

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. 464.018, F.S.;
24 revising grounds for disciplinary actions
25 against nurses; amending s. 464.019, F.S.;
26 revising rulemaking authority of the Board of
27 Nursing relating to approval of nursing
28 programs; exempting certain nursing programs
29 from certain board rules under certain
30 circumstances; requiring board review of a
31 nursing program under certain circumstances;

1 amending s. 464.022, F.S.; providing an
2 exemption from licensure for a nurse licensed
3 in a territory of the United States; creating
4 s. 381.00593, F.S.; creating a public school
5 volunteer health care practitioner program;
6 providing a short title; providing purpose;
7 providing a definition; providing for waiver of
8 biennial active license renewal fees and
9 fulfillment of a portion of continuing
10 education hours for specified health care
11 practitioners who provide their services,
12 without compensation, in the public schools;
13 providing program and eligibility requirements;
14 providing for payment of any resulting increase
15 in liability insurance premiums; providing
16 administrative responsibilities; providing a
17 limitation on implementation; providing
18 rulemaking authority; providing for
19 implementation; providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

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

25 Section 2. Subsections (5) through (11) of section
26 240.4075, Florida Statutes, are renumbered as subsections (6)
27 through (12), respectively, subsection (4) is amended, and a
28 new subsection (5) is added to said section, to read:

29 240.4075 Nursing Student Loan Forgiveness Program.--

30 (4) From the funds available, the Department of Health
31 may make loan principal repayments of up to \$4,000 a year for

1 up to 4 years on behalf of selected graduates of an accredited
2 or approved nursing program. All repayments shall be
3 contingent upon continued proof of employment in the
4 designated facilities in this state and shall be made directly
5 to the holder of the loan. The state shall bear no
6 responsibility for the collection of any interest charges or
7 other remaining balance. In the event that the designated
8 facilities are changed, a nurse shall continue to be eligible
9 for loan forgiveness as long as he or she continues to work in
10 the facility for which the original loan repayment was made
11 and otherwise meets all conditions of eligibility.~~Receipt of~~
12 ~~funds pursuant to this program shall be contingent upon~~
13 ~~continued proof of employment in the designated facilities in~~
14 ~~this state. Loan principal payments shall be made by the~~
15 ~~Department of Health directly to the federal or state programs~~
16 ~~or commercial lending institutions holding the loan as~~
17 ~~follows:~~
18 ~~(a) Twenty-five percent of the loan principal and~~
19 ~~accrued interest shall be retired after the first year of~~
20 ~~nursing;~~
21 ~~(b) Fifty percent of the loan principal and accrued~~
22 ~~interest shall be retired after the second year of nursing;~~
23 ~~(c) Seventy-five percent of the loan principal and~~
24 ~~accrued interest shall be retired after the third year of~~
25 ~~nursing; and~~
26 ~~(d) The remaining loan principal and accrued interest~~
27 ~~shall be retired after the fourth year of nursing.~~
28
29 ~~In no case may payment for any nurse exceed \$4,000 in any~~
30 ~~12-month period.~~
31

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

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

7 240.4076 Nursing scholarship program.--

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

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

25 (4) Credit for repayment of a scholarship shall be as
26 follows:

27 (c) Any recipient who does not complete an appropriate
28 program of studies, ~~or who does not become licensed,~~ who does
29 not accept employment as a nurse at an approved health care
30 facility, or who does not complete 12 months of approved
31 employment for each year of scholarship assistance received

1 shall repay to the Department of Health, on a schedule to be
2 determined by the department, the entire amount of the
3 scholarship plus 18 percent interest accruing from the date of
4 the scholarship payment. Moneys repaid shall be deposited into
5 the Nursing Student Loan Forgiveness Trust Fund established in
6 s. 240.4075. However, the department may provide additional
7 time for repayment if the department finds that circumstances
8 beyond the control of the recipient caused or contributed to
9 the default.

10 ~~(d) Any recipient who does not accept employment as a~~
11 ~~nurse at an approved health care facility or who does not~~
12 ~~complete 12 months of approved employment for each year of~~
13 ~~scholarship assistance received shall repay to the Department~~
14 ~~of Health an amount equal to two times the entire amount of~~
15 ~~the scholarship plus interest accruing from the date of the~~
16 ~~scholarship payment at the maximum allowable interest rate~~
17 ~~permitted by law. Repayment shall be made within 1 year of~~
18 ~~notice that the recipient is considered to be in default.~~
19 ~~However, the department may provide additional time for~~
20 ~~repayment if the department finds that circumstances beyond~~
21 ~~the control of the recipient caused or contributed to the~~
22 ~~default.~~

23 (6) The Department of Health shall adopt rules,
24 including rules to address extraordinary circumstances that
25 may cause a recipient to default on either the school
26 enrollment or employment contractual agreement, to implement
27 this section and may solicit technical assistance relating to
28 the conduct of this program from the Department of Health.

29 Section 4. Sunshine Workforce Solutions Grant
30 Program.--
31

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

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

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

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

26 (2) Funds awarded for a Sunshine Workforce Solutions
27 Grant may be used for instructional equipment, laboratory
28 equipment, supplies, personnel, student services, or other
29 expenses associated with the development of a program in
30 nursing.

31

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

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

7 (b) Schools shall be selected based on existing
8 infrastructure that would ensure success of the program. The
9 department shall consider statewide geographic disbursement of
10 grant funds in ranking the applications.

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

14 Section 5. Subsections (1), (2), and (4) of section
15 464.009, Florida Statutes, are amended to read:

16 464.009 Licensure by endorsement.--

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

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

28 (b) Meets the qualifications for licensure in s.
29 464.008 and has successfully completed a state, regional, or
30 national examination which is substantially equivalent to or
31

1 more stringent than the examination given by the department;
2 or

3 (c) Has actively practiced nursing in another state,
4 jurisdiction, or territory of the United States for 2 of the
5 preceding 3 years without having his or her license acted
6 against by the licensing authority of any jurisdiction.
7 Applicants who become licensed pursuant to this paragraph must
8 complete within 6 months after licensure a Florida laws and
9 rules course that is approved by the board. Once the
10 department has received the results of the national criminal
11 history check and has determined that the applicant has no
12 criminal history, the appropriate license by endorsement shall
13 be issued to the applicant. This paragraph is repealed July 1,
14 2004, unless reenacted by the Legislature.

15 (2) Such examinations and requirements from other
16 states and territories of the United States shall be presumed
17 to be substantially equivalent to or more stringent than those
18 in this state. Such presumption shall not arise until January
19 1, 1980. However, the board may, by rule, specify states and
20 territories the examinations and requirements of which shall
21 not be presumed to be substantially equivalent to those of
22 this state.

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

29 Section 6. Paragraph (h) of subsection (1) of section
30 464.018, Florida Statutes, is amended, present paragraph (n)

31

1 of that subsection is redesignated as paragraph (o), and a new
2 paragraph (n) is added to that subsection, to read:

3 464.018 Disciplinary actions.--

4 (1) The following acts constitute grounds for denial
5 of a license or disciplinary action, as specified in s.
6 456.072(2):

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

12 (n) Failing to meet minimal standards of acceptable
13 and prevailing nursing practice, including engaging in acts
14 for which the licensee is not qualified by training or
15 experience.

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

19 464.019 Approval of nursing programs.--

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

29 (b) The board shall adopt rules regarding educational
30 objectives and curriculum guidelines as are necessary to grant
31 full approval to a program and to ensure that fully approved

1 programs graduate nurses capable of competent practice under
2 this part. Rules regarding educational objectives shall
3 consider student attrition rate standards, availability of
4 qualified faculty, and appropriate clinical training
5 facilities. However, the board shall adopt no rule that
6 prohibits a qualified institution from placing a student in a
7 facility for clinical experience, regardless of whether more
8 than one nursing program is using the same facility for
9 clinical experience.

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

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

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

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

1 program having its approval rescinded shall have the right to
2 reapply.

3 Section 8. Subsection (8) of section 464.022, Florida
4 Statutes, is amended to read:

5 464.022 Exceptions.--No provision of this part shall
6 be construed to prohibit:

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

15 Section 9. Section 381.00593, Florida Statutes, is
16 created to read:

17 381.00593 Public school volunteer health care
18 practitioner program.--

19 (1) This section may be cited as the "Public School
20 Volunteer Health Care Practitioner Act."

21 (2) The purpose of this section is to establish a
22 public school volunteer health care practitioner program with
23 incentives and coordinate the program with the "School Health
24 Services Act," pursuant to s. 381.0056, in order to encourage
25 health care practitioners to provide their services, without
26 compensation, in the public schools; and such program is
27 intended to complement other programs designed to provide
28 health services or increase the level of health care in the
29 public schools.

30 (3) For purposes of this section, the term "health
31 care practitioner" means a physician licensed under chapter

1 458; an osteopathic physician licensed under chapter 459; a
2 chiropractic physician licensed under chapter 460; a podiatric
3 physician licensed under chapter 461; an optometrist licensed
4 under chapter 463; an advanced registered nurse practitioner,
5 registered nurse, or licensed practical nurse licensed under
6 part I of chapter 464; a pharmacist licensed under chapter
7 465; a dentist or dental hygienist licensed under chapter 466;
8 a midwife licensed under chapter 467; a speech-language
9 pathologist or audiologist licensed under part I of chapter
10 468; or a physical therapist licensed under chapter 486.

11 (4)(a) Notwithstanding any provision of chapter 458,
12 chapter 459, chapter 460, chapter 461, chapter 463, part I of
13 chapter 464, chapter 465, chapter 466, chapter 467, part I of
14 chapter 468, or chapter 486 to the contrary, any health care
15 practitioner who participates in the program established in
16 this section and thereby agrees to provide his or her
17 services, without compensation, in a public school for at
18 least 80 hours a year for each school year during the biennial
19 licensure period, or, if the health care practitioner is
20 retired, for at least 400 hours a year for each school year
21 during the licensure period, upon providing sufficient proof
22 from the applicable school district that the health care
23 practitioner has completed such hours at the time of license
24 renewal under procedures specified by the Department of
25 Health, shall be eligible for the following:

26 1. Waiver of the biennial license renewal fee for an
27 active license; and

28 2. Fulfillment of a maximum of 25 percent of the
29 continuing education hours required for license renewal,
30 pursuant to s. 456.013(9).

31

1 The school district may establish a schedule for health care
2 practitioners who participate in the program.

3 (b) A health care practitioner must complete all forms
4 and procedures for participation in the program prior to the
5 applicable license renewal date.

6 (5) To participate in the program, a health care
7 practitioner must:

8 (a) Have a valid, active license to practice his or
9 her profession in this state.

10 (b) Submit fingerprints and have a background
11 screening in accordance with the requirements of s. 381.0059,
12 unless already provided and completed for practitioner
13 licensing, profiling, or credentialing purposes.

14 (6) The school district, through its self-insurance
15 program, shall bear the cost of any increase in premiums for
16 liability protection for health care practitioners
17 participating in the program other than those employed by the
18 school or school district.

19 (7)(a) The Department of Health shall have the
20 responsibility to supervise the program and perform periodic
21 program reviews as provided in s. 381.0056(4).

22 (b) The Department of Health, in cooperation with the
23 Department of Education, shall publicize the availability of
24 the program and its benefits.

25 (8) The Department of Health, in cooperation with the
26 Department of Education, may adopt rules necessary to
27 implement this section. The rules shall include the forms to
28 be completed and procedures to be followed by applicants and
29 school personnel under the program.

30
31

1 (9) The provisions of this section shall be
2 implemented to the extent of specific appropriations contained
3 in the annual General Appropriations Act for such purpose.

4 Section 10. Implementation of the public school
5 volunteer health care practitioner program under s. 381.00593,
6 Florida Statutes, as created by this act, shall be according
7 to the following schedule:

8 (1) The forms and procedures required by s.
9 381.00593(8), Florida Statutes, must be completed and
10 distributed to the school districts by November 30, 2002.

11 (2) Each school district must make the application
12 forms and any other materials required by s. 381.00593(8),
13 Florida Statutes, available to all public schools in the
14 district within 1 month after the forms and procedures are
15 completed and distributed to the school district.

16 (3) Publication of the program, as required by s.
17 381.00593(7)(b), Florida Statutes, must begin within 1 month
18 after the forms and procedures are completed and distributed
19 to the school district.

20 Section 11. This act shall take effect upon becoming a
21 law.