



147202

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2021	.	
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The Committee on Health Policy (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (6) through (13) of section 464.003, Florida Statutes, are redesignated as subsections (7) through (14), respectively, present subsection (14) of that section is redesignated as subsection (6) and amended, and subsection (22) of that section is amended, to read:

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



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11           (6) ~~(14)~~ "Average graduate passage rate" means the  
12 percentage of a program's test takers ~~graduates~~ who, as first-  
13 time test takers, pass the National Council of State Boards of  
14 Nursing Licensing Examination (NCLEX) during the most recent 2  
15 consecutive ~~a~~ calendar years ~~year,~~ ~~as calculated by the contract~~  
16 ~~testing service of the National Council of State Boards of~~  
17 ~~Nursing.~~ The term includes all test takers as defined in this  
18 section.

19           (22) "Test takers" means those graduates who take the NCLEX  
20 within 1 year after their graduation date and do not fail the  
21 examination more than three consecutive times pursuant to s.  
22 464.008 (3) ~~"Required passage rate" means the graduate passage~~  
23 ~~rate required for an approved program pursuant to s.~~  
24 ~~464.019(5)(a).~~

25           Section 2. Subsections (3), (4), and (5) of section  
26 464.019, Florida Statutes, are amended to read:

27           464.019 Approval of nursing education programs.—

28           (3) ANNUAL REPORT.—By April ~~November~~ 1 of each year, each  
29 approved program shall submit to the board an annual report  
30 composed ~~comprised~~ of an affidavit certifying continued  
31 compliance with subsection (1), a summary description of the  
32 program's compliance with subsection (1), and documentation for  
33 the previous calendar ~~academic~~ year that, to the extent  
34 applicable, describes:

35           (a) The number of student applications received, qualified  
36 applicants, applicants accepted, accepted applicants who enroll  
37 in the program, students enrolled in the program, and program  
38 graduates.

39           (b) The program's retention rates for students tracked from



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40 program entry to graduation.

41 (c) The program's average graduate passage rate as defined  
42 in s. 464.003 or the program's passage rate as calculated by the  
43 contract testing service of the National Council of State Boards  
44 of Nursing if the average passage rate is 80 percent or greater  
45 on the NCLEX for the prior calendar year.

46 (d) ~~(e)~~ The program's accreditation status, including  
47 identification of the accrediting agency.

48 (e) The number of students who were provided information on  
49 available remediation programs pursuant to paragraph (5) (e).

50 (4) INTERNET WEBSITE.—The board shall publish the following  
51 information on its Internet website:

52 (a) A list of each accredited program conducted in the  
53 state and the program's average graduate passage rate ~~rates~~ ~~for~~  
54 ~~the most recent 2 calendar years~~, which the department shall  
55 determine through the following sources:

56 1. For a program's accreditation status, the specialized  
57 accrediting agencies that are nationally recognized by the  
58 United States Secretary of Education to accredit nursing  
59 education programs.

60 2. For a program's average graduate passage rate ~~rates~~, the  
61 contract testing service of the National Council of State Boards  
62 of Nursing and the approved program.

63 (b) The following data for each approved program, which  
64 includes, to the extent applicable:

65 1. All documentation provided by the program in its program  
66 application.

67 2. The summary description of the program's compliance  
68 submitted under subsection (3).



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69 3. The program's accreditation status, including  
70 identification of the accrediting agency.

71 4. The program's probationary status.

72 5. The program's average graduate passage rate ~~rates~~ for  
73 ~~the most recent 2 calendar years.~~

74 6. Each program's retention rates for students tracked from  
75 program entry to graduation.

76 (c) The average graduate passage rate ~~rates~~ for United  
77 States-educated ~~United States educated, first-time~~ test takers  
78 ~~on the National Council of State Boards of Nursing Licensing~~  
79 ~~Examination for the most recent 2 calendar years, as calculated~~  
80 ~~by the contract testing service of the National Council of State~~  
81 ~~Boards of Nursing.~~ The average graduate passage rate ~~must~~ ~~rates~~  
82 ~~shall~~ be published separately for each type of comparable degree  
83 program listed in paragraph (5) (a) ~~subparagraph (5) (a)1.~~

84  
85 The information required to be published under this subsection  
86 shall be made available in a manner that allows interactive  
87 searches and comparisons of individual programs selected by the  
88 website user. The board shall update the Internet website at  
89 least quarterly with the available information.

90 (5) ACCOUNTABILITY.—

91 (a)1. An approved program must achieve an average a  
92 graduate passage rate of 80 percent or greater or be placed on  
93 probationary status or terminated as provided in subparagraph  
94 (5) (a)2 ~~for first-time test takers which is not more than 10~~  
95 ~~percentage points lower than the average passage rate during the~~  
96 ~~same calendar year for graduates of comparable degree programs~~  
97 ~~who are United States educated, first-time test takers on the~~



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98 ~~National Council of State Boards of Nursing Licensing~~  
99 ~~Examination, as calculated by the contract testing service of~~  
100 ~~the National Council of State Boards of Nursing.~~ For purposes of  
101 this subparagraph, an approved program is comparable to all  
102 degree programs of the same program type from among the  
103 following program types:

104 a. Professional nursing education programs that terminate  
105 in a bachelor's degree.

106 b. Professional nursing education programs that terminate  
107 in an associate degree.

108 c. Professional nursing education programs that terminate  
109 in a diploma.

110 d. Practical nursing education programs.

111 2. If an approved program's average graduate passage rate  
112 ~~does rates do~~ not equal or exceed the average graduate required  
113 passage rate required in subparagraph 1. ~~rates for 2 consecutive~~  
114 ~~calendar years,~~ the board shall place the program on  
115 probationary status pursuant to chapter 120 and the program  
116 director shall appear before the board to present a plan for  
117 remediation, which shall include specific benchmarks to identify  
118 progress toward the required average a graduate passage rate  
119 ~~goal~~. The program must remain on probationary status until it  
120 achieves an average a graduate passage rate that equals or  
121 exceeds the required average graduate passage rate for any 1  
122 calendar year. The board shall deny a program application for a  
123 new prelicensure nursing education program submitted by an  
124 educational institution if the institution has an existing  
125 program that is already on probationary status.

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



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127 rate of 80 percent or greater for test takers who took the NCLEX  
128 during the most recent calendar year and do not fail the  
129 examination more than three consecutive times pursuant to s.  
130 464.008(3) that equals or exceeds the required passage rate, the  
131 board, at its next regularly scheduled meeting following release  
132 of the program's average graduate passage rate by the National  
133 Council of State Boards of Nursing, shall remove the program's  
134 probationary status. If the program, during the 2 calendar years  
135 following its placement on probationary status, does not achieve  
136 the required average graduate passage rate for any 1 calendar  
137 year, the board may extend the program's probationary status for  
138 1 additional year, provided the program has demonstrated  
139 adequate progress toward achieving the required average graduate  
140 passage rate goal by meeting a majority of the benchmarks  
141 established in the remediation plan. If the program is not  
142 granted the 1-year extension or fails to achieve the required  
143 average graduate passage rate by the end of such extension, the  
144 board shall terminate the program pursuant to chapter 120.

145 (b) If an approved program fails to submit the annual  
146 report required in subsection (3), the board shall notify the  
147 program director and president or chief executive officer of the  
148 educational institution in writing within 15 days after the due  
149 date of the annual report. The program director shall appear  
150 before the board at the board's next regularly scheduled meeting  
151 to explain the reason for the delay. The board shall terminate  
152 the program pursuant to chapter 120 if the program director  
153 fails to appear before the board, as required under this  
154 paragraph, or if the program does not submit the annual report  
155 within 6 months after the due date.



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156 (c) A nursing education program, whether accredited or  
157 nonaccredited, which has been placed on probationary status  
158 shall disclose its probationary status in writing to the  
159 program's students and applicants. The notification must include  
160 an explanation of the implications of the program's probationary  
161 status on the students or applicants.

162 (d) If students from a program that is terminated pursuant  
163 to this subsection transfer to an approved or an accredited  
164 program under the direction of the Commission for Independent  
165 Education, the board shall recalculate the passage rates of the  
166 programs receiving the transferring students, excluding the test  
167 scores of those students transferring more than 12 credits.

168 (e) For each student who fails to pass the NCLEX on his or  
169 her first attempt, and for at least 1 calendar year following  
170 his or her graduation date, an approved program must provide  
171 such student information about remediation programs designed to  
172 assist the student in passing the NCLEX.

173 (f) The average graduate passage rate of an approved  
174 program for calendar years 2020 and 2021, as determined by the  
175 contract testing service of the National Council of State Boards  
176 of Nursing, may not be considered by the board in any manner  
177 when determining whether to take any adverse action against an  
178 approved program, such as placing or continuing an approved  
179 program on probationary status or terminating an existing  
180 approved program that is already on probationary status.

181 (g) It is the intent of the Legislature that the amendment  
182 to this subsection apply retroactively to January 1, 2021, to  
183 prevent the board from placing or continuing an approved program  
184 on probationary status or terminating an existing approved



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185 program that is already on probationary status.

186 Section 3. Subsection (2) of section 960.28, Florida  
187 Statutes, is amended to read:

188 960.28 Payment for victims' initial forensic physical  
189 examinations.-

190 (2) The Crime Victims' Services Office of the department  
191 shall pay for medical expenses connected with an initial  
192 forensic physical examination of a victim of sexual battery as  
193 defined in chapter 794 or a lewd or lascivious offense as  
194 defined in chapter 800. Such payment shall be made regardless of  
195 whether the victim is covered by health or disability insurance  
196 and whether the victim participates in the criminal justice  
197 system or cooperates with law enforcement. The payment shall be  
198 made only out of moneys allocated to the Crime Victims' Services  
199 Office for the purposes of this section, and the payment may not  
200 exceed \$1,000 with respect to any violation. The department  
201 shall develop and maintain separate protocols for the initial  
202 forensic physical examination of adults and children. Payment  
203 under this section is limited to medical expenses connected with  
204 the initial forensic physical examination, and payment may be  
205 made to a medical provider using an examiner qualified under  
206 part I of chapter 464, excluding s. 464.003(15) ~~s. 464.003(14)~~;  
207 chapter 458; or chapter 459. Payment made to the medical  
208 provider by the department shall be considered by the provider  
209 as payment in full for the initial forensic physical examination  
210 associated with the collection of evidence. The victim may not  
211 be required to pay, directly or indirectly, the cost of an  
212 initial forensic physical examination performed in accordance  
213 with this section.





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214 Section 4. This act shall take effect July 1, 2021.

215

216 ===== T I T L E A M E N D M E N T =====

217 And the title is amended as follows:

218 Delete everything before the enacting clause

219 and insert:

220 A bill to be entitled

221 An act relating to nursing programs; amending s.

222 464.003, F.S.; defining the terms "average graduate

223 passage rate" and "test takers"; amending s. 464.019,

224 F.S.; revising requirements for an annual report

225 submitted by approved nursing programs; revising

226 specified information that the Board of Nursing must

227 publish on its website; revising graduate passage rate

228 requirements for approved nursing programs; requiring

229 nursing programs to provide specified information to

230 students who fail to pass a certain examination on

231 their first attempt; prohibiting the board from

232 considering average graduate passage rates from the

233 2020 and 2021 calendar years when making certain

234 determinations; providing for retroactive

235 applicability; amending s. 960.28, F.S.; correcting a

236 cross-reference; providing an effective date.