

By Senator Harrell

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A bill to be entitled

An act relating to nursing education programs; amending s. 464.008, F.S.; requiring the Department of Health to issue temporary provisional licenses to graduate registered nurses and graduate licensed practical nurses; providing requirements for the temporary provisional license; establishing that such graduate nurses may practice only under direct supervision and subject to a written protocol with a registered nurse or licensed practical nurse, as applicable; requiring the Board of Nursing to adopt rules; amending s. 464.019, F.S.; revising application requirements for nursing education program approval; specifying preceptorship requirements; requiring the Florida Center for Nursing to develop graduate nursing preceptorship standards by a specified date; requiring the board to incorporate the standards into rule; requiring the board to deny a program's application under certain circumstances; authorizing the board to revoke an existing program's approval under certain circumstances; defining the term "adverse action"; clarifying that an approved program's director is responsible for submitting certain annual reports to the board; requiring the board to terminate a program under certain circumstances; providing penalties for program directors found to be in violation of specified provisions; clarifying that the board must publish the graduate average passage rate of each approved nursing program on its website; revising

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remediation procedures for approved programs with graduate passage rates that do not meet specified requirements; subjecting program directors of approved programs to specified disciplinary action under certain circumstances; deleting a provision authorizing the board to extend a program's probationary status; authorizing agents or employees of the department to conduct onsite evaluations and inspections of approved and accredited nursing education programs; authorizing the department to collect evidence as part of such evaluations and inspections; deeming the failure or refusal of a program to allow such evaluation or inspection a violation of a legal obligation; requiring the department to disclose graduate average passage rates to each program director; requiring program directors to ensure that graduate average passage rates are posted on their program's website; revising rulemaking authority of the board; deleting a provision authorizing approved nursing education programs to request an extension to meet the board's accreditation requirements; providing an effective date.

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

Section 1. Subsection (5) is added to section 464.008, Florida Statutes, and subsection (1) of that section is republished, to read:

464.008 Licensure by examination.—

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(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the department to take the licensure examination. The department shall examine each applicant who:

(a) Has completed the application form and remitted a fee set by the board not to exceed \$150 and has remitted an examination fee set by the board not to exceed \$75 plus the actual per applicant cost to the department for purchase of the examination from the National Council of State Boards of Nursing or a similar national organization.

(b) Has provided sufficient information on or after October 1, 1989, which must be submitted by the department for a statewide criminal records correspondence check through the Department of Law Enforcement.

(c) Is in good mental and physical health, is a recipient of a high school diploma or the equivalent, and has completed the requirements for:

1. Graduation from an approved program;
2. Graduation from a prelicensure nursing education program that the board determines is equivalent to an approved program;
3. Graduation on or after July 1, 2009, from an accredited program; or
4. Graduation before July 1, 2009, from a prelicensure nursing education program whose graduates at that time were eligible for examination.

Courses successfully completed in a professional nursing education program that are at least equivalent to a practical nursing education program may be used to satisfy the education

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requirements for licensure as a licensed practical nurse.

(d) Has the ability to communicate in the English language, which may be determined by an examination given by the department.

(5) (a) The department shall issue a temporary provisional license to an applicant who is eligible to take the licensure examination under subsection (1) and who seeks to practice as a graduate registered nurse or licensed practical nurse, as applicable.

(b) A temporary provisional license issued under this subsection:

1. Is valid for a period not to exceed 180 days after the date of issuance.

2. Is nonrenewable.

3. Automatically expires upon the applicant passing the licensure examination and the department issuing of a full license, or upon the applicant's failure to pass the examination.

(c) A temporary provisional licensee may practice only under the direct supervision of a registered nurse or licensed practical nurse, as applicable, who has filed a written protocol with the department. The board shall adopt rules to implement this paragraph.

Section 2. Subsections (1) through (6) and (8) and paragraph (f) of subsection (11) of section 464.019, Florida Statutes, are amended to read:

464.019 Approval of nursing education programs.—

(1) PROGRAM APPLICATION.—An educational institution that wishes to conduct a program in this state for the prelicensure

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education of professional or practical nurses must submit to the department a program application and review fee of \$1,000 for each prelicensure nursing education program to be offered at the institution's main campus, branch campus, or other instructional site. The program application must include the legal name of the educational institution, the legal name of the nursing education program, the legal name of the nursing education program director, and, if such institution is accredited, the name of the accrediting agency. The application must also document that:

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

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

The educational degree requirements of this paragraph must ~~may~~ be documented by an official transcript or by a written statement from the program director of the educational institution verifying that the institution conferred the degree. The program director shall certify the official transcript or written statement as true and accurate.

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

1. Fifty percent clinical training in the United States, the District of Columbia, or a possession or territory of the

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United States for a practical nursing education program, an
associate degree professional nursing education program, or a
professional diploma nursing education program.

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

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

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

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

1. The number of program faculty members equals 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 students, to be directly
supervised by one program faculty member.

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

3. For community-based clinical experiences that involve

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175 student participation in invasive or complex nursing activities,
176 students must be directly supervised by a program faculty member
177 or clinical preceptor and such arrangement must be approved by
178 the community-based clinical facility.

179 4. For community-based clinical experiences not subject to
180 subparagraph 3., indirect supervision may occur only when a
181 supervising program faculty member is available to the student
182 by telephone.

183
184 A program's policies established under this paragraph must
185 require that a clinical preceptor who is supervising students in
186 a professional nursing education program be a registered nurse
187 or, if supervising students in a practical nursing education
188 program, be a registered nurse or licensed practical nurse.

189 (f) The professional or practical nursing curriculum plan
190 documents clinical experience and theoretical instruction in
191 medical, surgical, obstetric, pediatric, and geriatric nursing.
192 A professional nursing curriculum plan must ~~shall~~ also document
193 clinical experience and theoretical instruction in psychiatric
194 nursing. Each curriculum plan must document clinical training
195 experience in appropriate settings that include, but are not
196 limited to, acute care, long-term care, and community settings.

197 (g) The professional or practical nursing education program
198 provides theoretical instruction and clinical application in
199 personal, family, and community health concepts; nutrition;
200 human growth and development throughout the life span; body
201 structure and function; interpersonal relationship skills;
202 mental health concepts; pharmacology and administration of
203 medications; and legal aspects of practice. A professional

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

(h) The professional or practical nursing education program has established evaluation and standardized admission criteria. The admission criteria must, at a minimum, identify those students who are likely to need additional preparation and educational support to be successful program graduates. The program must maintain documentation of the individualized student academic support plan for those students identified as in need of additional preparation and educational support.

(i) For each student, the professional or practical nursing education program administers an exit examination that is a national, standardized, and comprehensive predictor exam designed to help nursing students assess their readiness for the National Council of State Boards of Nursing Licensing Examination (NCLEX) by identifying areas needing further study and remediation. A student may not be excluded from graduation on the sole basis of the exit examination if the student has otherwise successfully completed all coursework required by the program.

(j) The professional or practical nursing education program has submitted to the board the established criteria for remediation that will be offered to students who do not successfully pass the exit examination.

(k) Beginning August 1, 2027, a program with a passage rate more than 10 percentage points lower than the average national passage rate during the same calendar year for graduates of

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comparable degree programs who are United States-educated, first-time test takers on the NCLEX, as calculated by the contract testing service of the National Council of State Boards of Nursing, offers a graduate nursing preceptorship to its graduates. If a graduate from such a program does not pass the NCLEX at the conclusion of his or her preceptorship, the professional or practical nursing education program must offer remediation to the graduate for free.

1. All programs are encouraged to offer a graduate nursing preceptorship to their graduates to provide opportunities for job shadowing, clinical training, nonclinical training, and patient care in a hospital setting. Graduates who have been issued a temporary provisional license under s. 464.008(5) may participate in such preceptorships. A graduate nursing preceptorship must last for 3 months, with the expectation that graduates will take the NCLEX at the conclusion of the preceptorship. Clinical preceptors shall oversee the preceptorship programs.

2. By January 1, 2027, the Florida Center for Nursing shall establish standards for graduate nursing preceptorships, including supervision requirements. The board shall incorporate the standards into rule.

(2) PROGRAM APPROVAL.—

(a) Upon receipt of a program application and review fee, the department shall examine the application to determine if it is complete. If the application is not complete, the department must ~~shall~~ notify the educational institution in writing of any errors or omissions within 30 days after the department's receipt of the application. A program application is deemed

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complete upon the department's receipt of:

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

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

(b) Following the department's receipt of a complete program application, the board may conduct an onsite evaluation if necessary to document the applicant's compliance with subsection (1). Within 90 days after the department's receipt of a complete program application, the board shall:

1. Approve the application if it documents compliance with subsection (1); or

2. Provide the educational institution with a notice of intent to deny the application if it does not document compliance with subsection (1). The notice must specify written reasons for the board's denial of the application. The board may not deny a program application because of an educational institution's failure to correct an error or omission that the department failed to provide notice of to the institution within the 30-day notice period under paragraph (a). The educational institution may request a hearing on the notice of intent to deny the program application pursuant to chapter 120.

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

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

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291 (e) The board shall deny an application from a program that
292 has had adverse action taken against it by another regulatory
293 jurisdiction in the United States. The board may also revoke the
294 approval of an existing approved program that has had adverse
295 action taken against it by another regulatory jurisdiction in
296 the United States. For purposes of this paragraph, the term
297 "adverse action" means any administrative, civil, or criminal
298 action imposed by a licensing board or other state authority
299 against a program. The term includes actions such as revocation,
300 suspension, probation, or any other encumbrance affecting the
301 program's authorization to operate.

302 (3) ANNUAL REPORT.—By November 1 of each year, each
303 approved program's director ~~program~~ shall submit to the board an
304 annual report consisting ~~comprised~~ of an affidavit certifying
305 continued compliance with subsection (1), a summary description
306 of the program's compliance with subsection (1), and
307 documentation for the previous academic year that, to the extent
308 applicable, describes:

309 (a) The number of student applications received, qualified
310 applicants, applicants accepted, accepted applicants who enroll
311 in the program, students enrolled in the program, and program
312 graduates.

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

315 (c) The program's accreditation status, including
316 identification of the accrediting agency.

317
318 The board must terminate the program pursuant to chapter 120 if
319 the requirements of this subsection are not met. Upon request,

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the board may give an extension for good cause not to exceed 60 days for a program to meet the requirements of this subsection. If a program director is found to be in violation of this subsection, the board may impose a penalty listed in s. 456.072(2).

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

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

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

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

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

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

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

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

4. The program's probationary status.

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

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349 6. Each program's retention rates for students tracked from
350 program entry to graduation.

351 (c) The average passage rates for United States educated,
352 first-time test takers on the National Council of State Boards
353 of Nursing Licensing Examination for the most recent 2 calendar
354 years, as calculated by the contract testing service of the
355 National Council of State Boards of Nursing. The average passage
356 rates shall be published separately for each type of comparable
357 degree program listed in subparagraph (5)(a)1., and individually
358 for each approved nursing program.

359
360 The information required to be published under this subsection
361 shall be made available in a manner that allows interactive
362 searches and comparisons of individual programs selected by the
363 website user. The board shall update the Internet website at
364 least quarterly with the available information.

365 (5) ACCOUNTABILITY.—

366 (a)1. An approved program must achieve a graduate passage
367 rate for first-time test takers which is not more than 10
368 percentage points lower than the average passage rate during the
369 same calendar year for graduates of comparable degree programs
370 who are United States educated, first-time test takers on the
371 National Council of State Boards of Nursing Licensing
372 Examination, as calculated by the contract testing service of
373 the National Council of State Boards of Nursing. For purposes of
374 this subparagraph, an approved program is comparable to all
375 degree programs of the same program type from among the
376 following program types:

377 a. Professional nursing education programs that terminate

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in a bachelor's degree.

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

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

d. Practical nursing education programs.

2. If an approved program's graduate passage rates do not equal or exceed the required passage rates for 2 consecutive calendar years, the board must ~~shall~~ place the program on probationary status pursuant to chapter 120 and the program director must submit a written remediation plan to the board. The program director must ~~shall~~ appear before the board to present the ~~a~~ plan for remediation, which must ~~shall~~ include specific nationally recognized benchmarks to identify progress toward a graduate passage rate goal. The board must terminate a program pursuant to chapter 120 if the program director fails to submit a written remediation plan or fails to appear before the board and present the remediation plan no later than 6 months after the date of the program being placed on probation. The board may impose a penalty listed in s. 456.072(2) on the program director for such failure. The program must remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for ~~any~~ 1 calendar year. The board must ~~shall~~ deny a program application for a new prelicensure nursing education program submitted by an educational institution if the institution has an existing program that is already on probationary status.

3. Upon the program's achievement of a graduate passage rate that equals or exceeds the required passage rate, the

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board, at its next regularly scheduled meeting following release of the program's graduate passage rate by the National Council of State Boards of Nursing, shall remove the program's probationary status. If the program, during the 2 calendar years following its placement on probationary status, does not achieve the required passage rate ~~for any 1 calendar year~~, the board must ~~may extend the program's probationary status for 1 additional year, provided the program has demonstrated adequate progress toward the graduate passage rate goal by meeting a majority of the benchmarks established in the remediation plan.~~ If the program is not granted the 1-year extension or fails to achieve the required passage rate by the end of such extension, the board ~~shall~~ terminate the program pursuant to chapter 120.

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

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

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status on the students or applicants.

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

(e) Duly authorized agents or employees of the department may conduct onsite evaluations or inspections at any time during business hours to ensure that approved programs or accredited programs are in full compliance with this chapter, or to determine whether this chapter or s. 456.072 is being violated. The department may collect any necessary evidence needed to ensure compliance with this chapter or for prosecution, as deemed necessary. A program that refuses or fails to allow an onsite evaluation or inspection is deemed in violation of a legal obligation imposed by the board or the department.

(6) DISCLOSURE OF GRADUATE PASSAGE RATE DATA.—

(a) For each graduate of the program included in the calculation of the program's graduate passage rate, the department shall disclose to the program director, ~~upon his or her written request,~~ the name, examination date, and determination of whether each graduate passed or failed the National Council of State Boards of Nursing Licensing Examination, if such information is provided to the department by the contract testing service of the National Council of State Boards of Nursing. The department shall disclose to the program director the average passage rate for graduates from its program ~~written request must specify the calendar years for which the~~

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~~information is requested.~~

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

(c) The program director shall ensure that the graduate average passage rate, as reported by the department, is posted on the program's website.

(8) RULEMAKING.—The board does not have rulemaking authority to administer this section, except that the board shall adopt rules that prescribe the format for submitting program applications under subsection (1) and annual reports under subsection (3), to implement graduate nursing preceptorships as established in paragraph (1)(k), to enforce and administer subsection (5), and to administer the documentation of the accreditation of nursing education programs under subsection (11). The board may adopt rules relating to the nursing curriculum, including rules relating to the uses and limitations of simulation technology, ~~and rules relating to the criteria to qualify for an extension of time to meet the accreditation requirements under paragraph (11)(f).~~ The board may not impose any condition or requirement on an educational institution submitting a program application, an approved program, or an accredited program, except as expressly provided in this section.

(11) ACCREDITATION REQUIRED.—

~~(f) An approved nursing education program may, no sooner~~

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~~than 90 days before the deadline for meeting the accreditation requirements of this subsection, apply to the board for an extension of the accreditation deadline for a period which does not exceed 2 years. An additional extension may not be granted. In order to be eligible for the extension, the approved program must establish that it has a graduate passage rate of 60 percent or higher on the National Council of State Boards of Nursing Licensing Examination for the most recent calendar year and must meet a majority of the board's additional criteria, including, but not limited to, all of the following:~~

~~1. A student retention rate of 60 percent or higher for the most recent calendar year.~~

~~2. A graduate work placement rate of 70 percent or higher for the most recent calendar year.~~

~~3. The program has applied for approval or been approved by an institutional or programmatic accreditor recognized by the United States Department of Education.~~

~~4. The program is in full compliance with subsections (1) and (3) and paragraph (5) (b).~~

~~5. The program is not currently in its second year of probationary status under subsection (5).~~

~~The applicable deadline under this paragraph is tolled from the date on which an approved program applies for an extension until the date on which the board issues a decision on the requested extension.~~

Section 3. This act shall take effect July 1, 2026.