

By Senator Harrell

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1 A bill to be entitled
2 An act relating to the Agency for Persons with
3 Disabilities; creating s. 393.0659, F.S.; providing
4 legislative intent; defining the terms "certification"
5 and "third-party credentialing entity"; beginning on a
6 specified date, requiring that all support
7 coordinators and certain direct service providers
8 obtain and maintain certification by a third-party
9 credentialing entity; requiring third-party
10 credentialing entities to charge support coordinators
11 a fee sufficient to cover certain costs; subjecting
12 certification of direct service providers to an
13 appropriation; prohibiting direct service providers
14 from being charged certain fees; requiring the Agency
15 for Persons with Disabilities to approve one or more
16 third-party credentialing entities; setting criteria
17 for approval of third-party credentialing entities;
18 requiring the agency to approve at least one third-
19 party credentialing entity by a certain date;
20 providing for appeal of decisions made by third-party
21 credentialing entities; authorizing the agency to
22 adopt rules; providing effective dates.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 393.0659, Florida Statutes, is created
27 to read:

28 393.0659 Florida Certification Board; certification system
29 for Agency for Persons with Disabilities.-

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30 (1) LEGISLATIVE INTENT.—To enable the state to provide a
31 systematic approach to staff development and training for
32 persons providing direct care to individuals with developmental
33 disabilities, it is the intent of the Legislature that the
34 agency require all support coordinators and direct service
35 providers who work in residential facilities and are not
36 otherwise licensed or certified pursuant to state law to earn
37 and maintain certification issued by a third-party credentialing
38 entity approved by the agency.

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

40 (a) "Certification" means a professional credential awarded
41 by an approved third-party credentialing entity to individuals
42 demonstrating core competency in providing services to persons
43 with developmental disabilities and adherence to established
44 standards of professional ethics in the performance of their
45 duties.

46 (b) "Third-party credentialing entity" means an agency-
47 approved nonprofit organization that develops and administers
48 professional, facility, or organization certification programs
49 according to applicable nationally recognized certification or
50 psychometric standards.

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

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

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

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59 (c) The requirement for direct service providers to earn
60 and maintain certification as provided in paragraph (b) is
61 subject to appropriations sufficient to develop and operate the
62 certification program for direct service providers. Direct
63 service providers may not be personally charged a certification
64 application fee, initial test fee, renewal fee, or reinstatement
65 fee.

66 (4) THIRD-PARTY CREDENTIALING ENTITIES.—

67 (a) The agency shall approve one or more third-party
68 credentialing entities for the purposes of developing and
69 administering certification programs for individuals who provide
70 support coordination and specified direct services to
71 individuals with developmental disabilities. To obtain approval,
72 a third-party credentialing entity must:

73 1. Demonstrate compliance with nationally recognized
74 standards for developing and administering professional
75 certification programs to certify individuals who provide
76 support coordination and specified direct services to
77 individuals with developmental disabilities;

78 2. Establish professional requirements and standards that
79 applicants must meet to obtain and maintain such certification;

80 3. Develop core competencies and examination instruments
81 according to nationally recognized certification or psychometric
82 standards;

83 4. Maintain a professional code of ethics and a
84 disciplinary process that apply to all persons holding
85 certification;

86 5. Maintain a publicly accessible database of all persons
87 holding certification, including any history of ethical or

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88 disciplinary violations;

89 6. Require annual continuing education for persons holding
90 certification;

91 7. Administer a continuing education provider program to
92 ensure that only qualified providers offer continuing education
93 opportunities for persons holding certification; and

94 8. Maintain an advisory committee, including
95 representatives from the agency, agency-recognized service
96 providers, and other stakeholders. The third-party credentialing
97 entity may appoint additional members to the advisory committee.

98 (b) The agency shall approve a third-party credentialing
99 entity that has been approved pursuant to s. 402.40(3) or s.
100 397.321(15) which also meets the requirements of this section.

101 (5) DUTIES OF THE AGENCY.—The agency must approve at least
102 one credentialing entity by October 1, 2020, for the purposes of
103 developing and administering certification programs for support
104 coordinators and direct service providers.

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

114 (7) RULEMAKING.—The agency may adopt rules to implement
115 this section.

116 Section 2. Except as otherwise expressly provided in this

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117 act, this act shall take effect July 1, 2020.