

By the Committee on Education/K-12 and Representatives
Stafford, Morse, Andrews, Trovillion, Byrd, Jacobs, Lynn,
Fasano, Villalobos, Garcia, Wise, Meek, Bush, Heyman, Feeney,
Rodriguez-Chomat, Culp, Melvin, Betancourt, Ogles, Dennis and
Warner

1 A bill to be entitled
2 An act relating to student discipline and
3 school safety; amending s. 232.09, F.S.;
4 revising provisions relating to student
5 attendance responsibility and policy; creating
6 s. 232.0205, F.S.; requiring certain disclosure
7 at school registration and providing penalties
8 for willful nondisclosure; amending s. 232.01,
9 F.S.; revising compulsory school attendance
10 requirements to require children over age 16 to
11 file a formal declaration of intent to
12 terminate school enrollment in order to be
13 exempt from compulsory school attendance
14 requirements; amending s. 39.01, F.S.; revising
15 provisions regarding habitual truancy; amending
16 s. 228.041, F.S.; revising the definitions of
17 the terms "habitual truant" and "dropout";
18 amending s. 232.2462, F.S.; conforming
19 provisions; amending s. 414.125, F.S.;
20 providing Learnfare program requirements;
21 amending s. 232.17, F.S.; revising procedures
22 relating to enforcement of school attendance;
23 amending s. 232.19, F.S.; revising penalties
24 and court procedures relating to habitual
25 truancy; requiring each public school principal
26 to notify the district school board of students
27 who accumulate a specified number of unexcused
28 absences; authorizing the governing body of a
29 private school to provide such information to
30 the Department of Education; requiring that the
31 Department of Highway Safety and Motor Vehicles

1 withhold issuance of or suspend the driver's
2 license or learner's driver's license of a
3 student who fails to satisfy school attendance
4 requirements; requiring the Department of
5 Juvenile Justice, the Department of Children
6 and Family Services, and the school districts
7 to develop cooperative agreements for working
8 with habitual truants and their families;
9 providing for court-ordered parent training
10 classes and providing penalties for termination
11 of an employee required to attend such classes,
12 under certain circumstances; authorizing the
13 court to impose civil penalties on, or require
14 participation in community service or
15 counseling by, the child; amending s. 232.195,
16 F.S., relating to truancy activities upon
17 transfer of student, to conform; creating s.
18 232.197, F.S.; requiring notification to a
19 school of court action directly involving the
20 school; amending s. 232.2452, F.S.; revising
21 requirements relating to student report cards;
22 amending s. 232.25, F.S., relating to pupils
23 subject to control of school; providing for a
24 school child's daily conduct pledge; amending
25 s. 322.05, F.S., relating to the issuance of
26 driver's licenses; conforming provisions to
27 changes made by the act; amending s. 322.09,
28 F.S.; prohibiting the Department of Highway
29 Safety and Motor Vehicles from issuing a
30 driver's license or restricted license to a
31 person under a specified age who does not meet

1 requirements for school attendance and is not
2 otherwise exempt from such requirements;
3 creating s. 322.091, F.S.; providing that a
4 minor is not eligible for driving privileges
5 unless the minor is enrolled in school or a
6 home education program, has received a high
7 school diploma or certificate, is enrolled in
8 certain other educational activities, or
9 obtains a certificate of exemption or hardship
10 waiver; requiring the Department of Highway
11 Safety and Motor Vehicles to notify a minor
12 before the department suspends the minor's
13 driving privileges because of noncompliance
14 with school attendance requirements; providing
15 for a hardship waiver; providing for a hearing
16 before the public school principal or the
17 designee of the governing body of a private
18 school; providing for the department to
19 reinstate a minor's driving privileges
20 following compliance with school attendance
21 requirements for a specified period; requiring
22 the department to report to school districts on
23 students whose driving privileges are
24 suspended; amending s. 39.015, F.S., relating
25 to rulemaking regarding habitual truants, to
26 conform to the act; amending s. 230.2316, F.S.,
27 relating to dropout prevention; providing that
28 second chance schools may include residential
29 academies; providing criteria for
30 establishment, operation, and funding of
31 residential academies; providing criteria for

1 participation; requiring parents and legal
2 guardians of students assigned to programs
3 funded by the dropout prevention program to
4 comply with the requirements of the assignment
5 and providing penalties; amending s. 39.085,
6 F.S.; revising provisions relating to the
7 Alternative Education Institute, to convert its
8 mission and procedures and clarify its
9 membership and duties; creating s. 230.235,
10 F.S.; requiring school districts to adopt a
11 policy of zero tolerance for crime, including
12 criminal substance abuse violations; amending
13 s. 232.277, F.S.; requiring reporting and
14 notification of student substance abuse;
15 amending s. 790.115, F.S.; expanding offenses
16 that are punishable as possessing or
17 discharging weapons or firearms on school
18 property and providing a qualifier to an
19 exception from such offense; amending s.
20 230.23015, F.S.; clarifying provisions relating
21 to students who commit assault or battery on
22 school personnel; providing effective dates.

23
24 WHEREAS, the primary focus of the 1997 Legislature is
25 education, and

26 WHEREAS, in the first month of the 1997 session, the
27 Legislature has passed two major components of its education
28 agenda, the first of which raises student academic standards
29 across the board and the second of which provides for
30 better-educated and better-prepared teachers, and

31

1 WHEREAS, a third major component of the 1997
2 legislative education agenda is student discipline and school
3 safety, and

4 WHEREAS, it is the intent of the Legislature to raise
5 the standards of student discipline and school safety as
6 dramatically as it has raised student academic and teacher
7 certification standards, NOW, THEREFORE,

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 232.09, Florida Statutes, is
12 amended to read:

13 232.09 Parents and legal guardians responsible for
14 attendance of children; attendance policy.--

15 (1) The Legislature finds:

16 (a) It is essential that our children receive an
17 education.

18 (b) Failure to attend school in a regular and timely
19 fashion hinders the education process.

20 (c) Truancy and poor school performance have a direct
21 relationship to juvenile delinquency and destructive behavior.

22 (d) A disproportionate percentage of juvenile crime
23 occurs when juveniles should be in school.

24 (e) Parents and guardians must be responsible, within
25 reason, for sending their children to school.

26 (f) If a juvenile refuses to attend school or a parent
27 or guardian refuses to compel the child to attend school,
28 there must exist an efficient and expedient process to enforce
29 attendance laws.

30 (2) Each parent and legal guardian of a child within
31 the compulsory attendance age ~~is shall be~~ responsible for the

1 ~~such~~ child's school attendance as required by law. The
2 absence of a child from school is ~~shall be~~ prima facie
3 evidence of a violation of this section; however, ~~no~~ criminal
4 prosecution may not ~~shall~~ be brought against a parent,
5 guardian, or other person having control of the child until
6 the provisions of s. 232.17(2)(~~e~~) have been complied with. A
7 ~~No~~ parent or guardian of a child is not ~~shall be held~~
8 responsible for the ~~such~~ child's nonattendance at school under
9 any of the following conditions:
10 (a)~~(1)~~ With permission.--The absence was with
11 permission of the head of the school; or
12 (b)~~(2)~~ Without knowledge.--The absence was without the
13 parent's knowledge, consent, or connivance, in which case the
14 child shall be dealt with as a dependent child; or
15 (c)~~(3)~~ Financial inability.--The parent was unable
16 financially to provide necessary clothes for the child, which
17 inability was reported in writing to the superintendent prior
18 to the opening of school or immediately after the beginning of
19 such inability; provided, that the validity of any claim for
20 exemption under this subsection shall be determined by the
21 superintendent subject to appeal to the school board; or
22 (d)~~(4)~~ Sickness, injury, or other insurmountable
23 condition.--Attendance was impracticable or inadvisable on
24 account of sickness or injury, attested to by a written
25 statement of a licensed practicing physician, or was
26 impracticable because of some other stated insurmountable
27 condition as defined by regulations of the state board. If a
28 student is continually sick and repeatedly absent from school,
29 he or she must be under the supervision of a physician in
30 order to receive an excuse from attendance. Such excuse
31 provides that a student's condition justifies absence for more

1 than the number of days permitted by the district school
2 board.

3
4 Each district school board shall establish an attendance
5 policy which includes, but is not limited to, the required
6 number of days each school year that a student must be in
7 attendance and the number of absences and tardinesses after
8 which a statement explaining such absences and tardinesses
9 must be on file at the school. Each school in the district
10 must determine if an absence or tardiness is excused or
11 unexcused according to criteria established by the district
12 school board.

13 Section 2. Section 232.0205, Florida Statutes, is
14 created to read:

15 232.0205 Disclosure at school registration.--According
16 to procedures established by the district school board, each
17 student at the time of initial registration for school in a
18 school district shall fully disclose all previous school
19 expulsions, arrests resulting in a charge, and juvenile
20 justice actions the student has had. Willful failure to make
21 the full disclosure required by this section is a noncriminal
22 violation subject to a fine of up to \$50, based on the
23 student's ability to pay.

24 Section 3. Paragraph (c) of subsection (1) of section
25 232.01, Florida Statutes, is amended to read:

26 232.01 Regular school attendance required between ages
27 of 6 and 16; permitted at age of 5; exceptions.--

28 (1)

29 (c) A child who attains the age of 16 years during the
30 school year is shall not subject to compulsory school
31 attendance ~~be required to attend school~~ beyond the date upon

1 which he or she attains that age if the child files a formal
2 declaration of intent to terminate school enrollment with the
3 district school board. The declaration must acknowledge that
4 terminating school enrollment is likely to reduce the
5 student's earning potential and must be signed by the child
6 and the child's parent or legal guardian. A child who attains
7 the age of 18 years during the school year is not subject to
8 compulsory school attendance beyond the date upon which he or
9 she attains that age.

10 Section 4. Paragraph (b) of subsection (12) and
11 subsection (73) of section 39.01, Florida Statutes, 1996
12 Supplement, are amended to read:

13 39.01 Definitions.--When used in this chapter:

14 (12) "Child in need of services" means a child for
15 whom there is no pending investigation into an allegation or
16 suspicion of abuse, neglect, or abandonment; no pending
17 referral alleging the child is delinquent; or no current
18 supervision by the Department of Juvenile Justice or the
19 Department of Health and Rehabilitative Services for an
20 adjudication of dependency or delinquency. The child must
21 also, pursuant to this chapter, be found by the court:

22 (b) To be habitually truant from school, while subject
23 to compulsory school attendance, despite reasonable efforts to
24 remedy the situation pursuant to ss. 232.17 and 232.19 ~~s.~~
25 ~~232.19~~ and through voluntary participation by the child's
26 parents or legal custodians and by the child in family
27 mediation, services, and treatment offered by the Department
28 of Juvenile Justice or the Department of Health and
29 Rehabilitative Services; or

30 (73) "To be habitually truant" means that:
31

1 (a) The child has 15 unexcused absences within 90
2 calendar days with or without the knowledge or justifiable
3 consent of the child's parent or legal guardian, is subject to
4 compulsory school attendance under s. 232.01, and is not
5 exempt under ~~from attendance by virtue of being over the age~~
6 ~~of compulsory school attendance or by meeting the criteria in~~
7 s. 232.06, s. 232.09, or any other exemptions specified by law
8 or the rules of the State Board of Education.†

9 (b) ~~In addition to the actions described in s. 232.17,~~
10 ~~the school administration has completed the following~~
11 Escalating activities to determine the cause, and to attempt
12 the remediation, of the child's truant behavior under ss.
13 232.17 and 232.19 have been completed.†

14 1. ~~After a minimum of 3 and prior to 15 unexcused~~
15 ~~absences within 90 days, one or more meetings have been held,~~
16 ~~either in person or by phone, between a school attendance~~
17 ~~assistant or school social worker, the child's parent or~~
18 ~~guardian, and the child, if necessary, to report and to~~
19 ~~attempt to solve the truancy problem. However, if the school~~
20 ~~attendance assistant or school social worker has documented~~
21 ~~the refusal of the parent or guardian to participate in the~~
22 ~~meetings, then this requirement has been met.~~†

23 2. ~~Educational counseling has been provided to~~
24 ~~determine whether curriculum changes would help solve the~~
25 ~~truancy problem, and, if any changes were indicated, such~~
26 ~~changes were instituted but proved unsuccessful in remedying~~
27 ~~the truant behavior. Such curriculum changes may include~~
28 ~~enrollment of the child in an alternative education program~~
29 ~~that meets the specific educational and behavioral needs of~~
30 ~~the child, including a second chance school, as provided for~~
31 ~~in s. 230.2316, designed to resolve truant behavior.~~†

1 3. ~~Educational evaluation, pursuant to the~~
2 ~~requirements of s. 232.19(3)(b)3., has been provided; and~~
3 4. ~~The school social worker, the attendance assistant,~~
4 ~~or the school superintendent's designee if there is no school~~
5 ~~social worker or attendance assistant has referred the student~~
6 ~~and family to the children-in-need-of-services and~~
7 ~~families-in-need-of-services provider or the case staffing~~
8 ~~committee, established pursuant to s. 39.426, as determined by~~
9 ~~the cooperative agreement required in s. 232.19(3). The case~~
10 ~~staffing committee may request the department or its designee~~
11 ~~to file a child-in-need-of-services petition based upon the~~
12 ~~report and efforts of the school district or other community~~
13 ~~agency or may seek to resolve the truancy behavior through the~~
14 ~~school or community-based organizations or agencies.~~

15
16 If a child who is subject to ~~within the~~ compulsory school
17 attendance ~~age~~ is responsive to the interventions described in
18 ss. 232.17 and 232.19 ~~this paragraph~~ and has completed the
19 necessary requirements to pass the current grade as indicated
20 in the district pupil progression plan, the child shall not be
21 determined to be habitually truant and shall be passed. If a
22 child within the compulsory school attendance age has 15
23 unexcused absences within 90 calendar days or fails to enroll
24 in school, the State Attorney may file a
25 child-in-need-of-services petition. Prior to filing a
26 petition, the child must be referred to the appropriate agency
27 for evaluation. After consulting with the evaluating agency,
28 the State Attorney may elect to file a
29 child-in-need-of-services petition.

30 (c) A school representative, designated according to
31 school board policy ~~school social worker or other person~~

1 ~~designated by the school administration, if the school does~~
2 ~~not have a school social worker,~~ and an intake counselor or
3 case manager of the Department of Juvenile Justice have
4 jointly investigated the truancy problem or, if that was not
5 feasible, have performed separate investigations to identify
6 conditions which may be contributing to the truant behavior;
7 and if, after a joint staffing of the case to determine the
8 necessity for services, such services were determined to be
9 needed, the persons who performed the investigations met
10 jointly with the family and child to discuss any referral to
11 appropriate community agencies for economic services, family
12 or individual counseling, or other services required to remedy
13 the conditions that are contributing to the truant behavior.†
14 and

15 (d) The failure or refusal of the parent or legal
16 guardian or the child to participate, or make a good faith
17 effort to participate, in the activities prescribed to remedy
18 the truant behavior, or the failure or refusal of the child to
19 return to school after participation in activities required by
20 this subsection, or the failure of the child to stop the
21 truant behavior after the school administration and the
22 Department of Juvenile Justice have worked with the child as
23 described in s. 232.19(3) shall be handled as prescribed in s.
24 232.19.

25 Section 5. Subsections (28) and (29) of section
26 228.041, Florida Statutes, 1996 Supplement, are amended to
27 read:

28 228.041 Definitions.--Specific definitions shall be as
29 follows, and wherever such defined words or terms are used in
30 the Florida School Code, they shall be used as follows:
31

1 (28) HABITUAL TRUANT.--A habitual truant is a student
2 who has 15 unexcused absences within 90 calendar days with or
3 without the knowledge or consent of the student's parent or
4 legal guardian, is subject to compulsory school attendance
5 under s. 232.01, and is not exempt under ~~and who is not exempt~~
6 ~~from attendance by virtue of being over the age of compulsory~~
7 ~~school attendance, by meeting the criteria in s. 232.06 or s.~~
8 232.09, or by meeting the criteria for any other exemption
9 specified by law or rules of the State Board of Education.
10 Such a student must have been the subject of the activities
11 specified in ss. 232.17 and 232.19, without resultant
12 successful remediation of the truancy problem before being
13 dealt with as a child in need of services according to the
14 provisions of chapter 39.

15 (29) DROPOUT.--A dropout is a student not subject to
16 ~~over the age of~~ compulsory school attendance, as defined in s.
17 232.01, who meets any one or more of the following criteria:

18 (a) The student has voluntarily removed himself or
19 herself from the school system before graduation for reasons
20 that include, but are not limited to, marriage or entrance
21 into the military, or the student has withdrawn from school
22 because he or she has failed the statewide student assessment
23 test and thereby does not receive any of the certificates of
24 completion;

25 (b) The student has not met the relevant attendance
26 requirements of the school district pursuant to State Board of
27 Education rules, or the student was expected to attend a
28 school but did not enter as expected for unknown reasons, or
29 the student's whereabouts are unknown;

30
31

1 (c) The student has withdrawn from school, but has not
2 transferred to another public or private school or enrolled in
3 any vocational, adult, or alternative educational program;

4 (d) The student has withdrawn from school due to
5 hardship, unless such withdrawal has been granted under the
6 provisions of s. 322.0601, court action, expulsion, medical
7 reasons, or pregnancy; or

8 (e) The student is not eligible to attend school
9 because of reaching the maximum age for an exceptional student
10 program in accordance with the district's policy.

11
12 Students not exempt from attendance pursuant to s. 232.06 and
13 who are subject to ~~under the age of~~ compulsory school
14 attendance under s. 232.01 and who stop attending school are
15 ~~shall be known as~~ habitual truants as defined in subsection
16 (28) and are not ~~to be~~ considered dropouts. The State Board
17 of Education may adopt rules to implement the provisions of
18 this subsection.

19 Section 6. Subsection (2) of section 232.2462, Florida
20 Statutes, is amended to read:

21 232.2462 Attendance requirement for receipt of high
22 school credit; definition of "credit".--

23 (2) A student may not be awarded a credit if he or she
24 has not been in for instruction for a minimum of 135 hours
25 unless he or she has demonstrated mastery of the student
26 performance standards in the course of study as provided by
27 rules of the district school board. Excused absences as
28 determined by the district school board and as carried out by
29 the secondary school principal shall not be counted against
30 the 135-hour minimum requirement. Criteria for determining
31 excused absences shall be as provided in s. 232.022,s.

1 232.0225, absence for religious instruction, or a religious
2 holiday, and s. 232.09(2)(d)~~(4)~~, absence due to sickness,
3 injury, or other insurmountable condition, and absence due to
4 participation in an academic class or program. Missed work
5 shall be made up, as provided in the pupil progression plan
6 established by the district school board by rule, for all
7 excused absences. The difference between the 135-hour minimum
8 requirement and the 150-hour definition of full credit
9 established in this section may at the discretion of the
10 secondary school principal be used for noninstructional
11 extracurricular activities unless otherwise provided by
12 district school board rule. In credit programs operated in the
13 period beyond 180 school days, each full-credit course must be
14 established for a minimum of 120 hours.

15 Section 7. Subsection (2) of section 414.125, Florida
16 Statutes, 1996 Supplement, is amended to read:

17 414.125 Learnfare program.--

18 (2) Each recipient with a school-age child is required
19 to have a conference with an appropriate school official of
20 the child's school during each grading period to assure that
21 the recipient is involved in the child's educational progress
22 and is aware of any existing attendance or academic problems.
23 The conference must address acceptable student attendance,
24 grades, and behavior and must be documented by the school and
25 reported to the department. The department shall notify a
26 school of any student in attendance at that school who is a
27 participant in the Learnfare program in order that the
28 required conferences are held.

29 Section 8. Section 232.17, Florida Statutes, 1996
30 Supplement, is amended to read:

31

1 232.17 Enforcement of school attendance Attendance
2 ~~assistants; qualifications; compensation; duties.~~--Pursuant to
3 procedures established by the district school board, a
4 designated school representative must complete activities
5 designed to determine the cause and attempt the remediation of
6 truant behavior, as provided in this section.~~Provisions for~~
7 ~~the employment, qualifications, compensation, and duties of~~
8 ~~attendance assistants shall be as follows:~~
9 (1) ~~EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE~~
10 ~~ASSISTANTS.~~--~~The school board, upon the recommendation of the~~
11 ~~superintendent, may employ and fix the compensation, including~~
12 ~~reimbursement for travel, of a sufficient number of qualified~~
13 ~~attendance assistants to guarantee regular attendance at~~
14 ~~school of all children of the district within compulsory~~
15 ~~school age requirements who are not herein exempted from~~
16 ~~attendance.~~
17 (2) ~~DUTIES AND RESPONSIBILITIES OF ATTENDANCE~~
18 ~~ASSISTANTS.~~--~~The duties and responsibilities of the attendance~~
19 ~~assistant shall be exercised under the direction of the~~
20 ~~superintendent and shall be as follows:~~
21 (a) ~~Maintain records.~~--~~Pupil accounting records,~~
22 ~~unless maintained by others assigned by the superintendent,~~
23 ~~shall be kept by attendance assistants. These records shall~~
24 ~~be on forms approved pursuant to regulations of the state~~
25 ~~board.~~
26 (1)(b) INVESTIGATE NONENROLLMENT AND UNEXCUSED
27 ABSENCES.--A designated school representative in accordance
28 with procedure established by the state board, attendance
29 assistants shall investigate cases of nonenrollment and
30 unexcused absences from school of all children subject to
31 compulsory school attendance within the compulsory school age.

1 (2)(c) GIVE WRITTEN NOTICE.--Under the direction of
2 the superintendent, a designated school representative ~~the~~
3 ~~attendance assistant~~ shall give written notice, ~~either~~ in
4 person or by return-receipt ~~registered~~ mail, to the parent,
5 guardian, or other person having control when no valid reason
6 is found for a child's nonenrollment in school or when the
7 child has a minimum of 3 but fewer than 6 ~~15~~ unexcused
8 absences within 90 calendar days, requiring enrollment or
9 attendance within 3 days after ~~from~~ the date of notice. If
10 ~~the~~ such notice and requirement are ignored, the designated
11 school representative ~~attendance assistant~~ shall report the
12 case to the superintendent, and may refer the case to the case
13 staffing committee, established pursuant to s. 39.426, if the
14 conditions of s. 232.19(3) have been met. The superintendent
15 may take such steps as are necessary to bring criminal
16 prosecution against the parent, guardian, or other person
17 having control. ~~No further written notice of the child's~~
18 ~~absence from school is required to be given to the parent,~~
19 ~~guardian, or other person having control unless the child,~~
20 ~~upon his or her return to school, remains in attendance for 10~~
21 ~~consecutive days.~~

22 (3)(d) RETURN CHILD TO PARENT.--A designated school
23 representative ~~The attendance assistant~~ shall visit the home
24 or place of residence of a child and any other place in which
25 he or she is likely to find any child who is required to
26 attend school when such child is not enrolled or is absent
27 from school during school hours without an excuse, and, when
28 ~~the~~ such child is ~~has been~~ found, shall return the child to
29 his or her parent or to the principal or teacher in charge of
30 the school, or to the private tutor from whom absent.

31

1 ~~(e) Visit home.--The attendance assistant shall visit~~
2 ~~promptly the home of each child of school age in his or her~~
3 ~~attendance district not in attendance upon the school, and of~~
4 ~~any child who should attend the Florida State School for the~~
5 ~~Deaf and the Blind, and who is reported as not enrolled in~~
6 ~~that school or as absent without excuse.~~

7 (4) WRITTEN NOTICE.--If no valid reason is found for
8 such nonenrollment or absence, ~~from such school or schools~~ the
9 designated school representative ~~attendance assistant~~ shall
10 give written notice to the parent, requiring the child's
11 enrollment or attendance ~~as prescribed above~~. The designated
12 school representative ~~attendance assistant~~ shall secure the
13 written approval of the president of the Florida State School
14 for the Deaf and the Blind before he or she directs or
15 requests the parents of any child to take or send such child
16 to that school. Ten days' notice must be given in the case of
17 a child who is ordered sent to that school. On refusal or
18 failure of the parent to meet such requirement, the designated
19 school representative ~~attendance assistant~~ shall report the
20 same to the superintendent, and that official shall proceed to
21 take such action as is prescribed in s. 232.19(2).

22 (5)(f) REPORT TO THE DIVISION OF JOBS AND BENEFITS.--A
23 designated school representative ~~The attendance assistant~~
24 shall report to the Division of Jobs and Benefits of the
25 Department of Labor and Employment Security or to any person
26 acting in similar capacity who may be designated by law to
27 receive such notices, all violations of the Child Labor Law
28 that may come to his or her knowledge.

29 (6)(g) RIGHT TO INSPECT.--A designated school
30 representative ~~The attendance assistant~~ shall have the same
31 right of access to, and inspection of, establishments where

1 minors may be employed or detained as is given by law to the
2 Division of Jobs and Benefits only for the purpose of
3 ascertaining whether children of compulsory school age are
4 actually employed there and are actually working there
5 regularly. The designated school representative ~~attendance~~
6 ~~assistant~~ shall, if he or she finds unsatisfactory working
7 conditions or violations of the Child Labor Law, report his or
8 her findings to the Division of Jobs and Benefits or its
9 agents.

10 (7)(h) RECORDS ~~Record of visits.~~--Each designated
11 school representative who performs duties according to this
12 section ~~The attendance assistant~~ shall keep an accurate record
13 of all children returned to schools or homes, of all cases
14 prosecuted, and of all other service performed. A written
15 report of all such activities shall be made quarterly to the
16 school board and shall be filed in the office of the
17 superintendent. If a child repeats a pattern of nonattendance
18 within one school year, the designated school representative
19 shall resume the series of escalating activities at the point
20 at which he or she had previously left off.

21 Section 9. Section 232.19, Florida Statutes, 1996
22 Supplement, is amended to read:

23 232.19 Court procedure and penalties.--The court
24 procedure and penalties for the enforcement of the provisions
25 of this chapter, relating to compulsory school attendance,
26 shall be as follows:

27 (1) COURT JURISDICTION.--The circuit court has
28 original and exclusive jurisdiction of all proceedings
29 against, or prosecutions of, children under the provisions of
30 this chapter. Proceedings against, or prosecutions of, parents
31 or employers as provided by this section shall be in the court

1 of each county having jurisdiction of misdemeanors wherein
2 trial by jury is afforded the defendant.

3 (2) NONENROLLMENT AND NONATTENDANCE CASES.--

4 (a) In each case of nonenrollment or of nonattendance
5 upon the part of a child who is required to attend some
6 school, when no valid reason for such nonenrollment or
7 nonattendance is found, the superintendent shall institute a
8 criminal prosecution against the child's parent.

9 (b) Each public school principal or the principal's
10 designee shall notify the district school board of each minor
11 under its jurisdiction who accumulates 15 unexcused absences
12 in a period of 90 calendar days. Each designee of the
13 governing body of each private school, and each parent whose
14 child is enrolled in a home education program, may provide the
15 Department of Highway Safety and Motor Vehicles with the legal
16 name, sex, date of birth, and social security number of each
17 minor under his or her jurisdiction who fails to satisfy
18 relevant attendance requirements and who fails to otherwise
19 satisfy the requirements of s. 322.091. The superintendent
20 must provide the Department of Highway Safety and Motor
21 Vehicles the legal name, sex, date of birth, and social
22 security number of each minor who has been reported under this
23 paragraph and who fails to otherwise satisfy the requirements
24 of s. 322.091. The Department of Highway Safety and Motor
25 Vehicles may not issue a driver's license or learner's
26 driver's license to, and shall suspend any previously issued
27 driver's license or learner's driver's license of, any such
28 minor.

29 (3) HABITUAL TRUANCY CASES.--In accordance with
30 procedures established by the district school board, the
31 designated school representative ~~The school social worker, the~~

1 ~~attendance assistant, or the school superintendent's designee~~
2 ~~if there is no school social worker or attendance assistant~~
3 shall refer a student who is habitually truant and the
4 student's family to the children-in-need-of-services and
5 families-in-need-of-services provider or the case staffing
6 committee, established pursuant to s. 39.426, as determined by
7 the cooperative agreement required in this section. The case
8 staffing committee may request the Department of Juvenile
9 Justice or its designee to file a child-in-need-of-services
10 petition based upon the report and efforts of the school
11 district or other community agency or may seek to resolve the
12 truancy behavior through the school or community-based
13 organizations or agencies. Prior to and subsequent to the
14 filing of a child-in-need-of-services petition due to habitual
15 truancy, the appropriate governmental agencies must allow a
16 reasonable time to complete actions required by this
17 subsection to remedy the conditions leading to the truant
18 behavior. The following criteria must be met and documented in
19 writing prior to the filing of a petition:

20 (a) The child must have 15 unexcused absences within
21 90 calendar days with or without the knowledge or consent of
22 the child's parent or legal guardian, must be subject to
23 compulsory school attendance, and must not be exempt under ~~and~~
24 ~~must not be exempt from attendance by virtue of being over the~~
25 ~~age of compulsory school attendance or by meeting the criteria~~
26 ~~in~~ s. 232.06, s. 232.09, or any other exemption specified by
27 law or the rules of the State Board of Education.

28 (b) In addition to the actions described in s. 232.17,
29 the school administration must have completed the following
30 activities to determine the cause, and to attempt the
31 remediation, of the child's truant behavior:

1 1. After a minimum of 3 and prior to 6 ~~15~~ unexcused
2 absences within 90 calendar days, one or more meetings must
3 have been held, either in person or by phone, between a
4 designated school representative ~~school attendance assistant~~
5 ~~or school social worker~~, the child's parent or guardian, and
6 the child, if necessary, to report and to attempt to solve the
7 truancy problem. However, if the designated school
8 representative ~~school attendance assistant or school social~~
9 ~~worker~~ has documented the refusal of the parent or guardian to
10 participate in the meetings, this requirement has been met.

11 2. Educational counseling must have been provided to
12 determine whether curriculum changes would help solve the
13 truancy problem, and, if any changes were indicated, such
14 changes must have been instituted but proved unsuccessful in
15 remedying the truant behavior. Such curriculum changes may
16 include enrollment of the child in an alternative education
17 program that meets the specific educational and behavioral
18 needs of the child, including a second chance school, as
19 provided for in s. 230.2316, designed to resolve truant
20 behavior.

21 3. Educational evaluation, which may include
22 psychological evaluation, must have been provided to assist in
23 determining the specific condition, if any, that is
24 contributing to the child's nonattendance. The evaluation
25 must have been supplemented by specific efforts by the school
26 to remedy any diagnosed condition.

27
28 If a child who is subject to ~~within the~~ compulsory school
29 attendance ~~age~~ is responsive to the interventions described in
30 this paragraph and has completed the necessary requirements to
31

1 pass the current grade as indicated in the district pupil
2 progression plan, the child shall be passed.

3 (4) COOPERATIVE AGREEMENTS.--

4 ~~(c)~~ The district manager of the Department of Juvenile
5 Justice or the district manager's designee, the district
6 administrator of the Department of Children and Family
7 Services or the district administrator's designee, and the
8 superintendent of the local school district or the
9 superintendent's designee must develop ~~have developed~~ a
10 cooperative interagency agreement ~~that:~~which

11 (a) Clearly defines each department's role,
12 responsibility, and function in working with habitual truants
13 and their families.

14 (b) Identifies and implements measures to resolve and
15 reduce truant behavior.~~The interagency agreement shall~~
16 ~~specify that the participants~~

17 (c) Addresses ~~address~~ issues of streamlining service
18 delivery, the appropriateness of legal intervention, case
19 management, the role and responsibility of the case staffing
20 committee, student and parental intervention and involvement,
21 and community action plans. ~~The interagency agreement shall~~

22 (d) Delineates ~~delineate~~ timeframes for implementation
23 and identifies ~~identify~~ a mechanism for reporting results by
24 the district juvenile justice manager or the district
25 manager's designee and the superintendent of schools or the
26 superintendent's designee to the Department of Juvenile
27 Justice and the Department of Education and other governmental
28 entities as needed. ~~The cooperative agreement may designate~~

29 (e) Designates which agency is ~~shall be~~ responsible
30 for each of the intervention steps in ~~s. 39.01(73), or this~~
31

1 section, to ~~if such designation shall~~ yield more effective and
2 efficient intervention services.

3 (5)~~(4)~~ ATTENDANCE REGISTER AS EVIDENCE.--The register
4 of attendance of pupils at a public, parochial,
5 denominational, or private school, or of pupils taught by a
6 private tutor, kept in compliance with rules ~~and regulations~~
7 of the state board is prima facie evidence of the facts which
8 it is required to show. A certified copy of any rule ~~or~~
9 ~~regulation~~ and a statement of the date of its adoption ~~and~~
10 ~~promulgation~~ by the state board is admissible as prima facie
11 evidence of the provisions of the ~~such~~ rule ~~or regulation~~ and
12 of the date of its adoption ~~or promulgation~~.

13 (6)~~(5)~~ PROCEEDINGS AND PROSECUTIONS; WHO MAY
14 BEGIN.--Proceedings or prosecutions under ~~the provisions of~~
15 this chapter may be commenced ~~begun~~ by the superintendent, by
16 a designated school representative ~~an attendance assistant~~, by
17 the probation officer of the county, by the executive officer
18 of any court of competent jurisdiction, or by an officer of
19 any court of competent jurisdiction, or by a duly authorized
20 agent of the Department of Education or the Department of
21 Juvenile Justice. If a proceeding has been commenced against
22 both a parent or legal guardian and a child pursuant to this
23 chapter, the presiding courts shall make every effort to
24 coordinate sanctions against the child and parent or legal
25 guardian, including ordering the child and parent or legal
26 guardian to perform community service hours or attend
27 counseling together.

28 (7)~~(6)~~ PENALTIES.--The penalties for refusing or
29 failing to comply with ~~the provisions of~~ this chapter shall be
30 as follows:

31 (a) The parent or legal guardian.--

1 1. A parent or legal guardian who refuses or fails to
2 have a child who is under his or her control attend school
3 regularly, or who refuses or fails to comply with the
4 requirements in subsection (3), commits is guilty of a
5 misdemeanor of the second degree, punishable as provided in s.
6 775.082 or s. 775.083 ~~by law.~~

7 2. The continued or habitual absence of a child
8 without the consent of the principal or teacher in charge of
9 the school he or she attends or should attend, or of the tutor
10 who instructs or should instruct him or her, is prima facie
11 evidence of a violation of this chapter; however, a showing
12 ~~the court of the appropriate jurisdiction, upon finding that~~
13 the parent or legal guardian has made a bona fide and diligent
14 effort to control and keep the child in school, shall be an
15 affirmative defense to ~~excuse the parent from any criminal or~~
16 other liability under this subsection ~~prescribed herein~~ and
17 the court shall refer the parent or legal guardian and child
18 for counseling, guidance, or other needed services.

19 3. In addition to any other punishment, the court
20 shall order a parent or legal guardian who has violated this
21 section to send the child to school, and may also order the
22 parent or legal guardian to participate in an approved parent
23 training class, attend school with the child, perform
24 community service hours at the school, or participate in
25 counseling or other services, as appropriate. If a parent or
26 legal guardian is ordered to attend school with a child, the
27 school shall provide for programming to educate the parent or
28 legal guardian and child on the importance of school
29 attendance. It shall be unlawful to terminate any employee
30 solely because he or she is attending school with his or her
31 child pursuant to a court order.

1 (b) The principal or teacher.--A principal or teacher
2 in any charge of a school, public, parochial, denominational,
3 or private school, or a private tutor who willfully violates
4 any provision of this chapter may, upon satisfactory proof of
5 such violation, have his or her certificate revoked by the
6 Department of Education.

7 (c) The employer.--

8 1. An employer who fails to notify the superintendent
9 when he or she ceases to employ a child commits ~~is guilty of~~ a
10 misdemeanor of the second degree, punishable as provided in s.
11 775.082 or s. 775.083 ~~by law~~.

12 2. An employer who terminates any employee solely
13 because he or she is attending school with a child pursuant to
14 court order commits a misdemeanor of the second degree,
15 punishable as provided in s. 775.082 or s. 775.083.

16 (d) The child.--

17 1. In addition to any other authorized sanctions, the
18 court may order a child found to be a habitual truant to pay a
19 civil penalty of \$2 for each day of school missed, perform up
20 to 25 community service hours at the school, or participate in
21 counseling or other services, as appropriate.

22 2. Upon a second or subsequent finding that a child is
23 a habitual truant, the court, in addition to any other
24 authorized sanctions, may order the child to pay a civil
25 penalty of \$5 for each day of school missed, perform up to 50
26 community service hours at the school, or participate in
27 counseling or other services, as appropriate.

28 Section 10. Section 232.195, Florida Statutes, is
29 amended to read:

30 232.195 Continuation of truancy remedial activities
31 upon transfer of student; retention of legal jurisdiction.--

1 (1) If, during the activities designed to remedy
2 truant behavior as described in s. 232.19, the parent or legal
3 guardian of the student who is the subject of such activities
4 transfers the student to another school district in this state
5 in an attempt to circumvent the remedial procedures which have
6 already begun, the administration of the school from which the
7 student transferred shall provide to the administration of the
8 new school, at no charge, copies of all available records and
9 documents relevant to such remedial activities, and the
10 administration of the new school shall begin remedial
11 activities in the program that most closely meets the transfer
12 student's needs.

13 (2) In the event that a legal proceeding has
14 commenced, as provided in s. 232.19~~(3)~~, against a student who
15 has been determined to be a habitual truant, the movement of
16 the student who is the subject of such proceeding to another
17 circuit court district in this state will not affect the
18 jurisdiction of the court to proceed with the case under the
19 law.

20 Section 11. Section 232.197, Florida Statutes, is
21 created to read:

22 232.197 Notification to schools of court action.--If a
23 court takes action that directly involves a child's school,
24 including, but not limited to, an order that a student attend
25 school, attend school with his or her parent or legal
26 guardian, perform at grade level, or perform community service
27 hours at the school, the office of the clerk of the court
28 shall provide notice to the school of the court's action.

29 Section 12. Section 232.2452, Florida Statutes, is
30 amended to read:

31 232.2452 Report cards; end-of-the-year status.--

1 (1) Each school district shall establish and publish
2 policies requiring the content and regular issuance of student
3 report cards for all elementary school, middle school, and
4 high school students. These report cards must clearly depict
5 and grade:

6 (a) The student's academic performance in each class
7 or course, which in grades 1 through 12 must be based upon
8 examinations as well as written papers, class participation,
9 and other academic performance criteria.

10 (b) The student's conduct and behavior.

11 (c) The student's attendance, including absences and
12 tardiness.

13 (2) Each school district is encouraged to establish no
14 fewer than two districtwide report card pickup days per year
15 to facilitate teacher-parent conferences and enhance parental
16 responsibility for student performance and behavior. During a
17 report card pickup day, each parent or guardian may visit his
18 or her child's school and teacher and receive the child's
19 report card during hours established by the district school
20 board. School districts are encouraged to establish flexible
21 scheduling of personnel during the hours designated by the
22 district school board for report card pickup to allow
23 before-school, after-school, evening, or weekend opportunities
24 for parents to visit the school and teacher.

25 (3) A student's final report card for a school year
26 shall contain a statement indicating end-of-the-year status
27 regarding performance or nonperformance at grade level,
28 acceptable or unacceptable behavior and attendance, and
29 promotion or nonpromotion.

30
31

1 School districts shall not allow schools to exempt students
2 from academic performance requirements based on practices or
3 policies designed to encourage student attendance.

4 Section 13. Subsection (4) is added to section 232.25,
5 Florida Statutes, 1996 Supplement to read:

6 232.25 Pupils subject to control of school.--

7 (4) Each pupil enrolled in a school may be required to
8 take the following school child's daily conduct pledge:

9 (a) I will respect and obey my parents and my
10 teachers.

11 (b) I will not hurt another person with my words or my
12 acts, because it is wrong to hurt others.

13 (c) I will tell the truth, because it is wrong to tell
14 a lie.

15 (d) I will not steal, because it is wrong to take
16 someone else's property.

17 (e) I will respect my body, and not take drugs.

18 (f) I will show strength and courage, and not do
19 something wrong, just because others are doing it.

20 (g) I pledge to be nonviolent and to respect my
21 teachers and fellow classmates.

22 Section 14. Subsections (1) and (2) of section 322.05,
23 Florida Statutes, 1996 Supplement, are amended to read:

24 322.05 Persons not to be licensed.--The department may
25 not issue a license:

26 (1) To a person who is under the age of 16 years,
27 except that the department may issue a learner's driver's
28 license to a person who is at least 15 years of age and who
29 meets the requirements of ss. 322.091 and 322.1615 ~~s. 322.161~~
30 and of any other applicable law or rule.

31

1 (2) To a person who is at least 16 years of age but is
2 under 18 years of age unless the person meets the requirements
3 of s. 322.091 and holds a valid:

4 (a) Learner's driver's license for at least 6 months
5 before applying for a license; or

6 (b) License that was issued in another state or in a
7 foreign jurisdiction and that would not be subject to
8 suspension or revocation under the laws of this state.

9 Section 15. Subsection (3) is added to section 322.09,
10 Florida Statutes, 1996 Supplement, as amended by section 4 of
11 chapter 93-144, Laws of Florida, to read:

12 322.09 Application of minors.--

13 (3) The department may not issue a driver's license or
14 restricted license to any applicant under the age of 18 years
15 who is not in compliance with the requirements of s. 322.091.

16 Section 16. Section 322.091, Florida Statutes, is
17 created to read:

18 322.091 Attendance requirements.--

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

22 (a) Is enrolled in a public school, nonpublic school,
23 or home education program and satisfies relevant attendance
24 requirements;

25 (b) Has received a high school diploma, a high school
26 equivalency diploma, a special diploma, or a certificate of
27 high school completion;

28 (c) Is enrolled in a study course in preparation for
29 the Test of General Educational Development and satisfies
30 relevant attendance requirements;

31

1 (d) Is enrolled in other educational activities
2 approved by the district school board and satisfies relevant
3 attendance requirements;

4 (e) Has been issued a certificate of exemption
5 according to s. 232.06; or

6 (f) Has received a hardship waiver under this section.

7
8 The department may not issue a driver's license or learner's
9 driver's license to, or shall suspend the driver's license or
10 learner's driver's license of, any minor concerning whom the
11 department receives notification of noncompliance with the
12 requirements of this section.

13 (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;
14 RECORD OF NONCOMPLIANCE.--

15 (a) The department shall notify each minor for whom
16 the department has received notification of noncompliance with
17 the requirements of this section as provided in s. 232.19, and
18 the minor's parent or guardian, of the department's intent to
19 suspend the minor's driving privileges.

20 (b) The minor, or the parent or guardian of the minor,
21 has 15 calendar days after the date of receipt of this notice
22 to provide proof of compliance with the requirements of this
23 section as provided in subsection (4) or to request a hardship
24 waiver hearing under subsection (3).

25 (c) Twenty days after the date of issuance of this
26 notice, the department shall suspend the minor's operator's
27 license or learner's driver's license or record the legal
28 name, sex, date of birth, and social security number of each
29 minor who does not possess a driver's license or restricted
30 license, unless the minor has provided the department with
31 verification of compliance with the requirements of subsection

1 (1) or the appropriate school official has provided the
2 department with verification of a request for a waiver
3 hearing.

4 (d) Upon notification of the outcome of a hardship
5 waiver hearing, the department shall suspend the driver's
6 license or learner's driver's license of a minor who was
7 denied a hardship waiver, or record the legal name, sex, date
8 of birth, and social security number of a minor who does not
9 possess a driver's license or restricted license and who was
10 denied a hardship waiver.

11 (e) The department may not issue a driver's license or
12 learner's driver's license to any minor for whom it has a
13 record of noncompliance with the requirements of subsection
14 (1) unless the minor submits verification of compliance
15 pursuant to subsection (4).

16 (3) HARDSHIP WAIVER AND APPEAL.--

17 (a) A minor, or the parent or guardian of a minor, has
18 15 calendar days after the date of receipt of the notice of
19 intent to suspend to request a hardship waiver hearing before
20 the public school principal, the principal's designee, or the
21 designee of the governing body of a private school for the
22 purpose of reviewing the pending suspension of driving
23 privileges. The school official receiving the request shall
24 notify the department of the request for a waiver hearing
25 within 24 hours after receiving the request. Public school
26 officials shall also notify the district school board of the
27 request for a waiver hearing. The hearing must be conducted
28 within 30 calendar days after the public school principal, the
29 principal's designee, or the designee of the governing body of
30 a private school receives the request.

31

1 (b) The public school principal, the principal's
2 designee, or the designee of the governing body of a private
3 school shall waive the requirements of subsection (1) for any
4 minor under the school's jurisdiction for whom a personal or
5 family hardship requires that the minor have a driver's
6 license for his or her own, or his or her family's, employment
7 or medical care. The minor or the minor's parent or guardian
8 may present other evidence that indicates compliance with the
9 requirements of subsection (1) at the waiver hearing. The
10 public school principal, the principal's designee, or the
11 designee of the governing body of a private school shall take
12 into consideration the recommendations of teachers, other
13 school officials, guidance counselors, or academic advisers
14 before waiving the requirements of subsection (1).

15 (c) The public school principal, the principal's
16 designee, or the designee of the governing body of a private
17 school shall notify the department of the outcome of a minor's
18 hardship waiver hearing within 24 hours after conducting the
19 hearing. Public school officials shall also notify the
20 district school board of the outcome of the hearing.

21 (d) Any person denied a hardship waiver by a public
22 school principal, the principal's designee, or the designee of
23 the governing body of a private school may appeal the decision
24 to the district school board or the governing body of the
25 private school. The district school board or the governing
26 body of the private school shall notify the department if the
27 hardship waiver is subsequently granted.

28 (4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.--A
29 district school board shall provide a minor with written
30 verification that he or she is in compliance with the
31 requirements of subsection (1) if the district determines that

1 he or she has been in compliance for 30 days prior to the
2 request for verification of compliance. Upon receiving
3 written verification that the minor is again in compliance
4 with the requirements of subsection (1), the department shall
5 reinstate the minor's driving privilege. Thereafter, if the
6 school district determines that the minor is not in compliance
7 with the requirements of subsection (1), the department shall
8 suspend the minor's driving privilege until the minor is 18
9 years of age or otherwise satisfies the requirements of
10 subsection (1), whichever occurs first.

11 (5) REPORTING AND ACCOUNTABILITY.--The department
12 shall report quarterly to each school district the legal name,
13 sex, date of birth, and social security number of each student
14 whose driving privileges have been suspended under this
15 section.

16 Section 17. Section 39.015, Florida Statutes, is
17 amended to read:

18 39.015 Rules relating to habitual truants; adoption by
19 Department of Education and Department of Juvenile
20 Justice.--The Department of Juvenile Justice and the
21 Department of Education shall work together on the development
22 of, and shall adopt, rules as necessary for the implementation
23 of ss. 39.01(73), 39.403(2), and ~~232.19(3) and (6)(a)~~.

24 Section 18. Paragraph (e) of subsection (3) and
25 paragraph (e) of subsection (4) of section 230.2316, Florida
26 Statutes, 1996 Supplement, are amended, present subsection
27 (10) is renumbered as subsection (11) and amended, and a new
28 subsection (10) is added to said section to read:

29 230.2316 Dropout prevention.--

30 (3) DEFINITIONS.--As used in this section, the term:

31

1 (e) "Second chance schools" means school district
2 programs provided through cooperative agreements between the
3 Department of Juvenile Justice, private providers, state or
4 local law enforcement agencies, or other state agencies for
5 students deemed habitual truants as defined in s. 228.041(28),
6 or for students who have been disruptive or violent or who
7 have committed serious offenses. As partnership programs,
8 second chance schools are eligible for waivers from the
9 Commissioner of Education to chapters 230-235 and 239 and
10 State Board of Education rules that prevent the provision of
11 appropriate educational services to violent, severely
12 disruptive, and delinquent students in small nontraditional
13 settings and in court-adjudicated settings. Second chance
14 schools may include residential academies that are established
15 according to the following criteria:

16 1. Residential academies may be established and
17 operated by school districts or through a joint agreement with
18 a private entity, or a state or local public agency, for the
19 purpose of providing a supportive and safe learning and living
20 environment for high-risk students. Residential academies may
21 provide educational services or use the services of other
22 public schools in the school district. Residential academies
23 are to be established for the purpose of assisting youth in
24 being successful in school and preparing for postsecondary
25 education or training.

26 2. Educational services provided by residential
27 academies may be funded through the at-risk category of the
28 Florida Education Finance Program as provided in s. 236.081.
29 All residential care services may be provided through annual
30 appropriations by the Legislature to the Department of
31 Juvenile Justice.

1 3. For each student participating in a residential
2 academy, a contract detailing the authority, care, treatment,
3 and education goals must be executed between the parent and
4 the sponsoring agency. If the academy is operated by an
5 agency other than the school district, the school district
6 must approve the contract form.

7 4. Funding for the leasing, lease purchase,
8 renovation, or construction of facilities may be provided
9 through legislative appropriation.

10 (4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--All
11 programs funded pursuant to the provisions of this section
12 shall be positive and shall reflect strong parental and
13 community involvement. In addition, specific programs shall
14 meet the following criteria:

15 (e) Second chance schools.--

16 1. A student enrolled in a sixth, seventh, eighth,
17 ninth, or tenth grade class may be assigned to a second chance
18 school if the student meets the following criteria:

19 a. The student is a habitual truant as defined in s.
20 228.041(28).

21 b. The student's excessive absences have detrimentally
22 affected the student's academic progress and the student may
23 have unique needs that a traditional school setting may not
24 meet.

25 c. The student's high incidences of truancy have been
26 directly linked to a lack of motivation.

27 d. The student has been identified as at risk of
28 dropping out of school.

29 2. A student who is habitually truant may be assigned
30 to a second chance school only if the case staffing committee,
31 established pursuant to s. 39.426, determines that such

1 placement could be beneficial to the student and the criteria
2 included in subparagraph 1. are met.

3 3. A student shall be assigned to a second chance
4 school if the school district in which the student resides has
5 a second chance school and if the student meets one of the
6 following criteria:

7 a. The student habitually exhibits disruptive behavior
8 in violation of the code of student conduct adopted by the
9 school board.

10 b. The student interferes with the student's own
11 learning or the educational process of others and requires
12 attention and assistance beyond that which the traditional
13 program can provide, or, while the student is under the
14 jurisdiction of the school either in or out of the classroom,
15 frequent conflicts of a disruptive nature occur.

16 c. The student has committed a serious offense which
17 warrants suspension or expulsion from school according to the
18 district code of student conduct. For the purposes of this
19 program, "serious offense" is behavior which:

20 (I) Threatens the general welfare of students or
21 others with whom the student comes into contact;

22 (II) Includes violence;

23 (III) Includes possession of weapons or drugs; or

24 (IV) Is harassment or verbal abuse of school personnel
25 or other students.

26 4. A student who is at risk of dropping out of school
27 or who has been referred to the Department of Juvenile
28 Justice, and has not been adjudicated for a delinquency
29 offense, may participate in a residential academy.
30 Participation in a residential academy is voluntary and upon
31 request of the student's parent or guardian. The local school

1 board and the Department of Juvenile Justice shall establish a
2 case staffing committee to consider and approve applications
3 for placement in a residential academy. Such placement may be
4 for the purpose of preventing the student from failing,
5 dropping out of school, or becoming further involved in
6 juvenile delinquency and crime.

7 ~~5.4.~~ Prior to assignment of students to second chance
8 schools, school boards are encouraged to use alternative
9 programs, such as in-school suspension, which provide
10 instruction and counseling leading to improved student
11 behavior, a reduction in the incidence of truancy, and the
12 development of more effective interpersonal skills.

13 ~~6.5.~~ Students assigned to second chance schools must
14 be evaluated by the school's local child study team before
15 placement in a second chance school. The study team shall
16 ensure that students are not eligible for placement in a
17 program for emotionally disturbed children.

18 ~~7.6.~~ Students who exhibit academic and social progress
19 and who wish to return to a traditional school shall be
20 evaluated by school district personnel prior to reentering a
21 traditional school.

22 ~~8.7.~~ Second chance schools shall be funded at the
23 dropout prevention program weight pursuant to s. 236.081 and
24 may receive school safety funds or other funds as appropriate.

25 (10) OBLIGATION OF PARENTS AND LEGAL GUARDIANS OF
26 STUDENTS IN PROGRAMS FUNDED UNDER THIS SECTION.--A parent or
27 legal guardian of a student assigned to a program funded under
28 this section who willfully violates or fails to substantially
29 comply with the requirements of such assignment shall be
30 subject to the penalties under s. 232.19.

31

1 (11)(10) RULES.--The Department of Education may ~~shall~~
2 ~~have the authority to~~ adopt any rules necessary to implement
3 the provisions of this section; such rules shall require the
4 minimum amount of paperwork and reporting necessary for
5 compliance to comply with this act. ~~By January 1, 1995,~~
6 ~~current rules regarding this section shall be revised.~~

7 Section 19. Section 39.085, Florida Statutes, is
8 amended to read:

9 39.085 Alternative Education Institute.--

10 (1) The Alternative Education Institute ~~Effective upon~~
11 ~~this act becoming a law, there is established, housed for~~
12 administrative purposes within the Department of Education.
13 The purpose of the Alternative Education Institute is to
14 acquire and administer ~~which may immediately contract with a~~
15 ~~private provider for alternative education programs in~~
16 residential school facilities. ~~The programs shall be funded~~
17 with PECO funds in which alternative education programs are
18 conducted for students who are at risk of dropping out of
19 school and have not been adjudicated for a delinquent act ~~and~~
20 ~~shall serve juvenile offenders who have been prosecuted as~~
21 ~~adults or who have been committed to a high-risk residential~~
22 ~~program or a maximum-risk residential program of the~~
23 ~~Department of Juvenile Justice.~~

24 (2) The institute shall be a not-for-profit
25 corporation consisting of a 13-member board acting as an
26 instrumentality of the state. The institute ~~and~~ may receive,
27 hold, invest, and administer property and any moneys or
28 donated lands or facilities received from private, state, and
29 federal sources, as well as technical and professional income
30 generated or derived from education practice activities of the
31 institute, for the benefit of the institute and the

1 fulfillment of its educational mission. ~~The affairs of the~~
2 ~~corporation shall be managed by a board of directors who shall~~
3 ~~serve without compensation.~~

4 (3)(a)(2) The institute's board members shall be
5 appointed as follows:~~institute shall be a 13-member board,~~
6 ~~with~~ 7 members appointed by the Governor, 3 members appointed
7 by the President of the Senate, and 3 members appointed by the
8 Speaker of the House of Representatives. Each member shall be
9 appointed to a term of 3 years, and may be reappointed to the
10 board. Appointees to the board shall not be persons who hold
11 other offices. All members must be appointed no later than
12 ~~June 1, 1994. The board shall select a chair from among its~~
13 ~~members.~~

14 (b) The board members shall comply with part III of
15 chapter 112. The members of the board shall serve without
16 compensation, but may receive reimbursement for per diem and
17 travel as provided in s. 112.061.

18 (c)(3) The board shall select a chair from among its
19 members.~~Each member shall have only one vote, shall be~~
20 ~~appointed to a term of 3 years, and may be reappointed to the~~
21 ~~board. Any member who misses three consecutive meetings of the~~
22 ~~board without being excused by the chair is automatically~~
23 ~~removed from the board, and such vacancy shall be filled by~~
24 ~~the appointing authority for the vacant position within 45~~
25 ~~days after the date on which the vacancy occurs.~~

26 (4) In order to carry out the mission established in
27 subsection (1), the institute is responsible for:

28 (a) Developing the education facilities fixed capital
29 outlay and operational plans.

30 (b) Assuring compliance on all siting and contracting
31 issues relating to the construction, including repair and

1 renovation, and operation of residential school facilities for
2 alternative education programs.

3 (c) Obtaining ~~Preparing~~ an annual audit ~~postaudit~~ of
4 the institute's not-for-profit corporation's financial
5 accounts and the financial accounts of any of the residential
6 alternative education program providers ~~its for-profit or~~
7 ~~not-for-profit subsidiaries~~, to be performed ~~conducted~~ by an
8 independent certified public accountant. The annual audit
9 report must include a management letter ~~letters~~ and shall be
10 submitted to the Auditor General for review. The board and the
11 Auditor General may require and receive from the residential
12 alternative education program providers ~~not-for-profit~~
13 ~~corporation and any subsidiaries~~, or from their independent
14 auditor, any detail or supplemental data relative to the
15 operation of the institute not-for-profit corporation or the
16 residential alternative education program providers ~~its~~
17 ~~subsidiary~~.

18 (d) Providing by the institute not-for-profit
19 ~~corporation~~ and the residential alternative education program
20 providers ~~its for-profit or not-for-profit subsidiaries~~ of
21 equal employment opportunities to all persons regardless of
22 race, color, religion, sex, age, or national origin.

23 (e) Safeguarding the integrity of PECO funds for
24 ~~Establishing~~ programs that ~~which~~ fulfill the education mission
25 of the institute.

26 (f) Safeguarding the integrity of PECO funds for
27 ~~Establishing~~ programs that fulfill the alternative education
28 mission of the institute.

29 (g) Controlling the budget and the dollars
30 appropriated or donated to the institute from private, state,
31 and federal sources.

1 (h) Appointing members to carry out the educational
2 activities of the institute and determine compensation,
3 benefits, and terms of service.

4 (i) Controlling the use and assignment of space and
5 equipment within the residential school facilities.

6 (j) Creating the administrative structure necessary to
7 carry out the mission of the institute.

8 (k) Reporting to the Department of Education, the
9 Department of Juvenile Justice, and the Legislature.

10 (l) Providing a copy of the institute's annual report
11 to the Governor and Cabinet, the President of the Senate, and
12 the Speaker of the House of Representatives by December 15 of
13 each year.

14 (5) If the contract of a residential alternative
15 education program provider ~~agreement between the~~
16 ~~not-for-profit corporation and the institute~~ is terminated for
17 any reason, the institute shall assume governance ~~and~~
18 ~~operation~~ of the residential school facility facilities.

19 ~~(6) In carrying out the provisions of this section,~~
20 ~~the not-for-profit corporation and its for-profit or~~
21 ~~not-for-profit subsidiaries are not "agencies" within the~~
22 ~~meaning of s. 20.03(11).~~

23 (6) The institute shall enter into an interagency
24 cooperation and information-sharing agreement with the
25 Department of Juvenile Justice and the Department of Education
26 to ensure coordination of services to students in residential
27 education programs and a cooperative working relationship
28 between the institute and those departments.

29 (7) The institute shall provide full cooperation to
30 the Department of Juvenile Justice to ensure that residential
31 alternative education programs operating in institute school

1 facilities cooperate fully with the department's inspector
2 general and with the department's quality assurance
3 requirements.

4 Section 20. Section 230.235, Florida Statutes, is
5 created to read:

6 230.235 Policy of zero tolerance for crime.--

7 (1) Each school district shall adopt a policy of zero
8 tolerance for crime, including criminal substance abuse
9 violations, pursuant to this section.

10 (2) Any public school official or employee of a
11 district school board who has knowledge of or information
12 regarding the commission of a felony, or a delinquent act
13 which would be a felony if committed by an adult, on school
14 property, at a school bus stop, on a school bus, or during a
15 school-sponsored function at which school personnel are
16 responsible for students, by any elementary, middle, or high
17 school student or any other person, must report such activity
18 to the appropriate law enforcement agency.

19 (3) The district school board shall enter into a
20 cooperative agreement with local law enforcement agencies to
21 specify, in writing, the violent misdemeanors, or incidents
22 that would be violent misdemeanors if committed by an adult,
23 that a public school official or any employee of a district
24 school board must report to a law enforcement agency when
25 committed by any middle or high school student or any other
26 person on school property, at a school bus stop, on a school
27 bus, or during a school-sponsored function at which school
28 personnel are responsible for students. The agreement must
29 include offenses that all parties agree should be reported in
30 order to promote a safe and orderly learning environment for
31 all students. The district school board and local law

1 enforcement agencies shall review the cooperative agreement
2 each year and modify the agreement as necessary.

3 Section 21. Section 232.277, Florida Statutes, is
4 amended to read:

5 232.277 Reports of suspected substance or alcohol
6 abuse; exemption from liability.--

7 (1) School personnel are required to report to the
8 principal or principal's designee any suspected unlawful use,
9 possession, or sale by a student of any controlled substance,
10 as defined in s. 893.02; any counterfeit controlled substance,
11 as defined in s. 831.31; any alcoholic beverage, as defined in
12 s. 561.01(4); or model glue. School personnel are exempt from
13 civil liability when reporting in good faith to the proper
14 school authority such suspected unlawful use, possession, or
15 sale by a student. Only a principal or principal's designee
16 is authorized to contact a parent or legal guardian of a
17 student regarding this situation.

18 (2)(a) It is the intent of the Legislature that all
19 school students understand that the magnitude of the harm
20 caused by unlawful use, possession, or sale of the substances
21 set forth in subsection (1) mandates the reporting of
22 occurrences of such unlawful acts for prosecution or other
23 action as appropriate.

24 (b) Reports made and verified under subsection (1)
25 shall be forwarded to an appropriate agency.

26 (c) School personnel shall timely notify the student's
27 parent, guardian, or legal custodian that a verified report
28 made under subsection (1) with respect to the student has been
29 made and forwarded as provided for in this subsection.

30 Section 22. Effective October 1, 1997, section
31 790.115, Florida Statutes, is amended to read:

1 790.115 Possessing or discharging weapons or firearms
2 on school property prohibited; penalties; exceptions.--

3 (1) A person who exhibits any sword, sword cane,
4 firearm, electric weapon or device, destructive device, or
5 other weapon, including a razor blade, box cutter, or knife
6 with a blade length greater than 4 inches, except as
7 authorized in support of school-sanctioned activities,in the
8 presence of one or more persons in a rude, careless, angry, or
9 threatening manner and not in lawful self-defense, on the
10 grounds or facilities of any school, school bus, or school bus
11 stop, or within 1,000 feet of the real property that comprises
12 a public or private elementary school, middle school, or
13 secondary school, during school hours or during the time of a
14 sanctioned school activity, commits a felony of the third
15 degree, punishable as provided in s. 775.082, s. 775.083, or
16 s. 775.084. This subsection does not apply to the exhibition
17 of a firearm or weapon on private real property within 1,000
18 feet of a school by the owner of such property or by a person
19 whose presence on such property has been authorized, licensed,
20 or invited by the owner.

21 (2)(a) A person shall not possess any firearm,
22 electric weapon or device, destructive device, or other
23 weapon, including a razor blade, box cutter, or knife with a
24 blade length greater than 4 inches, except as authorized in
25 support of school-sanctioned activities,on the property of
26 any school, school bus, or school bus stop; however, a person
27 may carry a firearm:

28 1. In a case to a firearms program, class or function
29 which has been approved in advance by the principal or chief
30 administrative officer of the school as a program or class to
31 which firearms could be carried;

1 2. In a case to a vocational school having a firearms
2 training range; or

3 3. In a vehicle pursuant to s. 790.25(5); except that
4 school districts may adopt written and published policies that
5 waive the exception in this subparagraph for purposes of
6 student and campus parking privileges.

7
8 For the purposes of this section, "school" means any
9 preschool, elementary school, middle school, junior high
10 school, secondary school, vocational school, or postsecondary
11 school, whether public or nonpublic.

12 (b) A person who willfully and knowingly possesses any
13 electric weapon or device, destructive device, or other
14 weapon, including a razor blade, box cutter, or knife with a
15 blade length greater than 4 inches, except as authorized in
16 support of school-sanctioned activities, in violation of this
17 subsection commits a felony of the third degree, punishable as
18 provided in s. 775.082, s. 775.083, or s. 775.084.

19 (c)1. A person who willfully and knowingly possesses
20 any firearm in violation of this subsection commits a felony
21 of the third degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 2. A person who stores or leaves a loaded firearm
24 within the reach or easy access of a minor who obtains the
25 firearm and commits a violation of subparagraph 1. commits a
26 misdemeanor of the second degree, punishable as provided in s.
27 775.082 or s. 775.083; except that this does not apply if the
28 firearm was stored or left in a securely locked box or
29 container or in a location which a reasonable person would
30 have believed to be secure, or was securely locked with a
31 firearm-mounted push-button combination lock or a trigger

1 lock; if the minor obtains the firearm as a result of an
2 unlawful entry by any person; or to members of the Armed
3 Forces, National Guard, or State Militia, or to police or
4 other law enforcement officers, with respect to firearm
5 possession by a minor which occurs during or incidental to the
6 performance of their official duties.

7 (d) A person who discharges any weapon or firearm
8 while in violation of paragraph (a), unless discharged for
9 lawful defense of himself or another or for a lawful purpose,
10 commits a felony of the second degree, punishable as provided
11 in s. 775.082, s. 775.083, or s. 775.084.

12 (e) The penalties of this subsection shall not apply
13 to persons licensed under s. 790.06. Persons licensed under
14 s. 790.06 shall be punished as provided in s. 790.06(12),
15 except that a licenseholder who unlawfully discharges a weapon
16 or firearm on school property as prohibited by this subsection
17 commits a felony of the second degree, punishable as provided
18 in s. 775.082, s. 775.083, or s. 775.084.

19 (3) This section does not apply to any law enforcement
20 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
21 (8), (9), or (14).

22 Section 23. Section 230.23015, Florida Statutes, 1996
23 Supplement, is amended to read:

24 230.23015 Students violating s. 784.081; expulsion or
25 ~~and~~ placement in alternative school setting.--Notwithstanding
26 any other provision of law, each district school board shall
27 adopt rules providing that any student found to have committed
28 a violation of s. 784.081(1), (2), or (3)shall be expelled or
29 ~~and~~ placed in an alternative school setting or other youth
30 services or justice program, as appropriate for a minimum
31 ~~period of 1 year~~. Upon being charged with the offense, the

1 student shall be removed from the classroom immediately and
2 placed in an alternative school setting pending disposition.

3 Section 24. Except as otherwise provided herein, this
4 act shall take effect July 1, 1997.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31