

By the Council for Lifelong Learning, and Committees on Health & Human Services Appropriations, Colleges & Universities and Representatives Murman, Fasano, Green, Harrell, Greenstein, Lerner, Justice, Spratt, Clarke, (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 amending s. 464.022, F.S.; providing an
31 exemption from licensure for a nurse licensed

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

8

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

10

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

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

17 240.4075 Nursing Student Loan Forgiveness Program.--

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

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

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

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

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

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

16
17 ~~In no case may payment for any nurse exceed \$4,000 in any~~
18 ~~12-month period.~~

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

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

25 240.4076 Nursing scholarship program.--

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

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, who does
16 not accept employment as a nurse at an approved health care
17 facility, or who does not complete 12 months of approved
18 employment for each year of scholarship assistance received
19 shall repay to the Department of Health, on a schedule to be
20 determined by the department, the entire amount of the
21 scholarship plus 18 percent interest accruing from the date of
22 the scholarship payment. Moneys repaid shall be deposited into
23 the Nursing Student Loan Forgiveness Trust Fund established in
24 s. 240.4075. However, the department may provide additional
25 time for repayment if the department finds that circumstances
26 beyond the control of the recipient caused or contributed to
27 the default.

28 ~~(d) Any recipient who does not accept employment as a~~
29 ~~nurse at an approved health care facility or who does not~~
30 ~~complete 12 months of approved employment for each year of~~
31 ~~scholarship assistance received shall repay to the Department~~

1 ~~of Health an amount equal to two times the entire amount of~~
2 ~~the scholarship plus interest accruing from the date of the~~
3 ~~scholarship payment at the maximum allowable interest rate~~
4 ~~permitted by law. Repayment shall be made within 1 year of~~
5 ~~notice that the recipient is considered to be in default.~~
6 ~~However, the department may provide additional time for~~
7 ~~repayment if the department finds that circumstances beyond~~
8 ~~the control of the recipient caused or contributed to the~~
9 ~~default.~~

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

16 Section 4. Sunshine Workforce Solutions Grant
17 Program.--

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

28 (a) A comprehensive career and technical education
29 program within a high school that provides a program of study
30 in nursing must be certified or endorsed by the Florida Board
31 of Nursing to ensure that all components of the program are

1 relevant and appropriate to prepare the student for further
2 education and employment in nursing.

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

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

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

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

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

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

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

30 Section 5. Subsections (1), (2), and (4) of section
31 464.009, Florida Statutes, are amended to read:

1 464.009 Licensure by endorsement.--
2 (1) The department shall issue the appropriate license
3 by endorsement to practice professional or practical nursing
4 to an applicant who, upon applying to the department and
5 remitting a fee set by the board not to exceed \$100,
6 demonstrates to the board that he or she:
7 (a) Holds a valid license to practice professional or
8 practical nursing in another state or territory of the United
9 States, provided that, when the applicant secured his or her
10 original license, the requirements for licensure were
11 substantially equivalent to or more stringent than those
12 existing in Florida at that time; ~~or~~
13 (b) Meets the qualifications for licensure in s.
14 464.008 and has successfully completed a state, regional, or
15 national examination which is substantially equivalent to or
16 more stringent than the examination given by the department;
17 or
18 (c) Has actively practiced nursing in another state,
19 jurisdiction, or territory of the United States for 2 of the
20 preceding 3 years without having his or her license acted
21 against by the licensing authority of any jurisdiction.
22 Applicants who become licensed pursuant to this paragraph must
23 complete within 6 months after licensure a Florida laws and
24 rules course that is approved by the board. Once the
25 department has received the results of the national criminal
26 history check and has determined that the applicant has no
27 criminal history, the appropriate license by endorsement shall
28 be issued to the applicant. This paragraph is repealed July 1,
29 2004, unless reenacted by the Legislature.
30 (2) Such examinations and requirements from other
31 states and territories of the United States shall be presumed

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

7 (4) The department shall not issue a license by
8 endorsement to any applicant who is under investigation in
9 another state, jurisdiction, or territory of the United States
10 for an act which would constitute a violation of this part or
11 chapter 456 until such time as the investigation is complete,
12 at which time the provisions of s. 464.018 shall apply.

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

16 464.019 Approval of nursing programs.--

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

26 (b) The board shall adopt rules regarding educational
27 objectives and curriculum guidelines as are necessary to grant
28 full approval to a program and to ensure that fully approved
29 programs graduate nurses capable of competent practice under
30 this part. Rules regarding educational objectives shall
31 consider student attrition rate standards, availability of

1 qualified faculty, and appropriate clinical training
2 facilities. However, the board shall adopt no rule that
3 prohibits a qualified institution from placing a student in a
4 facility for clinical experience, regardless of whether more
5 than one nursing program is using the same facility for
6 clinical experience.

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

10 (d) The board shall not adopt any rule limiting the
11 number of students admitted to a nursing program, provided
12 appropriate faculty-to-student ratios are maintained, and
13 provided the board shall not enact any changes to
14 faculty-to-student ratios prior to 2004.

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

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

31

1 Section 7. Subsection (8) of section 464.022, Florida
2 Statutes, is amended to read:

3 464.022 Exceptions.--No provision of this part shall
4 be construed to prohibit:

5 (8) Any nurse currently licensed in another state or
6 territory of the United States from performing nursing
7 services in this state for a period of 60 days after
8 furnishing to the employer satisfactory evidence of current
9 licensure in another state or territory and having submitted
10 proper application and fees to the board for licensure prior
11 to employment. The board may extend this time for
12 administrative purposes when necessary.

13 Section 8. (1) There is hereby appropriated from the
14 General Revenue Fund to the Department of Health for fiscal
15 year 2002-2003 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.

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

28 (3) The Department of Health shall by rule, pursuant
29 to ss. 120.536(1) and 120.54, Florida Statutes, adopt criteria
30 for grant awards. In addition to other criteria, the
31 department shall require that a hospital have experienced an

1 average vacancy rate of 20 percent or more among nursing
2 positions during the preceding 12 months. If the amount
3 available for distribution is less than the aggregate amount
4 of requests that meet the department's criteria, the
5 department shall provide grants on a pro rata basis.

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

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12 ADDITIONAL SPONSORS

13 Harrington, Kilmer, Waters, Mahon, McGriff, Cusack, Bowen,
14 Maygarden, Garcia, Gannon, Farkas, Needelman, Rich and Atwater

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