

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [HB 121](#)

TITLE: Nursing Education Programs

SPONSOR(S): Overdorf

COMPANION BILL: [SB 254](#) (Harrell)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Education & Employment](#)

19 Y, 0 N



[Health & Human Services](#)

SUMMARY

Effect of the Bill:

The bill increases regulatory oversight of pre-licensure nursing education programs (programs). The bill:

- Requires additional programmatic components for a program to receive and maintain approval from the Board of Nursing (Board);
- Shortens the length of time a non-compliant program can spend on probation;
- Establishes new obligations for program directors and specifies that a program director may be subject to licensure discipline for failure to comply with these obligations.
- Requires programs on probation to provide remediation at no cost, or otherwise pay for the student to obtain remediation from a different Board-approved remediation course, to students who fail the program's exit exam or the nurse licensure exam;
- Requires programs with a nurse licensure exam passage rate below 30 percent to reimburse students who fail the nurse licensure exam for the total cost of tuition and fees paid by the student;
- Allows the Board to investigate and respond to adverse actions taken by another U.S. jurisdiction against a program operating or seeking to operate in Florida;
- Authorizes Department of Health staff to conduct on-site inspections of programs; and
- Removes the Board's authority to extend certain deadlines.

Fiscal or Economic Impact:

The Department of Health will incur an insignificant, negative fiscal impact implementing the provisions of this bill which current resources are adequate to absorb.

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ANALYSIS

EFFECT OF THE BILL:

Nursing Education Program Requirements

Before a prospective nurse can be licensed to practice, they must first graduate from a Board-approved pre-licensure [nursing education program](#) and then pass the National Council of State Boards of Nursing Licensing Exam ([NCLEX](#)). For 2024, Florida ranked last in the nation for NCLEX passage rates. The bill raises the standards for nursing education programs in Florida and increases regulatory oversight of such programs.

HB 121 revises existing accountability measures and imposes new requirements on pre-licensure nursing education programs for [practical nurses](#) (LPNs) and [professional nurses](#) (RNs). In addition to the [application requirements](#) in current law, the bill requires an educational institution seeking to operate a nursing education program to include in its application for approval from the [Board of Nursing](#) (Board) the legal name of the program director and documentation of the following program components:

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- Standardized evaluation and admission criteria that identifies students who are likely to need additional educational support and the program must maintain individualized student academic support plans for these students;
- A comprehensive exit examination, or a preparation course including multiple comprehensive examinations, to prepare students for the NCLEX; and
- Remediation to be offered to students who do not pass the exit examination.

A nursing education program must demonstrate that it meets all statutory requirements in its application for approval. Successful completion of the exit examination or preparation course may not be required for graduation unless students are notified of such requirement in writing upon enrollment in the program. Approved nursing education programs must certify continued compliance with statutory requirements annually through an affidavit submitted with the program's annual report. Accredited nursing education programs are exempt from submitting an annual report. The bill reduces the grace period for a program to submit its annual report from six months after the due date¹ to 30 days after the due date. The bill requires the Board to terminate a nursing education program for failing to adhere to the annual reporting requirements.

The bill authorizes Department of Health (DOH) staff to conduct on-site inspections or evaluations of nursing education programs during regular hours of operation to assess compliance with statutory requirements. A nursing education program is subject to disciplinary action if the program fails to allow such an inspection or evaluation during reasonable hours.

Program Director Responsibilities

The bill revises requirements for nursing education program directors, which under current law must be registered nurses.² The bill establishes new obligations that the program director is responsible for including:

- Ensuring that the program's annual report is submitted to the Board;
- Certifying the accuracy of faculty credentials reported to the Board;
- Ensuring that the results of the program's exit examinations are posted to the program's website; and
- Submitting a written remediation plan to the Board if the program has failed to meet the required NCLEX graduate passage rates.

The bill also expressly makes it a licensure violation for a program director to fail to perform the statutory obligations established by the bill, as well as those in current law.³

Probation and Remediation

Current law establishes minimum graduate NCLEX passage rate requirements for approved and accredited nursing education programs.⁴ Programs that fail to meet these requirements for two consecutive years are subject to a probationary process. A program may remain on probation for two years, and the Board has the authority to grant an extension for a third year. Programs that fail to meet the required passage rate during the probationary period are terminated by the Board.

¹ S. [464.019\(3\), F.S.](#); Current law establishes November 1 of each year as the due date for nursing education program annual reports.

² S. [464.019\(1\), F.S.](#)

³ S. [464.019\(5\), F.S.](#); Current law requires program directors to appear before the Board when a program is failing to meet statutory requirements. *See also*, S. [456.072\(k\)\(1\), F.S.](#); Under current law, all licensees, including nursing education program directors as registered nurses, are subject to discipline for failure to perform the statutory or legal obligations placed upon them.

⁴ *See*, S. [464.019\(5\), F.S.](#); Approved nursing education programs must achieve graduate passage rates that are no more than ten percentage points lower than the average passage rate for the same calendar year for graduates of comparable degree programs who are U.S. educated, first-time NCLEX test takers.

Under the bill, a nursing education program that fails to meet the statutorily required NCLEX passage rates for a single calendar year, compared to two calendar years under current law, must be placed on probation. The bill requires the program director to submit a written remediation plan to the Board, in addition to the oral presentation of a remediation plan that is required under current law. The remediation plan must include specific, nationally-recognized benchmarks to identify progress toward a passage rate goal. The Board must terminate the program if the program director fails to submit and present a remediation plan within six months of the program's placement on probation.

The bill allows a nursing education program to stay on probation under the remediation plan for two years. If the program meets the required graduate passage rate then they are taken off of probation. The bill eliminates the Board's authority to extend the probationary period for a third year and requires the Board to terminate the program if it does not achieve the required passage rate during the two years on probation.

Under the bill, a nursing educational program may only fail to meet the required NCLEX passage rate for three consecutive years before facing termination. This is a significantly shorter timeframe than under current law, which allows a nursing education program to fail for up to five consecutive years before the program is terminated.

The bill allows the Board to deny an application for approval if the Board determines that the applicant is owned by any individual, group of individuals, or entity who directly or indirectly held 25 percent or greater financial or ownership interest in a nursing education program that was on probationary status at the time of the program's closure.

Adverse Action in Other Jurisdictions

The bill establishes processes allowing the Board to respond to adverse actions taken in another U.S. jurisdiction against a nursing education program that is operating or seeks to operate in Florida. The bill allows the Board to consider such actions, as well as conduct investigations into the nature of an adverse action.

Under the bill, an application for program approval must include the status and outcome of any disciplinary case pending or closed against the applicant in another regulatory jurisdiction. The Board must deny an application if the applicant has been terminated or otherwise had its authority to operate in another U.S. jurisdiction revoked. For less serious actions against a program, the Board is authorized to approve the application, approve the application with conditions, or deny the application.

The bill requires approved nursing education programs to notify the Board of any adverse actions taken against the program in another U.S. jurisdiction within 15 days. The bill allows the Board to impose disciplinary remedies on an approved program, up to and including revocation of the program's approval, pursuant to rules adopted by the Board.

Student Remediation

The bill requires all nursing education programs to establish criteria for remediation programs to be offered to students who fail the program's exit exam in order to obtain Board approval. Additionally, nursing education programs that are on probation must provide remediation at no cost, or otherwise pay for the student to obtain remediation from a different Board-approved remediation course, to students who have failed the program's exit exam, or have failed the NCLEX.

Similarly, the bill requires nursing education programs with an NCLEX passage rate below 30 percent in a given year to reimburse the total cost of tuition and fees paid by each program graduate who failed to pass the NCLEX as a first-time test taker in that calendar year.

Accreditation

Under current law, nursing education programs for professional nurses⁵ must obtain [accreditation](#) within five years of enrolling its first students, or face termination for failing to do.⁶

The bill eliminates the Board’s authority to grant a two-year extension of the accreditation deadline, thereby limiting programs to five years, rather than seven years, between enrolling students and obtaining accreditation. (Section [1](#)).

The effective date of this bill is July 1, 2026. (Section [2](#)).

RULEMAKING:

The Board has limited rulemaking authority regarding the regulation of nursing education programs. The bill expands the Board’s rulemaking authority to expressly include the enforcement and administration of accountability provisions of this bill.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

Current resources are adequate to absorb the increase in workload that DOH will experience relating to enforcement and rulemaking under the provisions of this bill.⁷

PRIVATE SECTOR:

Nursing education programs with low NCLEX passage rates will incur significant costs associated with complying with the requirements of the bill related to student remediation and tuition reimbursement, in addition to the administrative costs of operational improvements.

All Board-approved nursing education programs that have not voluntarily opted to establish admissions criteria, exit courses or examinations, and student remediation programs may incur administrative costs associated with implementing these required program components.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Nursing Practice and Regulation

The [Board of Nursing](#) (Board), within DOH, oversees the licensure and regulation of the nursing profession, as well as the pre-licensure nursing education programs that prepare individuals to practice nursing in the state. The Board is composed of 13 members appointed by the Governor and approved by the Senate. The Board membership includes:⁸

⁵ Also known as Registered Nurses, or RNs; *see*. S. [464.003, F.S.](#)
⁶ S. [464.019\(11\), F.S.](#)
⁷ Correspondence from the Department of Health dated October 24, 2025, on file with the Health & Human Services Committee.
⁸ S. [464.004, F.S.](#)

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- Seven professional nurses who have been practicing for at least four years, including one advanced practice registered nurse, one nurse educator from an approved nursing education program, and one nurse executive;
- Three licensed practical nurses who have been practicing for at least four years; and
- Three Florida residents who have never been licensed as nurses and who are in no way connected with the practice of nursing.

There are two categories of nurse licensure:

- [Professional nurses](#), often referred to as registered nurses (RNs), perform acts requiring substantial specialized knowledge, judgement, and nursing skill based on applied principles of psychological, biological, physical, and social sciences. Advanced Practice Registered Nurses (APRNs) are a subcategory of professional nurses who have completed additional education and training.
- [Practical nurses](#), or licensed practical nurses (LPNs), perform selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm; the promotion of wellness, maintenance of health, and prevention of illness of others under the direction of a registered nurse, a licensed allopathic physician, a licensed osteopathic physician, a licensed podiatric physician, or a licensed dentist.

To be licensed as either an RN or LPN, an individual must, among other requirements, have graduated from an approved⁹ prelicensure nursing education program and passed the national licensure examination, the National Council of State Boards of Nursing Licensure Exam ([NCLEX](#)), for the level of nursing the applicant is seeking to practice.¹⁰ The number of test-takers passing the NCLEX can indicate approximately the number of new nurses entering the nursing workforce.

[Nursing Education Programs](#)

Pre-licensure nursing education programs prepare students to safely practice nursing as an RN or LPN. A key component of this preparation is ensuring that students are ready and able to pass the NCLEX, which is a requirement for licensure as a nurse in all 50 states. In Florida, nursing education programs are offered by state universities, Florida colleges, public school districts, private institutions licensed by the Commission for Independent Education (CIE), private institutions that are members of the Independent Colleges and Universities of Florida (ICUF), and religious institutions authorized by law to offer nursing education programs.¹¹

Application for Board Approval

Nursing education programs are overseen by the Board in conjunction with DOH. An educational institution seeking to conduct a nursing education program must apply to DOH for approval, DOH reviews the application for completion, and then forwards the complete application to the Board for final approval.¹² As of July 1, 2025, there are 315 approved RN education programs and 197 approved LPN education programs.¹³

The [application](#) must include the legal name of the educational institution, the legal name of the nursing education program, and, if the institution is accredited, the name of the accrediting agency. The application must also document:¹⁴

⁹ Or a program that the Board has determined to be equivalent to an approved program; *see*, [s. 464.008\(1\)\(c\), F.S.](#)

¹⁰ [s. 464.008\(1\), F.S.](#)

¹¹ Florida Center for Nursing, *The State of Nursing Education in Florida* (2025). Available at <https://www.flcenterfornursing.org/research-data/nursing-education-reports/the-state-of-nursing-education-in-florida-2025/> (last visited October 24, 2025); *see also*, [s. 1005.06, F.S.](#)

¹² [S. 464.019\(2\), F.S.](#)

¹³ Correspondence from the Department of Health dated October 24, 2025, on file with the Health & Human Services Committee.

¹⁴ [S. 464.019\(1\), F.S.](#)

- For an RN education program, the program director and at least 50 percent of the program's faculty members must be RNs who have a master's degree or higher in nursing or a bachelor's degree in nursing and a master's or higher degree in a field related to nursing;
- For an LPN education program, the program director and at least 50 percent of the program's faculty members must be RNs who have a bachelor's degree or higher in nursing;
- Faculty educational degree requirements may be documented by an official transcript or by a written statement from the educational institution verifying that the institution conferred the degree;
- The program must have signed agreements with each agency, facility, and organization included in the curriculum plan as clinical training sites and community-based clinical experience sites;
- The program must have written policies for faculty which include provisions for direct or indirect supervision by faculty or clinical preceptors for students in clinical training consistent with the following standards:
 - The number of program faculty members must equal at least one faculty member directly supervising every 12 students unless the written agreement between the program and the agency, facility, or organization providing clinical training sites allows more students, not to exceed 18, to be directly supervised by one program faculty member;
 - For a hospital setting, indirect supervision may occur only if there is direct supervision by an assigned clinical preceptor and a supervising program faculty member is available by telephone, and such arrangement is approved by the clinical facility;
 - For community-based clinical experiences that involve student participation in invasive or complex nursing activities, students must be directly supervised by a program faculty member or clinical preceptor and such arrangement must be approved by the community-based clinical facility;
 - For community-based clinical experiences not involving student participation in invasive or complex nursing activities, indirect supervision may occur only when a supervising program faculty member is available to the student by telephone; and
 - A program's clinical training policies must require that a clinical preceptor who is supervising students in an RN education program be an RN or, if supervising students in an LPN education program, be an RN or LPN;
- The program's nursing major curriculum consists of at least:
 - Fifty percent clinical training in the U.S., the District of Columbia (D.C.), or a possession or territory of the U.S. for an LPN, ARN, or a diploma RN;
 - Forty percent of clinical training in a U.S. state, D.C., or a possession or territory of the U.S. for a B.S. degree RN education program, and no more than 50 percent of the program's clinical training may consist of clinical simulation;
- The nursing curriculum plan documenting clinical experience and theoretical instruction in medical, surgical, obstetric, pediatric, and geriatric nursing. The curriculum plan for an RN education program must also document clinical experience and theoretical instruction in psychiatric nursing. Each curriculum plan must document clinical training experience in appropriate settings that include, but are not limited to, acute care, long-term care, and community settings;
- An RN or LPN education program must provide theoretical instruction and clinical application in the following:
 - Personal, family, and community health concepts;
 - Nutrition;
 - Human growth and development throughout the lifespan;
 - Body structure and function;
 - Interpersonal relationship skills;
 - Mental health concepts;
 - Pharmacology and administration of medications; and Legal aspects of practice; and
- An RN education program must also provide theoretical instruction and clinical experience in:
 - Interpersonal relationships and leadership skills;
 - Professional role and function; and
 - Health teaching and counseling skills.

DOH has 30 days after receiving an application to notify the applicant of any errors or omissions in the application. DOH forwards complete applications to the Board who may then conduct an onsite evaluation if necessary to document the applicant’s compliance with staffing and curriculum requirements. Within 90 days of DOH’s receipt of the complete application, the Board must either:¹⁵

- Approve the application; or
- Provide the educational institution with a notice of intent to deny citing specific reasons for the denial.

The applicant may request may request a hearing on the notice of intent to deny pursuant to the Administrative Procedures Act.¹⁶

Required Annual Report

Approved nursing education programs are required to submit an annual report to the Board by November 1st of each year. Accredited nursing education programs are not required to submit an annual report.¹⁷ The annual report submitted by approved nursing programs must include:

- An affidavit certifying continued compliance with the requirements for initial program approval;¹⁸
- A summary description of the program’s compliance with such requirements; and
- Documentation for the previous academic year that describes:
 - The number of student applications received, qualified applicants, applicants accepted, accepted applicants who enroll in the program, students enrolled in the program, and program graduates;
 - The program’s retention rates for students tracked from program entry to graduation; and
 - The program’s accreditation status, including identification of the accrediting agency.¹⁹

If an approved nursing education program fails to submit the required annual report, the Board must notify the program director and president or chief executive officer of the educational institution in writing within 15 days after the due date. The program director must appear before the Board to explain the delay. If the program director fails to appear, or if the program does not submit the annual report within six months after the due date, the Board must terminate the program.²⁰

In 2024, the Board terminated 31 programs for failing to submit their annual report.²¹ There have not been any programs terminated for failing to submit the annual report in 2025.²²

NCLEX Passage Rate Requirements

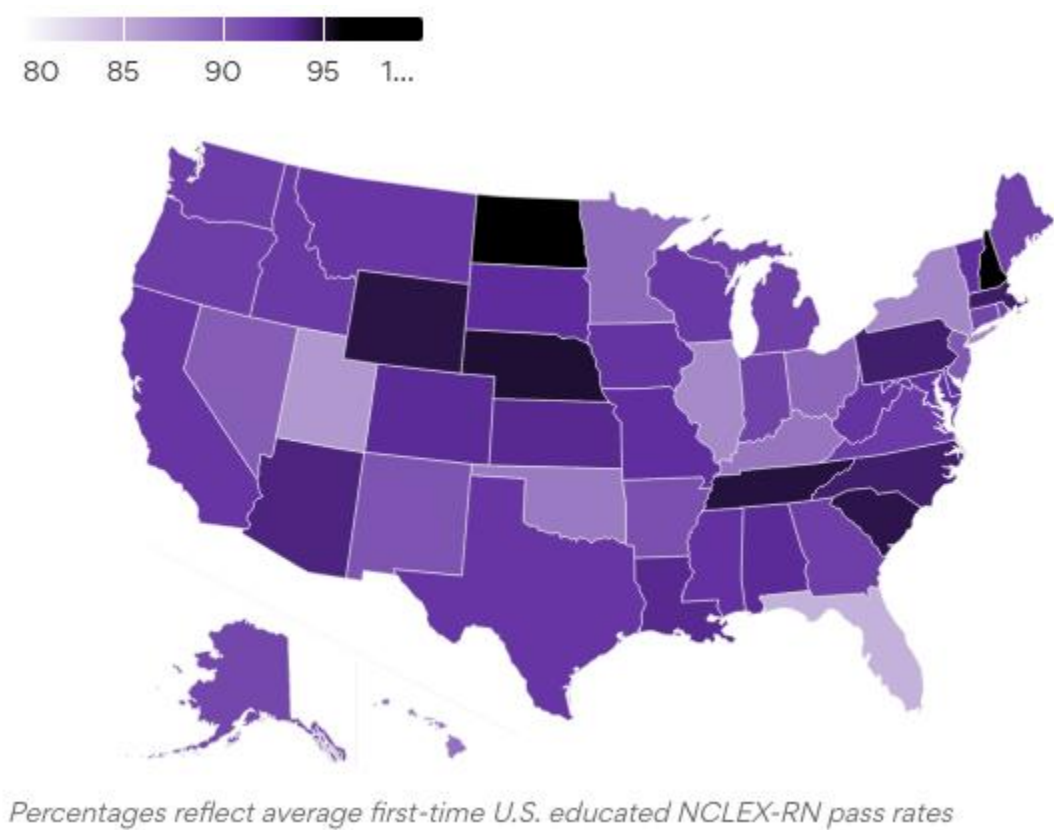
Approved nursing education programs are required to meet accountability requirements related to graduate passage rates on the NCLEX. The NCLEX is developed by the National Council of State Boards of Nursing (NCSBN) to test the competency of nursing education program graduates in the United States and Canada. The NCSBN is a non-profit organization whose membership is composed of state boards of nursing and other nursing regulatory bodies that are charged with regulating public health, safety, and welfare.²³ The NCLEX-RN and NCLEX-PN are

¹⁵ S. [464.019\(2\), F.S.](#)
¹⁶ *Id.* See also, Ch. 120, F.S.
¹⁷ S. [464.019\(9\), F.S.](#)
¹⁸ See, [s. 464.019\(1\), F.S.](#), for program approval requirements.
¹⁹ S. [464.019\(3\), F.S.](#)
²⁰ [s. 464.019\(5\), F.S.](#)
²¹ Department of Health, *2025 Agency Legislative Bill Analysis for HB 919* (2025), on file with the Health & Human Services Committee.
²² *Supra*, note 13.
²³ National Council of State Boards of Nursing, *History*. Available at <https://www.ncsbn.org/about/history.page> (last visited October 24, 2025).

variable-length, valid, and reliable computerized adaptive tests designed to measure nursing competence according to the intended practice level of the test-taker.

A nursing education program’s [graduate passage rate](#) reflects the percentage of a program’s graduates who pass the NCLEX in a given calendar year as first-time test-takers.²⁴ Approved nursing education programs must achieve graduate passage rates that are no more than ten percentage points lower than the average passage rate for the same calendar year for graduates of comparable degree programs who are U.S. educated, first-time NCLEX test takers.²⁵ The national passage rates for 2024 are 91.16 percent for the NCLEX-RN and 88.38 percent for the NCLEX-PN.; compared to Florida’s passage rates of 84.9 percent for the NCLEX-RN and 80.78 percent for the NCLEX-PN.²⁶ These scores place Florida last among all 50 states for NCLEX passage rates in 2024.²⁷

The map below illustrates Florida’s position nationally for 2024.²⁸



The national NCLEX-RN passage rates for the first two quarters of 2025, for RNs are 88.4 percent and 89.1 percent respectively; compared to Florida passage rates of 85.3 percent and 83 percent for the same period.²⁹ The national NCLEX-PN passage rate for the first two quarters of 2025, for PNs are 86.3 percent and 86.5 percent respectively; compared to Florida passage rates of 78.6 percent and 75.9 percent for the same period.

Each nursing education program is compared to other programs based on level of nursing and degree type.

²⁴ S. [464.003\(14\), F.S.](#)
²⁵ [S. 464.019\(5\), F.S.](#)
²⁶ *Supra*, note 11.
²⁷ *Supra*, note 13.
²⁸ Monti, J & Dugan, J. (2024). *States with the Highest NCLEX Pass Rates*. NurseJournal. Available at <https://nursejournal.org/resources/nclex/states-with-highest-nclex-pass-rates/> (last visited October 24, 2025).
²⁹ Florida Center for Nursing, *2025 Quarterly NCLEX Report*, available at <https://flcenterfornursing.org/wp-content/uploads/2025/10/2025QuarterlyNCLEX-Q2-NoTrails.pdf> (last visited October 27, 2025).

Programs are categorized according to the following program types:³⁰

- RN nursing education programs that terminate in a bachelor’s degree;
- RN nursing education programs that terminate in an associate degree;
- RN nursing education programs that terminate in a diploma; and
- LPN nursing education programs.

Probation

Nursing education programs that fail to meet the required passage rates for two consecutive years are placed on [probation](#) by the Board. The program director of a program placed on probation must appear before the Board to present a remediation plan including specific benchmarks to identify progress toward a graduate passage rate goal. A program is taken off of probation once it achieves a graduate passage rate that meets the statutory requirement in a calendar year. A program’s probationary status is automatically carried over for a second year if the program does not meet the required passage rate in the first year on probation.³¹

The Board may grant a program a third year of probation if the program still does not meet the required passage rate, but is able to demonstrate improvement. If the program is not granted the one-year extension of probation, or if the program fails to meet the required passage rates after the third year of probation, the Board must terminate the program.³² The current probationary process allows nursing education programs to have up to five consecutive years of unsatisfactory NCLEX passage rates, including three years of probation, before the program is terminated.

In February 2025, 10 LPN education programs and 13 RN education programs were placed on probation. Of the 23 programs placed on probation, 20 are private, for-profit programs.³³

[Accreditation](#)

An accredited nursing education program is a program that is operated in the U.S. and accredited by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education to accredit nursing education programs.³⁴ The specialized nursing accreditors are the:³⁵

- Accreditation Commission for Education in Nursing;
- Commission on Collegiate Nursing Education; and
- National League for Nursing Commission for Nursing Education Accreditation.

Board-approved RN education programs are required to obtain accreditation within five years of enrolling its first students.³⁶ However, a program may apply to the Board and receive an extension of the deadline for up to two years. In order to be eligible for an extension, a program must meet NCLEX graduate passage rate, student retention, and graduate work placement requirements, among others.³⁷

Due to the stringent criteria required to maintain accreditation, accredited nursing education programs are exempt from the reporting requirements that are used to monitor approved nursing education programs’ compliance with requirements, however they are still required to meet the statutory requirements for graduate passage rates on the NCLEX.³⁸

³⁰ [s. 464.019\(5\), F.S.](#)
³¹ *Id.*
³² *Id.*
³³ *Supra*, note 13.
³⁴ [S. 464.003\(1\), F.S.](#)
³⁵ *Supra*, note 11.
³⁶ [S. 464.019\(11\), F.S.](#)
³⁷ *Supra*, note 13; *see also*, [s. 464.019\(11\)\(f\), F.S.](#)
³⁸ [S. 464.019\(9\)\(a\), F.S.](#)

If an accredited nursing education program ceases to be accredited, the educational institution conducting the program must provide written notice to that effect to the Board, the program’s students and applicants, and each entity providing clinical training sites or experiences. It may then apply to be an approved program.³⁹

RECENT LEGISLATION:

YEAR	BILL #	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	CS/HB 1427 – Nursing Education Programs	Griffitts, Abbott <i>Harrell</i>	Vetoed by Governor.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Education & Employment Committee	19 Y, 0 N		Hassell	Kiner
Health & Human Services Committee				

³⁹ S. 464.019(9)(b), F.S.