

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Health & Human Services
Committee

Representative Overdorf offered the following:

Amendment

Remove everything after the enacting clause and insert:

Section 1. **Subsections (1), (2), (3), (5), (7), (8), and (10) 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 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

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17 site. The program application must include the legal name of the
18 educational institution, the legal name of the nursing education
19 program, the legal name of the nursing education program
20 director, the status and outcome of any disciplinary case
21 pending or closed against the applicant in another regulatory
22 jurisdiction in the United States, and, if such institution is
23 accredited, the name of the accrediting agency. The application
24 must also document that:

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

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

34
35 The educational degree requirements of this paragraph may be
36 documented by an official transcript or by a written statement
37 from the program director of the educational institution
38 verifying that the institution conferred the degree. The program
39 director shall certify the official transcript or written
40 statement as true and accurate.

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

43 1. Fifty percent clinical training in the United States,
44 the District of Columbia, or a possession or territory of the
45 United States for a practical nursing education program, an
46 associate degree professional nursing education program, or a
47 professional diploma nursing education program.

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

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

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

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

62 1. The number of program faculty members equals at least
63 one faculty member directly supervising every 12 students unless
64 the written agreement between the program and the agency,
65 facility, or organization providing clinical training sites

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66 allows more students, not to exceed 18 students, to be directly
67 supervised by one program faculty member.

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

73 3. For community-based clinical experiences that involve
74 student participation in invasive or complex nursing activities,
75 students must be directly supervised by a program faculty member
76 or clinical preceptor and such arrangement must be approved by
77 the community-based clinical facility.

78 4. For community-based clinical experiences not subject to
79 subparagraph 3., indirect supervision may occur only when a
80 supervising program faculty member is available to the student
81 by telephone.

82
83 A program's policies established under this paragraph must
84 require that a clinical preceptor who is supervising students in
85 a professional nursing education program be a registered nurse
86 or, if supervising students in a practical nursing education
87 program, be a registered nurse or licensed practical nurse.

88 (f) The professional or practical nursing curriculum plan
89 documents clinical experience and theoretical instruction in
90 medical, surgical, obstetric, pediatric, and geriatric nursing.

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91 A professional nursing curriculum plan must ~~shall~~ also document
92 clinical experience and theoretical instruction in psychiatric
93 nursing. Each curriculum plan must document clinical training
94 experience in appropriate settings that include, but are not
95 limited to, acute care, long-term care, and community settings.

96 (g) The professional or practical nursing education
97 program provides theoretical instruction and clinical
98 application in personal, family, and community health concepts;
99 nutrition; human growth and development throughout the life
100 span; body structure and function; interpersonal relationship
101 skills; mental health concepts; pharmacology and administration
102 of medications; and legal aspects of practice. A professional
103 nursing education program must also provide theoretical
104 instruction and clinical application in interpersonal
105 relationships and leadership skills; professional role and
106 function; and health teaching and counseling skills.

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

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115 (i) The professional or practical nursing education
116 program has an established comprehensive examination, known as
117 an exit examination, or a full preparation course incorporating
118 multiple comprehensive exams, known as a preparation course, to
119 prepare students for the National Council of State Boards of
120 Nursing Licensing Examination. The exit examination or
121 preparation course must be administered to all students before
122 program completion. Successful completion of the exit
123 examination or preparation course may not be required for
124 graduation unless students are notified of such requirement in
125 writing upon enrollment in the program. The program director is
126 responsible for posting the average exit examination results of
127 the program on the program's website.

128 (j) The professional or practical nursing education
129 program has submitted to the board the established criteria for
130 remediation that will be available for students who do not pass
131 the exit examination or preparation course.

132 (2) PROGRAM APPROVAL.—

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

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

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

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

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

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

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

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

168 (e) The board may consider adverse actions taken against a
169 nursing education program by another regulatory jurisdiction in
170 the United States in determining program approval. The program
171 director of an approved program must notify the board within 15
172 days of any adverse action taken against the program by another
173 regulatory jurisdiction in the United States.

174 1. The board shall deny an application from an applicant
175 if another regulatory jurisdiction in the United States has
176 terminated or otherwise revoked its authority to operate a
177 nursing education program.

178 2. The board may investigate the nature of an adverse
179 action. In instances of adverse action other than termination or
180 revocation of a program's authority to operate, the board may:

181 a. Approve the application;

182 b. Approve the application with conditions; or

183 c. Deny the application.

184 3. The board may impose disciplinary remedies on an
185 approved program against which an adverse action has been taken
186 by another regulatory jurisdiction in the United States. The

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board may impose remedies up to and including revocation of a program's approval pursuant to rules adopted under this section.

(f) The board may 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 owned, controlled, or held a 25 percent or greater financial or ownership interest in a nursing education program which was on probationary status at the time of its closure.

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

(a) 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.

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

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

(d) The program's average exit examination or preparation course results.

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The board must terminate the program if the requirements of this subsection are not met. The program director is also subject to discipline under s. 456.072(1)(k) for such failure.

(5) ACCOUNTABILITY.—

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

a. Professional nursing education programs that terminate 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 1 calendar year ~~2~~

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~~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 if the program director fails to submit a written remediation plan that complies with this section or fails to appear before the board and present the remediation within 6 months after the program is placed on probation. The program's director is also subject to discipline under s. 456.072(1)(k) 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 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

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262 following its placement on probationary status, does not achieve
263 the required passage rate ~~for any 1 calendar year~~, the board
264 ~~must~~ may ~~extend the program's probationary status for 1~~
265 ~~additional year, provided the program has demonstrated adequate~~
266 ~~progress toward the graduate passage rate goal by meeting a~~
267 ~~majority of the benchmarks established in the remediation plan.~~
268 ~~If the program is not granted the 1-year extension or fails to~~
269 ~~achieve the required passage rate by the end of such extension,~~
270 ~~the board shall~~ terminate the program pursuant to chapter 120.

271 (b) If an approved program fails to submit the annual
272 report required in subsection (3), the board must ~~shall~~ notify
273 the program director and president or chief executive officer of
274 the educational institution in writing within 15 days after the
275 due date of the annual report. The program director must ~~shall~~
276 appear before the board at the board's next regularly scheduled
277 meeting to explain the reason for the delay. The board must
278 ~~shall~~ terminate the program pursuant to chapter 120 if the
279 program director fails to appear before the board, as required
280 under this paragraph, or if the program does not submit the
281 annual report within 30 days ~~6 months~~ after the due date.

282 (c) A nursing education program, whether accredited or
283 nonaccredited, which has been placed on probationary status must
284 ~~shall~~:

285 1. Disclose its probationary status in writing to the
286 program's students and applicants. The notification must include

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an explanation of the implications of the program's probationary status on the students or applicants.

2. Offer remediation at no additional cost or pay for remediation from a board-approved remedial program for students who do not pass the program's exit examination or preparation course.

3. Offer remediation at no additional cost or pay for remediation from a board-approved remedial program for each program graduate who fails to pass the National Council of State Boards of Nursing Licensing Examination as a first-time test taker within 1 calendar year following graduation.

(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) If an approved program's graduate passage rate is below 30 percent in a calendar year, the program must reimburse the total cost of tuition and fees paid by each student who failed to pass the National Council of State Boards of Nursing Licensing Examination as a first-time test taker in that calendar year. The program must outline its plan for meeting this requirement in its written remediation plan under subparagraph (5)(a)2.

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312 (f) Duly authorized agents or employees of the department
313 may conduct onsite evaluations or inspections at all regular
314 hours of operation to verify that approved programs or
315 accredited programs are in full compliance with this chapter, or
316 to determine whether this chapter or s. 456.072 is being
317 violated. The department may collect any necessary evidence
318 needed to verify compliance with this chapter or for prosecution
319 as deemed necessary. The failure of a program to allow an onsite
320 evaluation or inspection is deemed a violation of a legal
321 obligation imposed by the board or the department.

322 (7) (a) An educational institution conducting an approved
323 program or accredited program in this state, at least 30 days
324 before voluntarily closing the program, shall notify the board
325 in writing of the institution's reason for closing the program,
326 the intended closure date, the institution's plan to provide for
327 or assist in the completion of training by the program's
328 students, and the arrangements for storage of the program's
329 permanent records.

330 (b) An educational institution conducting a nursing
331 education program that is terminated under subsection (5) or
332 closed under subparagraph (9) (b)3.:

333 1. May not accept or enroll new students.

334 2. Shall submit to the board within 30 days after the
335 program is terminated or closed a written description of how the
336 institution will assist in completing the training of the

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337 program's students and the institution's arrangements for
338 storage of the program's permanent records.

339 (c) If an educational institution does not comply with
340 paragraph (a) or paragraph (b), the board shall provide a
341 written notice explaining the institution's noncompliance to the
342 following persons and entities:

343 1. The president or chief executive officer of the
344 educational institution.

345 2. The Board of Governors, if the program is conducted by
346 a state university.

347 3. The district school board, if the program is conducted
348 by an educational institution operated by a school district.

349 4. The Commission for Independent Education, if the
350 program is conducted by an educational institution licensed
351 under chapter 1005.

352 5. The State Board of Education, if the program is
353 conducted by an educational institution in the Florida College
354 System or by an educational institution that is not subject to
355 subparagraphs 2.-4.

356 (d) A program that is terminated or closed under this
357 section may not seek program approval under its original name or
358 a new program name for a minimum of 3 years after the date of
359 termination or closing. An institutional name change or the
360 creation of a new educational institution with the same
361 ownership does not reduce the waiting period for reapplication.

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(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), and to administer the documentation of the accreditation of nursing education programs under subsection (11). By December 31, 2025, the board shall adopt rules to conduct investigations and take actions consistent with subsection (2) and to enforce and administer subsection (5). 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.

(10) IMPLEMENTATION STUDY.—The Florida Center for Nursing shall study the administration of this section and submit reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually by January 30. The annual reports shall address the previous academic year; provide data on the measures specified in paragraphs (a) and (b), as such data becomes available; and include an evaluation

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Published On: 4/14/2025 5:56:17 PM

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of such data for purposes of determining whether this section is increasing the availability of nursing education programs and the production of quality nurses. The department and each approved program or accredited program shall comply with requests for data from the Florida Center for Nursing.

(a) The Florida Center for Nursing shall evaluate program-specific data for each approved program and accredited program conducted in the state, including, but not limited to:

1. The number of programs and student slots available.
2. The number of student applications submitted, the number of qualified applicants, and the number of students accepted.
3. The number of program graduates.
4. Program retention rates of students tracked from program entry to graduation.
5. Program exit examination results.
6. The number of students offered remediation due to exit examination performance and the number of students who completed remediation.
7. The impact of exit examinations and remediation on graduation rates and graduate passage rates on the National Council of State Boards of Nursing Licensing Examination.
- ~~8.5.~~ Graduate passage rates on the National Council of State Boards of Nursing Licensing Examination.

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411 ~~9.6.~~ The number of graduates who become employed as
412 practical or professional nurses in the state.

413 (b) The Florida Center for Nursing shall evaluate the
414 board's implementation of the:

415 1. Program application approval process, including, but
416 not limited to, the number of program applications submitted
417 under subsection (1), the number of program applications
418 approved and denied by the board under subsection (2), the
419 number of denials of program applications reviewed under chapter
420 120, and a description of the outcomes of those reviews.

421 2. Accountability processes, including, but not limited
422 to, the number of programs on probationary status, the number of
423 approved programs for which the program director is required to
424 appear before the board under subsection (5), the number of
425 approved programs terminated by the board, the number of
426 terminations reviewed under chapter 120, and a description of
427 the outcomes of those reviews.

428 (c) The Florida Center for Nursing shall complete an
429 annual assessment of compliance by programs with the
430 accreditation requirements of subsection (11), include in the
431 assessment a determination of the accreditation process status
432 for each program, and submit the assessment as part of the
433 reports required by this subsection.

434 (11) ACCREDITATION REQUIRED.—

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

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460 ~~the date on which the board issues a decision on the requested~~
461 ~~extension.~~

462 **Section 2.** This act shall take effect July 1, 2025.