

By the Committees on Health & Human Services  
Appropriations, Colleges & Universities and Representatives  
Murman, Fasano, Green, Harrell, Greenstein, Lerner, Justice,  
Spratt, Clarke, Harrington, Kilmer, Waters, Mahon, McGriff,  
(Additional Sponsors on Last Printed Page)

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 future repeal; amending s. 464.019, F.S.;  
24          revising rulemaking authority of the Board of  
25          Nursing relating to approval of nursing  
26          programs; exempting certain nursing programs  
27          from certain board rules under certain  
28          circumstances; requiring board review of a  
29          nursing program under certain circumstances;  
30          providing an appropriation to the Department of  
31          Health to provide grants to hospitals for nurse

1           retention and recruitment activities; requiring  
2           matching of appropriated funds; providing for  
3           rules; providing eligibility criteria;  
4           providing an effective date.

5  
6 Be It Enacted by the Legislature of the State of Florida:

7  
8           Section 1. This act may be cited as the "Nursing  
9 Shortage Solution Act."

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

14           240.4075 Nursing Student Loan Forgiveness Program.--

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

1 ~~or commercial lending institutions holding the loan as~~  
2 ~~follows:~~

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

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

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

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

13

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

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

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

22       240.4076 Nursing scholarship program.--

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

31

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

10           (4) Credit for repayment of a scholarship shall be as  
11 follows:

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

27           (d) Any recipient who does not accept employment as a  
28 nurse at an approved health care facility or who does not  
29 complete 12 months of approved employment for each year of  
30 scholarship assistance received is responsible for repaying  
31 the entire amount of the scholarship plus interest. Repayment

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

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

18 Section 4. Sunshine Workforce Solutions Grant  
19 Program.--

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

30 (a) A comprehensive career and technical education  
31 program within a high school that provides a program of study

1 in nursing must be certified or endorsed by the Florida Board  
2 of Nursing to ensure that all components of the program are  
3 relevant and appropriate to prepare the student for further  
4 education and employment in nursing.

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

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

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

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

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

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

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

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

3 464.009 Licensure by endorsement.--

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

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

15 (b) Meets the qualifications for licensure in s.  
16 464.008 and has successfully completed a state, regional, or  
17 national examination which is substantially equivalent to or  
18 more stringent than the examination given by the department;  
19 or

20 (c) Has actively practiced nursing in another state or  
21 territory of the United States for 2 of the preceding 3 years  
22 without having his or her license acted against by the  
23 licensing authority of any jurisdiction. Applicants who  
24 become licensed pursuant to this paragraph must complete  
25 within 6 months after licensure a Florida laws and rules  
26 course that is approved by the board. Once the department has  
27 received the results of the national criminal history check  
28 and has determined that the applicant has no criminal history,  
29 the appropriate license by endorsement shall be issued to the  
30 applicant. This paragraph is repealed July 1, 2004, unless  
31 reenacted by the Legislature.

1           Section 6. Subsection (2) of section 464.019, Florida  
2 Statutes, is amended, and subsections (6) and (7) are added to  
3 said section, to read:

4           464.019 Approval of nursing programs.--

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

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

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

29           (d) The board shall not adopt any rule limiting the  
30 number of students admitted to a nursing program, provided  
31 appropriate faculty-to-student ratios are maintained, and



1 provided the board shall not enact any changes to  
2 faculty-to-student ratios prior to 2004.

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

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

19 Section 7. (1) There is hereby appropriated from the  
20 General Revenue Fund to the Department of Health for fiscal  
21 year 2002-2003 the sum of \$1 million. Moneys in this  
22 appropriation shall be used by the Department of Health to  
23 provide grants to hospitals for nurse retention and  
24 out-of-state recruitment activities during the 2002-2003  
25 fiscal year. These moneys are subject to a one-for-one match  
26 from hospitals.

27 (2) The Department of Health shall accept requests for  
28 grants under this section beginning July 1, 2002. The  
29 department shall determine grant amounts beginning December 1,  
30 2002, once the amount of the appropriation in subsection (1)  
31 that has been matched by additional moneys is determined and

1 the department can determine the amount of grant moneys  
2 available.  
3 (3) The Department of Health shall by rule, pursuant  
4 to ss. 120.536(1) and 120.54, Florida Statutes, adopt criteria  
5 for grant awards. In addition to other criteria, the  
6 department shall require that a hospital have experienced an  
7 average vacancy rate of 20 percent or more among nursing  
8 positions during the preceding 12 months. If the amount  
9 available for distribution is less than the aggregate amount  
10 of requests that meet the department's criteria, the  
11 department shall provide grants on a pro rata basis.

12 Section 8. This act shall take effect upon becoming a  
13 law.

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17  
18 ADDITIONAL SPONSORS

19 Cusack, Bowen, Maygarden, Garcia, Gannon, Farkas, Needelman  
20 and Rich  
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