.

79 2. Develop core competencies and examination instruments
80 according to nationally recognized certification and
81 psychometric standards.

82 3. Maintain a professional code of ethics and a
83 disciplinary process that apply to certificateholders under this
84 section.

85 4. Maintain a database that is accessible to the public
86 which identifies certificateholders under this section,
87 including any history of ethical violations.

88 5. Require biennial continuing education for
89 certificateholders under this section.

90 6. Administer a continuing education provider program to
91 ensure that only qualified providers offer continuing education
92 opportunities for certificateholders.

93 7. Maintain an advisory committee that consists of
94 representatives from the agency, agency-recognized service
95 providers, and other relevant stakeholders. The third-party
96 credentialing entity may appoint additional members to the
97 advisory committee.

98 (b) Employers of direct service providers and support
99 coordinators shall report any ethical or professional conduct
100 violations to the agency-approved third-party credentialing

101 entity to ensure continued compliance with a professional code
102 of ethics and disciplinary process as established under
103 paragraph (a).

104 (5) DUTIES OF THE AGENCY.—By October 1, 2020, the agency
105 must approve at least one third-party credentialing entity for
106 the purposes of developing and administering certification
107 programs for support coordinators and direct service providers.
108 The agency shall approve a third-party credentialing entity that
109 has been approved pursuant to s. 397.321(15) or s. 402.40(3) and
110 meets the requirements of this section.

111 (6) DUE PROCESS.—Any decision by an approved third-party
112 credentialing entity to deny, revoke, or suspend a
113 certification, or otherwise impose sanctions on an individual
114 who is certified, is reviewable by the agency. Upon receiving an
115 adverse determination, the person aggrieved may request an
116 administrative hearing pursuant to ss. 120.569 and 120.57(1)
117 within 30 days after completing any appeals process offered by
118 the third-party credentialing entity or the agency, as
119 applicable.

120 (7) RULEMAKING.—The agency may adopt rules to implement
121 this section.

122 Section 2. This act shall take effect July 1, 2020.