

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. 402.40, F.S.; providing a review and  
 5           appeal process for child welfare administration  
 6           certifications that are denied, revoked, or suspended  
 7           or sanctions that are imposed by a third-party  
 8           credentialing entity; amending s. 415.101, F.S.;;  
 9           revising legislative intent regarding the  
 10          certification of individuals who provide adult  
 11          protective services; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Subsection (3) of section 402.40, Florida  
 16 Statutes, is amended to read:

17           402.40 Child welfare training and certification.—

18           (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department  
 19 shall approve one or more third-party credentialing entities for  
 20 the purpose of developing and administering child welfare  
 21 certification programs for persons who provide child welfare  
 22 services. A third-party credentialing entity must ~~shall~~ request  
 23 such approval in writing from the department. In order to obtain  
 24 approval, the third-party credentialing entity must:

25           (a) Establish professional requirements and standards that  
 26 applicants must achieve in order to obtain a child welfare  
 27 certification and to maintain such certification.

28           (b) Develop and apply core competencies and examination  
 29 instruments according to nationally recognized certification and

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30 psychometric standards.

31 (c) Maintain a professional code of ethics and a  
32 disciplinary process that apply to all persons holding child  
33 welfare certification.

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

37 (e) Require annual continuing education for persons holding  
38 child welfare certification.

39 (f) Administer a continuing education provider program to  
40 ensure that only qualified providers offer continuing education  
41 opportunities for certificateholders.

42 (g) Review the findings and all relevant records involving  
43 the death of a child or other critical incident following  
44 completion of any reviews by the department, the inspector  
45 general, or the Office of the Attorney General. Such review may  
46 occur only upon the filing of a complaint from an outside party  
47 involving certified personnel. This review shall assess the  
48 certified personnel's compliance with the third-party  
49 credentialing entity's published code of ethical and  
50 professional conduct and disciplinary procedures.

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

57  
58 Any decision by a third-party credentialing entity to deny,

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

66 Section 2. Subsection (2) of section 415.101, Florida  
67 Statutes, is amended to read:

68 415.101 Adult Protective Services Act; legislative intent.—

69 (2) The Legislature recognizes that there are many persons  
70 in this state who, because of age or disability, are in need of  
71 protective services. These ~~Such~~ services should allow such an  
72 individual the same rights as other citizens and, at the same  
73 time, protect the individual from abuse, neglect, and  
74 exploitation. It is the intent of the Legislature to provide for  
75 the detection and correction of abuse, neglect, and exploitation  
76 through social services and criminal investigations and to  
77 establish a program staffed by persons who hold a professional  
78 certification from a third-party credentialing entity approved  
79 by the Department of Children and Families to provide ~~of~~  
80 protective services for all vulnerable adults in need of them.  
81 It is intended that the mandatory reporting of such cases will  
82 cause the protective services of the state to be brought to bear  
83 in an effort to prevent further abuse, neglect, and exploitation  
84 of vulnerable adults. In taking this action, the Legislature  
85 intends to place the fewest possible restrictions on personal  
86 liberty and the exercise of constitutional rights, consistent  
87 with due process and protection from abuse, neglect, and

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88 exploitation. Further, the Legislature intends to encourage the  
89 constructive involvement of families in the care and protection  
90 of vulnerable adults.

91 Section 3. This act shall take effect upon becoming a law.