

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 5201 PCB HEA 22-01 Higher Education

SPONSOR(S): Appropriations Committee, Higher Education Appropriations Subcommittee, Plasencia

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education Appropriations Subcommittee	10 Y, 3 N	Peters	Smith
1) Appropriations Committee	20 Y, 7 N, As CS	Peters	Pridgeon

SUMMARY ANALYSIS

The bill contains various provisions related to higher education that focus on improving affordability, accountability, and access to high-demand programs. Specifically, the bill:

- Creates the Student Open Access Resources (SOAR) Grant Program and Repository to provide funding for public postsecondary institution open education resources to expand textbook affordability for students;
- Lowers costs for students through an increase in the number of Programs of Strategic Emphasis eligible for “Buy One, Get One Free” tuition and fee waivers at state universities;
- Provides accountability through minimum performance standards for institutions to be eligible to participate in the Effective Access to Student Education tuition assistance program and establishes a tiered award amount structure;
- Expands institutional eligibility and student accessibility to the Open Door Grant Program; and
- Expands access to nursing education programs and creates the Linking Industry to Nursing Education (LINE) Fund and Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund.

The bill also revises goals and duties relating to the Florida Talent Development Council and the Florida Center for Nursing.

The bill conforms statutes to the funding decisions related to Higher Education included in the House proposed General Appropriations Act (GAA) for Fiscal Year 2022-2023.

The House proposed General Appropriations Act provides \$136.2 million for costs associated with implementing the provisions of this bill. See Fiscal Section for additional detail.

The bill provides for an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Open Education Resources

Present Situation

Textbook and Instructional Materials Affordability

According to the US Bureau of Labor Statistics, consumer prices for college textbooks have increased by roughly 36% since July of 2011.¹ In 2018, the Florida Virtual Campus (FLVC) conducted a Textbook Affordability Student Survey involving 21,430 students across all public colleges and universities,² that indicated the high costs of textbooks and related instructional materials have negatively impacted students' success. The survey responses indicated:³

- 64.3% - Do not purchase the required textbooks;
- 42.8% - Take fewer courses;
- 40.6% - Do not register for a specific course;
- 35.6% - Earn a poor grade because they cannot afford to buy the textbook; and
- 22.9% - Drop a course.

Since 2008, Florida⁴ has been working to reduce costs and make textbooks and instructional materials more affordable for students.

In 2016, the Legislature enacted textbook affordability legislation that authorizes each Florida College System (FCS) and State University System (SUS) institution board of trustees to adopt policies in consultation with textbook and instructional materials providers, including bookstores, which allow for the use of innovative pricing techniques and payment options for textbooks and instructional materials.⁵

After receiving input from students, faculty, bookstores, and publishers, the State Board of Education (SBE) and Board of Governors (BOG) are required to adopt textbook and instructional materials affordability policies, procedures, and guidelines for implementation by FCS and SUS institutions, respectively, that further efforts to minimize the cost of textbooks and instructional materials for students attending such institutions. The policies, procedures, and guidelines must address:⁶

- The establishment of deadlines for an instructor or department to notify the bookstore of required and recommended textbooks and instructional materials so that the bookstore may verify availability, source lower cost options when practicable, explore alternatives with faculty when academically appropriate, and maximize the availability of used textbooks and instructional materials;
- Confirmation by the course instructor or academic department offering the course, before the textbook or instructional materials adoption is finalized, of the intent to use all items ordered, particularly each individual item sold as part of a bundled package;
- Determination by a course instructor or the academic department offering the course, before a textbook or instructional material is adopted, of the extent to which a new edition differs significantly and substantively from earlier versions and the value to the student of changing to

¹ Bureau of Labor Statistics, 2021, *Cost of college tuition has remained stable since 2019* (Aug. 31, 2021), <https://www.bls.gov/opub/ted/2021/cost-of-college-tuition-has-remained-stable-since-september-2019.htm> (last visited Jan. 29, 2022).

² House Higher Education Appropriations Subcommittee, *Meeting Packet for Nov. 4, 2021*, at 10, <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3089&Session=2022&DocumentType=Meeting+Packets&FileName=hea+11-4-21.pdf>

³ *Id.*, at 13.

⁴ S. 1, ch. 2008-78, Laws of Fla.

⁵ S. 3, ch. 2016-236, Laws of Fla.

⁶ S. 1004.085(6), F.S.

a new edition or the extent to which an open-access textbook or instructional material is available;

- The availability of required and recommended textbooks and instructional materials to students otherwise unable to afford the cost, including consideration of the extent to which an open-access textbook or instructional material may be used;
- Participation by course instructors and academic departments in the development, adaptation, and review of open-access textbooks and instructional materials and, in particular, open-access textbooks and instructional materials for high-demand general education courses;
- Consultation with school districts to identify practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including, but not limited to, the length of time that textbooks and instructional materials remain in use; and
- Selection of textbooks and instructional materials through cost-benefit analyses that enable students to obtain the highest-quality product at the lowest available price, by considering:
 1. Purchasing digital textbooks in bulk.
 2. Expanding the use of open-access textbooks and instructional materials.
 3. Providing rental options for textbooks and instructional materials.
 4. Increasing the availability and use of affordable digital textbooks and learning objects.
 5. Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials.
 6. The length of time that textbooks and instructional materials remain in use.
 7. An evaluation of cost savings for textbooks and instructional materials which a student may realize if individual students are able to exercise opt-in provisions for the purchase of the materials.

Each FCS institution and SUS board of trustees must report to its respective chancellor by September 30 of each year, the institution's textbook and instructional materials selection process for general education courses with identified cost variances and high-enrollment courses, specific initiatives designed to reduce costs, implementation status of cost saving policies, and the number of courses and sections that were unable to meet the textbook and instructional materials posting deadline. By November 1 of each year, each chancellor is required to provide a summary of the institution reports to the SBE and BOG, as appropriate.⁷

Open Education Resources

In order to help mitigate the high costs of textbooks and related instructional materials to students, postsecondary education institutions are beginning to develop and implement various cost saving measures, which include the increased usage of open educational resources and open-access materials in courses and degree programs. Open Education Resources (OER) are materials for teaching, learning, and research that are not only free but have a perpetually open license enabling them to be used and reused without charge or need to ask permission. With OER, materials can be retained, reused, revised, remixed, and redistributed.⁸

During a November 4, 2021 Higher Education Appropriation Subcommittee (HEA) meeting, a panel of Florida public university and college representatives presented on how their institutions are helping students by addressing the rising costs of textbooks and related instructional materials. Of them:

- Florida International University has created a statewide searchable database of courses that use OER and low-cost materials, and is open to all state university and college faculty across the state to contribute to and use as a repository/resource in their own content curation process;
- The University of Central Florida holds monthly open conversations amongst various state universities and colleges regarding OER funding and grant opportunities that arise at the state and national levels; and
- Santa Fe College discussed how they use open access and low cost textbooks for all general education courses, as well as faculty-curated open-access resources for use in other common courses.

⁷ *Id.*

⁸ House Higher Education Appropriations Subcommittee, *supra* note 2, at 15.

Additional discussion in the HEA meeting highlighted that while OER resources are useful for a broad array of educational applications, there are no formal processes by which they are reviewed for inaccuracies or outdated information. This has the potential to put undue pressure on instructors who seek to provide a balance between accessibility and accuracy of the information they present to their students. The panelists indicated that a major limiting factor to postsecondary institutions' implementation of OER courses was the amount of faculty time and effort needed to curate and vet the information and resources to be used in development of these courses. In order to develop one course using OER, around 180 staff hours⁹ are required to compile and review information from the vast number of free resources available to ensure quality and accuracy of information.

Florida Postsecondary Academic Library

In 2021, the Legislature established the Florida Postsecondary Academic Library Network (Network) under the joint oversight of the BOG and the DOE, in place of the Florida Academic Library Services Cooperative.¹⁰ The purpose of the Network is to deliver the following services¹¹ to public postsecondary education institutions in Florida, namely all FCS and SUS institutions:

- Provision of information regarding and access to distance learning courses and degree programs offered by public postsecondary education institutions within the state;
- Coordination with the FCS and SUS to identify and provide online academic support services and resources when the multi-institutional provision of such services and resources is more cost effective or operationally effective;
- Administration of a single library automation system and associated resources and services that all public postsecondary institutions use to support learning, teaching, and research needs, and development of automated library management tools;
- Coordination, with FCS institutions' and state universities' library staff, of the negotiation of statewide licensing of electronic library resources and preferred pricing agreements, issue purchase orders, and entering into contracts for the acquisition of library support services, electronic resources, and other goods and services necessary to carry out its authorized duties;
- Promote and provide recommendations concerning the use and distribution of low cost, no cost, or open-access textbooks and education resources and innovative pricing techniques that comply with all applicable laws, in regards to copyrighted material and statewide accessibility measures, as a method for reducing costs; and
- Provision of appropriate help desk support, training, and consultation services to institutions and students.

The Network is hosted at the Northwest Regional Data Center at Florida State University¹² and is required to annually report to the chancellors of the SUS and FCS regarding the implementation and operation of all its components, including but not limited to usage information collected, information and associated costs relating to the services and functions of the program, and the implementation and operation of the automated library services. The chancellors are required to provide an annual report on the performance of the host entity in delivering the services and any recommendations for changes needed to the Governor, the President of the Senate, the Speaker of the House of Representatives, the BOG, and the SBE.¹³

Funding for the Network is appropriated in the General Appropriations Act (GAA).¹⁴

Effect of Proposed Changes

⁹ R. Griffiths, J. Mislevy, S. Wang, A. Ball, L. Shear, and D. Desrochers, *OER at Scale: The Academic and Economic Outcomes of Achieving the Dream's OER Degree Initiative*, SRI International, 2020.

¹⁰ S. 4, ch. 2021-85, Laws of Fla.

¹¹ S. 1006.73(1), F.S.

¹² Florida Virtual Campus, *Organization Profile – Current Activity*, <https://www.flvc.org/organization-profile> (Jan. 28, 2022)

¹³ S. 1006.73(4), F.S.

¹⁴ See s. 2, Specific Appropriations 129B and 145A, ch. 2021-36, Laws of Fla.

To increase the adoption, adaptation, and creation of OER by faculty members from FCS and SUS institutions, and to help reduce the costs of textbooks and instructional materials to students, the bill establishes the Student Open Access Resources (SOAR) Repository and the SOAR Grant Program within the Network.

The bill requires the chancellors of the FCS and SUS to collaborate and take the lead in identifying and developing processes to coordinate and support the adaptation or development of OER by teams of faculty, librarians, and instructional designers within a public postsecondary institution or across multiple institutions. These processes include, but are not limited to, ensuring quality and accuracy of content, suitability for publication, and compliance with federal and state copyright laws and regulations. Pursuant to the processes developed by the chancellors, the Network is tasked with:

- Serving as the lead agency;
- Managing interinstitutional collaborations;
- Hosting approved digital assets and on-demand printing capabilities;
- Ensuring compliance with all federal and state laws and regulations relating to accessibility, copyright, and quality assurance;
- Providing training for resource and professional development; and
- Administering the SOAR Grant Program.

The bill establishes the SOAR Repository, a statewide, internet-based, searchable database of OER curated by the faculty of FCS and SUS institutions. The resources available in the database must comply with the processes developed by the chancellors of the FCS and SUS, be based upon the statewide course number system, and accelerate textbook affordability.

The bill establishes the SOAR Grant Program which, subject to appropriation, will provide funding support to FCS and SUS institutions for the development and curation of OER and for migrating existing content to the SOAR Repository. The bill specifies that the Network shall prioritize courses with high student enrollment, courses with high textbook or materials costs, and courses identified as core general courses when establishing grant award criteria. Institutions that receive grant funds must agree to openly license and share any OER that they develop or adapt in the SOAR Repository. Additionally, institutions are required to prominently post, and clearly identify with an icon OER courses with zero textbook costs on course registration systems to maximize awareness and cost savings to students.

Buy One, Get One Free Tuition & Fee Waiver

Present Situation

Tuition and Out-of-State Fees

Under Florida law, “tuition” is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.¹⁵ A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.¹⁶

The resident undergraduate tuition rate for the SUS is currently set in statute at \$105.07 per credit hour.¹⁷ The average tuition and fees per credit hour are \$201.01.¹⁸

Buy One, Get One Free Tuition & Fee Waiver

Beginning in 2021, SUS institutions must provide “buy one, get one free” or “BOGO” tuition and fee waivers on upper-level courses in one of eight science, technology, engineering, or math (STEM)

¹⁵ S. 1009.01 (1), F.S.

¹⁶ S. 1009.21(1)(g), F.S.

¹⁷ S. 1009.24(4)(a), F.S.

¹⁸ See State University System of Florida, *Tuition and Required Fees, 2021-22*, <https://www.flbog.edu/wp-content/uploads/2021/07/2021-2022-SUS-Tuition-and-Fees-Report.pdf>

programs of strategic emphasis (PSE), as adopted by the BOG.¹⁹ Specifically, for every course in a qualifying PSE in which a student is enrolled, a state university must waive 100 percent of the tuition and fees for an equivalent course in such program. To be eligible, a student must:²⁰

- Be an resident for tuition purposes;
- Earn at least 60 semester credit hours towards a baccalaureate degree within two academic years after initial enrollment at a Florida public postsecondary institution; and
- Be enrolled in one of eight STEM PSE.

On June 22, 2021, the BOG adopted eight STEM PSE: Civil Engineering, Computer + Information Science, Computer Engineering, Electrical + Electronics Engineering, Information Technology, Management Information Systems, Mathematics, and Physics.²¹

The tuition and fee waiver is applicable only for upper-level courses and for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.²² This means that for a 120-credit hour state university baccalaureate degree program, the waiver is applicable unless the student has earned an excess of 132 credit hours.

A state university is eligible to earn incentive funding, subject to appropriation, based on the number and value of waivers it grants.²³ The Fiscal Year 2021-2022 GAA provided \$25 million in recurring funding for this purpose. Waivers were provided during the Fall 2021 term to an estimated 7,811 students, totaling approximately \$6.9 million.²⁴

Effect of Proposed Changes

The bill increases the number of waiver-eligible PSE from eight to 10. Beginning in the 2022-2023 academic year, students will be eligible to receive the tuition and fee waiver in two additional PSE, specifically in the critical workforce gap analysis category, as adopted by the BOG.

Effective Access to Student Education (EASE) Tuition Assistance Program

Present Situation

EASE (formerly known as the Florida Resident Access Grant, or FRAG) is a grant program administered by the DOE²⁵ with the following parameters:

- Student eligibility requirements:²⁶
 - Must be enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree.
 - Must not be enrolled in a program of study leading to a degree in theology or divinity.
 - Must be making satisfactory academic progress as defined by the SBE.
 - Must not have completed more than 110 percent of the degree program enrolled in.
- Institutional eligibility requirements:²⁷
 - Must be an independent nonprofit college or university.
 - Must be located in and chartered by the state of Florida.
 - Must be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.
 - Must grant baccalaureate degrees.
 - Must not be a state university or FCS institution; and

¹⁹ S. 1009.26(18)(a), F.S.

²⁰ *Id.*

²¹ State University System, Strategic Planning Committee Meeting Agenda for Jun. 22, 2021, <https://www.flbog.edu/session/strategic-planning-committee-klwekqle/> Strategic Planning Committee - State University System of Florida (flbog.edu)

²² S. 1009.26(b), F.S.

²³ *Id.*

²⁴ Email from Renee Fargason, Assistant Vice Chancellor, Board of Governors, dated January 13, 2022.

²⁵ S. 1009.89(2), F.S.

²⁶ S. 1009.89(4), F.S.

²⁷ S. 1009.89(3), F.S.

- Must have a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious group.

Funding for EASE is appropriated in the GAA.²⁸ Award amounts may be prorated based on the number of students eligible to receive the award. As specified in the Fiscal Year 2021-2022 GAA, the Legislature appropriated funds to support 40,430 qualified Florida residents with an award of \$2,841,²⁹ at 34 EASE-eligible institutions.

All institutions that receive EASE funding are required to submit an annual accountability report to the DOE with the most recently available information on Florida resident students and include, at a minimum, the following performance metrics, by institution:³⁰

- Access rate based upon percentage of Pell-eligible students;
- Affordability rate based upon average student loan debt; federal, state, and institutional financial assistance; and average tuition and fees;
- Graduation rate;
- Retention rate; and
- Postgraduate employment or continuing education rate.

DOE must recommend minimum performance standards that EASE institutions must meet to remain eligible to receive grant funds.³¹ By October 1 of each year, DOE must submit a report to the chair of the House Appropriations Committee, the chair of the Senate Appropriations Committee, and the Governor's Office of Policy and Budget on the performance of eligible institutions and the institutions that have not met the minimum performance standards recommended by the department.³²

During the October 2021 reporting period, the DOE recommended the following performance standards:

Metric	Benchmark (2022-23)
Access Rate	53%
Affordability Rate	\$6,343
Graduation Rate	53%
Retention Rate	68%
Postgraduate Employment/Continuing Ed Rate	49%

Effect of Proposed Changes

The bill codifies a set of minimum performance thresholds for each of the five benchmarks reported in the Effective Access to Student Education Grant Program Accountability Report. All of the DOE's recommended standards reported during the October 2021 reporting period were adopted as recommended with the exception of the Postgraduate Employment/Continuing Education rate, which is codified at 51%. To ensure continuous improvement of the State's independent colleges and universities, the bill requires the minimum standards recommended by DOE to increase annually. Each year, the Legislature will adopt benchmarks specified in the GAA.

The bill establishes a tiered structure for award amounts commensurate with institutional performance on the benchmarks submitted in the EASE Accountability Report and specifies that the Legislature will evaluate each institution's performance each year and place them in one of 5 tiers. If an institution meets 5 benchmarks, they will be placed in Tier 1; if an institution meets 4 benchmarks, they will be placed in Tier 2; if an institution meets 3 benchmarks, they will be placed in Tier 3; if an institution

²⁸ S. 1009.89(5), F.S.

²⁹ See Specific Appropriation 64, ch. 2021-36, Laws of Fla.

³⁰ S. 1009.89(5)(c), F.S.

³¹ *Id.*

³² S. 1009.89(5)(d), F.S.

meets 2 benchmarks, they will be placed in Tier 4; and if an institution meets 1 or 0 benchmarks, they will be placed in Tier 5.

The award amount for Tier 1 will be as specified in the GAA. The award amount for Tier 2 will be no more than 90% of the Tier 1 award. The award amount for Tier 3 will be no more than 75% of the Tier 1 award. The award amount for Tier 4 will be no more than 50% of the Tier 1 award. The award amount for Tier 5 will be \$0.

Open Door Grant Program

Present Situation

In 2021, the Legislature established the Open Door Grant Program (ODG)³³ in order to create and sustain a demand-driven supply of credentialed workers for high-demand occupations, expand the affordability of workforce training and credentialing, and increase the interest of current and future workers in short-term, high-demand career and technical education credentialing and certificate programs. Grants are provided to school districts' postsecondary technical centers and FCS institutions to cover up to two-thirds of the cost of short-term, high-demand programs for eligible students upon successful completion and award of a credential of value. The ODG provides short-term training for high-demand programs in Florida, offering job seekers an opportunity to obtain expedited and affordable training.

Under the ODG, and eligible student must complete the Free Application for Federal Student Aid (FAFSA)³⁴ and:

- For a student who does not receive state or federal aid, at the time of enrollment, the student is responsible for paying one-third of the cost of the program and signing an agreement to either complete the program or pay an additional one-third of the program cost in the event of non-completion. Grant funds may be used to cover the student's one-third of the cost of the program for students in integrated education and training programs and students who do not have a high school diploma and meet requirements established by the DOE.³⁵
- For a student who does receive state or federal aid, grant funds may be awarded to cover the unmet need after all eligible aid is accounted for.³⁶

ODG funds, which are subject to availability³⁷ and provided to institutions on a first-come, first-serve basis,³⁸ can be used to cover the cost of a program, which includes tuition and fees, examination, books, and materials.³⁹

The DOE must prioritize funding for integrated education and training programs in which institutions establish partnerships with local workforce development boards to provide basic skills instruction contextually and concurrently with workforce training that results in the award of credentials on the Master Credential List. Additionally, one-quarter of the appropriated grant funds must be prioritized to serve students attending rural institutions, and no more than one-quarter of the funds can be disbursed annually to any one eligible institution.⁴⁰ The DOE may not reimburse any institution more than \$3,000 per completed workforce training program by an eligible student.⁴¹

Institutions must annually report to the SBE on program completion, attainment, and participant wage and demographics categorized by credential name and relevant occupation.

³³ S. 1009.895, F.S.

³⁴ S. 1009.895(4), F.S.

³⁵ S. 1009.895(5)(a), F.S.

³⁶ S. 1009.895(5)(b), F.S.

³⁷ S. 1009.895(5), F.S.

³⁸ S. 1009.895(3), F.S.

³⁹ S. 1009.895(1)(a), F.S.

⁴⁰ S. 1009.895(3), F.S.

⁴¹ S. 1009.895(6), F.S.

Effect of Proposed Changes

The bill expands the list of grant-eligible institutions to include school districts with eligible integrated education and training programs. Additionally, the bill removes the requirement that students must complete a yearly FAFSA to be considered eligible for the ODG. Lastly, the bill provides that an institution may cover the student's one-third of the cost of the program, based on student need, as determined by the institution.

Nursing Education Programs

Present Situation

Nursing Shortage

According to a recent report commissioned by the Florida Hospital Association and Safety Net Hospital Alliance of Florida, Florida could be short over 59,000 nurses by 2035.⁴² This figure includes a shortage of over 37,386 registered nurses and over 21,659 licensed practical nurses, though the report noted considerable variation in projected workforce adequacy by geographic area within the state.⁴³ In addition to the projected future nursing shortage, the Florida Hospital Association has noted that, as of 2019, Florida had an RN vacancy rate of 11 percent.⁴⁴

As a percent of nurses are approaching retirement or departing the profession due to a variety of reasons, including burnout, institutions that offer nursing education programs are unable to accept qualified applicants into their programs due to lack of program capacity. According to a 2019-2020 American Association of Critical-Care Nurses report, United States nursing schools turned away 80,407 qualified applicants from baccalaureate and graduate nursing programs in 2019 due to an insufficient number of faculty, clinical sites, classroom space, and clinical preceptors, as well as budget constraints.⁴⁵ In 2019-2020, 5,316 qualified applicants applied to state university nursing programs while only 1,922 students were accepted.⁴⁶

REACH Office

During the 2021 Legislative Session, the Legislature passed the Reimagining Education and Career Help Act (REACH Act) to address the evolving needs of Florida's economy by increasing the level of collaboration and cooperation among state businesses and education communities while improving training within and equity and access to a more integrated workforce and education system.⁴⁷ The REACH Act created the Office of Reimagining Education and Career Help (REACH Office) in the Executive Office of the Governor to facilitate alignment and coordination of entities responsible for the state's workforce development system.

Two of the REACH Office's responsibilities are the following:

- Streamline the clinical placement process and increase clinical placement opportunities for students, hospitals, and other clinical sites by administering, directly or through a contract, a web-based centralized clinical placement system for use by all nursing education programs.⁴⁸

⁴² *Florida Nurse Workforce Projections: 2019 to 2035*, prepared for the Florida Hospital Association and the Safety Net Hospital Alliance of Florida, IHS Markit, Pg. 33, <https://acrobat.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3Aac48ae7d-ff75-4a08-9a3d-cebbd0d08c27#pageNum=1> (last visited January 31, 2022).

⁴³ *Id.*

⁴⁴ Florida Hospital Association, *Florida's Nurse Workforce One-Pager*, <https://acrobat.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3A289adfdf-e855-487c-bb2c-534e7d646ef8#pageNum=1> (last visited January 31, 2022).

⁴⁵ American Association of Colleges of Nursing, Fact Sheets, *Nursing Faculty Shortage*, <https://www.aacnnursing.org/news-information/fact-sheets/nursing-faculty-shortage> (last visited January 31, 2022).

⁴⁶ Email, Christy England, Vice Chancellor for Academic and Student Affairs, Board of Governors, dated January, 20, 2022.

⁴⁷ S. 1, ch. 2021-164, Laws of Fla., codified in s. 14.36, F.S.

⁴⁸ S. 14.36(3)(i), F.S.

- Direct the objectives of the Talent Development Council.⁴⁹

Florida Talent Development Council

The Florida Talent Development Council (FTDC) is statutorily charged with developing a coordinated, data-driven, statewide approach to meeting Florida's needs for a 21st century workforce that employers and educators use as part of Florida's talent supply system.⁵⁰ The FTDC is responsible for coordinating, facilitating, and communicating statewide efforts to meet the supply and demand needs for the state's health care workforce.⁵¹ Each December 1, the FTDC is required to report on its efforts in this area.⁵²

To support the FTDC's efforts, the BOG and SBE are required to do the following:

- Conduct a statistically valid biennial data-driven gap analysis of the healthcare workforce;⁵³ and
- Provide 10-year trend information on nursing education programs.⁵⁴

In providing the 10-year trend information on nursing education programs, the BOG and SBE must work together with the Florida Department of Health (DOH), the Commission for Independent Education (CIE), and postsecondary institutions receiving EASE grants to provide data on the following:⁵⁵

- The number and type of programs and student slots available;
- The number of student applications submitted, the number of qualified student applicants, and the number of students accepted;
- The number of program graduates;
- Program retention rates of students tracked from program entry to graduation;
- Graduate passage rates on and the number of times each graduate took the National Council of State Boards of Nursing Licensing Examination;
- The number of graduates who become employed as practical or professional nurses in the state; and
- The educational advancement of nurses through career pathways by comparing their initial degree to their highest degree obtained for the preceding 10 years.

The FTDC is also required to develop a survey for use by the DOH, the CIE, the Independent Colleges and Universities of Florida (ICUF), and postsecondary institutions participating in EASE, to collect information on trends in nursing education programs. The survey must include, but is not limited to, a student's age, gender, race, ethnicity, veteran status, wage, employer information, loan debt, and retirement expectations.⁵⁶

As of January 2022, the full results on the statistically valid biennial data-driven gap analysis of the healthcare workforce are still pending.

Florida Postsecondary Nursing Education Programs

As a major producer of Florida's workforce talent, Florida's postsecondary education institutions offer a variety of nursing education programs that prepare students for varying levels of licensure. Licensed practical nurse (LPN) programs are offered at 28 career centers and 13 FCS institutions, while all 28 FCS institutions offer associate of science in nursing (ASN) and bachelor of science in nursing (BSN) programs.⁵⁷ Ten state universities offer 20 pre-licensure nursing education programs.⁵⁸ Seventeen of

⁴⁹ S. 14.36(3)(j), F.S.

⁵⁰ S. 1004.015(1), F.S.

⁵¹ S. 1004.015(6), F.S.

⁵² *Id.*

⁵³ S. 1004.015(6)(a), F.S.

⁵⁴ S. 1004.015(6)(b), F.S.

⁵⁵ *Id.*

⁵⁶ S. 1004.015(6)(c), F.S.

⁵⁷ *Nursing Completions* Data file provided by Florida Department of Education, December 1, 2021.

⁵⁸ Email, Christy England, Vice Chancellor for Academic and Student Affairs, Board of Governors, Dated November 19, 2021.

the 30 Independent Colleges and Universities of Florida (ICUF) member institutions offer nursing education programs.⁵⁹

Florida Center for Nursing

The Florida Center for Nursing was established by the Legislature in 2001, to address the issues of supply and demand for nursing, including the recruitment, retention, and utilization of nurse workforce resources.⁶⁰ The Florida Center for Nursing's primary goals are to:⁶¹

- Develop a strategic statewide plan for nursing manpower in this state by:
 - Establishing and maintaining a database on nursing supply and demand in the state, to include current supply and demand;
 - Analyzing the current supply and demand in the state and making future projections of such, including assessing the impact of this state's participation in the Nurse Licensure Compact; and
 - Selecting from the plan priorities to be addressed.
- Convene various groups representative of nurses, other health care providers, business and industry, consumers, legislators, and educators to:
 - Review and comment on data analysis prepared for the center;
 - Recommend systemic changes, including strategies for implementation of recommended changes; and
 - Evaluate and report the results of these efforts to the Legislature and others.
- Enhance and promote recognition, reward, and renewal activities for nurses in the state by:
 - Promoting nursing excellence programs such as magnet recognition by the American Nurses Credentialing Center;
 - Proposing and creating additional reward, recognition, and renewal activities for nurses; and
 - Promoting media and positive image-building efforts for nursing.

Nursing Student Loan Forgiveness Program

The Nursing Student Loan Forgiveness Program exists to encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist.⁶² The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, public schools, birth centers, federally sponsored community health centers, family practice teaching hospitals, and specialty children's hospitals by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.⁶³

Effect of Proposed Changes

Linking Industry to Nursing Education Fund

The bill establishes the Linking Industry to Nursing Education (LINE) Fund, a competitive grant program that provides matching funds, on a dollar-to-dollar basis, to participating institutions that partner with a healthcare provider to recruit faculty and clinical preceptors, increase capacity of high-quality nursing education programs and increase the number of nursing education program graduates who are prepared to enter the workforce.

In order to be eligible for LINE, an institution's nursing education program must meet or exceed the following:

⁵⁹ Florida Board of Nursing, Education and Training Programs – Education Program Information, <https://floridasnursing.gov/education-and-training-programs/> (last visited Jan. 29, 2022).

⁶⁰ Ch. 2001-277, Laws of Fla. and s. 464.0195, F.S.

⁶¹ S. 464.0195, F.S.

⁶² S. 1009.66(1), F.S.

⁶³ S. 1009.66(1), F.S.

- For a certified nursing assistant program, a completion rate of at least 70 percent for the prior year.
- For a licensed practical nurse, associate of science in nursing and bachelor of science in nursing program, a first-time passage rate on the National Council of State Boards of Nursing Licensing Examination of at least 70 percent for the prior year.

Provided their nursing education programs meet specified criteria related to completion rates and graduate passage rates, the following institutions are eligible to receive funds from the LINE Fund:

- Technical career centers;
- Charter technical career centers;
- FCS institutions;
- State universities; and
- Independent nonprofit colleges or universities located and chartered in the state and accredited by a U.S. DOE recognized accrediting agency or association to grant baccalaureate degrees.

To participate, an institution that is a technical career center, charter technical career center, FCS institution or independent nonprofit college or university must submit a completed and timely proposal to the DOE. An institution that is a state university must submit a completed and timely proposal to the BOG. The proposal must identify the healthcare partner located and licensed to operate in the state whose monetary contributions will be matched by the LINE Fund on a dollar-to-dollar basis, subject to available funds.

The DOE or BOG, as applicable, must review and evaluate each completed and timely submitted proposal according to the following minimum criteria:

- Whether funds committed by the health care partner will contribute to an eligible purpose.
- How the institution plans to use the funds, including how such funds will be utilized to increase student enrollment and program completion.
- How the health care partner will onboard and retain graduates.
- How the funds will expand the institution's nursing education programs to meet local, regional, or state workforce demands and how the funds will increase the number of faculty and clinical preceptors, if applicable.

Institutions may use the funding for scholarships to students who are residents, recruitment of additional faculty, equipment, and simulation centers to advance high-quality nursing education programs throughout the state. However, funds may not be used for the construction of new buildings.

Each institution with an approved proposal is required to notify the BOG or DOE, as applicable, upon receipt of healthcare partner provided funds as per the proposal. The BOG or DOE, as applicable, will then release funds up to the amount of funds received by the institution.

Each institution that receives funds from the LINE Fund in the previous fiscal year, must submit a report to the BOG or DOE, as applicable, that demonstrates expansion as outlined in the proposal and the use of funds. At minimum, the report must include, by program level, the number of additional nursing education students enrolled, the number who received scholarships, including the average award amount, and the outcomes of students as reported by the Florida Talent Development Council.

The bill requires the BOG and DOE to adopt regulations and rules, respectively, to administer the LINE Fund, establish dates for the submission and review of proposals, the awarding of funds, and other regulations and rules necessary to implement the provision's requirements.

Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education Fund

The Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund will reward performance and excellence among public postsecondary nursing education programs.

Provided an institution offers nursing education programs, the following types of institutions are eligible for performance-based incentives from the PIPELINE Fund:

- Technical career centers that offer a licensed practical nurse program;
- Charter technical career centers that offer a licensed practical nurse program;
- FCS institutions; and
- State universities.

Subject to appropriation, each institution will receive an allocation based on the performance of its respective nursing education program or programs according to the following metrics:

- The number of nursing education program completers, by program.
- The first-time National Council of State Boards of Nursing Licensing Examination passage rate of the institution's nursing education program completers, by program.

Additionally, the allocations will reward excellence among nursing education programs with an average first-time National Council of State Boards of Nursing Licensing Examination passage rate above the national average.

Florida Talent Development Council

The bill revises duties with respect to the FTDC. Pursuant to the bill, the BOG and SBE will no longer be required to support the FTDC by conducting a statistically valid biennial data-driven gap analysis of the healthcare workforce. Instead, the bill gives that responsibility to the Florida Center for Nursing.

The bill does, however, add additional data that must be collected as part of the 10-year trend information on nursing education programs. Specifically, the bill requires the following additional data to be collected:

- The number of students enrolled in nursing education programs.
- The outcomes of students enrolled at institutions participating in the LINE or PIPELINE Fund.
- The outcomes of students who have received student loan forgiveness under the Nursing Student Loan Forgiveness Program.

With respect to the outcomes of students who have received student loan forgiveness under the Nursing Student Loan Forgiveness Program, the bill requires the data to include, for the previous 4 fiscal years, the number of graduates who have received a repayment, the amount repaid on behalf of each graduate, each graduate's employer of record for each repayment and the length of employment at each employer, and the level or levels of nursing licensure earned by each graduate.

The bill also requires the FTDC to develop definitions for data elements for the survey on trends in nursing education programs and requires the survey be uniform.

Florida Center for Nursing

The bill requires the Florida Center for Nursing to conduct a statistically valid biennial data-driven gap analysis of the supply and demand of the health care workforce. Additionally, the bill requires gap analysis to include the Florida Center for Nursing's current law responsibilities to establish and maintain a database on nursing supply and demand in the state and how supply and demand impact the state's participation in the Nurse Licensure Compact.

The bill also requires the Florida Center for Nursing, when developing its strategic statewide plan for nursing manpower in the state, to:

- Develop recommendations to increase nurse faculty and clinical preceptors, support nurse faculty development, and promote advanced nurse education.
- Develop best practices in the academic preparation and continuing education needs of qualified nurse educators, nurse faculty, and clinical preceptors.
- Collect data on nurse faculty, employment, distribution, and retention.
- Pilot innovative projects to support the recruitment, development, and retention of qualified nurse faculty and clinical preceptors.

- Encourage and coordinating the development of academic-practice partnerships to support nurse faculty employment and advancement.
- Develop distance learning infrastructure for nursing education and advancing faculty competencies in the pedagogy of teaching and the evidence-based use of technology, simulation, and distance learning techniques.

The bill removes the requirement that the Florida Center for Nursing do the following in developing its strategic statewide plan for nursing manpower in the state:

- To convene various groups representative of nurses, other health care providers, business and industry, consumers, legislators, and educators to review and comment on data analysis prepared by the Florida Center for Nursing;
- Recommend systemic changes, including strategies for implementation of recommended changes; and
- Evaluate and report the results of these efforts to the Legislature and others.

B. SECTION DIRECTORY:

- Section 1.** Amends s. 1006.73, F.S.; requiring the FCS, SUS, and Network to provide specified support for certain open education resources; establishing the SOAR Repository and the SOAR Grant Program.
- Section 2.** Amends s. 1009.26, F.S.; requiring the BOG to establish two Programs of Strategic Emphasis in a specified category.
- Section 3.** Amends s. 1009.89, F.S.; revising the requirements for award of funds through EASE Grant Program.
- Section 4.** Amends s. 1009.895, F.S.; expanding the definition of ODG institutions; removing the FAFSA requirement; allowing institutions to cover certain costs for students.
- Section 5.** Creates s. 1009.896, F.S.; establishing the LINE Fund.
- Section 6.** Creates s. 1009.897, F.S.; creating the PIPELINE Fund.
- Section 7.** Amends s. 1004.015, F.S.; revising BOG and SBE duties in support of the Florida Talent Development Council.
- Section 8.** Amends s. 464.0195, F.S.; revising the goals of the Florida Center for Nursing.
- Section 9.** Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill is expected to have a significant economic impact on the private sector. State postsecondary institutions that cultivate and implement OER in course curriculum will reduce textbook and instructional materials costs to students, providing greater access to higher education. Expanding BOGO waivers to

additional PSE will have a positive fiscal impact on students enrolled in select courses. Expanding the list of eligible institutions who can participate in the ODG program will help to produce a more qualified and credentialed workforce, particularly in high-demand occupations. Allowing institutions to cover certain costs for students in ODG programs will save students money and increase access to postsecondary education. Postsecondary institutions that enhance and expand their nursing education programs, as well as those who partner with healthcare providers, stand to supply the state with more qualified nurses to address critical workforce and healthcare shortages.

D. FISCAL COMMENTS:

The bill conforms statutes to the funding decisions related to Higher Education included in the House proposed General Appropriations Act (GAA) for Fiscal Year 2022-2023.

The Florida Postsecondary Academic Library Network estimates the fiscal impact of the SOAR Repository to be approximately \$3 million. The House proposed GAA provides \$3 million for the SOAR Repository and an additional \$7.2 million for the SOAR Grant Program. The bill specifies that necessary funding increases will be included in agencies' annual legislative budget requests.

The creation of a tiered award amount structure for the EASE program will have varying impacts on institutions and students based upon their relative performance. The fiscal impact of this policy is a reduction of \$6.8 million to the program. Award amounts and funding provided by Tier in the House proposed GAA is as follows:

Effective Access to Student Education (EASE)				
Tier	Award	# Institutions	FTE	Funding
1	\$4,000	2	3,576	\$ 14,304,000
2	\$3,500	3	3,255	\$ 11,392,500
3	\$2,841	18	23,976	\$ 68,115,816
4	\$1,400	6	4,628	\$ 6,479,200
5	\$ -	5	2,270	\$ -

The fiscal impact for the expansion of programs eligible to participate in the BOGO waiver can be absorbed within existing resources. The Fiscal Year 2021-2022 GAA provided \$25 million in recurring funding for this purpose. Waivers were provided during the Fall 2021 term to an estimated 7,811 students, totaling approximately \$6.9 million.

The fiscal impact for the expansion of institutions eligible to participate in the ODG program can be absorbed within existing resources. The Fiscal Year 2021-2022 GAA provided a total of \$35 million in nonrecurring funding from the Governors Emergency Education Relief Fund to district technical centers and FCS to implement the ODG program. The House proposed GAA provides a total of \$35 million in recurring general revenue for the ODG program.

The bill establishes the Linking Industry to Nursing Education (LINE) Fund and makes it subject to available appropriations. The Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) Fund is also created in the bill and is subject to appropriation. The House proposed GAA provides \$100 million for PIPELINE and \$25 million for LINE.

The House proposed GAA provides \$1 million for any costs associated with the revised goals and duties of the Florida Center for Nursing.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Board of Governors will need to update its regulations to implement the provisions related to the addition of two new Programs of Strategic Emphasis for which the 'Buy One, Get One Free Tuition & Fee Waiver' may be used.

The Board of Governors and State Board of Education will be required to adopt regulations and rules, respectively, to administer the Florida Nursing Expansion Incentive Fund, establish dates for the submission and review of proposals, award funds, as well as any other necessary regulations and rules.

The Board of Governors and State Board of Education will also be required to adopt regulations and rules, respectively, to administer the Public Postsecondary Nursing Education Program Performance-based Incentive.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 9, 2022, the Appropriations Committee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- Increase collaboration between the State University System and Florida College System in the adaptation or development of open education resources by facilitating the creation of processes to ensure quality and accuracy of content, suitability for publication, and compliance with federal and state copyright laws and regulations;
- Amend the responsibilities of the Network;
- Expand the definition of "institutions" eligible to offer the ODG program to also include school districts with eligible integrated education and training programs;
- Remove the requirement for students to complete the FASFA in order to be eligible for the ODG program; and
- Allow ODG institutions to cover the student's one-third cost of the program based on student need, as determined by the institution.

The bill analysis is drafted to the committee substitute adopted by the Appropriations Committee.