

ENROLLED

CS/CS/CS/HB 115

2020 Legislature

1
2 An act relating to Keep Our Graduates Working Act;
3 creating s. 120.82, F.S.; providing a short title;
4 providing a purpose; providing definitions;
5 prohibiting a state authority from denying a license,
6 refusing to renew a license, or suspending or revoking
7 a license on the basis of a delinquency or default in
8 the payment of his or her student loan; amending s.
9 456.0635, F.S.; providing an exception to the
10 requirement that certain entities prohibit a candidate
11 from being examined for or issued, or having renewed a
12 license, certificate, or registration to practice a
13 health care profession if he or she is listed on a
14 specified federal list of excluded individuals and
15 entities; amending s. 456.072, F.S.; conforming
16 provisions to changes made by the act; repealing s.
17 456.0721, F.S., relating to health care practitioners
18 in default on student loan or scholarship obligations;
19 amending ss. 456.074 and 1009.95, F.S.; conforming
20 provisions to changes made by the act; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 120.82, Florida Statutes, is created to

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26 read:

27 120.82 Keep Our Graduates Working Act.—

28 (1) SHORT TITLE.—This section may be cited as the "Keep
 29 Our Graduates Working Act of 2020."

30 (2) PURPOSE.—The purpose of this act is to ensure that
 31 Floridians who graduate from an accredited college or university
 32 can maintain their occupational licenses, as defined in
 33 subsection (3), and remain in the workforce while they attempt
 34 to pay off their student loan debt.

35 (3) DEFINITIONS.—As used in this section, the term:

36 (a) "Default" means the failure to repay a student loan
 37 according to the terms agreed to in the promissory note.

38 (b) "Delinquency" means the failure to make a student loan
 39 payment when it is due.

40 (c) "License" means any professional license, certificate,
 41 registration, or permit granted by the applicable state
 42 authority.

43 (d) "State authority" means any department, board, or
 44 agency with the authority to grant a license to any person in
 45 this state.

46 (e) "Student loan" means a federal-guaranteed or state-
 47 guaranteed loan for the purposes of postsecondary education.

48 (4) STUDENT LOAN DEFAULT; DELINQUENCY.—A state authority
 49 may not deny a license, refuse to renew a license, or suspend or
 50 revoke a license that it has issued to a person who is in

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51 default on or delinquent in the payment of his or her student
52 loans solely on the basis of such default or delinquency.

53 Section 2. Paragraph (e) of subsection (2) and paragraph
54 (e) of subsection (3) of section 456.0635, Florida Statutes, are
55 amended to read:

56 456.0635 Health care fraud; disqualification for license,
57 certificate, or registration.—

58 (2) Each board within the jurisdiction of the department,
59 or the department if there is no board, shall refuse to admit a
60 candidate to any examination and refuse to issue a license,
61 certificate, or registration to any applicant if the candidate
62 or applicant or any principal, officer, agent, managing
63 employee, or affiliated person of the candidate or applicant:

64 (e) Is currently listed on the United States Department of
65 Health and Human Services Office of Inspector General's List of
66 Excluded Individuals and Entities, except when such applicant is
67 listed solely based on a default or delinquency on a student
68 loan as provided in s. 120.82.

69
70 This subsection does not apply to an applicant for initial
71 licensure, certification, or registration who was arrested or
72 charged with a felony specified in paragraph (a) or paragraph
73 (b) before July 1, 2009.

74 (3) The department shall refuse to renew a license,
75 certificate, or registration of any applicant if the applicant

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76 | or any principal, officer, agent, managing employee, or
 77 | affiliated person of the applicant:

78 | (e) Is currently listed on the United States Department of
 79 | Health and Human Services Office of Inspector General's List of
 80 | Excluded Individuals and Entities, except when such applicant is
 81 | listed solely based on a default or delinquency on a student
 82 | loan as provided in s. 120.82.

83 |
 84 | This subsection does not apply to an applicant for renewal of
 85 | licensure, certification, or registration who was arrested or
 86 | charged with a felony specified in paragraph (a) or paragraph
 87 | (b) before July 1, 2009.

88 | Section 3. Paragraph (k) of subsection (1) of section
 89 | 456.072, Florida Statutes, is amended to read:

90 | 456.072 Grounds for discipline; penalties; enforcement.—

91 | (1) The following acts shall constitute grounds for which
 92 | the disciplinary actions specified in subsection (2) may be
 93 | taken:

94 | (k) Failing to perform any statutory or legal obligation
 95 | placed upon a licensee. For purposes of this section, failing to
 96 | repay a student loan issued or guaranteed by the state or the
 97 | Federal Government in accordance with the terms of the loan is
 98 | not ~~or failing to comply with service scholarship obligations~~
 99 | ~~shall be~~ considered a failure to perform a statutory or legal
 100 | obligation, ~~and the minimum disciplinary action imposed shall be~~

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101 ~~a suspension of the license until new payment terms are agreed~~
102 ~~upon or the scholarship obligation is resumed, followed by~~
103 ~~probation for the duration of the student loan or remaining~~
104 ~~scholarship obligation period, and a fine equal to 10 percent of~~
105 ~~the defaulted loan amount. Fines collected shall be deposited~~
106 ~~into the Medical Quality Assurance Trust Fund.~~

107 Section 4. Section 456.0721, Florida Statutes, is
108 repealed.

109 Section 5. Subsection (4) of section 456.074, Florida
110 Statutes, is amended to read:

111 456.074 Certain health care practitioners; immediate
112 suspension of license.—

113 ~~(4) Upon receipt of information that a Florida-licensed~~
114 ~~health care practitioner has defaulted on a student loan issued~~
115 ~~or guaranteed by the state or the Federal Government, the~~
116 ~~department shall notify the licensee by certified mail that he~~
117 ~~or she shall be subject to immediate suspension of license~~
118 ~~unless, within 45 days after the date of mailing, the licensee~~
119 ~~provides proof that new payment terms have been agreed upon by~~
120 ~~all parties to the loan. The department shall issue an emergency~~
121 ~~order suspending the license of any licensee who, after 45 days~~
122 ~~following the date of mailing from the department, has failed to~~
123 ~~provide such proof. Production of such proof shall not prohibit~~
124 ~~the department from proceeding with disciplinary action against~~
125 ~~the licensee pursuant to s. 456.073.~~

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126 Section 6. Subsection (1) of s. 1009.95, Florida Statutes,
127 is amended to read:

128 1009.95 Delinquent accounts.—

129 (1) The Department of Education is directed to exert every
130 lawful and reasonable effort to collect all delinquent unpaid
131 and uncanceled scholarship loan notes, student loan notes, and
132 defaulted guaranteed loan notes; however, in all such efforts,
133 the department shall comply with s. 120.82.

134 Section 7. This act shall take effect July 1, 2020.