

By the Committee on Health, Aging and Long-Term Care; and  
Senators Saunders and Geller

317-1856-02

1                                   A bill to be entitled  
2           An act relating to nursing shortage solutions;  
3           providing a short title; amending s. 240.4075,  
4           F.S., relating to the Nursing Student Loan  
5           Forgiveness Program; revising provisions  
6           relating to loan repayment; providing a  
7           restriction on participation in the program;  
8           amending s. 240.4076, F.S., relating to the  
9           Nursing Scholarship Program; revising  
10          eligibility provisions; revising provisions  
11          relating to repayment of a scholarship under  
12          certain circumstances; deleting obsolete  
13          language; creating the Sunshine Workforce  
14          Solutions Grant Program; providing for grants  
15          to fund the establishment of exploratory  
16          programs in nursing or programs of study in  
17          nursing in the public schools; providing  
18          requirements and procedures for application and  
19          selection; amending s. 464.009, F.S.; revising  
20          provisions relating to eligibility for  
21          licensure by endorsement to practice  
22          professional or practical nursing; providing  
23          for a temporary work permit under certain  
24          circumstances; providing for future repeal;  
25          amending s. 464.018, F.S.; revising grounds for  
26          disciplinary actions against nurses; amending  
27          s. 464.019, F.S.; revising rulemaking authority  
28          of the Board of Nursing relating to approval of  
29          nursing programs; exempting certain nursing  
30          programs from certain board rules under certain  
31          circumstances; providing an appropriation to

1 the Department of Health to provide grants to  
2 hospitals for nurse retention and recruitment  
3 activities; requiring matching of appropriated  
4 funds; providing for rules; providing  
5 eligibility criteria; providing an effective  
6 date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. This act may be cited as the "Nursing  
11 Shortage Solution Act."

12 Section 2. Subsections (5) through (11) of section  
13 240.4075, Florida Statutes, are renumbered as subsections (6)  
14 through (12), respectively, subsection (4) is amended, and a  
15 new subsection (5) is added to that section, to read:

16 240.4075 Nursing Student Loan Forgiveness Program.--

17 (4) From the funds available, the Department of Health  
18 may make loan principal repayments of up to \$4,000 a year for  
19 up to 4 years on behalf of selected graduates of an accredited  
20 or approved nursing program. All repayments shall be  
21 contingent upon continued proof of employment in the  
22 designated facilities in this state and shall be made directly  
23 to the holder of the loan. The state shall bear no  
24 responsibility for the collection of any interest charges or  
25 other remaining balance. In the event that the designated  
26 facilities are changed, a nurse shall continue to be eligible  
27 for loan forgiveness as long as he or she continues to work in  
28 the facility for which the original loan repayment was made  
29 and otherwise meets all conditions of eligibility.~~Receipt of~~  
30 ~~funds pursuant to this program shall be contingent upon~~  
31 ~~continued proof of employment in the designated facilities in~~

1 ~~this state. Loan principal payments shall be made by the~~  
2 ~~Department of Health directly to the federal or state programs~~  
3 ~~or commercial lending institutions holding the loan as~~  
4 ~~follows:~~

5 ~~(a) Twenty-five percent of the loan principal and~~  
6 ~~accrued interest shall be retired after the first year of~~  
7 ~~nursing;~~

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

10 ~~(c) Seventy-five percent of the loan principal and~~  
11 ~~accrued interest shall be retired after the third year of~~  
12 ~~nursing; and~~

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

15  
16 ~~In no case may payment for any nurse exceed \$4,000 in any~~  
17 ~~12-month period.~~

18 ~~(5) Students receiving a nursing scholarship pursuant~~  
19 ~~to s. 240.4076 are not eligible to participate in the Nursing~~  
20 ~~Student Loan Forgiveness Program.~~

21 Section 3. Subsections (2), (3), and (6) and  
22 paragraphs (c) and (d) of subsection (4) of section 240.4076,  
23 Florida Statutes, are amended to read:

24 240.4076 Nursing scholarship program.--

25 (2) A scholarship applicant shall be enrolled ~~as a~~  
26 ~~full-time or part-time student in the upper division of an~~  
27 approved nursing program leading to the award of an associate  
28 degree, a baccalaureate degree, or a graduate degree to  
29 ~~qualify for a nursing faculty position or as an advanced~~  
30 ~~registered nurse practitioner or be enrolled as a full-time or~~

31

1 ~~part-time student in an approved program leading to the award~~  
2 ~~of an associate degree~~ in nursing.

3 (3) A scholarship may be awarded for no more than 2  
4 years, in an amount not to exceed \$8,000 per year. However,  
5 registered nurses pursuing a graduate degree for a faculty  
6 position or to practice as an advanced registered nurse  
7 practitioner may receive up to \$12,000 per year. ~~Beginning~~  
8 ~~July 1, 1998,~~These amounts shall be adjusted by the amount of  
9 increase or decrease in the consumer price index for urban  
10 consumers published by the United States Department of  
11 Commerce.

12 (4) Credit for repayment of a scholarship shall be as  
13 follows:

14 (c) Any recipient who does not complete an appropriate  
15 program of studies or who does not become licensed is  
16 responsible for repaying the entire amount of the scholarship  
17 plus interest. Repayment schedules and applicable interest  
18 rates shall be determined by rules of the State Board of  
19 Education under ss. 240.451 and 240.465 ~~shall repay to the~~  
20 ~~Department of Health, on a schedule to be determined by the~~  
21 ~~department, the entire amount of the scholarship plus 18~~  
22 ~~percent interest accruing from the date of the scholarship~~  
23 ~~payment.~~ Moneys repaid shall be deposited into the Nursing  
24 Student Loan Forgiveness Trust Fund established in s.  
25 240.4075. However, the department may provide additional time  
26 for repayment if the department finds that circumstances  
27 beyond the control of the recipient caused or contributed to  
28 the default.

29 (d) Any recipient who does not accept employment as a  
30 nurse at an approved health care facility or who does not  
31 complete 12 months of approved employment for each year of

1 scholarship assistance received is responsible for repaying  
2 the entire amount of the scholarship plus interest. Repayment  
3 schedules and applicable interest rates shall be determined by  
4 rules of the State Board of Education under ss. 240.451 and  
5 240.465 shall repay to the Department of Health an amount  
6 equal to two times the entire amount of the scholarship plus  
7 interest accruing from the date of the scholarship payment at  
8 the maximum allowable interest rate permitted by law.  
9 ~~Repayment shall be made within 1 year of notice that the~~  
10 ~~recipient is considered to be in default.~~ However, the  
11 department may provide additional time for repayment if the  
12 department finds that circumstances beyond the control of the  
13 recipient caused or contributed to the default.

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

20 Section 4. Sunshine Workforce Solutions Grant  
21 Program.--

22 (1) The Legislature recognizes the need for school  
23 districts to be able to respond to critical workforce  
24 shortages in nursing. The Sunshine Workforce Solutions Grant  
25 Program is created to provide grants to school districts on a  
26 competitive basis to fund all or some of the costs associated  
27 with establishing an exploratory program in nursing at the  
28 middle school level or a comprehensive career and technical  
29 education program within a high school that provides a program  
30 of study in nursing that will provide a seamless transition to  
31 appropriate postsecondary education or employment.

1           (a) A comprehensive career and technical education  
2 program within a high school that provides a program of study  
3 in nursing must be certified or endorsed by the Florida Board  
4 of Nursing to ensure that all components of the program are  
5 relevant and appropriate to prepare the student for further  
6 education and employment in nursing.

7           (b) For career and technical education programs in  
8 which high school credit is articulated to a related  
9 postsecondary education program, there must be an articulation  
10 agreement that ensures seamless transition from one level to  
11 the next without a loss of credit for the student.

12           (c) Participation in work-based learning experiences,  
13 as defined in rule by the Department of Education, shall be  
14 required in career and technical education programs at the  
15 high school level.

16           (2) Funds awarded for a Sunshine Workforce Solutions  
17 Grant may be used for instructional equipment, laboratory  
18 equipment, supplies, personnel, student services, or other  
19 expenses associated with the development of a program in  
20 nursing.

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

24           (a) Applications shall contain projected enrollments  
25 and projected costs for the Sunshine Workforce Solutions  
26 Grants.

27           (b) Schools shall be selected based on existing  
28 infrastructure that would ensure success of the program. The  
29 department shall consider statewide geographic disbursement of  
30 grant funds in ranking the applications.

31

1           (c) Methods for evaluating the success of the grant  
2 program, including student recruitment, retention, and program  
3 completion, must be included in the application.

4           Section 5. Subsection (1) of section 464.009, Florida  
5 Statutes, is amended to read:

6           464.009 Licensure by endorsement.--

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

12           (a) Holds a valid license to practice professional or  
13 practical nursing in another state of the United States,  
14 provided that, when the applicant secured his or her original  
15 license, the requirements for licensure were substantially  
16 equivalent to or more stringent than those existing in Florida  
17 at that time; ~~or~~

18           (b) Meets the qualifications for licensure in s.  
19 464.008 and has successfully completed a state, regional, or  
20 national examination which is substantially equivalent to or  
21 more stringent than the examination given by the department;  
22 or

23           (c) Has actively practiced nursing in another state or  
24 territory of the United States for 2 of the preceding 3 years  
25 without having his or her license acted against by the  
26 licensing authority of any jurisdiction. Applicants who  
27 become licensed pursuant to this paragraph must complete  
28 within 6 months after licensure a Florida laws and rule course  
29 that is approved by the board. Persons who apply for licensure  
30 by endorsement under this paragraph and meet all requirements  
31 for licensure under this paragraph may be issued a 180-day

1 temporary work permit pending receipt of the national criminal  
2 history check. The temporary work permit is not renewable or  
3 transferable. Once the department has received the results of  
4 the national criminal history check and has determined that  
5 the applicant has no criminal history, the appropriate license  
6 by endorsement shall be issued to the applicant. This  
7 paragraph is repealed July 1, 2004, unless reenacted by the  
8 Legislature.

9           Section 6. Paragraph (h) of subsection (1) of section  
10 464.018, Florida Statutes, is amended, present paragraph (n)  
11 of that subsection is redesignated as paragraph (o), and a new  
12 paragraph (n) is added to that subsection, to read:

13           464.018 Disciplinary actions.--

14           (1) The following acts constitute grounds for denial  
15 of a license or disciplinary action, as specified in s.  
16 456.072(2):

17           (h) Unprofessional conduct, as defined by board rule  
18 ~~which shall include, but not be limited to, any departure~~  
19 ~~from, or the failure to conform to, the minimal standards of~~  
20 ~~acceptable and prevailing nursing practice, in which case~~  
21 ~~actual injury need not be established.~~

22           (n) Failing to meet minimal standards of acceptable  
23 and prevailing nursing practice, including engaging in acts  
24 for which the licensee is not qualified by training or  
25 experience.

26           Section 7. Subsection (2) of section 464.019, Florida  
27 Statutes, is amended, and subsections (6) and (7) are added to  
28 that section, to read:

29           464.019 Approval of nursing programs.--

30           (2)(a) The board shall adopt rules, applicable to  
31 initial review and conditional approval of a program,



1 regarding educational objectives, faculty qualifications,  
2 curriculum guidelines, administrative procedures, and clinical  
3 training. An applicant institution shall comply with such  
4 rules in order to obtain conditional program approval. No  
5 program shall be considered fully approved, nor shall any  
6 program be exempted from such rules, prior to the graduation  
7 of the program's first class.

8 (b) The board shall adopt rules regarding educational  
9 objectives and curriculum guidelines as are necessary to grant  
10 full approval to a program and to ensure that fully approved  
11 programs graduate nurses capable of competent practice under  
12 this part. Rules regarding educational objectives shall  
13 consider student attrition rate standards, availability of  
14 qualified faculty, and appropriate clinical training  
15 facilities. However, the board shall adopt no rule that  
16 prohibits a qualified institution from placing a student in a  
17 facility for clinical experience, regardless of whether more  
18 than one nursing program is using the same facility for  
19 clinical experience.

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

23 (d) The board shall not adopt any rule limiting the  
24 number of students admitted to a nursing program, provided  
25 that appropriate faculty-to-student ratios are maintained and,  
26 provided that the board shall not enact any changes to  
27 faculty-to-student ratios prior to 2004.

28 (6) Any nursing program that maintains accreditation  
29 through a nursing accrediting body recognized by the United  
30 States Department of Education shall be exempt from the rules  
31 of the board except as provided in paragraph (2)(b), provided

1 such exemption shall apply only to the extent the program  
2 maintains a student pass rate on the National Clinical  
3 Licensure Examination of not less than 10 percentage points  
4 below the national average pass rate as reported annually by  
5 the National Council of State Boards of Nursing.

6 (7) If an institution's passing rate on the National  
7 Clinical Licensure Examination drops below the standard  
8 established in subsection (6) for 2 consecutive years, the  
9 program must be reviewed by the board. The board may take  
10 action to assist the program to return to compliance. Any  
11 program having its approval rescinded shall have the right to  
12 reapply.

13 Section 8. (1) There is appropriated from the General  
14 Revenue Fund to the Department of Health for the 2002-2003  
15 fiscal year the sum of \$1 million. Moneys in this  
16 appropriation shall be used by the Department of Health to  
17 provide grants to hospitals for nurse retention and  
18 out-of-state recruitment activities during the 2002-2003  
19 fiscal year. These moneys are subject to a one-for-one match  
20 from hospitals. Moneys not matched by September 30, 2002,  
21 shall revert to the General Revenue Fund.

22 (2) The Department of Health shall accept requests for  
23 grants under this section beginning July 1, 2002. The  
24 department shall determine grant amounts beginning October 1,  
25 2002, once the amount of the appropriation in subsection (1)  
26 that has been matched by additional moneys is determined and  
27 the department can determine the amount of grant moneys  
28 available.

29 (3) The Department of Health shall by rule, pursuant  
30 to sections 120.536(1) and 120.54, Florida Statutes, adopt  
31 criteria for grant awards. In addition to other criteria, the

1 department shall require that a hospital have experienced an  
2 average vacancy rate that exceeds the national average among  
3 nursing positions during the preceding 12 months. If the  
4 amount available for distribution is less than the aggregate  
5 amount of requests that meet the department's criteria, the  
6 department shall provide grants on a pro rata basis.

7 Section 9. This act shall take effect upon becoming a  
8 law.

9  
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 SB 1618

13 The committee substitute differs from SB 1618 in the following  
14 ways:

15 The current Department of Health Nursing Student Loan  
16 Forgiveness Program is amended to simplify the repayment  
17 provisions, in lieu of modifying the Careers for Florida's  
18 Future Incentive Grant Program.

19 The amount of the loan repayment is set at a maximum of \$4,000  
20 per year for up to 4 years.

21 The State Board of Education must adopt rules to implement the  
22 new loan provisions.

23 Accredited nursing programs may be exempt from certain Board  
24 of Nursing rules provided the student passing rate of the  
25 program is no less than 10 percent below the national average.

26 The bill appropriates \$ 1 million to the Department of Health  
27 for nurse retention and recruitment efforts by hospitals.

28 The bill amends criteria for unprofessional conduct to include  
29 performing acts for which the licensee is not qualified by  
30 training or experience.  
31