

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 that 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 | credentiaing entities to certify certain individuals
 27 | who provide adult protective services and their
 28 | supervisors; defining the term "third-party
 29 | credentiaing entity"; requiring certain personnel to
 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 credentiaing entity; making technical changes;
 36 | providing an effective date.

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

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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 credentiaing 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

HB477

2022

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(2).

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

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
 92 | holding 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

HB477

2022

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
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
123 intent.—

124 (2) The Legislature recognizes that there are many persons
125 in this state who, because of age or disability, are in need of

HB477

2022

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

146 Section 4. Section 415.1105, Florida Statutes, is amended
147 to read:

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

150 (1) Approve one or more third-party credentialing entities

HB477

2022

151 for the purpose of developing and administering adult protective
152 services certification programs for persons who provide adult
153 protective services under this chapter and their supervisors. As
154 used in this subsection, the term "third-party credentialing
155 entity" has the same meaning as in s. 402.40(2).

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

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

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

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

HB477

2022

176 | persons specified in s. 415.1034(1)(a).

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