

CHAMBER ACTION

1 The Education Appropriations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to increased production of nurses in
7 Florida; amending s. 464.019, F.S.; authorizing the Board
8 of Nursing to change faculty-to-student ratios only under
9 certain circumstances; requiring a study to evaluate rules
10 regarding clinical instruction; providing for assistance
11 to approved nursing programs to expand capacity; amending
12 s. 464.0195, F.S.; requiring the Florida Center for
13 Nursing to develop and maintain an information system;
14 requiring an implementation plan; creating s. 1004.09,
15 F.S.; establishing a contract grant program for increasing
16 the capacity of approved nursing programs; requiring the
17 Department of Education to establish guidelines and
18 procedures; specifying requirements for grant proposals;
19 establishing priorities for receipt of grants; providing
20 for review, approval, and funding of proposals; requiring
21 the State Board of Education to submit a report on
22 implementation status; amending s. 1009.66, F.S.; renaming
23 the Nursing Student Loan Forgiveness Program and

24 | transferring administration of the program to the
 25 | Department of Education; revising criteria for receiving
 26 | funds under the program and for repayment of loans;
 27 | requiring that certain nurses employed as faculty in an
 28 | approved nursing program be given priority in receiving
 29 | funds under the program; renaming the Nursing Student Loan
 30 | Forgiveness Trust Fund and transferring administration of
 31 | the trust fund to the Department of Education; authorizing
 32 | the adoption of rules; amending s. 1009.67, F.S.; renaming
 33 | the Nursing Scholarship Program and transferring
 34 | administration of the program to the Department of
 35 | Education; revising criteria for receiving funds under the
 36 | program; revising repayment provisions; requiring the
 37 | adoption of rules; amending s. 215.20, F.S.; conforming
 38 | provisions relating to the trust fund; requiring the
 39 | Department of Education to identify specified examinations
 40 | for earning postsecondary credit for mastery of nursing
 41 | course material; requiring a status report; providing for
 42 | a type two transfer; providing an effective date.

43 |

44 | Be It Enacted by the Legislature of the State of Florida:

45 |

46 | Section 1. Subsection (2) of section 464.019, Florida
 47 | Statutes, is amended, and subsection (8) is added to said
 48 | section, to read:

49 | 464.019 Approval of nursing programs.--

50 | (2)(a) The board shall adopt rules, applicable to initial
 51 | review and conditional approval of a program, regarding

HB 1853

2005
CS

52 | educational objectives, faculty qualifications, curriculum
53 | guidelines, administrative procedures, and clinical training. An
54 | applicant institution shall comply with such rules in order to
55 | obtain conditional program approval. No program shall be
56 | considered fully approved, nor shall any program be exempted
57 | from such rules, prior to the graduation of the program's first
58 | class.

59 | (b) The board shall adopt rules regarding educational
60 | objectives and curriculum guidelines as are necessary to grant
61 | full approval to a program and to ensure that fully approved
62 | programs graduate nurses capable of competent practice under
63 | this part. Rules regarding educational objectives shall consider
64 | student attrition rate standards, availability of qualified
65 | faculty, and appropriate clinical training facilities. However,
66 | the board shall adopt no rule that prohibits a qualified
67 | institution from placing a student in a facility for clinical
68 | experience, regardless of whether more than one nursing program
69 | is using the same facility for clinical experience.

70 | (c) The board shall adopt rules governing probation,
71 | suspension, and termination status of programs that fail to
72 | comply with the standards of this part.

73 | (d) The board shall not adopt any rule limiting the number
74 | of students admitted to a nursing program, provided appropriate
75 | faculty-to-student ratios are maintained, and provided the board
76 | shall not enact any changes to faculty-to-student ratios that
77 | have the effect of limiting capacity in approved nursing
78 | programs unless such changes are based in scientific research
79 | ~~prior to 2004.~~

80 (e) The board, in conjunction with the Florida Center for
 81 Nursing, shall conduct a study of research literature to
 82 evaluate existing rules regarding clinical instruction,
 83 including an assessment of expanding the use of qualified
 84 registered nurses as supervisors and simulation as effective
 85 ways to maximize the opportunities for clinical experiences.

86 (8) The board shall work with the Department of Health,
 87 the Department of Education, and the Florida Center for Nursing
 88 to assist any approved nursing program with increasing capacity
 89 to produce more nurses to enter the workforce in the state. Such
 90 assistance may include, but is not limited to:

91 (a) Facilitating the development of partnerships between
 92 the program and clinical facilities that maximize the
 93 opportunities for clinical experiences for the students,
 94 including the use of clinical personnel in teaching roles.

95 (b) Identifying strategies for reducing the demands of
 96 nonclinical requirements on nursing faculty, including
 97 consolidating core requirements across nursing majors and tracks
 98 and identifying courses that are taught in other health and
 99 medical fields that could be jointly offered, taught by non-
 100 nurse faculty, or substituted for nursing courses.

101 (c) Developing alternative models of clinical education
 102 that reduce the burden on nursing faculty, including expanding
 103 the use of preceptors, providing more clinical instruction as a
 104 concentrated clinical experience later in the program, and
 105 increasing the use of simulators.

HB 1853

2005
CS

106 (d) Providing master's programs at primary health care
 107 facilities to build faculties of onsite nursing instructors to
 108 help meet the nursing needs of those facilities.

109 Section 2. Subsection (4) is added to section 464.0195,
 110 Florida Statutes, to read:

111 464.0195 Florida Center for Nursing; goals; information
 112 system.--

113 (4) The Florida Center for Nursing, in collaboration with
 114 the Department of Health, the Agency for Health Care
 115 Administration, the Agency for Workforce Innovation, and the
 116 Department of Education, and in consultation with the Office of
 117 Program Policy Analysis and Government Accountability, shall
 118 develop and maintain an information system to assess the
 119 workforce needs of the nursing profession in the state. The
 120 information system shall be designed to enable the center to
 121 produce reliable, comparable, and comprehensive data on the
 122 nursing workforce in the state; identify potential nursing
 123 shortages and the areas in which they may occur; assess the
 124 productivity of approved nursing programs, especially in
 125 responding to identified workforce needs; and establish a
 126 registry to link approved nursing programs that need additional
 127 clinical sites or faculty to expand their capacity with licensed
 128 health care providers that may be able to assist in meeting such
 129 needs. Data to support the information system may be collected
 130 as part of the initial and renewal licensure process for both
 131 individuals and health care facilities and as part of the Board
 132 of Nursing program approval process. No later than November 1,
 133 2005, the Florida Center for Nursing shall submit to the

HB 1853

2005
CS

134 President of the Senate and the Speaker of the House of
135 Representatives an implementation plan for the information
136 system, including projected cost and recommended rule changes
137 that may be required to collect the information necessary for
138 the system to be successful.

139 Section 3. Section 1004.09, Florida Statutes, is created
140 to read:

141 1004.09 SUCCEED, Florida - Crucial Professionals Nursing
142 Education Grant Program.--The SUCCEED, Florida - Crucial
143 Professionals Nursing Education Grant Program is established as
144 a contract grant program within the Department of Education to
145 increase the capacity of nursing programs approved by the Board
146 of Nursing at postsecondary educational institutions to produce
147 more nurses or nursing faculty to enter the workforce in the
148 state. The department shall establish application procedures,
149 guidelines, accountability measures, and timelines for
150 implementation of the grant program and advise all Board of
151 Nursing approved programs accordingly.

152 (1) Proposals for a grant authorized pursuant to this
153 section must:

154 (a) Indicate the number of students to be served, the
155 length of the proposed program, and the projected cost.

156 (b) Document the workforce need to be addressed through
157 the expanded capacity of the existing nursing program.

158 (c) Demonstrate a pool of qualified applicants to fill the
159 expanded capacity.

160 (2) Funds for a grant provided pursuant to this section
161 must be used to support new students and not to supplant current

HB 1853

2005
CS

162 funding or students. An institution applying for a grant must
163 certify to the department that it will not reduce funding or the
164 current level of enrollment in its existing nursing program. Any
165 such reduction shall result in a pro rata reduction in the grant
166 awarded pursuant to this section.

167 (3) Priority in the awarding of new grants authorized
168 pursuant to this section shall be given to proposals that comply
169 with three or more of the following:

170 (a) Proposals that result in new nurses in the workforce
171 or nurses moving to a higher level on the career ladder.

172 (b) Proposals that could be implemented as early as the
173 fall of 2005.

174 (c) Proposals that include partnerships or collaborations
175 with other institutions, programs, or health care providers.

176 (d) Proposals for programs offered at the worksite or
177 through distance learning that permit nurses to achieve a higher
178 level of nursing licensure.

179 (e) Proposals for accelerated programs that shorten the
180 time required to receive a diploma, certificate, or degree;
181 obtain licensure; and enter the workforce.

182 (f) Proposals that target exiting military personnel or
183 other persons interested in making career changes.

184 (g) Proposals from nursing programs with demonstrated
185 success as evidenced by graduation rates, licensure examination
186 passage rates, and placement of graduates in nursing employment
187 in the state.

188 (h) Proposals for programs that would address the state's
189 need for rapid production of highly skilled clinical nurses and

190 qualified nursing faculty, such as the fast-track baccalaureate
 191 to doctoral program, the Clinical Nurse Leader Program, and the
 192 Doctor of Nursing Practice program.

193 (4) Subsequent to the first year of funding for the grant
 194 program, priority for awarding grants shall be for renewal
 195 grants to nursing programs that are making adequate progress
 196 towards their contracted production.

197 (5) Grant recipients must enter into a contract between
 198 the postsecondary educational institution and the state to
 199 produce a specific number of nursing graduates within a specific
 200 time period.

201 (6) Nursing programs receiving grants pursuant to this
 202 section must submit periodic reports to the department
 203 documenting compliance with the accountability measures
 204 established by the department. Award amounts in subsequent years
 205 shall be tied to student retention; the production of degrees,
 206 certificates, or diplomas; and the number of graduates placed in
 207 a nursing position in the state.

208 (7) Proposals submitted pursuant to this section shall be
 209 reviewed by the Board of Nursing and the State Board of
 210 Education. Final approval and level of funding shall be
 211 determined by the State Board of Education with consideration
 212 given to comments submitted to the State Board of Education by
 213 the Board of Nursing.

214 (8) The State Board of Education shall monitor compliance
 215 with accountability requirements.

216 (9) By February 1, 2006, the State Board of Education
 217 shall submit a report to the President of the Senate and the

HB 1853

2005
CS

218 Speaker of the House of Representatives on the status of
219 implementation of the grant program.

220 Section 4. Section 1009.66, Florida Statutes, is amended
221 to read:

222 1009.66 Nursing Student Loan Reimbursement ~~Forgiveness~~
223 Program.--

224 (1) To encourage qualified personnel to seek employment in
225 areas of this state in which critical nursing shortages exist,
226 there is established the Nursing Student Loan Reimbursement
227 ~~Forgiveness~~ Program. The primary function of the program is to
228 increase employment and retention of registered nurses and
229 licensed practical nurses in nursing homes and hospitals in the
230 state and in state-operated medical and health care facilities,
231 public schools, birth centers, federally sponsored community
232 health centers, family practice teaching hospitals, and
233 specialty children's hospitals and the employment and retention
234 of instructional faculty in nursing programs approved by the
235 Board of Nursing by making repayments toward loans received by
236 students from federal or state programs or commercial lending
237 institutions for the support of postsecondary study in
238 accredited or approved nursing programs or for the support of
239 study in a preparatory course for foreign-trained nurses offered
240 by an approved nursing program.

241 (2) To be eligible, a candidate must have graduated from
242 an accredited or approved nursing program or have successfully
243 completed a preparatory course for foreign-trained nurses
244 offered by an approved nursing program and have received a
245 Florida license as a licensed practical nurse or a registered

246 nurse or a Florida certificate as an advanced registered nurse
247 practitioner.

248 (3) Only loans to pay the costs of tuition, books, and
249 living expenses shall be covered, at an amount not to exceed
250 \$4,000 for each year of education toward the degree obtained.

251 (4) From the funds available, the Department of Education
252 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
253 for up to 4 years on behalf of eligible candidates pursuant to
254 subsection (2) selected graduates of an accredited or approved
255 nursing program. All repayments shall be contingent upon
256 continued proof of employment in the designated facilities in
257 this state and shall be made ~~directly~~ to the holder of the loan
258 or the lending institution for loans held by a lending
259 institution. The state shall bear no responsibility for the
260 collection of any interest charges or other remaining balance.
261 In the event that the designated facilities are changed, a nurse
262 shall continue to be eligible for loan reimbursement forgiveness
263 as long as he or she continues to work in the facility for which
264 the original loan repayment was made and otherwise meets all
265 conditions of eligibility.

266 (5) There is created the Nursing Student Loan
267 Reimbursement Forgiveness Trust Fund to be administered by the
268 Department of Education ~~Health~~ pursuant to this section and s.
269 1009.67 and department rules. The Chief Financial Officer shall
270 authorize expenditures from the trust fund upon receipt of
271 vouchers approved by the Department of Education ~~Health~~. All
272 moneys collected from the private health care industry and other
273 private sources for the purposes of this section shall be

HB 1853

2005
CS

274 deposited into the Nursing Student Loan Reimbursement
 275 ~~Forgiveness~~ Trust Fund. Any balance in the trust fund at the end
 276 of any fiscal year shall remain therein and shall be available
 277 for carrying out the purposes of this section and s. 1009.67.

278 (6) In addition to licensing fees imposed under part I of
 279 chapter 464, there is hereby levied and imposed an additional
 280 fee of \$5, which fee shall be paid upon licensure or renewal of
 281 nursing licensure. Revenues collected from the fee imposed in
 282 this subsection shall be deposited in the Nursing Student Loan
 283 Reimbursement ~~Forgiveness~~ Trust Fund of the Department of
 284 Education ~~Health~~ and will be used solely for the purpose of
 285 carrying out the provisions of this section and s. 1009.67. Up
 286 to 50 percent of the revenues appropriated to implement this
 287 subsection may be used for the nursing scholarship loan program
 288 established pursuant to s. 1009.67.

289 (7) Funds contained in the Nursing Student Loan
 290 Reimbursement ~~Forgiveness~~ Trust Fund which are to be used for
 291 loan reimbursement ~~forgiveness~~ for those nurses employed by
 292 hospitals, birth centers, and nursing homes and for those nurses
 293 employed as instructional faculty in an approved nursing program
 294 must be matched on a dollar-for-dollar basis by contributions or
 295 tuition reductions from the employing institutions, except that
 296 this provision shall not apply to state-operated medical and
 297 health care facilities, community colleges, state universities,
 298 public schools, county health departments, federally sponsored
 299 community health centers, teaching hospitals as defined in s.
 300 408.07, family practice teaching hospitals as defined in s.
 301 395.805, or specialty hospitals for children as used in s.

HB 1853

2005
CS

302 409.9119. An estimate of the annual trust fund dollars shall be
 303 made at the beginning of the fiscal year based on historic
 304 expenditures from the trust fund. Applicant requests shall be
 305 reviewed on a quarterly basis, and applicant awards shall be
 306 based on the following priority of employer until all such
 307 estimated trust funds are awarded: nursing programs approved by
 308 the Board of Nursing if the employer and the award recipient
 309 agree that the award recipient will spend a minimum of 75
 310 percent of his or her time providing instruction, developing
 311 curriculum, or advising or mentoring students for the duration
 312 of the award; state-operated medical and health care facilities;
 313 public schools; county health departments; federally sponsored
 314 community health centers; teaching hospitals as defined in s.
 315 408.07; family practice teaching hospitals as defined in s.
 316 395.805; specialty hospitals for children as used in s.
 317 409.9119; and other hospitals, birth centers, and nursing homes.

318 ~~(8) The Department of Health may solicit technical~~
 319 ~~assistance relating to the conduct of this program from the~~
 320 ~~Department of Education.~~

321 ~~(9)~~(9) The Department of Education ~~Health~~ is authorized to
 322 recover from the Nursing Student Loan Reimbursement ~~Forgiveness~~
 323 Trust Fund its costs for administering the Nursing Student Loan
 324 Reimbursement ~~Forgiveness~~ Program.

325 ~~(9)~~(10) The State Board of Education ~~Department of Health~~
 326 may adopt rules necessary to administer this program.

327 ~~(10)~~(11) This section shall be implemented only as
 328 specifically funded.

HB 1853

2005
CS

329 ~~(11)(12)~~ Students receiving a nursing scholarship loan
330 pursuant to s. 1009.67 are not eligible to participate in the
331 Nursing Student Loan Reimbursement ~~Forgiveness~~ Program.

332 Section 5. Section 1009.67, Florida Statutes, is amended
333 to read:

334 1009.67 Nursing Scholarship Loan Program.--

335 (1) There is established within the Department of
336 Education ~~Health~~ a scholarship loan program for the purpose of
337 attracting capable and promising students to the nursing
338 profession.

339 (2) A scholarship loan applicant shall be enrolled in an
340 approved nursing program leading to the award of an associate
341 degree, a baccalaureate degree, or a graduate degree in nursing
342 or enrolled in a preparatory course for foreign-trained nurses
343 offered by an approved nursing program.

344 (3) A scholarship loan may be awarded for no more than 2
345 years, in an amount not to exceed \$8,000 per year. However,
346 registered nurses pursuing a graduate degree for a faculty
347 position or to practice as an advanced registered nurse
348 practitioner may receive up to \$12,000 per year. These amounts
349 shall be adjusted by the amount of increase or decrease in the
350 consumer price index for urban consumers published by the United
351 States Department of Commerce.

352 (4) Credit for repayment of a scholarship loan shall be as
353 follows:

354 (a) For each full year of scholarship loan assistance, the
355 recipient agrees to work for 12 months in a faculty position in
356 a college of nursing or community college nursing program in

HB 1853

2005
CS

357 | this state and spend a minimum of 75 percent of his or her time
 358 | providing instruction, developing curriculum, or advising or
 359 | mentoring students or agrees to work for 12 months at a health
 360 | care facility in a medically underserved area as approved by the
 361 | Department of Health. Scholarship loan recipients who attend
 362 | school on a part-time basis shall have their employment service
 363 | obligation prorated in proportion to the amount of scholarship
 364 | loan payments received.

365 | (b) Eligible health care facilities include nursing homes
 366 | and hospitals in this state, state-operated medical or health
 367 | care facilities, public schools, county health departments,
 368 | federally sponsored community health centers, colleges of
 369 | nursing in universities in this state, and community college
 370 | nursing programs in this state, family practice teaching
 371 | hospitals as defined in s. 395.805, or specialty children's
 372 | hospitals as described in s. 409.9119. The recipient shall be
 373 | encouraged to complete the service obligation at a single
 374 | employment site. If continuous employment at the same site is
 375 | not feasible, the recipient may apply to the department for a
 376 | transfer to another approved health care facility.

377 | (c) Any recipient who does not complete an appropriate
 378 | program of studies, who does not become licensed, who does not
 379 | accept employment as a nurse at an approved health care
 380 | facility, or who does not complete 12 months of approved
 381 | employment for each year of scholarship loan assistance received
 382 | shall repay to the Department of Education Health, on a schedule
 383 | to be determined by the department, the entire amount of the
 384 | scholarship loan plus ~~18 percent~~ interest ~~accruing from the date~~

385 ~~of the scholarship payment.~~ Repayment schedules and applicable
 386 interest rates shall be determined by rules of the State Board
 387 of Education. Moneys repaid shall be deposited into the Nursing
 388 Student Loan Reimbursement ~~Forgiveness~~ Trust Fund established in
 389 s. 1009.66. However, the department may provide additional time
 390 for repayment if the department finds that circumstances beyond
 391 the control of the recipient caused or contributed to the
 392 default.

393 (5) Scholarship loan payments shall be transmitted to the
 394 recipient upon receipt of documentation that the recipient is
 395 enrolled in an approved nursing program. The Department of
 396 Education ~~Health~~ shall develop a formula to prorate payments to
 397 scholarship loan recipients so as not to exceed the maximum
 398 amount per academic year.

399 (6) The State Board of Education ~~Department of Health~~
 400 shall adopt rules, including rules to address extraordinary
 401 circumstances that may cause a recipient to default on either
 402 the school enrollment or employment contractual agreement, to
 403 implement this section.

404 (7) The Department of Education ~~Health~~ may recover from
 405 the Nursing Student Loan Reimbursement ~~Forgiveness~~ Trust Fund
 406 its costs for administering the nursing scholarship loan
 407 program.

408 Section 6. Paragraphs (h) and (l) of subsection (4) of
 409 section 215.20, Florida Statutes, are amended to read:

410 215.20 Certain income and certain trust funds to
 411 contribute to the General Revenue Fund.--

HB 1853

2005
CS

412 (4) The income of a revenue nature deposited in the
 413 following described trust funds, by whatever name designated, is
 414 that from which the appropriations authorized by subsection (3)
 415 shall be made:

416 (h) Within the Department of Education:

- 417 1. The Educational Certification and Service Trust Fund.
- 418 2. The Phosphate Research Trust Fund.
- 419 3. The Nursing Student Loan Reimbursement Trust Fund.

420 (1) Within the Department of Health:

- 421 1. The Administrative Trust Fund.
- 422 2. The Brain and Spinal Cord Injury Program Trust Fund.
- 423 3. The Donations Trust Fund.
- 424 4. The Emergency Medical Services Trust Fund.
- 425 5. The Epilepsy Services Trust Fund.
- 426 6. The Florida Drug, Device, and Cosmetic Trust Fund.
- 427 7. The Grants and Donations Trust Fund.
- 428 8. The Medical Quality Assurance Trust Fund.
- 429 ~~9. The Nursing Student Loan Forgiveness Trust Fund.~~
- 430 9.10. The Planning and Evaluation Trust Fund.
- 431 10.11. The Radiation Protection Trust Fund.

432
 433 The enumeration of the foregoing moneys or trust funds shall not
 434 prohibit the applicability thereto of s. 215.24 should the
 435 Governor determine that for the reasons mentioned in s. 215.24
 436 the money or trust funds should be exempt herefrom, as it is the
 437 purpose of this law to exempt income from its force and effect
 438 when, by the operation of this law, federal matching funds or

HB 1853

2005
CS

439 contributions or private grants to any trust fund would be lost
440 to the state.

441 Section 7. By July 1, 2006, the Department of Education,
442 with input from public and private postsecondary educational
443 institutions, shall identify national standardized or licensure
444 examinations by which secondary and postsecondary students may
445 demonstrate mastery of postsecondary nursing course material and
446 earn postsecondary credit for such courses. The examinations and
447 corresponding minimum scores required for an award of credit
448 shall be delineated by the State Board of Education in the
449 statewide articulation agreement. The delineation of such
450 examinations shall not preclude community colleges and
451 universities from awarding credit by examination based on
452 student performance on examinations developed within and
453 recognized by the individual postsecondary educational
454 institutions. By February 1, 2006, the Department of Education
455 shall provide a status report on implementation of this section
456 to the Governor, the President of the Senate, and the Speaker of
457 the House of Representatives.

458 Section 8. All statutory powers, duties, functions,
459 records, positions, property, and unexpended balances of
460 appropriations, allocations, or other funds of the Department of
461 Health relating to the Nursing Student Loan Reimbursement
462 Program and the Nursing Student Loan Reimbursement Trust Fund as
463 created in s. 1009.66, Florida Statutes, and the Nursing
464 Scholarship Loan Program as created in s. 1009.67, Florida
465 Statutes, are transferred by a type two transfer as provided for

HB 1853

2005
CS

466 | in s. 20.06(2), Florida Statutes, from the Department of Health
467 | to the Department of Education.

468 | Section 9. This act shall take effect July 1, 2005.