

By the Committee on Health Regulation and Representatives
Farkas, Sobel, Alexander, Ritter, Harrell and Wishner

1 A bill to be entitled
2 An act relating to nursing; amending s.
3 240.4075, F.S.; transferring the Nursing
4 Student Loan Forgiveness Program from the
5 Department of Education to the Department of
6 Health; including public schools, family
7 practice teaching hospitals, and specialty
8 hospitals for children as eligible facilities
9 under the program; exempting such facilities
10 from the fund-matching requirements of the
11 program; amending s. 240.4076, F.S.;
12 transferring the nursing scholarship program
13 from the Department of Education to the
14 Department of Health; providing requirements
15 under the program for students seeking to
16 qualify for a nursing faculty position and
17 receive credit for work in such a position;
18 including nursing homes, hospitals, public
19 schools, colleges of nursing, and community
20 college nursing programs as eligible facilities
21 under the program; transferring powers, duties,
22 functions, rules, records, personnel, property,
23 and appropriations and other funds relating to
24 the Nursing Student Loan Forgiveness Program
25 and the nursing scholarship program from the
26 Department of Education to the Department of
27 Health; amending s. 240.40201, F.S.; granting
28 nursing students priority in receiving a
29 Florida Bright Futures Scholarship; amending s.
30 464.005, F.S.; providing for future relocation
31 of the headquarters of the Board of Nursing;

1 amending s. 464.008, F.S.; revising education
2 requirements for licensure by examination;
3 amending s. 464.009, F.S.; revising
4 requirements for licensure by endorsement;
5 requiring submission of fingerprints for a
6 criminal history check and a fee to cover the
7 costs of such check; providing for an
8 electronic applicant notification process;
9 amending s. 464.0205, F.S.; deleting the
10 application and processing fee for applicants
11 for a retired volunteer nurse certificate;
12 providing effective dates.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16 Section 1. Section 240.4075, Florida Statutes, is
17 amended to read:

18 240.4075 Nursing Student Loan Forgiveness Program.--

19 (1) To encourage qualified personnel to seek
20 employment in areas of this state in which critical nursing
21 shortages exist, there is established the Nursing Student Loan
22 Forgiveness Program. The primary function of the program is
23 to increase employment and retention of registered nurses and
24 licensed practical nurses in nursing homes and hospitals in
25 the state and in state-operated medical and health care
26 facilities, public schools, birth centers, and federally
27 sponsored community health centers ~~and teaching hospitals~~ by
28 making repayments toward loans received by students from
29 federal or state programs or commercial lending institutions
30 for the support of postsecondary study in accredited or
31 approved nursing programs.

1 (2) To be eligible, a candidate must have graduated
2 from an accredited or approved nursing program and have
3 received a Florida license as a licensed practical nurse or a
4 registered nurse or a Florida certificate as an advanced
5 registered nurse practitioner.

6 (3) Only loans to pay the costs of tuition, books, and
7 living expenses shall be covered, at an amount not to exceed
8 \$4,000 for each year of education towards the degree obtained.

9 (4) Receipt of funds pursuant to this program shall be
10 contingent upon continued proof of employment in the
11 designated facilities in this state. Loan principal payments
12 shall be made by the Department of Health ~~Education~~ directly
13 to the federal or state programs or commercial lending
14 institutions holding the loan as follows:

15 (a) Twenty-five percent of the loan principal and
16 accrued interest shall be retired after the first year of
17 nursing;

18 (b) Fifty percent of the loan principal and accrued
19 interest shall be retired after the second year of nursing;

20 (c) Seventy-five percent of the loan principal and
21 accrued interest shall be retired after the third year of
22 nursing; and

23 (d) The remaining loan principal and accrued interest
24 shall be retired after the fourth year of nursing.

25
26 In no case may payment for any nurse exceed \$4,000 in any
27 12-month period.

28 (5) There is created the Nursing Student Loan
29 Forgiveness Trust Fund to be administered by the Department of
30 Health ~~Education~~ pursuant to this section and s. 240.4076 and
31 department rules. The Comptroller shall authorize

1 expenditures from the trust fund upon receipt of vouchers
2 approved by the Department of Health ~~Education~~. All moneys
3 collected from the private health care industry and other
4 private sources for the purposes of this section shall be
5 deposited into the Nursing Student Loan Forgiveness Trust
6 Fund. Any balance in the trust fund at the end of any fiscal
7 year shall remain therein and shall be available for carrying
8 out the purposes of this section and s. 240.4076.

9 (6) In addition to licensing fees imposed under part I
10 of chapter 464, there is hereby levied and imposed an
11 additional fee of \$5, which fee shall be paid upon licensure
12 or renewal of nursing licensure. Revenues collected from the
13 fee imposed in this subsection shall be deposited in the
14 Nursing Student Loan Forgiveness Trust Fund of the Department
15 of Health ~~Education~~ and will be used solely for the purpose of
16 carrying out the provisions of this section and s. 240.4076.
17 Up to 50 percent of the revenues appropriated to implement
18 this subsection may be used for the nursing scholarship
19 program established pursuant to s. 240.4076.

20 (7)(a) Funds contained in the Nursing Student Loan
21 Forgiveness Trust Fund which are to be used for loan
22 forgiveness for those nurses employed by hospitals, birth
23 centers, and nursing homes must be matched on a
24 dollar-for-dollar basis by contributions from the employing
25 institutions, except that this provision shall not apply to
26 state-operated medical and health care facilities, public
27 schools, county health departments, federally sponsored
28 community health centers, ~~or~~ teaching hospitals as defined in
29 s. 408.07, family practice teaching hospitals as defined in s.
30 395.805, or specialty hospitals for children as used in s.
31 409.9119. If in any given fiscal quarter there are

1 insufficient funds in the trust fund to grant all eligible
2 applicant requests, awards shall be based on the following
3 priority of employer: county health departments; federally
4 sponsored community health centers; state-operated medical and
5 health care facilities; public schools; teaching hospitals as
6 defined in s. 408.07; family practice teaching hospitals as
7 defined in s. 395.805; specialty hospitals for children as
8 used in s. 409.9119; and other hospitals, birth centers, and
9 nursing homes.

10 (b) All Nursing Student Loan Forgiveness Trust Fund
11 moneys shall be invested pursuant to s. 18.125. Interest
12 income accruing to that portion of the trust fund not matched
13 shall increase the total funds available for loan forgiveness
14 and scholarships. Pledged contributions shall not be eligible
15 for matching prior to the actual collection of the total
16 private contribution for the year.

17 (8) The Department of Health ~~Education~~ may solicit
18 technical assistance relating to the conduct of this program
19 from the Department of Education ~~Health~~.

20 (9) The Department of Health ~~Education~~ is authorized
21 to recover from the Nursing Student Loan Forgiveness Trust
22 Fund its costs for administering the Nursing Student Loan
23 Forgiveness Program.

24 (10) The Department of Health ~~Education~~ may adopt
25 rules necessary to administer this program.

26 (11) This section shall be implemented only as
27 specifically funded.

28 Section 2. Section 240.4076, Florida Statutes, is
29 amended to read:

30 240.4076 Nursing scholarship program.--

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1 (1) There is established within the Department of
2 ~~Health Education~~ a scholarship program for the purpose of
3 attracting capable and promising students to the nursing
4 profession.

5 (2) A scholarship applicant shall be enrolled as a
6 full-time or part-time student in the upper division of an
7 approved nursing program leading to the award of a
8 baccalaureate degree or graduate degree to qualify for a
9 nursing faculty position or as an ~~or any~~ advanced registered
10 nurse practitioner ~~degree~~ or be enrolled as a full-time or
11 part-time student in an approved program leading to the award
12 of an associate degree in nursing ~~or a diploma in nursing~~.

13 (3) A scholarship may be awarded for no more than 2
14 years, in an amount not to exceed \$8,000 per year. However,
15 registered nurses pursuing a graduate degree for a faculty
16 position or to practice as an advanced registered nurse
17 practitioner ~~degree~~ may receive up to \$12,000 per year.
18 Beginning July 1, 1998, these amounts shall be adjusted by the
19 amount of increase or decrease in the consumer price index for
20 urban consumers published by the United States Department of
21 Commerce.

22 (4) Credit for repayment of a scholarship shall be as
23 follows:

24 (a) For each full year of scholarship assistance, the
25 recipient agrees to work for 12 months in a faculty position
26 in a college of nursing or community college nursing program
27 in this state or at a health care facility in a medically
28 underserved area as approved by the Department of Health
29 ~~Education~~. Scholarship recipients who attend school on a
30 part-time basis shall have their employment service obligation
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1 prorated in proportion to the amount of scholarship payments
2 received.

3 (b) Eligible health care facilities include nursing
4 homes and hospitals in this state, state-operated medical or
5 health care facilities, public schools, county health
6 departments, federally sponsored community health centers,
7 colleges of nursing in universities in this state, and
8 community college nursing programs in this state ~~or teaching~~
9 ~~hospitals as defined in s. 408.07.~~ The recipient shall be
10 encouraged to complete the service obligation at a single
11 employment site. If continuous employment at the same site is
12 not feasible, the recipient may apply to the department for a
13 transfer to another approved health care facility.

14 (c) Any recipient who does not complete an appropriate
15 program of studies or who does not become licensed shall repay
16 to the Department of Health Education, on a schedule to be
17 determined by the department, the entire amount of the
18 scholarship plus 18 percent interest accruing from the date of
19 the scholarship payment. Moneys repaid shall be deposited into
20 the Nursing Student Loan Forgiveness Trust Fund established in
21 s. 240.4075. However, the department may provide additional
22 time for repayment if the department finds that circumstances
23 beyond the control of the recipient caused or contributed to
24 the default.

25 (d) Any recipient who does not accept employment as a
26 nurse at an approved health care facility or who does not
27 complete 12 months of approved employment for each year of
28 scholarship assistance received shall repay to the Department
29 of Health Education an amount equal to two times the entire
30 amount of the scholarship plus interest accruing from the date
31 of the scholarship payment at the maximum allowable interest

1 rate permitted by law. Repayment shall be made within 1 year
2 of notice that the recipient is considered to be in default.
3 However, the department may provide additional time for
4 repayment if the department finds that circumstances beyond
5 the control of the recipient caused or contributed to the
6 default.

7 (5) Scholarship payments shall be transmitted to the
8 recipient upon receipt of documentation that the recipient is
9 enrolled in an approved nursing program. The Department of
10 Health ~~Education~~ shall develop a formula to prorate payments
11 to scholarship recipients so as not to exceed the maximum
12 amount per academic year.

13 (6) The Department of Health ~~Education~~ shall adopt
14 rules, including rules to address extraordinary circumstances
15 that may cause a recipient to default on either the school
16 enrollment or employment contractual agreement, to implement
17 this section and may solicit technical assistance relating to
18 the conduct of this program from the Department of Health.

19 (7) The Department of Health ~~Education~~ is authorized
20 to recover from the Nursing Student Loan Forgiveness Trust
21 Fund its costs for administering the nursing scholarship
22 program.

23 Section 3. All powers, duties, and functions, rules,
24 records, personnel, property, and unexpended balances of
25 appropriations, allocations, or other funds of the Department
26 of Education relating to the Nursing Student Loan Forgiveness
27 Program and the nursing scholarship program are transferred by
28 a type two transfer, as defined in s. 20.06(2), Florida
29 Statutes, to the Department of Health.

30 Section 4. Subsection (11) is added to section
31 240.40201, Florida Statutes, to read:

1 240.40201 Florida Bright Futures Scholarship
2 Program.--

3 (1) Students who enroll full time or part time in
4 nursing shall be given priority for a Florida Bright Futures
5 Scholarship.

6 Section 5. Effective July 1, 2003, section 464.005,
7 Florida Statutes, is amended to read:

8 464.005 Board headquarters.--The board shall maintain
9 its official headquarters in Tallahassee ~~the city in which it~~
10 ~~has been domiciled for the past 5 years.~~

11 Section 6. Subsections (1) and (2) of section 464.008,
12 Florida Statutes, are amended to read:

13 464.008 Licensure by examination.--

14 (1) Any person desiring to be licensed as a registered
15 nurse or licensed practical nurse shall apply to the
16 department to take the licensure examination. The department
17 shall examine each applicant who:

18 (a) Has completed the application form and remitted a
19 fee set by the board not to exceed \$150 and has remitted an
20 examination fee set by the board not to exceed \$75 plus the
21 actual per applicant cost to the department for purchase of
22 the examination from the National Council of State Boards of
23 Nursing or a similar national organization.

24 (b) Has provided sufficient information on or after
25 October 1, 1989, which must be submitted by the department for
26 a statewide criminal records correspondence check through the
27 Department of Law Enforcement.

28 (c) Is in good mental and physical health, is a
29 recipient of a high school diploma or the equivalent, and has
30 completed the requirements for graduation from an approved
31 program, or its equivalent as determined by the board, for the

1 preparation of registered nurses or licensed practical nurses,
2 whichever is applicable. Courses successfully completed in a
3 professional nursing program which are at least equivalent to
4 a practical nursing program may be used to satisfy the
5 education requirements for licensure as a licensed practical
6 nurse.

7 (d) Has the ability to communicate in the English
8 language, which may be determined by an examination given by
9 the department.

10 (2) Each applicant who passes the examination and
11 provides proof of meeting the educational requirements
12 specified in subsection (1)~~graduation from an approved~~
13 ~~nursing program~~ shall, unless denied pursuant to s. 464.018,
14 be entitled to licensure as a registered professional nurse or
15 a licensed practical nurse, whichever is applicable.

16 Section 7. Section 464.009, Florida Statutes, is
17 amended to read:

18 464.009 Licensure by endorsement.--

19 (1) The department shall issue the appropriate license
20 by endorsement to practice professional or practical nursing
21 to an applicant who, upon applying to the department and
22 remitting a fee set by the board not to exceed \$100,
23 demonstrates to the board that he or she:

24 (a) Holds a valid license to practice professional or
25 practical nursing in another state of the United States,
26 provided that, when the applicant secured his or her original
27 license, the requirements for licensure were substantially
28 equivalent to or more stringent than those existing in Florida
29 at that time; or

30 (b) Meets the qualifications for licensure in s.
31 464.008 and has successfully completed a state, regional, or

1 national examination which is substantially equivalent to or
2 more stringent than the examination given by the department.

3 (2) Such examinations and requirements from other
4 states shall be presumed to be substantially equivalent to or
5 more stringent than those in this state. Such presumption
6 shall not arise until January 1, 1980. However, the board may,
7 by rule, specify states the examinations and requirements of
8 which shall not be presumed to be substantially equivalent to
9 those of this state.

10 (3) The applicant must submit to the department a set
11 of fingerprints on a form and under procedures specified by
12 the department, along with a payment in an amount equal to the
13 costs incurred by the Department of Health for the criminal
14 background check of the applicant. The Department of Health
15 shall submit the fingerprints provided by the applicant to the
16 Florida Department of Law Enforcement for a statewide criminal
17 history check, and the Florida Department of Law Enforcement
18 shall forward the fingerprints to the Federal Bureau of
19 Investigation for a national criminal history check of the
20 applicant. The Department of Health shall review the results
21 of the criminal history check, issue a license to an applicant
22 who has met all of the other requirements for licensure and
23 has no criminal history, and shall refer all applicants with
24 criminal histories back to the board for determination as to
25 whether a license should be issued and under what conditions.

26 (4)~~(3)~~ The department shall not issue a license by
27 endorsement to any applicant who is under investigation in
28 another state for an act which would constitute a violation of
29 this part or chapter 456 until such time as the investigation
30 is complete, at which time the provisions of s. 464.018 shall
31 apply.

1 (5) The department shall develop an electronic
2 applicant notification process and provide electronic
3 notification when the application has been received and when
4 background screenings have been completed, and shall issue a
5 license within 30 days after completion of all required data
6 collection and verification. This 30-day period to issue a
7 license shall be tolled if the applicant must appear before
8 the board due to information provided on the application or
9 obtained through screening and data collection and
10 verification procedures.

11 Section 8. Subsection (1) of section 464.0205, Florida
12 Statutes, is amended to read:

13 464.0205 Retired volunteer nurse certificate.--

14 (1) Any retired practical or registered nurse desiring
15 to serve indigent, underserved, or critical need populations
16 in this state may apply to the department for a retired
17 volunteer nurse certificate by providing:

18 (a) A complete application.

19 ~~(b) An application and processing fee of \$25.~~

20 (b)(c) Verification that the applicant had been
21 licensed to practice nursing in any jurisdiction in the United
22 States for at least 10 years, had retired or plans to retire,
23 intends to practice nursing only pursuant to the limitations
24 provided by the retired volunteer nurse certificate, and has
25 not committed any act that would constitute a violation under
26 s. 464.018(1).

27 (c)(d) Proof that the applicant meets the requirements
28 for licensure under s. 464.008 or s. 464.009.

29 Section 9. Except as otherwise provided herein, this
30 act shall take effect July 1, 2001.

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HOUSE SUMMARY

Transfers the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health. Includes public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program. Exempts such facilities from the fund-matching requirements of the program.

Transfers the nursing scholarship program from the Department of Education to the Department of Health. Provides requirements under the program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position. Includes nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program.

Transfers powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health.

Grants nursing students priority in receiving a Florida Bright Futures Scholarship.

Provides for future relocation of the headquarters of the Board of Nursing. Revises education requirements for nursing licensure by examination. Revises requirements for nursing licensure by endorsement. Requires submission of fingerprints for a criminal history check and a fee to cover the costs of such check. Provides for an electronic applicant notification process. Deletes the application and processing fee for applicants for a retired volunteer nurse certificate. See bill for details.