

By Senator Harrell

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1                                   A bill to be entitled  
2       An act relating to the certification of individuals  
3       who provide child and adult protective services;  
4       amending s. 39.101, F.S.; requiring the Department of  
5       Children and Families to approve third-party  
6       credentialing entities to certify counselors and  
7       supervisors who serve the central abuse hotline by a  
8       specified date; requiring the department to approve  
9       entities who meet certain requirements; defining the  
10      term "third-party credentialing entity"; requiring  
11      certain personnel to be certified by a specified date;  
12      requiring newly hired hotline counselors and  
13      supervisors to obtain certification within a specified  
14      timeframe; providing a review and appeal process for  
15      certifications that are denied, revoked, or suspended  
16      or sanctions that are imposed by a third-party  
17      credentialing entity; amending s. 402.40, F.S.;  
18      providing a review and appeal process for child  
19      welfare administration certifications that are denied,  
20      revoked, or suspended or sanctions that are imposed by  
21      a third-party credentialing entity; amending s.  
22      415.101, F.S.; revising legislative intent regarding  
23      the certification of individuals who provide adult  
24      protective services; amending s. 415.1105, F.S.;  
25      requiring the department to approve third-party  
26      credentialing entities to certify certain individuals  
27      who provide adult protective services and their  
28      supervisors; defining the term "third-party  
29      credentialing entity"; requiring certain personnel to

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30 be certified by a specified date; requiring newly  
31 hired individuals to obtain certification within a  
32 specified timeframe; providing a review and appeal  
33 process for certifications that are denied, revoked,  
34 or suspended or sanctions that are imposed by a third-  
35 party credentialing entity; making technical changes;  
36 providing an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Subsection (6) is added to section 39.101,  
41 Florida Statutes, to read:

42 39.101 Central abuse hotline.—The central abuse hotline is  
43 the first step in the safety assessment and investigation  
44 process.

45 (6) THIRD-PARTY CREDENTIALING ENTITIES.—The department  
46 shall approve one or more third-party credentialing entities by  
47 July 1, 2022, for the purpose of developing and administering a  
48 certification program for hotline counselors responding to  
49 reports of abuse, abandonment, or neglect and their supervisors  
50 pursuant to this section and s. 415.103. The department must  
51 approve any credentialing entity that it endorses pursuant to s.  
52 402.40(3) if the credentialing entity also meets the  
53 requirements of this section. As used in this subsection, the  
54 term “third-party credentialing entity” has the same meaning as  
55 in s. 402.40.

56 (a) By July 1, 2022, all hotline counselors and supervisors  
57 shall hold a valid certification from a third-party  
58 credentialing entity. A counselor or supervisor hired after July

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59 1, 2022, shall obtain a valid certification within 6 months  
60 after being hired to that position.

61 (b) Any decision by a third-party credentialing entity to  
62 deny, revoke, or suspend a certification, or otherwise impose  
63 sanctions on an individual who is certified, is reviewable by  
64 the department. Upon receiving an adverse determination, the  
65 person aggrieved may request an administrative hearing pursuant  
66 to ss. 120.569 and 120.57(1) within 30 days after completing any  
67 appeals process offered by the credentialing entity or the  
68 department, as applicable.

69 Section 2. Subsection (3) of section 402.40, Florida  
70 Statutes, is amended to read:

71 402.40 Child welfare training and certification.—

72 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department  
73 shall approve one or more third-party credentialing entities for  
74 the purpose of developing and administering child welfare  
75 certification programs for persons who provide child welfare  
76 services. A third-party credentialing entity must ~~shall~~ request  
77 such approval in writing from the department. In order to obtain  
78 approval, the third-party credentialing entity must:

79 (a) Establish professional requirements and standards that  
80 applicants must achieve in order to obtain a child welfare  
81 certification and to maintain such certification.

82 (b) Develop and apply core competencies and examination  
83 instruments according to nationally recognized certification and  
84 psychometric standards.

85 (c) Maintain a professional code of ethics and a  
86 disciplinary process that apply to all persons holding child  
87 welfare certification.

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88 (d) Maintain a database, accessible to the public, of all  
89 persons holding child welfare certification, including any  
90 history of ethical violations.

91 (e) Require annual continuing education for persons holding  
92 child welfare certification.

93 (f) Administer a continuing education provider program to  
94 ensure that only qualified providers offer continuing education  
95 opportunities for certificateholders.

96 (g) Review the findings and all relevant records involving  
97 the death of a child or other critical incident following  
98 completion of any reviews by the department, the inspector  
99 general, or the Office of the Attorney General. Such review may  
100 occur only upon the filing of a complaint from an outside party  
101 involving certified personnel. This review shall assess the  
102 certified personnel's compliance with the third-party  
103 credentialing entity's published code of ethical and  
104 professional conduct and disciplinary procedures.

105 (h) Maintain an advisory committee, including  
106 representatives from each region of the department, each  
107 sheriff's office providing child protective services, and each  
108 community-based care lead agency, who shall be appointed by the  
109 organization they represent. The third-party credentialing  
110 entity may appoint additional members to the advisory committee.

111  
112 Any decision by a third-party credentialing entity to deny,  
113 revoke, or suspend a certification, or otherwise impose  
114 sanctions on an individual who is certified, is reviewable by  
115 the department. Upon receiving an adverse determination, the  
116 person aggrieved may request an administrative hearing pursuant

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117 to ss. 120.569 and 120.57(1) within 30 days after completing any  
118 appeals process offered by the credentialing entity or the  
119 department, as applicable.

120 Section 3. Subsection (2) of section 415.101, Florida  
121 Statutes, is amended to read:

122 415.101 Adult Protective Services Act; legislative intent.—

123 (2) The Legislature recognizes that there are many persons  
124 in this state who, because of age or disability, are in need of  
125 protective services. These ~~Such~~ services should allow such an  
126 individual the same rights as other citizens and, at the same  
127 time, protect the individual from abuse, neglect, and  
128 exploitation. It is the intent of the Legislature to provide for  
129 the detection and correction of abuse, neglect, and exploitation  
130 through social services and criminal investigations and to  
131 establish a program staffed by persons who hold a professional  
132 certification from a third-party credentialing entity approved  
133 by the Department of Children and Families to provide ~~of~~  
134 protective services for all vulnerable adults in need of them.  
135 It is intended that the mandatory reporting of such cases will  
136 cause the protective services of the state to be brought to bear  
137 in an effort to prevent further abuse, neglect, and exploitation  
138 of vulnerable adults. In taking this action, the Legislature  
139 intends to place the fewest possible restrictions on personal  
140 liberty and the exercise of constitutional rights, consistent  
141 with due process and protection from abuse, neglect, and  
142 exploitation. Further, the Legislature intends to encourage the  
143 constructive involvement of families in the care and protection  
144 of vulnerable adults.

145 Section 4. Section 415.1105, Florida Statutes, is amended

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146 to read:

147 415.1105 Third-party credentialing entities; certification;  
148 training programs.~~The department shall:~~

149 (1) Approve one or more third-party credentialing entities  
150 for the purpose of developing and administering adult protective  
151 services certification programs for persons who provide adult  
152 protective services under this chapter and their supervisors. As  
153 used in this subsection, the term "third-party credentialing  
154 entity" has the same meaning as in s. 402.40.

155 (a) By July 1, 2022, any person who provides adult  
156 protective services under this chapter or supervises such  
157 persons shall hold a valid certification from a third-party  
158 credentialing entity. Any person who is hired after July 1,  
159 2022, to such a position shall obtain a valid certification  
160 within 6 months after being hired to that position.

161 (b) Any decision by a third-party credentialing entity to  
162 deny, revoke, or suspend a certification, or otherwise impose  
163 sanctions on an individual who is certified, is reviewable by  
164 the department. Upon receiving an adverse determination, the  
165 person aggrieved may request an administrative hearing pursuant  
166 to ss. 120.569 and 120.57(1) within 30 days after completing any  
167 appeals process offered by the credentialing entity or the  
168 department, as applicable.

169 (2) ~~The department shall,~~ Within available resources,  
170 provide appropriate preservice and inservice training for adult  
171 protective investigation staff.

172 (3)~~(2)~~ Within available resources, ~~the department shall~~  
173 cooperate with other appropriate agencies in developing and  
174 providing preservice and inservice training programs for those

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175 persons specified in s. 415.1034(1)(a).

176 Section 5. This act shall take effect upon becoming a law.