

CHAPTER 2014-20

Senate Bill No. 940

An act relating to the Florida Statutes; amending ss. 322.091, 334.351, 414.1251, 440.491, 445.024, 468.304, 478.45, 480.035, 480.041, 944.1905, 944.275, 944.801, 958.045, 985.601, 1001.42, 1003.21, 1003.51, 1003.52, 1004.02, 1004.65, 1004.93, 1008.345, and 1009.21, F.S.; to conform to the directive of the Legislature to the Division of Law Revision and Information in section 38 of chapter 2013-51, Laws of Florida, to change the terms “General Educational Development test” or “GED test” to “high school equivalency examination” and the terms “general education diploma,” “graduate equivalency diploma,” or “GED” to “high school equivalency diploma” wherever those terms appear in the Florida Statutes; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 322.091, Florida Statutes, is amended to read:

322.091 Attendance requirements.—

(1) ELIGIBILITY REQUIREMENTS FOR DRIVING PRIVILEGES.—A minor is not eligible for driving privileges unless that minor:

(c) Is enrolled in a study course in preparation for the high school equivalency examination ~~Test of General Educational Development~~ and satisfies relevant attendance requirements;

The department may not issue a driver license or learner’s driver license to, or shall suspend the driver license or learner’s driver license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.

Section 2. Paragraph (b) of subsection (3) of section 334.351, Florida Statutes, is amended to read:

334.351 Youth work experience program; findings and intent; authority to contract; limitation.—

(3) When selecting a nonprofit youth organization to perform work on transportation-related facilities and before awarding a contract under this section, the department must consider the following criteria:

(b) The number of participants receiving high school diplomas or high school equivalency diplomas ~~GEDs~~;

Section 3. Subsection (1) of section 414.1251, Florida Statutes, is amended to read:

414.1251 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements, if the eligible dependent child or eligible teenage participant has been identified either as a habitual truant, pursuant to s. 1003.01(8), or as a dropout, pursuant to s. 1003.01(9). For a student who has been identified as a habitual truant, the temporary cash assistance must be reinstated after a subsequent grading period in which the child's attendance has substantially improved. For a student who has been identified as a dropout, the temporary cash assistance must be reinstated after the student enrolls in a public school, receives a high school diploma or its equivalency, enrolls in preparation for the high school equivalency examination ~~General Educational Development Tests~~, or enrolls in other educational activities approved by the district school board. Good cause exemptions from the rule of unexcused absences include the following:

(a) The student is expelled from school and alternative schooling is not available.

(b) No licensed day care is available for a child of teen parents subject to Learnfare.

(c) Prohibitive transportation problems exist (e.g., to and from day care).

Within 10 days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

Section 4. Paragraph (a) of subsection (6) of section 440.491, Florida Statutes, is amended to read:

440.491 Reemployment of injured workers; rehabilitation.—

(6) TRAINING AND EDUCATION.—

(a) Upon referral of an injured employee by the carrier, or upon the request of an injured employee, the department shall conduct a training and education screening to determine whether it should refer the employee for a vocational evaluation, approve training and education, or approve other vocational services for the employee. At the time of such referral, the carrier shall provide the department a copy of any reemployment assessment or reemployment plan provided to the carrier by a rehabilitation provider. The department may not approve formal training and education programs unless it determines, after consideration of the reemployment assessment, that the reemployment plan is likely to result in return to suitable gainful employment. The department may expend moneys from the Workers' Compensation Administration Trust Fund, established by s. 440.50, to secure appropriate training and education at a Florida public college or at a career center

established under s. 1001.44, or to secure other vocational services when necessary to satisfy the recommendation of a vocational evaluator. As used in this paragraph, “appropriate training and education” includes securing a high school equivalency general education diploma (GED), if necessary. The department shall by rule establish training and education standards pertaining to employee eligibility, course curricula and duration, and associated costs. For purposes of this subsection, training and education services may be secured from additional providers if:

- 1. The injured employee currently holds an associate degree and requests to earn a bachelor’s degree not offered by a Florida public college located within 50 miles from his or her customary residence;
- 2. The injured employee’s enrollment in an education or training program in a Florida public college or career center would be significantly delayed; or
- 3. The most appropriate training and education program is available only through a provider other than a Florida public college or career center or at a Florida public college or career center located more than 50 miles from the injured employee’s customary residence.

Section 5. Paragraph (k) of subsection (1) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(1) WORK ACTIVITIES.—The Department of Economic Opportunity may develop activities under each of the following categories of work activities. The following categories of work activities, based on federal law and regulations, may be used individually or in combination to satisfy the work requirements for a participant in the temporary cash assistance program:

- (k) Satisfactory attendance at a secondary school or in a course of study leading to a high school graduate equivalency diploma.

Section 6. Paragraph (b) of subsection (3) of section 468.304, Florida Statutes, is amended to read:

468.304 Certification.—The department shall certify any applicant who meets the following criteria:

- (3) Submits satisfactory evidence, verified by oath or affirmation, that she or he:
 - (b) Is a high school, vocational school, technical school, or college graduate or has successfully completed the requirements for a high school graduate equivalency diploma-(~~GED~~) or its equivalent;

The department may not certify any applicant who has committed an offense that would constitute a violation of any of the provisions of s. 468.3101 or applicable rules if the applicant had been certified by the department at the time of the offense. An application for a limited computed tomography certificate may not be accepted. A person holding a valid computed tomography certificate as of October 1, 1984, is subject to s. 468.309.

Section 7. Paragraph (c) of subsection (1) of section 478.45, Florida Statutes, is amended to read:

478.45 Requirements for licensure.—

(1) An applicant applying for licensure as an electrologist shall file a written application, accompanied by the application for licensure fee prescribed in s. 478.55, on a form provided by the board, showing to the satisfaction of the board that the applicant:

(c) Possesses a high school diploma or a high school graduate equivalency diploma.

Section 8. Subsection (2) of section 480.035, Florida Statutes, is amended to read:

480.035 Board of Massage Therapy.—

(2) Five members of the board shall be licensed massage therapists and shall have been engaged in the practice of massage for not less than 5 consecutive years prior to the date of appointment to the board. The Governor shall appoint each member for a term of 4 years. Two members of the board shall be laypersons. Each board member shall be a high school graduate or shall have received a high school graduate equivalency diploma. Each board member shall be a citizen of the United States and a resident of this state for not less than 5 years. The appointments will be subject to confirmation by the Senate.

Section 9. Paragraph (a) of subsection (1) of section 480.041, Florida Statutes, is amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement.—

(1) Any person is qualified for licensure as a massage therapist under this act who:

(a) Is at least 18 years of age or has received a high school diploma or high school graduate equivalency diploma;

Section 10. Paragraph (b) of subsection (2) of section 944.1905, Florida Statutes, is amended to read:

944.1905 Initial inmate classification; inmate reclassification.—The Department of Corrections shall classify inmates pursuant to an objective

classification scheme. The initial inmate classification questionnaire and the inmate reclassification questionnaire must cover both aggravating and mitigating factors.

(2) In scoring the initial inmate classification questionnaire, points may be deducted from the inmate’s overall score for factors indicating the inmate’s stability. Such factors may include:

(b) High school diploma or high school equivalency diploma ~~GED~~ received; and

Section 11. Paragraph (d) of subsection (4) of section 944.275, Florida Statutes, is amended to read:

944.275 Gain-time.—

(4)

(d) Notwithstanding subparagraphs (b)1. and 2., the education program manager shall recommend, and the Department of Corrections may grant, a one-time award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is awarded a high school equivalency diploma ~~general educational development certificate~~ or vocational certificate. Under no circumstances may an inmate receive more than 60 days for educational attainment pursuant to this section.

Section 12. Paragraphs (g) and (j) of subsection (3) of section 944.801, Florida Statutes, are amended to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education Program shall be to:

(g) Develop and maintain complete and reliable statistics on the number of high school equivalency diplomas ~~general educational development (GED) certificates~~ and vocational certificates issued by each institution in each skill area, the change in inmate literacy levels, and the number of inmate admissions to and withdrawals from education courses. The compiled statistics shall be summarized and analyzed in the annual report of correctional education activities required by paragraph (f).

(j) Recommend the award of additional incentive gain-time for inmates who receive a high school equivalency diploma ~~general educational development certificate~~ or a vocational certificate.

Section 13. Paragraph (a) of subsection (1) and paragraph (b) of subsection (6) of section 958.045, Florida Statutes, are amended to read:

958.045 Youthful offender basic training program.—

(1) The department shall develop and implement a basic training program for youthful offenders sentenced or classified by the department as youthful offenders pursuant to this chapter. The period of time to be served at the basic training program shall be no less than 120 days.

(a) The program shall include marching drills, calisthenics, a rigid dress code, manual labor assignments, physical training with obstacle courses, training in decisionmaking and personal development, high school equivalency diploma ~~general educational development~~ and adult basic education courses, and drug counseling and other rehabilitation programs.

(6)

(b) While in the community residential program, as appropriate, the offender shall engage in gainful employment, and if any, shall pay restitution to the victim. If appropriate, the offender may enroll in substance abuse counseling, and if suitable, shall enroll in a high school equivalency diploma ~~general educational development~~ or adult basic education class for the purpose of attaining a high school diploma. Upon release from the community residential program, the offender shall remain on probation, or other postrelease supervision, and abide by the conditions of the offender's probation or postrelease supervision. If, upon transfer from the community residential program, the offender has not completed the enrolled educational program, the offender shall continue the educational program until completed. If the offender fails to complete the program, the department may request the court or the control release authority to execute an order returning the offender back to the community residential program until completion of the program.

Section 14. Subsection (4) of section 985.601, Florida Statutes, is amended to read:

985.601 Administering the juvenile justice continuum.—

(4) The department shall maintain continuing cooperation with the Department of Education, the Department of Children and Family Services, the Department of Economic Opportunity, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in high school equivalency diploma ~~GED~~, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

Section 15. Paragraph (b) of subsection (18) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a state system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall comply with the provisions of ss. 1008.33, 1008.34, 1008.345, and 1008.385 and include the following:

(b) *Public disclosure*.—The district school board shall provide information regarding the performance of students and educational programs as required pursuant to ss. 1008.22 and 1008.385 and implement a system of school reports as required by statute and State Board of Education rule which shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 1003.52(19). Annual public disclosure reports shall be in an easy-to-read report card format and shall include the school's grade, high school graduation rate calculated without high school equivalency diploma recipients ~~GED tests~~, disaggregated by student ethnicity, and performance data as specified in state board rule.

Section 16. Paragraph (c) of subsection (1) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(1)

(c) A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. Public school students who have attained the age of 16 years and who have not graduated are subject to compulsory school attendance until the formal declaration of intent is filed with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. The school district shall notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment. The student's certified school counselor or other school personnel shall conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student's certified school counselor or other school personnel shall inform the student of opportunities to continue his or

her education in a different environment, including, but not limited to, adult education and high school equivalency examination ~~GED test~~ preparation. Additionally, the student shall complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by schools to keep students enrolled.

Section 17. Subsection (4) of section 1003.51, Florida Statutes, is amended to read:

1003.51 Other public educational services.—

(4) The Department of Education shall ensure that district school boards notify students in juvenile justice residential or nonresidential facilities who attain the age of 16 years of the provisions of law regarding compulsory school attendance and make available the option of enrolling in a program to attain a Florida high school diploma by taking the high school equivalency examination ~~General Educational Development test~~ prior to release from the facility. District school boards or Florida College System institutions, or both, shall waive high school equivalency examination ~~GED~~ testing fees for youth in Department of Juvenile Justice residential programs and shall, upon request, designate schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs as high school equivalency examination ~~GED~~ testing centers, subject to high school equivalency examination ~~GED~~ testing center requirements. The administrative fees for the high school equivalency examination ~~General Educational Development test~~ required by the Department of Education are the responsibility of district school boards and may be required of providers by contractual agreement.

Section 18. Paragraph (a) of subsection (3) and subsection (6) of section 1003.52, Florida Statutes, are amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(3) The district school board of the county in which the residential or nonresidential care facility or juvenile assessment facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services.

(a) The district school board shall make provisions for each student to participate in basic, career education, and exceptional student programs as appropriate. Students served in Department of Juvenile Justice programs shall have access to the appropriate courses and instruction to prepare them for the high school equivalency examination ~~GED test~~. Students participating in high school equivalency diploma ~~GED~~ preparation programs shall be funded at the basic program cost factor for Department of Juvenile Justice programs in the Florida Education Finance Program. Each program shall be conducted according to applicable law providing for the operation of public

schools and rules of the State Board of Education. School districts shall provide the high school equivalency diploma ~~GED~~ exit option for all juvenile justice programs.

(6) Participation in the program by students of compulsory school-attendance age as provided for in s. 1003.21 shall be mandatory. All students of noncompulsory school-attendance age who have not received a high school diploma or its equivalent shall participate in the educational program, unless the student files a formal declaration of his or her intent to terminate school enrollment as described in s. 1003.21 and is afforded the opportunity to take the high school equivalency examination ~~general-educational development test~~ and attain a Florida high school diploma prior to release from a facility. A youth who has received a high school diploma or its equivalent and is not employed shall participate in workforce development or other career or technical education or Florida College System institution or university courses while in the program, subject to available funding.

Section 19. Subsections (5) and (17) of section 1004.02, Florida Statutes, are amended to read:

1004.02 Definitions.—As used in this chapter:

(5) “Adult secondary education” means courses through which a person receives high school credit that leads to the award of a high school diploma or courses of instruction through which a student prepares to take the high school equivalency examination ~~General Educational Development test~~.

(17) “High school equivalency examination ~~General Educational Development (GED) test~~ preparation” means courses of instruction designed to prepare adults for success on high school equivalency diploma ~~GED~~ subject area tests leading to qualification for a State of Florida high school diploma.

Section 20. Paragraph (b) of subsection (6) and paragraph (c) of subsection (8) of section 1004.65, Florida Statutes, are amended to read:

1004.65 Florida College System institutions; governance, mission, and responsibilities.—

(6) A separate and secondary role for Florida College System institutions includes the offering of programs in:

(b) Adult education services, including adult basic education, adult general education, adult secondary education, and high school equivalency examination ~~General Educational Development test~~ instruction.

(8) Florida College System institutions are authorized to:

(c) Make provisions for the high school equivalency examination ~~General Educational Development test~~.

Authority to offer one or more baccalaureate degree programs does not alter the governance relationship of the Florida College System institution with its district board of trustees or the State Board of Education.

Section 21. Paragraph (a) of subsection (1) and paragraph (c) of subsection (2) of section 1004.93, Florida Statutes, are amended to read:

1004.93 Adult general education.—

(1)(a) The intent of this section is to encourage the provision of educational services that will enable adults to acquire:

1. The basic skills necessary to attain basic and functional literacy.
2. A high school diploma or successfully complete the high school equivalency examination ~~General Educational Development test~~.
3. An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.

(2) The adult education program must provide academic services to students in the following priority:

(c) Students who are earning credit required for a high school diploma or who are preparing for the high school equivalency examination ~~General Educational Development test~~.

Section 22. Paragraph (d) of subsection (6) of section 1008.345, Florida Statutes, is amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

(6)

(d) The commissioner shall assign a community assessment team to each school district or governing board with a school that earned a grade of “F” or three consecutive grades of “D” pursuant to s. 1008.34 to review the school performance data and determine causes for the low performance, including the role of school, area, and district administrative personnel. The community assessment team shall review a high school’s graduation rate calculated without high school equivalency diploma recipients ~~GED tests~~ for the past 3 years, disaggregated by student ethnicity. The team shall make recommendations to the school board or the governing board and to the State Board of Education which address the causes of the school’s low performance and may be incorporated into the school improvement plan. The assessment team shall include, but not be limited to, a department representative, parents, business representatives, educators, representatives of local governments, and community activists, and shall represent the demographics of the community from which they are appointed.

Section 23. Paragraph (c) of subsection (3) of section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions, and in state universities.

(3)

(c) Each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the residency requirements of this section at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the documents identified in this paragraph. No single piece of evidence shall be conclusive.

1. The documents must include at least one of the following:
 - a. A Florida voter's registration card.
 - b. A Florida driver's license.
 - c. A State of Florida identification card.
 - d. A Florida vehicle registration.
 - e. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.
 - f. Proof of a homestead exemption in Florida.
 - g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma ~~GED~~ was earned within the last 12 months.
 - h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.
2. The documents may include one or more of the following:
 - a. A declaration of domicile in Florida.
 - b. A Florida professional or occupational license.
 - c. Florida incorporation.
 - d. A document evidencing family ties in Florida.

e. Proof of membership in a Florida-based charitable or professional organization.

f. Any other documentation that supports the student’s request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

Reviser’s note.—Amended to conform to the directive of the Legislature to the Division of Law Revision and Information in s. 38, ch. 2013-51, Laws of Florida, to change the terms “General Educational Development test” or “GED test” to “high school equivalency examination” and the terms “general education diploma,” “graduate equivalency diploma,” or “GED” to “high school equivalency diploma” wherever those terms appear in the Florida Statutes.

Section 24. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

Approved by the Governor May 12, 2014.

Filed in Office Secretary of State May 12, 2014.