

By Senator Saunders

25-652A-02

See HB

1                                   A bill to be entitled  
2           An act relating to nursing shortage solutions;  
3           providing a short title; amending s. 445.012,  
4           F.S.; replacing the Careers for Florida's  
5           Future Incentive Grant Program with the Careers  
6           for Florida's Future Loan Forgiveness Program;  
7           providing for management of the program by the  
8           Office of Student Financial Assistance of the  
9           Department of Education; providing duties of  
10          the department; providing criteria and  
11          requirements of the program; deleting  
12          provisions relating to authority and duties of  
13          Workforce Florida, Inc.; deleting provisions  
14          relating to awarding grants; creating the  
15          Sunshine Workforce Solutions Grant Program;  
16          providing legislative intent; providing  
17          purposes; providing procedures, requirements,  
18          and criteria for administering the program;  
19          providing duties of the Department of  
20          Education; amending s. 464.009, F.S.; revising  
21          requirements for licensure by endorsement;  
22          providing for future expiration; amending s.  
23          464.019, F.S.; revising rulemaking authority of  
24          the Board of Nursing relating to approval of  
25          nursing programs; exempting certain nursing  
26          programs from certain board rules under certain  
27          circumstances; providing requirements;  
28          repealing ss. 445.0121, 445.0122, 445.0123,  
29          445.0124, 445.0125, F.S., relating to the  
30          Careers for Florida's Future Incentive Grant  
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1           Program provisions; providing an effective  
2           date.

3  
4           WHEREAS, Florida is aggressively pursuing a K-20  
5 approach in dealing with educational issues, has many  
6 coordinated partnerships in place, and utilizes nationally  
7 recognized mechanisms such as dual enrollment, common course  
8 numbering, common prerequisites, standardized program lengths,  
9 and statewide A.S. to B.S. articulation, and

10           WHEREAS, there are areas of critical workforce  
11 shortages that require such a coordinated K-20 effort from  
12 middle school to graduate school to take advantage of  
13 partnerships and mechanisms already in place as building  
14 blocks, and

15           WHEREAS, the Florida vacancy rate for nurses is 16.2  
16 percent and the number of A.S. degrees awarded in Florida has  
17 declined at a time when 40 percent of the workforce will be  
18 over the age of 50 by 2010, NOW, THEREFORE,

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. This act may be cited as the "Nursing  
23 Shortage Solution Act."

24           Section 2. Section 445.012, Florida Statutes, is  
25 amended to read:

26           445.012 Careers for Florida's Future Loan Forgiveness  
27 ~~Incentive Grant~~ Program.--

28           (1) The Careers for Florida's Future Loan Forgiveness  
29 ~~Incentive Grant~~ Program is created to encourage students in  
30 this state to obtain degrees or certificates in postsecondary  
31 programs that produce graduates with job skills in nursing

1 ~~advanced technology~~ which are critical to the economic future  
2 of this state. The program shall provide for forgiveness of  
3 loans ~~a forgivable loan~~ that require ~~requires~~ a student to  
4 ~~enroll in and complete an eligible program and then to~~  
5 maintain employment in an eligible occupation in this state  
6 for 1 year for each year of loan forgiveness ~~grant receipt~~.  
7 ~~The recipient must begin repayment of the grant 1 year after~~  
8 ~~the recipient is no longer enrolled in an eligible institution~~  
9 ~~or completes the program, unless the recipient obtains~~  
10 ~~employment in an eligible occupation.~~

11 (2) The Office of Student Financial Assistance of the  
12 Department of Education ~~Workforce Florida, Inc.~~, shall manage  
13 the Careers for Florida's Future Loan Forgiveness Incentive  
14 ~~Grant~~ Program in accordance with rules and procedures  
15 established for this purpose. ~~Workforce Florida, Inc., shall~~  
16 ~~contract with the Office of Student Financial Assistance in~~  
17 ~~the Department of Education to administer the incentive grant~~  
18 ~~program for students pursuing baccalaureate degrees or degree~~  
19 ~~career education programs that articulate into baccalaureate~~  
20 ~~degree programs.~~The office shall advertise the availability  
21 of the loan forgiveness ~~grant~~ program and collect all  
22 ~~delinquent incentive grant repayments.~~

23 (a) The Department of Education shall make payments on  
24 loans from federal or state programs or commercial lending  
25 institutions for the support of postsecondary study in  
26 approved certificate, associate degree, or baccalaureate  
27 degree programs in nursing.~~The Office of Student Financial~~  
28 ~~Assistance of the Department of Education shall issue awards~~  
29 ~~from the incentive grant program each semester. Before the~~  
30 ~~registration period each semester, the department shall~~  
31 ~~transmit payment for each award to the president or director~~

1 ~~of the postsecondary education institution, or his or her~~  
2 ~~representative, except that the department may withhold~~  
3 ~~payment if the receiving institution fails to report or make~~  
4 ~~refunds to the department as required in this section.~~

5       (b) Only loans to pay the costs of tuition, fees,  
6 books, and living expenses shall be covered in an amount not  
7 to exceed \$1,800 for each year of education toward a  
8 certificate, \$3,000 for each year of education toward an  
9 associate degree or at a lower division toward a baccalaureate  
10 degree, and \$6,000 for each year of education at an upper  
11 division toward a baccalaureate degree.~~Within 30 days after~~  
12 ~~the end of regular registration each semester, the educational~~  
13 ~~institution shall certify to the department the eligibility~~  
14 ~~status of each student who receives an award. After the end of~~  
15 ~~the drop-and-add period, an institution is not required to~~  
16 ~~reevaluate or revise a student's eligibility status, but must~~  
17 ~~make a refund to the department if a student who receives an~~  
18 ~~award disbursement terminates enrollment for any reason during~~  
19 ~~an academic term and a refund is permitted by the~~  
20 ~~institution's refund policy.~~

21       (c) Contingent upon proof of employment in an eligible  
22 occupation in the area of nursing, loan principal payments  
23 shall be made directly to the federal or state programs or  
24 commercial lending institutions holding the loan as follows:

25           1. Twenty-five percent of the loan principal and  
26 accrued interest shall be retired after the first year of  
27 eligible employment.

28           2. Fifty percent of the loan principal and accrued  
29 interest shall be retired after the second year of eligible  
30 employment.

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1           3. Seventy-five percent of the loan principal and  
2 accrued interest shall be retired after the third year of  
3 eligible employment.

4           4. The remaining loan principal and accrued interest  
5 shall be retired after the fourth year of eligible employment.

6  
7 In no case may payment for any student exceed \$6,000 in any  
8 12-month period.~~An institution that receives funds from the~~  
9 ~~program shall certify to the department the amount of funds~~  
10 ~~disbursed to each student and shall remit to the department~~  
11 ~~any undisbursed advances within 60 days after the end of~~  
12 ~~regular registration. The department may suspend or revoke an~~  
13 ~~institution's eligibility to receive future moneys for the~~  
14 ~~program if the department finds that an institution has not~~  
15 ~~complied with this section.~~

16           (3) The Department of Education may adopt rules  
17 necessary for administering the program.~~Workforce Florida,~~  
18 ~~Inc., shall allocate to each regional workforce board its~~  
19 ~~share of funds available for incentive grants in eligible~~  
20 ~~diploma, certificate, and degree career education programs~~  
21 ~~that do not articulate into baccalaureate programs. Each~~  
22 ~~regional workforce board shall administer the program,~~  
23 ~~including determining award recipients within funds available~~  
24 ~~to it for that purpose. Workforce Florida, Inc., shall~~  
25 ~~contract with the Office of Student Financial Assistance in~~  
26 ~~the Department of Education for collecting delinquent~~  
27 ~~incentive grant repayments.~~

28           (a) ~~Workforce Florida, Inc., shall reallocate any~~  
29 ~~funds not encumbered by the regional workforce boards by~~  
30 ~~January 31 of each year to other regional workforce boards for~~  
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1 ~~additional awards, in accordance with rules and procedures~~  
2 ~~established for this purpose.~~

3 ~~(b) Within 30 days after the student begins classes,~~  
4 ~~the educational institution shall certify to the regional~~  
5 ~~workforce board the eligibility status of each student who~~  
6 ~~receives an award. After this report, an institution is not~~  
7 ~~required to reevaluate or revise a student's eligibility~~  
8 ~~status, but must make a refund to the regional workforce board~~  
9 ~~if a student who receives an award disbursement terminates~~  
10 ~~enrollment for any reason during the period that would permit~~  
11 ~~a refund by the institution's refund policy.~~

12 ~~(c) Regional workforce boards shall ensure that each~~  
13 ~~recipient receives maximum funding possible by coordinating~~  
14 ~~career education awards with Individual Training Accounts~~  
15 ~~funded by the federal Workforce Investment Act, Retention~~  
16 ~~Incentive Training Accounts funded by the federal Temporary~~  
17 ~~Assistance for Needy Families Act, the federal Welfare-to-Work~~  
18 ~~program, and other programs intended to assist incumbent~~  
19 ~~workers in upgrading their skills.~~

20 ~~(4) This section shall be implemented only as~~  
21 ~~specifically funded. If funds appropriated are not adequate to~~  
22 ~~provide the maximum allowable award to each eligible~~  
23 ~~applicant, full awards must be provided in the order of~~  
24 ~~priority established by Workforce Florida, Inc. Awards must~~  
25 ~~not be reduced to increase the number of recipients.~~

26 ~~(5) A recipient who is pursuing a baccalaureate degree~~  
27 ~~shall receive \$100 for each lower-division credit hour in~~  
28 ~~which the student is enrolled at an eligible college or~~  
29 ~~university, up to a maximum of \$1,500 per semester, and \$200~~  
30 ~~for each upper-division credit hour in which the student is~~  
31 ~~enrolled at an eligible college or university, up to a maximum~~

1 ~~of \$3,000 per semester. For purposes of this section, a~~  
2 ~~student is pursuing a baccalaureate degree if he or she is in~~  
3 ~~a program that articulates into a baccalaureate degree program~~  
4 ~~by agreement of the Articulation Coordinating Committee. A~~  
5 ~~student in an applied technology diploma program, a~~  
6 ~~certificate career education program, or a degree career~~  
7 ~~education program that does not articulate into a~~  
8 ~~baccalaureate degree program shall receive \$2 for each~~  
9 ~~vocational contact hour, or the equivalent, for certificate~~  
10 ~~programs, or \$60 for each credit hour, or the equivalent, for~~  
11 ~~degree career education programs and applied technology~~  
12 ~~programs for which the student is enrolled at an eligible~~  
13 ~~college, technical center, or nonpublic career education~~  
14 ~~school.~~

15 ~~(6) If a recipient who is enrolled in a diploma,~~  
16 ~~certificate, or degree career education program that does not~~  
17 ~~articulate into a baccalaureate degree program transfers from~~  
18 ~~one eligible institution to another within the same workforce~~  
19 ~~region and continues to meet eligibility requirements, the~~  
20 ~~award shall be transferred with the student.~~

21 ~~(7) If a recipient who is enrolled in a baccalaureate~~  
22 ~~degree or a degree career education program that articulates~~  
23 ~~into a baccalaureate degree program transfers from one~~  
24 ~~eligible institution to another and continues to meet~~  
25 ~~eligibility requirements, the award shall be transferred with~~  
26 ~~the student.~~

27 ~~(8) An award recipient may use an award for enrollment~~  
28 ~~in a summer term if funds are available.~~

29 ~~(9) Funds may not be used to pay for remedial,~~  
30 ~~college-preparatory, or vocational-preparatory coursework.~~

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1           Section 3. Sunshine Workforce Solutions Grant  
2 Program.--

3           (1) The Legislature recognizes the need for school  
4 districts to be able to respond to critical workforce  
5 shortages in nursing. The Sunshine Workforce Solutions Grant  
6 Program is created to provide grants to school districts on a  
7 competitive basis to fund all or some of the costs associated  
8 with establishing an exploratory program at the middle school  
9 level or a comprehensive career and technical education  
10 program within a high school that provides a program of study  
11 in nursing that will provide a seamless transition to an  
12 appropriate postsecondary education or employment.

13           (a) A comprehensive career and technical education  
14 program within a high school that provides a program of study  
15 in nursing must be certified or endorsed by the Board of  
16 Nursing to ensure that all components of the program are  
17 relevant and appropriate to prepare the student for further  
18 education and employment in nursing.

19           (b) Each career and technical education program  
20 offered by a high school and able to be articulated to a  
21 postsecondary level must also have an articulation agreement  
22 with one or more appropriate postsecondary education  
23 institutions to ensure a seamless transition to a related  
24 postsecondary program without a loss of credit for the  
25 student.

26           (c) Participation in work-based learning experiences,  
27 as defined in rule by the Department of Education, shall be  
28 required at the high school level.

29           (2) Funds awarded for a Sunshine Workforce Solutions  
30 Grant may be used for instructional equipment, laboratory  
31 equipment, supplies, personnel, student services, or other



1 expenses associated with the development of a program in  
2 nursing.

3 (3) The Department of Education shall accept  
4 applications from middle schools and high schools for grants  
5 under the Sunshine Workforce Solutions Grant Program.

6 (a) Applications shall contain projected enrollments  
7 and projected costs for the Sunshine Workforce Solutions  
8 Grants.

9 (b) The Department of Education shall review and rank  
10 each application for a grant and shall submit to the  
11 Legislature a list, in priority order by middle schools and  
12 high schools, of applicants recommended for grant awards.

13 (c) Schools shall be selected based on existing  
14 infrastructure that would ensure success of the program. The  
15 department shall consider statewide geographic dispersion of  
16 grant funds in ranking the applications.

17 (d) Demonstrated successful student recruitment,  
18 retention, and program completion strategies shall be an  
19 evaluative criteria in awarding grants under this section.

20 Section 4. Subsections (1) and (3) of section 464.009,  
21 Florida Statutes, are amended to read:

22 464.009 Licensure by endorsement.--

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

28 (a) Holds a valid license to practice professional or  
29 practical nursing in another state of the United States,  
30 provided that, when the applicant secured his or her original  
31 license, the requirements for licensure were substantially

1 equivalent to or more stringent than those existing in Florida  
2 at that time; ~~or~~

3 (b) Meets the qualifications for licensure in s.  
4 464.008 and has successfully completed a state, regional, or  
5 national examination which is substantially equivalent to or  
6 more stringent than the examination given by the department;  
7 or

8 (c) Has actively practiced nursing in another state or  
9 territory of the United States for 2 of the immediately  
10 preceding 3 years without having his or her license acted  
11 against by the licensing authority of any jurisdiction. Within  
12 6 months after obtaining a license under this subsection, a  
13 licensee must have completed a course on Florida laws and  
14 rules which is approved by the board. This paragraph expires  
15 July 1, 2004.

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

1 However, the department shall issue a temporary license that  
2 is to be valid for the lesser of 180 days or until the  
3 department has received and reviewed the results of the  
4 criminal-history check and has determined that the applicant  
5 has met all of the other requirements for licensure and has no  
6 criminal history. As soon as that determination has been made,  
7 the license may be issued to the applicant.

8 Section 5. Subsection (2) of section 464.019, Florida  
9 Statutes, is amended, and subsection (6) is added to that  
10 section, to read:

11 464.019 Approval of nursing programs.--

12 (2)(a) The board shall adopt rules, applicable to  
13 initial review and conditional approval of a program,  
14 regarding educational objectives, faculty qualifications,  
15 curriculum guidelines, administrative procedures, and clinical  
16 training. An applicant institution shall comply with such  
17 rules in order to obtain conditional program approval. No  
18 program shall be considered fully approved, nor shall any  
19 program be exempted from such rules, prior to the graduation  
20 of the program's first class.

21 (b) The board shall adopt rules regarding educational  
22 objectives and curriculum guidelines as are necessary to grant  
23 full approval to a program and to ensure that fully approved  
24 programs graduate nurses capable of competent practice under  
25 this part. Rules regarding educational objectives shall  
26 consider student attrition rate standards and retention of  
27 qualified faculty.

28 (c) The board shall adopt rules governing probation,  
29 suspension, and termination status of programs that fail to  
30 comply with the standards of this part.

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1           (d) The board shall not adopt any rule limiting the  
2 number of students admitted to a nursing program provided  
3 appropriate faculty-to-student ratios are maintained.

4           (6) Any nursing program that maintains accreditation  
5 through an accrediting body recognized by the United States  
6 Department of Education, or any nursing program located within  
7 a regionally accredited institution of higher education, shall  
8 be exempt from the rules of the board except as provided in  
9 paragraph (2)(b), provided such exemption shall apply only to  
10 the extent the program maintains a student pass rate on the  
11 National Clinical Licensure Exam of not less than 7 percentage  
12 points below the national average pass rate as reported  
13 annually by the National Council of State Boards of Nursing.

14           Section 6. Sections 445.0121, 445.0122, 445.0123,  
15 445.0124, and 445.0125, Florida Statutes, are repealed.

16           Section 7. This act shall take effect upon becoming a  
17 law.

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20           LEGISLATIVE SUMMARY

21           Creates the "Nursing Shortage Solution Act." Replaces the  
22           Careers for Florida's Future Incentive Grant Program with  
23           the Careers for Florida's Future Loan Forgiveness Program  
24           to provide for loan forgiveness of costs associated with  
25           degree programs innursing. Creates the Sunshine  
26           Workforce Solutions Grant Program to provide grants to  
27           school districts to establish programs for studies in  
28           nursing to respond to critical workforce shortages in  
29           nursing. Revises requirements for licensure by  
30           endorsement. Revises rulemaking authority of the Board of  
31           Nursing relating to approval of nursing programs. Exempts  
          accredited nursing programs from board rules relating to  
          program approval under certain circumstances. Authorizes  
          the Department of Health to issue professional or  
          practical nursing licenses to qualified persons from  
          other states. (See bill for details.)