



495838

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2014	.	
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The Committee on Health Policy (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (10) and (19) of section 464.003,
Florida Statutes, are amended to read:

464.003 Definitions.—As used in this part, the term:

(10) "Clinical training" means direct nursing care
experiences with patients or clients, or clinical simulation of
such experiences, which offer the student the opportunity to



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11 integrate, apply, and refine specific skills and abilities based
12 on theoretical concepts and scientific principles.

13 (19) "Practice of practical nursing" means the performance
14 of selected acts, including the administration of treatments and
15 medications, in the care of the ill, injured, or infirm; ~~and~~ the
16 promotion of wellness, maintenance of health, and prevention of
17 illness of others under the direction of a registered nurse, a
18 licensed physician, a licensed osteopathic physician, a licensed
19 podiatric physician, or a licensed dentist; and the teaching of
20 general principles of health and wellness to the public and to
21 students other than nursing students. A practical nurse is
22 responsible and accountable for making decisions that are based
23 upon the individual's educational preparation and experience in
24 nursing.

25 (23) "Required passage rate" means the graduate passage
26 rate required for an approved program pursuant to s.
27 464.019(5)(a) ~~464.019(6)(a)1.~~

28 Section 2. Subsection (3) of section 464.013, Florida
29 Statutes, is amended to read:

30 464.013 Renewal of license or certificate.—

31 (3) The board shall by rule prescribe up to 30 hours of
32 continuing education not to exceed 30 hours biennially as a
33 condition for renewal of a license or certificate. A nurse who
34 is certified by a health care specialty program accredited by
35 the National Commission for Certifying Agencies or Accreditation
36 Board for Specialty Nursing Certification is exempt from
37 continuing education requirements. The criteria for programs
38 shall be approved by the board.

39 Section 3. Section 464.019, Florida Statutes, is amended to



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40 read:

41 464.019 Approval of nursing education programs.—

42 (1) PROGRAM APPLICATION APPLICATIONS.—An educational
43 institution that wishes to conduct a program in this state for
44 the prelicensure education of professional or practical nurses
45 must submit to the department a program application and review
46 fee of \$1,000 for each prelicensure nursing education program to
47 be offered at the institution's main campus, branch campus, or
48 other instructional site. The ~~Each~~ program application must
49 include the legal name of the educational institution, the legal
50 name of the nursing education program, and, if such institution
51 ~~program~~ is accredited by an ~~accrediting agency other than an~~
52 ~~accrediting agency described in s. 464.003(1)~~, the name of the
53 accrediting agency. The application must also document that:

54 (a)1. For a professional nursing education program, the
55 program director and at least 50 percent of the program's
56 faculty members are registered nurses who have a master's or
57 higher degree in nursing or a bachelor's degree in nursing and a
58 master's or higher degree in a field related to nursing.

59 2. For a practical nursing education program, the program
60 director and at least 50 percent of the program's faculty
61 members are registered nurses who have a bachelor's or higher
62 degree in nursing.

63
64 The educational degree requirements of this paragraph may
65 be documented by an official transcript or by a written
66 statement from the educational institution verifying that the
67 institution conferred the degree.

68 (b) The program's nursing major curriculum consists of at



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69 least:1. Fifty percent clinical training at a health care
70 facility in the United States, the District of Columbia, or a
71 possession or territory of the United States for a practical
72 nursing education program, an associate degree professional
73 nursing education program, or a professional diploma nursing
74 education program.

75 2. Forty percent clinical training at a health care
76 facility in the United States, the District of Columbia, or a
77 possession or territory of the United States for a bachelor's
78 degree professional nursing education program.

79 (c) No more than 50 ~~25~~ percent of the program's clinical
80 training consists of clinical simulation.

81 (d) The program has signed agreements with each agency,
82 facility, and organization included in the curriculum plan as
83 clinical training sites and community-based clinical experience
84 sites.

85 (e) The program has written policies for faculty which
86 include provisions for direct or indirect supervision by program
87 faculty or clinical preceptors for students in clinical training
88 consistent with the following standards:

89 1. The number of program faculty members equals at least
90 one faculty member directly supervising every 12 students unless
91 the written agreement between the program and the agency,
92 facility, or organization providing clinical training sites
93 allows more students, not to exceed 18 students, to be directly
94 supervised by one program faculty member.

95 2. For a hospital setting, indirect supervision may occur
96 only if there is direct supervision by an assigned clinical
97 preceptor, a supervising program faculty member is available by



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98 telephone, and such arrangement is approved by the clinical
99 facility.

100 3. For community-based clinical experiences that involve
101 student participation in invasive or complex nursing activities,
102 students must be directly supervised by a program faculty member
103 or clinical preceptor and such arrangement must be approved by
104 the community-based clinical facility.

105 4. For community-based clinical experiences not subject to
106 subparagraph 3., indirect supervision may occur only when a
107 supervising program faculty member is available to the student
108 by telephone.

109 A program's policies established under this paragraph must
110 require that a clinical preceptor who is, ~~if~~ supervising
111 students in a professional nursing education program, ~~to~~ be a
112 registered nurse or, if supervising students in a practical
113 nursing education program, ~~to~~ be a registered nurse or licensed
114 practical nurse.

115 (f) The professional or practical nursing curriculum plan
116 documents clinical experience and theoretical instruction in
117 medical, surgical, obstetric, pediatric, and geriatric nursing.
118 A professional nursing curriculum plan shall also document
119 clinical experience and theoretical instruction in psychiatric
120 nursing. Each curriculum plan must document clinical training
121 experience in appropriate settings that include, but are not
122 limited to, acute care, long-term care, and community settings.

123 (g) The professional or practical nursing education program
124 provides theoretical instruction and clinical application in
125 personal, family, and community health concepts; nutrition;
126 human growth and development throughout the life span; body



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127 structure and function; interpersonal relationship skills;
128 mental health concepts; pharmacology and administration of
129 medications; and legal aspects of practice. A professional
130 nursing education program must ~~shall~~ also provide theoretical
131 instruction and clinical application in interpersonal
132 relationships and leadership skills; professional role and
133 function; and health teaching and counseling skills.

134 (2) PROGRAM APPROVAL.—

135 (a) Upon receipt of a program application and review fee,
136 the department shall examine the application to determine if
137 ~~whether~~ it is complete. If the ~~a program~~ application is not
138 complete, the department shall notify the educational
139 institution in writing of any errors or omissions within 30 days
140 after the department's receipt of the application. A program
141 application is deemed complete upon the department's receipt of:

142 1. The initial application, if the department does not
143 notify the educational institution of any errors or omissions
144 within the 30-day period; or

145 2. A revised application that corrects each error and
146 omission of which the department notifies the educational
147 institution within the 30-day period.

148 (b) Within 90 days after the department's receipt of a
149 complete program application, the board shall:

150 1. Approve the application if it documents compliance with
151 subsection (1) ~~paragraphs (1)(a)-(g)~~; or

152 2. Provide the educational institution with a notice of
153 intent to deny the application if it does not document
154 compliance with subsection (1) ~~paragraphs (1)(a)-(g)~~. The notice
155 must specify ~~set forth~~ written reasons for the board's denial of



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156 the application. The board may not deny a program application
157 because of an educational institution's failure to correct an
158 any error or omission that ~~of which~~ the department failed to
159 provide notice of to ~~does not notify~~ the institution within the
160 30-day notice period under paragraph (a). The educational
161 institution may request a hearing on the notice of intent to
162 deny the program application pursuant to chapter 120.

163 (c) A program application is deemed approved if the board
164 does not act within the 90-day review period provided under
165 paragraph (b).

166 (d) Upon the board's approval of a program application, the
167 program becomes an approved program.

168 ~~(3) STATUS OF CERTAIN PROGRAMS. A professional or practical~~
169 ~~nursing education program becomes an approved program if, as of~~
170 ~~June 30, 2009, the program:~~

171 ~~(a) Has full or provisional approval from the board or,~~
172 ~~except as provided in paragraph (b), is on probationary status.~~

173 ~~(b) Is on probationary status because the program did not~~
174 ~~meet the board's requirement for graduate passage rates. Such~~
175 ~~program shall remain on probationary status until it achieves a~~
176 ~~graduate passage rate for calendar year 2009 or 2010 that equals~~
177 ~~or exceeds the required passage rate for the respective calendar~~
178 ~~year and must disclose its probationary status in writing to the~~
179 ~~program's students and applicants. If the program does not~~
180 ~~achieve the required passage rate, the board shall terminate the~~
181 ~~program pursuant to chapter 120.~~

182 (3)~~(4)~~ ANNUAL REPORT.—By November 1 of each year, each
183 approved program shall submit to the board an annual report
184 comprised of an affidavit certifying continued compliance with



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185 subsection (1) ~~paragraphs (1)(a)-(g)~~, a summary description of
186 the program's compliance with subsection (1) ~~paragraphs (1)(a)-~~
187 ~~(g)~~, and documentation for the previous academic year that, to
188 the extent applicable, describes ~~sets forth~~:

189 (a) The number of student applications received, qualified
190 applicants, applicants accepted, accepted applicants who enroll
191 in the program, students enrolled in the program, and program
192 graduates.

193 (b) The program's retention rates for students tracked from
194 program entry to graduation.

195 (c) The program's accreditation status, including
196 identification of the accrediting agency ~~if such agency is not~~
197 ~~an accrediting agency described in s. 464.003(1)~~.

198 ~~(4)-(5) INTERNET WEBSITE. By October 1, 2010,~~ The board
199 shall publish the following information on its Internet website:

200 (a) A list of each accredited program conducted in the
201 state and the program's graduate passage rates for the most
202 recent 2 calendar years, which the department shall determine
203 through the following sources:

204 1. For a program's accreditation status, the specialized
205 accrediting agencies that are nationally recognized by the
206 United States Secretary of Education to accredit nursing
207 education programs.

208 2. For a program's graduate passage rates, the contract
209 testing service of the National Council of State Boards of
210 Nursing.

211 (b) The following data for each approved program, which
212 includes ~~shall include~~, to the extent applicable:

213 1. All documentation provided by the program in its program



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214 application if submitted on or after July 1, 2009.

215 2. The summary description of the program's compliance
216 submitted under subsection (3) ~~(4)~~.

217 3. The program's accreditation status, including
218 identification of the accrediting agency ~~if such agency is not~~
219 ~~an accrediting agency described in s. 464.003(1)~~.

220 4. The program's probationary status.

221 5. The program's graduate passage rates for the most recent
222 2 calendar years.

223 6. Each program's retention rates for students tracked from
224 program entry to graduation.

225 (c) The average passage rates for United States educated
226 first-time test takers on the National Council of State Boards
227 of Nursing Licensing Examination for the most recent 2 calendar
228 years, as calculated by the contract testing service of the
229 National Council of State Boards of Nursing. The average passage
230 rates shall be published separately for each type of comparable
231 degree program listed in subparagraph (5) (a)1. ~~sub-subparagraphs~~
232 ~~(6) (a)1.a.-d.~~

233 The information required to be published under this
234 subsection shall be made available in a manner that allows
235 interactive searches and comparisons of individual programs
236 selected by the website user. The board shall update the
237 Internet website at least quarterly with the available
238 information.

239 (5) ~~(6)~~ ACCOUNTABILITY.—

240 (a)1. An approved program must achieve a graduate passage
241 rate that is not more ~~lower~~ than 10 percentage points lower ~~less~~
242 than the average passage rate during the same calendar year for



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243 graduates of comparable degree programs who are United States
244 educated, first-time test takers on the National Council of
245 State Boards of Nursing Licensing Examination ~~during a calendar~~
246 ~~year~~, as calculated by the contract testing service of the
247 National Council of State Boards of Nursing. For purposes of
248 this subparagraph, an approved program is comparable to all
249 degree programs of the same program type from among the
250 following program types:

251 a. Professional nursing education programs that terminate
252 in a bachelor's degree.

253 b. Professional nursing education programs that terminate
254 in an associate degree.

255 c. Professional nursing education programs that terminate
256 in a diploma.

257 d. Practical nursing education programs.

258 2. Beginning with graduate passage rates for calendar year
259 2010, if an approved program's graduate passage rates do not
260 equal or exceed the required passage rates for 2 consecutive
261 calendar years, the board shall place the program on
262 probationary status pursuant to chapter 120 and the program
263 director shall ~~must~~ appear before the board to present a plan
264 for remediation. The program must ~~shall~~ remain on probationary
265 status until it achieves a graduate passage rate that equals or
266 exceeds the required passage rate for any 1 calendar year. The
267 board shall deny a program application for a new prelicensure
268 nursing education program submitted by an educational
269 institution if the institution has an existing program that is
270 already on probationary status.

271 3. Upon the program's achievement of a graduate passage



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272 rate that equals or exceeds the required passage rate, the
273 board, at its next regularly scheduled meeting following release
274 of the program's graduate passage rate by the National Council
275 of State Boards of Nursing, shall remove the program's
276 probationary status. However, if the program, during the 2
277 calendar years following its placement on probationary status,
278 does not achieve the required passage rate for any 1 calendar
279 year, the board shall terminate the program pursuant to chapter
280 120.

281 (b) If an approved program fails to submit the annual
282 report required in subsection (3) ~~(4)~~, the board shall notify
283 the program director and president or chief executive officer of
284 the educational institution in writing within 15 days after the
285 due date of the annual report. The program director shall ~~must~~
286 appear before the board at the board's next regularly scheduled
287 meeting to explain the reason for the delay. The board shall
288 terminate the program pursuant to chapter 120 if it does not
289 submit the annual report within 6 months after the due date.

290 (c) An approved program on probationary status shall
291 disclose its probationary status in writing to the program's
292 students and applicants.

293 (6) ~~(7)~~ DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

294 (a) For each graduate of the program ~~an approved program's~~
295 ~~or accredited program's graduates~~ included in the calculation of
296 the program's graduate passage rate, the department shall
297 disclose to the program director, upon his or her written
298 request, the name, examination date, and determination of
299 whether each graduate passed or failed the National Council of
300 ~~for~~ State Boards of Nursing Licensing Examination, if to the



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301 ~~extent that~~ such information is provided to the department by
302 the contract testing service of the National Council of ~~for~~
303 State Boards of Nursing. The written request must specify the
304 calendar years for which the information is requested.

305 (b) A program director to whom confidential information
306 exempt from public disclosure pursuant to s. 456.014 is
307 disclosed under this subsection must maintain the
308 confidentiality of the information and is subject to the same
309 penalties provided in s. 456.082 for department employees who
310 unlawfully disclose confidential information.

311 (7) ~~(8)~~ PROGRAM CLOSURE.—

312 (a) An educational institution conducting an approved
313 program or accredited program in this state, at least 30 days
314 before voluntarily closing the program, shall notify the board
315 in writing of the institution's reason for closing the program,
316 the intended closure date, the institution's plan to provide for
317 or assist in the completion of training by the program's
318 students, and the arrangements for storage of the program's
319 permanent records.

320 (b) An educational institution conducting a nursing
321 education program that is terminated under subsection (5) ~~(6)~~ or
322 closed under subparagraph (9)(b)3. ~~(10)(b)3.~~:

323 1. May not accept or enroll new students.

324 2. Shall ~~Must~~ submit to the board within 30 days after the
325 program is terminated or closed a written description of how the
326 institution will assist in completing the ~~completion of~~ training
327 of ~~by~~ the program's students and the institution's arrangements
328 for storage of the program's permanent records.

329 (c) If an educational institution does not comply with



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330 paragraph (a) or paragraph (b), the board shall provide a
331 written notice explaining the institution's noncompliance to the
332 following persons and entities:

333 1. The president or chief executive officer of the
334 educational institution.

335 2. The Board of Governors, if the program is conducted by a
336 state university.

337 3. The district school board, if the program is conducted
338 by an educational institution operated by a school district.

339 4. The Commission for Independent Education, if the program
340 is conducted by an educational institution licensed under
341 chapter 1005.

342 5. The State Board of Education, if the program is
343 conducted by an educational institution in the Florida College
344 System or by an educational institution that is not subject to
345 subparagraphs 2.-4.

346 (8)~~(9)~~ RULEMAKING.—The board does not have ~~any~~ rulemaking
347 authority to administer this section, except that the board
348 shall adopt rules ~~a rule~~ that prescribe ~~prescribes~~ the format
349 for submitting program applications under subsection (1) and
350 annual reports under subsection (3), and to administer the
351 documentation of the accreditation of nursing education programs
352 under subsection (11) ~~(4)~~. The board may not impose any
353 condition or requirement on an educational institution
354 submitting a program application, an approved program, or an
355 accredited program, except as expressly provided in this
356 section. ~~The board shall repeal all rules, or portions thereof,~~
357 ~~in existence on July 1, 2009, that are inconsistent with this~~
358 ~~subsection.~~



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359 (9)~~(10)~~ APPLICABILITY TO ACCREDITED PROGRAMS.—

360 (a) Subsections (1)-(3) ~~(1)-(4)~~, paragraph (4)(b) ~~(5)(b)~~,
361 and subsection (5) ~~(6)~~ do not apply to an accredited program. ~~An~~
362 ~~accredited program on probationary status before July 1, 2010,~~
363 ~~ceases to be subject to the probationary status.~~

364 (b) If an accredited program ceases to be accredited, the
365 educational institution conducting the program:

366 1. Within 10 business days after the program ceases to be
367 accredited, must provide written notice of the date that the
368 program ceased to be accredited to the board, the program's
369 students and applicants, and each entity providing clinical
370 training sites or community-based clinical experience sites for
371 the program. The educational institution must continue to
372 provide the written notice to new students, applicants, and
373 entities providing clinical training sites or community-based
374 clinical experience sites for the program until the program
375 becomes an approved program or is closed under subparagraph 3.

376 2. Within 30 days after the program ceases to be
377 accredited, must submit an affidavit to the board, signed by the
378 educational institution's president or chief executive officer
379 ~~which, that~~ certifies the institution's compliance with
380 subparagraph 1. The board shall notify the persons and
381 applicable entities listed in paragraph (7)(c) ~~subparagraph~~
382 ~~(8)(c)1. and the applicable entities listed in subparagraphs~~
383 ~~(8)(c)2.-5.~~ if an educational institution does not submit the
384 affidavit required by this subparagraph.

385 3. May apply to become an approved program under this
386 section. If the educational institution:

387 a. Within 30 days after the program ceases to be



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388 accredited, submits a program application and review fee to the
389 department under subsection (1) and the affidavit required under
390 subparagraph 2., the program shall be deemed an approved program
391 from the date that the program ceased to be accredited until the
392 date that the board approves or denies the program application.
393 The program application must be denied by the board pursuant to
394 chapter 120 if it does not contain the affidavit. If the board
395 denies the program application under subsection (2) or if
396 ~~because~~ the program application does not contain the affidavit,
397 the program shall be closed and the educational institution
398 conducting the program must comply with paragraph (7) (b) ~~(8) (b)~~.

399 b. Does not apply to become an approved program pursuant to
400 sub-subparagraph a., the program shall be deemed an approved
401 program from the date ~~that~~ the program ceased to be accredited
402 until the 31st day after that date. On the 31st day after the
403 program ceased to be accredited, the program shall be closed and
404 the educational institution conducting the program must comply
405 with paragraph (7) (b) ~~(8) (b)~~.

406 (10) (11) IMPLEMENTATION STUDY.—The Florida Center for
407 Nursing and the education policy area of the Office of Program
408 Policy Analysis and Government Accountability shall study the
409 implementation ~~5-year administration~~ of this section and submit
410 reports to the Governor, the President of the Senate, and the
411 Speaker of the House of Representatives in January of each year
412 following the effective date of this act ~~by January 30, 2011, and~~
413 ~~annually thereafter through January 30, 2015~~. The annual reports
414 shall address the previous academic year; provide ~~set forth~~ data
415 on the measures specified in paragraphs (a) and (b), as such
416 data becomes available; and include an evaluation of such data



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417 for purposes of determining whether this section is increasing
418 the availability of nursing education programs and the
419 production of quality nurses. The department and each approved
420 program or accredited program shall comply with requests for
421 data from the Florida Center for Nursing ~~and the education~~
422 ~~policy area of the Office of Program Policy Analysis and~~
423 ~~Government Accountability.~~

424 (a) The Florida Center for Nursing ~~education policy area of~~
425 ~~the Office of Program Policy Analysis and Government~~
426 ~~Accountability~~ shall evaluate program-specific data for each
427 approved program and accredited program conducted in the state,
428 including, but not limited to:

- 429 1. The number of programs and student slots available.
- 430 2. The number of student applications submitted, the number
431 of qualified applicants, and the number of students accepted.
- 432 3. The number of program graduates.
- 433 4. Program retention rates of students tracked from program
434 entry to graduation.
- 435 5. Graduate passage rates on the National Council of State
436 Boards of Nursing Licensing Examination.
- 437 6. The number of graduates who become employed as practical
438 or professional nurses in the state.

439 (b) The Florida Center for Nursing shall evaluate the
440 board's implementation of the:

- 441 1. Program application approval process, including, but not
442 limited to, the number of program applications submitted under
443 subsection (1); the number of program applications approved and
444 denied by the board under subsection (2); the number of denials
445 of program applications reviewed under chapter 120; and a



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446 description of the outcomes of those reviews.

447 2. Accountability processes, including, but not limited to,
448 the number of programs on probationary status, the number of
449 approved programs for which the program director is required to
450 appear before the board under subsection (5) ~~(6)~~, the number of
451 approved programs terminated by the board, the number of
452 terminations reviewed under chapter 120, and a description of
453 the outcomes of those reviews.

454 ~~(c) For any state fiscal year in which the Florida Center~~
455 ~~for Nursing does not receive legislative appropriations, the~~
456 ~~education policy area of the Office of Program Policy Analysis~~
457 ~~and Government Accountability shall perform the duties assigned~~
458 ~~by this subsection to the Florida Center for Nursing.~~

459 (11) ACCREDITATION REQUIRED.—

460 (a) A nursing education program that prepares students for
461 the practice of professional nursing, that was approved under
462 this section before July 1, 2014, and that enrolled students
463 before July 1, 2014, must become an accredited program by July
464 1, 2019.

465 (b) A nursing education program that prepares students for
466 the practice of professional nursing, that was approved under
467 this section before July 1, 2014, but did not enroll students
468 before that date, must become an accredited program within 5
469 years after the date of enrolling the program's first students.

470 (c) A nursing education program that prepares students for
471 the practice of professional nursing and that is approved by the
472 board after June 30, 2014, must become an accredited program
473 within 5 years after the date of enrolling the program's first
474 students.



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475 (d) This subsection does not apply to a nursing education
476 program provided by an institution that is exempted from
477 licensure by the Commission for Independent Education under s.
478 1005.06(1) (e).

479 Section 4. Subsection (1) of section 456.014, Florida
480 Statutes, is amended to read:

481 456.014 Public inspection of information required from
482 applicants; exceptions; examination hearing.—

483 (1) All information required by the department of any
484 applicant shall be a public record and shall be open to public
485 inspection pursuant to s. 119.07, except financial information,
486 medical information, school transcripts, examination questions,
487 answers, papers, grades, and grading keys, which are
488 confidential and exempt from s. 119.07(1) and shall not be
489 discussed with or made accessible to anyone except the program
490 director of an approved program or accredited program as
491 provided in s. 464.019(6) ~~464.019(7)~~, members of the board, the
492 department, and staff thereof, who have a bona fide need to know
493 such information. Any information supplied to the department by
494 any other agency which is exempt from the provisions of chapter
495 119 or is confidential shall remain exempt or confidential
496 pursuant to applicable law while in the custody of the
497 department or the agency.

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499
500 ===== T I T L E A M E N D M E N T =====

501 And the title is amended as follows:

502 Delete everything before the enacting clause
503 and insert:



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A bill to be entitled
An act relating to nursing education programs; amending s. 464.003, F.S.; revising definitions of the terms "clinical training" and "practice of practical nursing"; conforming a cross-reference; amending s. 464.013, F.S.; exempting nurses who are certified by an accredited program from continuing education requirements; amending s. 464.019, F.S.; specifying the location of clinical training; revising the limitation on the percentage of clinical training that may consist of clinical simulation; deleting obsolete requirements; authorizing the Board of Nursing to adopt certain rules relating to documenting the accreditation of nursing education programs; deleting the requirement that the Office of Program Policy Analysis and Government Accountability participate in an implementation study and revising the terms of the study; requiring nursing education programs that prepare students for the practice of professional nursing to be accredited; providing an exception; amending s. 456.014, F.S.; conforming a cross-reference; providing an effective date.