

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Education Appropriations  
2 Subcommittee  
3 Representative Fresen offered the following:  
4

**Amendment (with title amendment)**

6 Remove lines 46-299 and insert:

7 Section 2. Subsection (4) is added to section 464.008,  
8 Florida Statutes, to read:

9 464.008 Licensure by examination.—

10 (4) If an applicant who graduates from an approved program  
11 does not take the licensure examination within 6 months after  
12 graduation, he or she must enroll in and successfully complete a  
13 board-approved licensure examination preparatory course. The  
14 applicant is responsible for all costs associated with the  
15 course and may not use state or federal financial aid for such  
16 costs. The board shall by rule establish guidelines for  
17 licensure examination preparatory courses.

Amendment No. 1

18 Section 3. Subsection (3) of section 464.013, Florida  
19 Statutes, is amended to read:

20 464.013 Renewal of license or certificate.—

21 (3) The board shall by rule prescribe up to 30 hours of  
22 continuing education ~~not to exceed 30 hours~~ biennially as a  
23 condition for renewal of a license or certificate. A nurse who  
24 is certified by a health care specialty program accredited by  
25 the National Commission for Certifying Agencies or the  
26 Accreditation Board for Specialty Nursing Certification is  
27 exempt from continuing education requirements. The criteria for  
28 programs shall be approved by the board.

29 Section 4. Section 464.019, Florida Statutes, is amended  
30 to read:

31 464.019 Approval of nursing education programs.—

32 (1) PROGRAM APPLICATION ~~APPLICATIONS~~.—An educational  
33 institution that wishes to conduct a program in this state for  
34 the prelicensure education of professional or practical nurses  
35 must submit to the department a program application and review  
36 fee of \$1,000 for each prelicensure nursing education program to  
37 be offered at the institution's main campus, branch campus, or  
38 other instructional site. The ~~Each~~ program application must  
39 include the legal name of the educational institution, the legal  
40 name of the nursing education program, and, if such institution  
41 ~~program~~ is accredited by an accrediting agency other than an  
42 ~~accrediting agency described in s. 464.003(1)~~, the name of the  
43 accrediting agency. The application must also document that:

Amendment No. 1

44 (a)1. For a professional nursing education program, the  
45 program director and at least 50 percent of the program's  
46 faculty members are registered nurses who have a master's or  
47 higher degree in nursing or a bachelor's degree in nursing and a  
48 master's or higher degree in a field related to nursing.

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

53  
54 The educational degree requirements of this paragraph may be  
55 documented by an official transcript or by a written statement  
56 from the educational institution verifying that the institution  
57 conferred the degree.

58 (b) The program's nursing major curriculum consists of at  
59 least:

60 1. Fifty percent clinical training in the United States,  
61 the District of Columbia, or a possession or territory of the  
62 United States for a practical nursing education program, an  
63 associate degree professional nursing education program, or a  
64 professional diploma nursing education program.

65 2. Forty percent clinical training in the United States,  
66 the District of Columbia, or a possession or territory of the  
67 United States for a bachelor's degree professional nursing  
68 education program.

## Amendment No. 1

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

71 (d) The program has signed agreements with each agency,  
72 facility, and organization included in the curriculum plan as  
73 clinical training sites and community-based clinical experience  
74 sites.

75 (e) The program has written policies for faculty which  
76 include provisions for direct or indirect supervision by program  
77 faculty or clinical preceptors for students in clinical training  
78 consistent with the following standards:

79 1. The number of program faculty members equals at least  
80 one faculty member directly supervising every 12 students unless  
81 the written agreement between the program and the agency,  
82 facility, or organization providing clinical training sites  
83 allows more students, not to exceed 18 students, to be directly  
84 supervised by one program faculty member.

85 2. For a hospital setting, indirect supervision may occur  
86 only if there is direct supervision by an assigned clinical  
87 preceptor, a supervising program faculty member is available by  
88 telephone, and such arrangement is approved by the clinical  
89 facility.

90 3. For community-based clinical experiences that involve  
91 student participation in invasive or complex nursing activities,  
92 students must be directly supervised by a program faculty member  
93 or clinical preceptor and such arrangement must be approved by  
94 the community-based clinical facility.

## Amendment No. 1

95 4. For community-based clinical experiences not subject to  
96 subparagraph 3., indirect supervision may occur only when a  
97 supervising program faculty member is available to the student  
98 by telephone.

99  
100 A program's policies established under this paragraph must  
101 require that a clinical preceptor who is, ~~if~~ supervising  
102 students in a professional nursing education program, ~~to~~ be a  
103 registered nurse or, if supervising students in a practical  
104 nursing education program, ~~to~~ be a registered nurse or licensed  
105 practical nurse.

106 (f) The professional or practical nursing curriculum plan  
107 documents clinical experience and theoretical instruction in  
108 medical, surgical, obstetric, pediatric, and geriatric nursing.  
109 A professional nursing curriculum plan shall also document  
110 clinical experience and theoretical instruction in psychiatric  
111 nursing. Each curriculum plan must document clinical training  
112 experience in appropriate settings that include, but are not  
113 limited to, acute care, long-term care, and community settings.

114 (g) The professional or practical nursing education  
115 program provides theoretical instruction and clinical  
116 application in personal, family, and community health concepts;  
117 nutrition; human growth and development throughout the life  
118 span; body structure and function; interpersonal relationship  
119 skills; mental health concepts; pharmacology and administration  
120 of medications; and legal aspects of practice. A professional

## Amendment No. 1

121 nursing education program must ~~shall~~ also provide theoretical  
122 instruction and clinical application in interpersonal  
123 relationships and leadership skills; professional role and  
124 function; and health teaching and counseling skills.

125 (2) PROGRAM APPROVAL.—

126 (a) Upon receipt of a program application and review fee,  
127 the department shall examine the application to determine if  
128 ~~whether~~ it is complete. If the ~~a program~~ application is not  
129 complete, the department shall notify the educational  
130 institution in writing of any errors or omissions within 30 days  
131 after the department's receipt of the application. A program  
132 application is deemed complete upon the department's receipt of:

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

136 2. A revised application that corrects each error and  
137 omission of which the department notifies the educational  
138 institution within the 30-day period.

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

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

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

Amendment No. 1

147 the application. The board may not deny a program application  
148 because of an educational institution's failure to correct an  
149 any error or omission that ~~of which~~ the department failed to  
150 provide notice of to ~~does not notify~~ the institution within the  
151 30-day notice period under paragraph (a). The educational  
152 institution may request a hearing on the notice of intent to  
153 deny the program application pursuant to chapter 120.

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

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

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

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

164 ~~(b) Is on probationary status because the program did not~~  
165 ~~meet the board's requirement for graduate passage rates. Such~~  
166 ~~program shall remain on probationary status until it achieves a~~  
167 ~~graduate passage rate for calendar year 2009 or 2010 that equals~~  
168 ~~or exceeds the required passage rate for the respective calendar~~  
169 ~~year and must disclose its probationary status in writing to the~~  
170 ~~program's students and applicants. If the program does not~~  
171 ~~achieve the required passage rate, the board shall terminate the~~  
172 ~~program pursuant to chapter 120.~~

Amendment No. 1

173 ~~(3)-(4)~~ ANNUAL REPORT.—By November 1 of each year, each  
174 approved program shall submit to the board an annual report  
175 comprised of an affidavit certifying continued compliance with  
176 subsection (1) ~~paragraphs (1)(a)-(g)~~, a summary description of  
177 the program's compliance with subsection (1) ~~paragraphs (1)(a)-~~  
178 ~~(g)~~, and documentation for the previous academic year that, to  
179 the extent applicable, describes ~~sets forth~~:

180 (a) The number of student applications received, qualified  
181 applicants, applicants accepted, accepted applicants who enroll  
182 in the program, students enrolled in the program, and program  
183 graduates.

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

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

189 ~~(4)-(5)~~ INTERNET WEBSITE.—~~By October 1, 2010,~~ The board  
190 shall publish the following information on its Internet website:

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

195 1. For a program's accreditation status, the specialized  
196 accrediting agencies that are nationally recognized by the  
197 United States Secretary of Education to accredit nursing  
198 education programs.



## Amendment No. 1

199 2. For a program's graduate passage rates, the contract  
200 testing service of the National Council of State Boards of  
201 Nursing.

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

204 1. All documentation provided by the program in its  
205 program application if submitted on or after July 1, 2009.

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

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

211 4. The program's probationary status.

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

214 6. Each program's retention rates for students tracked  
215 from program entry to graduation.

216 (c) The average passage rates for United States educated  
217 first-time test takers on the National Council of State Boards  
218 of Nursing Licensing Examination for the most recent 2 calendar  
219 years, as calculated by the contract testing service of the  
220 National Council of State Boards of Nursing. The average passage  
221 rates shall be published separately for each type of comparable  
222 degree program listed in subparagraph (5) (a) 1. ~~sub-subparagraphs~~  
223 ~~(6) (a) 1.a. d.~~

## Amendment No. 1

225 The information required to be published under this subsection  
226 shall be made available in a manner that allows interactive  
227 searches and comparisons of individual programs selected by the  
228 website user. The board shall update the Internet website at  
229 least quarterly with the available information.

230 (5)~~(6)~~ ACCOUNTABILITY.-

231 (a)1. An approved program must achieve a graduate passage  
232 rate for first-time test takers who take the licensure  
233 examination within 6 months after graduation from the program  
234 that is not more ~~lower~~ than 10 percentage points lower ~~less~~ than  
235 the average passage rate during the same calendar year for  
236 graduates of comparable degree programs who are United States  
237 educated, first-time test takers on the National Council of  
238 State Boards of Nursing Licensure Examination ~~during a calendar~~  
239 ~~year~~, as calculated by the contract testing service of the  
240 National Council of State Boards of Nursing. An approved program  
241 shall require a graduate from the program who does not take the  
242 licensure examination within 6 months after graduation to enroll  
243 in and successfully complete a licensure examination preparatory  
244 course pursuant to s. 464.008. For purposes of this  
245 subparagraph, an approved program is comparable to all degree  
246 programs of the same program type from among the following  
247 program types:  
248 a. Professional nursing education programs that terminate  
249 in a bachelor's degree.

## Amendment No. 1

250 b. Professional nursing education programs that terminate  
251 in an associate degree.

252 c. Professional nursing education programs that terminate  
253 in a diploma.

254 d. Practical nursing education programs.

255 2. Beginning with graduate passage rates for calendar year  
256 2010, if an approved program's graduate passage rates do not  
257 equal or exceed the required passage rates for 2 consecutive  
258 calendar years, the board shall place the program on  
259 probationary status pursuant to chapter 120 and the program  
260 director shall ~~must~~ appear before the board to present a plan  
261 for remediation, which shall include specific benchmarks to  
262 identify progress toward a graduate passage rate goal. The  
263 program must ~~shall~~ remain on probationary status until it  
264 achieves a graduate passage rate that equals or exceeds the  
265 required passage rate for any 1 calendar year. The board shall  
266 deny a program application for a new prelicensure nursing  
267 education program submitted by an educational institution if the  
268 institution has an existing program that is already on  
269 probationary status.

270 3. Upon the program's achievement of a graduate passage  
271 rate that equals or exceeds the required passage rate, the  
272 board, at its next regularly scheduled meeting following release  
273 of the program's graduate passage rate by the National Council  
274 of State Boards of Nursing, shall remove the program's  
275 probationary status. ~~However,~~ If the program, during the 2

Amendment No. 1

276 calendar years following its placement on probationary status,  
277 does not achieve the required passage rate for any 1 calendar  
278 year, the board shall terminate the program pursuant to chapter  
279 120. However, the board may extend the program's probationary  
280 status for 1 additional year if the program demonstrates  
281 adequate progress toward the graduate passage rate goal by  
282 meeting a majority of the benchmarks established in the  
283 remediation plan.

284 -----  
285  
286 **T I T L E A M E N D M E N T**

287 Remove lines 4-10 and insert:  
288 conforming a cross-reference; amending s. 464.008,  
289 F.S.; requiring graduates of approved prelicensure  
290 nursing education programs who do not take the  
291 licensure examination within a specified period after  
292 graduation to complete a specified course; authorizing  
293 the board to adopt rules; amending s. 464.013, F.S.;  
294 exempting nurses who are certified by an accredited  
295 program from continuing education requirements;  
296 amending s. 464.019, F.S.; specifying the location of  
297 clinical training; revising the limitation on the  
298 percentage of clinical training that may consist of  
299 clinical simulation; revising calculation of the  
300 required graduate passage rate for approved programs;  
301 requiring an approved program to require graduates who

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1059 (2014)

Amendment No. 1

302 do not take the licensure examination within a  
303 specified period after graduation to complete a  
304 specified course; providing additional requirements  
305 for a remediation plan; authorizing the board to  
306 extend probationary status for a program that has  
307 demonstrated adequate progress toward its graduate  
308 passage rate goal; deleting obsolete