

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

1 providing penalties for termination of an  
2 employee required to attend such classes, under  
3 certain circumstances; authorizing the court to  
4 impose civil penalties on, or require  
5 participation in community service or  
6 counseling by, the child; amending s. 232.195,  
7 F.S., relating to truancy activities upon  
8 transfer of student, to conform; creating s.  
9 232.197, F.S.; requiring notification to a  
10 school of court action directly involving the  
11 school; amending s. 232.2452, F.S.; revising  
12 requirements relating to student report cards;  
13 amending s. 232.25, F.S., relating to pupils  
14 subject to control of school; providing for a  
15 school child's daily conduct pledge; amending  
16 s. 39.015, F.S., relating to rulemaking  
17 regarding habitual truants, to conform to the  
18 act; amending s. 230.2316, F.S., relating to  
19 dropout prevention; providing that second  
20 chance schools may include residential  
21 academies; providing criteria for  
22 establishment, operation, and funding of  
23 residential academies; providing criteria for  
24 participation; requiring parents and legal  
25 guardians of students assigned to programs  
26 funded by the dropout prevention program to  
27 comply with the requirements of the assignment  
28 and providing penalties; amending s. 39.085,  
29 F.S.; revising provisions relating to the  
30 Alternative Education Institute, to convert its  
31 mission and procedures and clarify its

1 membership and duties; creating s. 230.235,  
2 F.S.; requiring school districts to adopt a  
3 policy of zero tolerance for crime, including  
4 criminal substance abuse violations; amending  
5 s. 232.277, F.S.; requiring reporting and  
6 notification of student substance abuse;  
7 amending s. 790.115, F.S.; expanding offenses  
8 that are punishable as possessing or  
9 discharging weapons or firearms on school  
10 property and providing a qualifier to an  
11 exception from such offense; amending s.  
12 230.23015, F.S.; clarifying provisions relating  
13 to students who commit assault or battery on  
14 school personnel; repealing s. 322.0601, F.S.,  
15 relating to driver's licenses for minors;  
16 providing effective dates.  
17

18 WHEREAS, the primary focus of the 1997 Legislature is  
19 education, and

20 WHEREAS, in the first month of the 1997 session, the  
21 Legislature has passed two major components of its education  
22 agenda, the first of which raises student academic standards  
23 across the board and the second of which provides for  
24 better-educated and better-prepared teachers, and

25 WHEREAS, a third major component of the 1997  
26 legislative education agenda is student discipline and school  
27 safety, and

28 WHEREAS, it is the intent of the Legislature to raise  
29 the standards of student discipline and school safety as  
30 dramatically as it has raised student academic and teacher  
31 certification standards, NOW, THEREFORE,

1 Be It Enacted by the Legislature of the State of Florida:  
2

3 Section 1. Section 232.09, Florida Statutes, is  
4 amended to read:

5 232.09 Parents and legal guardians responsible for  
6 attendance of children; attendance policy.--

7 (1) The Legislature finds:

8 (a) It is essential that our children receive an  
9 education.

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

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

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

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

18 (f) If a juvenile refuses to attend school or a parent  
19 or guardian refuses to compel the child to attend school,  
20 there must exist an efficient and expedient process to enforce  
21 attendance laws.

22 (2) Each parent and legal guardian of a child within  
23 the compulsory attendance age ~~is shall be~~ responsible for the  
24 ~~such~~ child's school attendance as required by law. The  
25 absence of a child from school ~~is shall be~~ prima facie  
26 evidence of a violation of this section; however, ~~no~~ criminal  
27 prosecution ~~may not shall~~ be brought against a parent,  
28 guardian, or other person having control of the child until  
29 the provisions of s. 232.17(2)(~~c~~) have been complied with. A  
30 ~~No~~ parent or guardian of a child is not shall be held  
31

1 responsible for the ~~such~~ child's nonattendance at school under  
2 any of the following conditions:

3       (a)~~(1)~~ With permission.--The absence was with  
4 permission of the head of the school; or

5       (b)~~(2)~~ Without knowledge.--The absence was without the  
6 parent's knowledge, consent, or connivance, in which case the  
7 child shall be dealt with as a dependent child; or

8       (c)~~(3)~~ Financial inability.--The parent was unable  
9 financially to provide necessary clothes for the child, which  
10 inability was reported in writing to the superintendent prior  
11 to the opening of school or immediately after the beginning of  
12 such inability; provided, that the validity of any claim for  
13 exemption under this subsection shall be determined by the  
14 superintendent subject to appeal to the school board; or

15       (d)~~(4)~~ Sickness, injury, or other insurmountable  
16 condition.--Attendance was impracticable or inadvisable on  
17 account of sickness or injury, attested to by a written  
18 statement of a licensed practicing physician, or was  
19 impracticable because of some other stated insurmountable  
20 condition as defined by regulations of the state board. If a  
21 student is continually sick and repeatedly absent from school,  
22 he or she must be under the supervision of a physician in  
23 order to receive an excuse from attendance. Such excuse  
24 provides that a student's condition justifies absence for more  
25 than the number of days permitted by the district school  
26 board.

27  
28 Each district school board shall establish an attendance  
29 policy which includes, but is not limited to, the required  
30 number of days each school year that a student must be in  
31 attendance and the number of absences and tardinesses after

1 which a statement explaining such absences and tardinesses  
2 must be on file at the school. Each school in the district  
3 must determine if an absence or tardiness is excused or  
4 unexcused according to criteria established by the district  
5 school board.

6 Section 2. Section 232.0205, Florida Statutes, is  
7 created to read:

8 232.0205 Disclosure at school registration.--According  
9 to procedures established by the district school board, each  
10 student at the time of initial registration for school in a  
11 school district shall note previous school expulsions, arrests  
12 resulting in a charge, and juvenile justice actions the  
13 student has had.

14 Section 3. Paragraph (c) of subsection (1) of section  
15 232.01, Florida Statutes, is amended to read:

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

18 (1)

19 (c) A child who attains the age of 16 years during the  
20 school year shall not be required to attend school beyond the  
21 date upon he or she attains that age. A child who is subject  
22 to compulsory school attendance who intends to terminate  
23 school enrollment shall file a declaration of such intent.  
24 The declaration must acknowledge that terminating school  
25 enrollment is likely to reduce the student's earning potential  
26 and must be signed by the child and the child's parent or  
27 legal guardian. A child who attains the age of 18 years during  
28 the school year is not subject to compulsory school attendance  
29 beyond the date upon which he or she attains that age.  
30

31

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

4 39.01 Definitions.--When used in this chapter:

5 (12) "Child in need of services" means a child for  
6 whom there is no pending investigation into an allegation or  
7 suspicion of abuse, neglect, or abandonment; no pending  
8 referral alleging the child is delinquent; or no current  
9 supervision by the Department of Juvenile Justice or the  
10 Department of Health and Rehabilitative Services for an  
11 adjudication of dependency or delinquency. The child must  
12 also, pursuant to this chapter, be found by the court:

13 (b) To be habitually truant from school, while subject  
14 to compulsory school attendance, despite reasonable efforts to  
15 remedy the situation pursuant to ss. 232.17 and 232.19 ~~s.~~  
16 ~~232.19~~ and through voluntary participation by the child's  
17 parents or legal custodians and by the child in family  
18 mediation, services, and treatment offered by the Department  
19 of Juvenile Justice or the Department of Health and  
20 Rehabilitative Services; or

21 (73) "To be habitually truant" means that:

22 (a) The child has 15 unexcused absences within 90  
23 calendar days with or without the knowledge or justifiable  
24 consent of the child's parent or legal guardian, is subject to  
25 compulsory school attendance under s. 232.01, and is not  
26 exempt under ~~from attendance by virtue of being over the age~~  
27 ~~of compulsory school attendance or by meeting the criteria in~~  
28 ~~s. 232.06, s. 232.09, or any other exemptions specified by law~~  
29 ~~or the rules of the State Board of Education.~~†

30 (b) ~~In addition to the actions described in s. 232.17,~~  
31 ~~the school administration has completed the following~~

1 Escalating activities to determine the cause, and to attempt  
2 the remediation, of the child's truant behavior under ss.  
3 232.17 and 232.19 have been completed.†

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

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

22 ~~3. Educational evaluation, pursuant to the~~  
23 ~~requirements of s. 232.19(3)(b)3., has been provided.~~† and

24 ~~4. The school social worker, the attendance assistant,~~  
25 ~~or the school superintendent's designee if there is no school~~  
26 ~~social worker or attendance assistant has referred the student~~  
27 ~~and family to the children-in-need-of-services and~~  
28 ~~families-in-need-of-services provider or the case staffing~~  
29 ~~committee, established pursuant to s. 39.426, as determined by~~  
30 ~~the cooperative agreement required in s. 232.19(3). The case~~  
31 ~~staffing committee may request the department or its designee~~



1 ~~to file a child-in-need-of-services petition based upon the~~  
2 ~~report and efforts of the school district or other community~~  
3 ~~agency or may seek to resolve the truancy behavior through the~~  
4 ~~school or community-based organizations or agencies.~~

5  
6 If a child who is subject to ~~within the~~ compulsory school  
7 attendance ~~age~~ is responsive to the interventions described in  
8 ss. 232.17 and 232.19 ~~this paragraph~~ and has completed the  
9 necessary requirements to pass the current grade as indicated  
10 in the district pupil progression plan, the child shall not be  
11 determined to be habitually truant and shall be passed. If a  
12 child within the compulsory school attendance age has 15  
13 unexcused absences within 90 calendar days or fails to enroll  
14 in school, the State Attorney may file a  
15 child-in-need-of-services petition. Prior to filing a  
16 petition, the child must be referred to the appropriate agency  
17 for evaluation. After consulting with the evaluating agency,  
18 the State Attorney may elect to file a  
19 child-in-need-of-services petition.

20 (c) A school representative, designated according to  
21 school board policy ~~school social worker or other person~~  
22 ~~designated by the school administration, if the school does~~  
23 ~~not have a school social worker~~, and an intake counselor or  
24 case manager of the Department of Juvenile Justice have  
25 jointly investigated the truancy problem or, if that was not  
26 feasible, have performed separate investigations to identify  
27 conditions which may be contributing to the truant behavior;  
28 and if, after a joint staffing of the case to determine the  
29 necessity for services, such services were determined to be  
30 needed, the persons who performed the investigations met  
31 jointly with the family and child to discuss any referral to

1 appropriate community agencies for economic services, family  
2 or individual counseling, or other services required to remedy  
3 the conditions that are contributing to the truant behavior.~~†~~  
4 ~~and~~

5 (d) The failure or refusal of the parent or legal  
6 guardian or the child to participate, or make a good faith  
7 effort to participate, in the activities prescribed to remedy  
8 the truant behavior, or the failure or refusal of the child to  
9 return to school after participation in activities required by  
10 this subsection, or the failure of the child to stop the  
11 truant behavior after the school administration and the  
12 Department of Juvenile Justice have worked with the child as  
13 described in s. 232.19(3) shall be handled as prescribed in s.  
14 232.19.

15 Section 5. Subsections (28) and (29) of section  
16 228.041, Florida Statutes, 1996 Supplement, are amended to  
17 read:

18 228.041 Definitions.--Specific definitions shall be as  
19 follows, and wherever such defined words or terms are used in  
20 the Florida School Code, they shall be used as follows:

21 (28) HABITUAL TRUANT.--A habitual truant is a student  
22 who has 15 unexcused absences within 90 calendar days with or  
23 without the knowledge or consent of the student's parent or  
24 legal guardian, is subject to compulsory school attendance  
25 under s. 232.01, and is not exempt under ~~and who is not exempt~~  
26 ~~from attendance by virtue of being over the age of compulsory~~  
27 ~~school attendance, by meeting the criteria in s. 232.06 or s.~~  
28 232.09, or by meeting the criteria for any other exemption  
29 specified by law or rules of the State Board of Education.  
30 Such a student must have been the subject of the activities  
31 specified in ss. 232.17 and 232.19, without resultant

1 successful remediation of the truancy problem before being  
2 dealt with as a child in need of services according to the  
3 provisions of chapter 39.

4 (29) DROPOUT.--A dropout is a student not subject to  
5 ~~over the age of~~ compulsory school attendance, as defined in s.  
6 232.01, who meets any one or more of the following criteria:

7 (a) The student has voluntarily removed himself or  
8 herself from the school system before graduation for reasons  
9 that include, but are not limited to, marriage or entrance  
10 into the military, or the student has withdrawn from school  
11 because he or she has failed the statewide student assessment  
12 test and thereby does not receive any of the certificates of  
13 completion;

14 (b) The student has not met the relevant attendance  
15 requirements of the school district pursuant to State Board of  
16 Education rules, or the student was expected to attend a  
17 school but did not enter as expected for unknown reasons, or  
18 the student's whereabouts are unknown;

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

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

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

29  
30 Students not exempt from attendance pursuant to s. 232.06 and  
31 who are subject to ~~under the age of~~ compulsory school

1 attendance under s. 232.01 and who stop attending school are  
 2 ~~shall be known as~~ habitual truants as defined in subsection  
 3 (28) and are not ~~to be~~ considered dropouts. The State Board  
 4 of Education may adopt rules to implement the provisions of  
 5 this subsection.

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

8 232.2462 Attendance requirement for receipt of high  
 9 school credit; definition of "credit".--

10 (2) A student may not be awarded a credit if he or she  
 11 has not been in for instruction for a minimum of 135 hours  
 12 unless he or she has demonstrated mastery of the student  
 13 performance standards in the course of study as provided by  
 14 rules of the district school board. Excused absences as  
 15 determined by the district school board and as carried out by  
 16 the secondary school principal shall not be counted against  
 17 the 135-hour minimum requirement. Criteria for determining  
 18 excused absences shall be as provided in s. 232.022,s.  
 19 232.0225, absence for religious instruction, or a religious  
 20 holiday, and s. 232.09(2)(d)~~(4)~~, absence due to sickness,  
 21 injury, or other insurmountable condition, and absence due to  
 22 participation in an academic class or program. Missed work  
 23 shall be made up, as provided in the pupil progression plan  
 24 established by the district school board by rule, for all  
 25 excused absences. The difference between the 135-hour minimum  
 26 requirement and the 150-hour definition of full credit  
 27 established in this section may at the discretion of the  
 28 secondary school principal be used for noninstructional  
 29 extracurricular activities unless otherwise provided by  
 30 district school board rule. In credit programs operated in the  
 31

1 period beyond 180 school days, each full-credit course must be  
2 established for a minimum of 120 hours.

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

5 414.125 Learnfare program.--

6 (2) Each recipient with a school-age child is required  
7 to have a conference with an appropriate school official of  
8 the child's school during each grading period to assure that  
9 the recipient is involved in the child's educational progress  
10 and is aware of any existing attendance or academic problems.  
11 The conference must address acceptable student attendance,  
12 grades, and behavior and must be documented by the school and  
13 reported to the department. The department shall notify a  
14 school of any student in attendance at that school who is a  
15 participant in the Learnfare program in order that the  
16 required conferences are held.

17 Section 8. Section 232.17, Florida Statutes, 1996  
18 Supplement, is amended to read:

19 232.17 Enforcement of school attendance ~~Attendance~~  
20 ~~assistants; qualifications; compensation; duties.--~~ Pursuant to  
21 procedures established by the district school board, a  
22 designated school representative must complete activities  
23 designed to determine the cause and attempt the remediation of  
24 truant behavior, as provided in this section. ~~Provisions for~~  
25 ~~the employment, qualifications, compensation, and duties of~~  
26 ~~attendance assistants shall be as follows:~~

27 (1) ~~EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE~~  
28 ~~ASSISTANTS.--~~ The school board, upon the recommendation of the  
29 superintendent, may employ and fix the compensation, including  
30 reimbursement for travel, of a sufficient number of qualified  
31 attendance assistants to guarantee regular attendance at

1 ~~school of all children of the district within compulsory~~  
2 ~~school-age requirements who are not herein exempted from~~  
3 ~~attendance.~~

4 ~~(2) DUTIES AND RESPONSIBILITIES OF ATTENDANCE~~  
5 ~~ASSISTANTS.--The duties and responsibilities of the attendance~~  
6 ~~assistant shall be exercised under the direction of the~~  
7 ~~superintendent and shall be as follows:~~

8 ~~(a) Maintain records.--Pupil accounting records,~~  
9 ~~unless maintained by others assigned by the superintendent,~~  
10 ~~shall be kept by attendance assistants. These records shall~~  
11 ~~be on forms approved pursuant to regulations of the state~~  
12 ~~board.~~

13 ~~(1)(b) INVESTIGATE NONENROLLMENT AND UNEXCUSED~~  
14 ~~ABSENCES.--A designated school representative in accordance~~  
15 ~~with procedure established by the state board, attendance~~  
16 ~~assistants shall investigate cases of nonenrollment and~~  
17 ~~unexcused absences from school of all children subject to~~  
18 ~~compulsory school attendance within the compulsory school age.~~

19 ~~(2)(c) GIVE WRITTEN NOTICE.--Under the direction of~~  
20 ~~the superintendent, a designated school representative ~~the~~~~  
21 ~~~~attendance assistant~~ shall give written notice, ~~either~~ in~~  
22 ~~person or by return-receipt ~~registered~~ mail, to the parent,~~  
23 ~~guardian, or other person having control when no valid reason~~  
24 ~~is found for a child's nonenrollment in school or when the~~  
25 ~~child has a minimum of 3 but fewer than 6 ~~15~~ unexcused~~  
26 ~~absences within 90 calendar days, requiring enrollment or~~  
27 ~~attendance within 3 days after ~~from~~ the date of notice. If~~  
28 ~~the ~~such~~ notice and requirement are ignored, the designated~~  
29 ~~school representative ~~attendance assistant~~ shall report the~~  
30 ~~case to the superintendent, and may refer the case to the case~~  
31 ~~staffing committee, established pursuant to s. 39.426, if the~~

1 conditions of s. 232.19(3) have been met. The superintendent  
2 may take such steps as are necessary to bring criminal  
3 prosecution against the parent, guardian, or other person  
4 having control. ~~No further written notice of the child's~~  
5 ~~absence from school is required to be given to the parent,~~  
6 ~~guardian, or other person having control unless the child,~~  
7 ~~upon his or her return to school, remains in attendance for 10~~  
8 ~~consecutive days.~~

9 (3)(d) RETURN CHILD TO PARENT.--A designated school  
10 representative ~~The attendance assistant~~ shall visit the home  
11 or place of residence of a child and any other place in which  
12 he or she is likely to find any child who is required to  
13 attend school when such child is not enrolled or is absent  
14 from school during school hours without an excuse, and, when  
15 the such child is has been found, shall return the child to  
16 his or her parent or to the principal or teacher in charge of  
17 the school, or to the private tutor from whom absent.

18 ~~(e) Visit home.--The attendance assistant shall visit~~  
19 ~~promptly the home of each child of school age in his or her~~  
20 ~~attendance district not in attendance upon the school, and of~~  
21 ~~any child who should attend the Florida State School for the~~  
22 ~~Deaf and the Blind, and who is reported as not enrolled in~~  
23 ~~that school or as absent without excuse.~~

24 (4) WRITTEN NOTICE.--If no valid reason is found for  
25 such nonenrollment or absence, ~~from such school or schools~~ the  
26 designated school representative attendance assistant shall  
27 give written notice to the parent, requiring the child's  
28 enrollment or attendance ~~as prescribed above~~. The designated  
29 school representative attendance assistant shall secure the  
30 written approval of the president of the Florida State School  
31 for the Deaf and the Blind before he or she directs or

1 requests the parents of any child to take or send such child  
2 to that school. Ten days' notice must be given in the case of  
3 a child who is ordered sent to that school. On refusal or  
4 failure of the parent to meet such requirement, the designated  
5 school representative ~~attendance assistant~~ shall report the  
6 same to the superintendent, and that official shall proceed to  
7 take such action as is prescribed in s. 232.19(2).

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

15 (6)(g) RIGHT TO INSPECT.--A designated school  
16 representative ~~The attendance assistant~~ shall have the same  
17 right of access to, and inspection of, establishments where  
18 minors may be employed or detained as is given by law to the  
19 Division of Jobs and Benefits only for the purpose of  
20 ascertaining whether children of compulsory school age are  
21 actually employed there and are actually working there  
22 regularly. The designated school representative ~~attendance~~  
23 ~~assistant~~ shall, if he or she finds unsatisfactory working  
24 conditions or violations of the Child Labor Law, report his or  
25 her findings to the Division of Jobs and Benefits or its  
26 agents.

27 (7)(h) RECORDS ~~Record of visits~~--Each designated  
28 school representative who performs duties according to this  
29 section ~~The attendance assistant~~ shall keep an accurate record  
30 of all children returned to schools or homes, of all cases  
31 prosecuted, and of all other service performed. A written



1 report of all such activities shall be made quarterly to the  
2 school board and shall be filed in the office of the  
3 superintendent. If a child repeats a pattern of nonattendance  
4 within one school year, the designated school representative  
5 shall resume the series of escalating activities at the point  
6 at which he or she had previously left off.

7 Section 9. Section 232.19, Florida Statutes, 1996  
8 Supplement, is amended to read:

9 232.19 Court procedure and penalties.--The court  
10 procedure and penalties for the enforcement of the provisions  
11 of this chapter, relating to compulsory school attendance,  
12 shall be as follows:

13 (1) COURT JURISDICTION.--The circuit court has  
14 original and exclusive jurisdiction of all proceedings  
15 against, or prosecutions of, children under the provisions of  
16 this chapter. Proceedings against, or prosecutions of, parents  
17 or employers as provided by this section shall be in the court  
18 of each county having jurisdiction of misdemeanors wherein  
19 trial by jury is afforded the defendant.

20 (2) NONENROLLMENT AND NONATTENDANCE CASES.--In each  
21 case of nonenrollment or of nonattendance upon the part of a  
22 child who is required to attend some school, when no valid  
23 reason for such nonenrollment or nonattendance is found, the  
24 superintendent shall institute a criminal prosecution against  
25 the child's parent.

26 (3) HABITUAL TRUANCY CASES.--In accordance with  
27 procedures established by the district school board, the  
28 designated school representative ~~The school social worker, the~~  
29 ~~attendance assistant, or the school superintendent's designee~~  
30 ~~if there is no school social worker or attendance assistant~~  
31 shall refer a student who is habitually truant and the

1 student's family to the children-in-need-of-services and  
 2 families-in-need-of-services provider or the case staffing  
 3 committee, established pursuant to s. 39.426, as determined by  
 4 the cooperative agreement required in this section. The case  
 5 staffing committee may request the Department of Juvenile  
 6 Justice or its designee to file a child-in-need-of-services  
 7 petition based upon the report and efforts of the school  
 8 district or other community agency or may seek to resolve the  
 9 truancy behavior through the school or community-based  
 10 organizations or agencies. Prior to and subsequent to the  
 11 filing of a child-in-need-of-services petition due to habitual  
 12 truancy, the appropriate governmental agencies must allow a  
 13 reasonable time to complete actions required by this  
 14 subsection to remedy the conditions leading to the truant  
 15 behavior. The following criteria must be met and documented in  
 16 writing prior to the filing of a petition:

17 (a) The child must have 15 unexcused absences within  
 18 90 calendar days with or without the knowledge or consent of  
 19 the child's parent or legal guardian, must be subject to  
 20 compulsory school attendance, and must not be exempt under ~~and~~  
 21 ~~must not be exempt from attendance by virtue of being over the~~  
 22 ~~age of compulsory school attendance or by meeting the criteria~~  
 23 ~~in~~ s. 232.06, s. 232.09, or any other exemption specified by  
 24 law or the rules of the State Board of Education.

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

29 1. After a minimum of 3 and prior to 6 ~~15~~ unexcused  
 30 absences within 90 calendar days, one or more meetings must  
 31 have been held, either in person or by phone, between a

1 designated school representative ~~school attendance assistant~~  
2 ~~or school social worker~~, the child's parent or guardian, and  
3 the child, if necessary, to report and to attempt to solve the  
4 truancy problem. However, if the designated school  
5 representative ~~school attendance assistant or school social~~  
6 ~~worker~~ has documented the refusal of the parent or guardian to  
7 participate in the meetings, this requirement has been met.

8  
9 2. Educational counseling must have been provided to  
10 determine whether curriculum changes would help solve the  
11 truancy problem, and, if any changes were indicated, such  
12 changes must have been instituted but proved unsuccessful in  
13 remedying the truant behavior. Such curriculum changes may  
14 include enrollment of the child in an alternative education  
15 program that meets the specific educational and behavioral  
16 needs of the child, including a second chance school, as  
17 provided for in s. 230.2316, designed to resolve truant  
18 behavior.

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

25 If a child who is subject to ~~within the~~ compulsory school  
26 attendance ~~age~~ is responsive to the interventions described in  
27 this paragraph and has completed the necessary requirements to  
28 pass the current grade as indicated in the district pupil  
29 progression plan, the child shall be passed.

30 (4) COOPERATIVE AGREEMENTS.--  
31

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

8           (a) Clearly defines each department's role,  
9 responsibility, and function in working with habitual truants  
10 and their families.

11           (b) Identifies and implements measures to resolve and  
12 reduce truant behavior.~~The interagency agreement shall~~  
13 ~~specify that the participants~~

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

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

26           (e) Designates which agency is ~~shall be~~ responsible  
27 for each of the intervention steps in ~~s. 39.01(73), or this~~  
28 section, to ~~if such designation shall~~ yield more effective and  
29 efficient intervention services.

30           ~~(5)(4)~~ ATTENDANCE REGISTER AS EVIDENCE.--The register  
31 of attendance of pupils at a public, parochial,

1 denominational, or private school, or of pupils taught by a  
2 private tutor, kept in compliance with rules ~~and regulations~~  
3 of the state board is prima facie evidence of the facts which  
4 it is required to show. A certified copy of any rule ~~or~~  
5 ~~regulation~~ and a statement of the date of its adoption ~~and~~  
6 ~~promulgation~~ by the state board is admissible as prima facie  
7 evidence of the provisions of the ~~such~~ rule ~~or regulation~~ and  
8 of the date of its adoption ~~or promulgation~~.

9  
10 (6)(5) PROCEEDINGS AND PROSECUTIONS; WHO MAY  
11 BEGIN.--Proceedings or prosecutions under ~~the provisions of~~  
12 this chapter may be commenced ~~begun~~ by the superintendent, by  
13 a designated school representative ~~an attendance assistant~~, by  
14 the probation officer of the county, by the executive officer  
15 of any court of competent jurisdiction, or by an officer of  
16 any court of competent jurisdiction, or by a duly authorized  
17 agent of the Department of Education or the Department of  
18 Juvenile Justice. If a proceeding has been commenced against  
19 both a parent or legal guardian and a child pursuant to this  
20 chapter, the presiding courts shall make every effort to  
21 coordinate sanctions against the child and parent or legal  
22 guardian, including ordering the child and parent or legal  
23 guardian to perform community service hours or attend  
24 counseling together.

25 (7)(6) PENALTIES.--The penalties for refusing or  
26 failing to comply with ~~the provisions of~~ this chapter shall be  
27 as follows:

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

29 1. A parent or legal guardian who refuses or fails to  
30 have a child who is under his or her control attend school  
31 regularly, or who refuses or fails to comply with the  
requirements in subsection (3), commits ~~is guilty of a~~

1 misdemeanor of the second degree, punishable as provided in s.  
2 775.082 or s. 775.083 ~~by law.~~

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

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

29       (b) The principal or teacher.--A principal or teacher  
30 in any charge of a school, public, parochial, denominational,  
31 or private school, or a private tutor who willfully violates

1 any provision of this chapter may, upon satisfactory proof of  
2 such violation, have his or her certificate revoked by the  
3 Department of Education.

4 (c) The employer.--

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

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

13 (d) The child.--

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

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

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

29 232.195 Continuation of truancy remedial activities  
30 upon transfer of student; retention of legal jurisdiction.--  
31

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.

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 be respectful at all times and obedient  
10 unless asked to do wrong.

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. Section 39.015, Florida Statutes, is  
23 amended to read:

24 39.015 Rules relating to habitual truants; adoption by  
25 Department of Education and Department of Juvenile  
26 Justice.--The Department of Juvenile Justice and the  
27 Department of Education shall work together on the development  
28 of, and shall adopt, rules as necessary for the implementation  
29 of ss. 39.01(73), 39.403(2), and 232.19~~(3)~~ ~~and (6)(a)~~.  
30  
31

1           Section 15. Paragraph (e) of subsection (3), paragraph  
2 (e) of subsection (4) and subsection (10) of section 230.2316,  
3 Florida Statutes, 1996 Supplement, are amended to read:

4           230.2316 Dropout prevention.--

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

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

21           1. Residential academies may be established and  
22 operated by school districts or through a joint agreement with  
23 a private entity, or a state or local public agency, for the  
24 purpose of providing a supportive and safe learning and living  
25 environment for high-risk students. Residential academies may  
26 provide educational services or use the services of other  
27 public schools in the school district. Residential academies  
28 are to be established for the purpose of assisting youth in  
29 being successful in school and preparing for postsecondary  
30 education or training.  
31

1           2. Educational services provided by residential  
 2 academies may be funded through the at-risk category of the  
 3 Florida Education Finance Program as provided in s. 236.081.  
 4 All residential care services may be provided through annual  
 5 appropriations by the Legislature to the Department of  
 6 Juvenile Justice.

7           3. For each student participating in a residential  
 8 academy, a contract detailing the authority, care, treatment,  
 9 and education goals must be executed between the parent and  
 10 the sponsoring agency. If the academy is operated by an  
 11 agency other than the school district, the school district  
 12 must approve the contract form.

13           4. Funding for the leasing, lease purchase,  
 14 renovation, or construction of facilities may be provided  
 15 through legislative appropriation.

16           (4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--All  
 17 programs funded pursuant to the provisions of this section  
 18 shall be positive and shall reflect strong parental and  
 19 community involvement. In addition, specific programs shall  
 20 meet the following criteria:

21           (e) Second chance schools.--

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

25           a. The student is a habitual truant as defined in s.  
 26 228.041(28).

27           b. The student's excessive absences have detrimentally  
 28 affected the student's academic progress and the student may  
 29 have unique needs that a traditional school setting may not  
 30 meet.  
 31

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

3 d. The student has been identified as at risk of  
4 dropping out of school.

5 2. A student who is habitually truant may be assigned  
6 to a second chance school only if the case staffing committee,  
7 established pursuant to s. 39.426, determines that such  
8 placement could be beneficial to the student and the criteria  
9 included in subparagraph 1. are met.

10 3. A student shall be assigned to a second chance  
11 school if the school district in which the student resides has  
12 a second chance school and if the student meets one of the  
13 following criteria:

14 a. The student habitually exhibits disruptive behavior  
15 in violation of the code of student conduct adopted by the  
16 school board.

17 b. The student interferes with the student's own  
18 learning or the educational process of others and requires  
19 attention and assistance beyond that which the traditional  
20 program can provide, or, while the student is under the  
21 jurisdiction of the school either in or out of the classroom,  
22 frequent conflicts of a disruptive nature occur.

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

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

29 (II) Includes violence;

30 (III) Includes possession of weapons or drugs; or  
31

1 (IV) Is harassment or verbal abuse of school personnel  
2 or other students.

3 4. Children eligible for participation in residential  
4 academies shall be children in grades 6 through 8 who are: in  
5 a school dropout prevention program; children in need of  
6 services, pursuant to s. 39.01(12); dependent children,  
7 pursuant to s. 39.01(14); or children within a family in need  
8 of services, pursuant to s. 39.01(30). Children eligible for  
9 participation in residential academies shall not have been  
10 adjudicated or had adjudication withheld for a delinquent act.  
11 Participation in a residential academy is voluntary and upon  
12 request of the student's parent or guardian. The local school  
13 board and the Department of Juvenile Justice shall establish a  
14 case staffing committee to consider and approve applications  
15 for placement in a residential academy. Such placement may be  
16 for the purpose of preventing the student from failing,  
17 dropping out of school, or becoming further involved in  
18 juvenile delinquency and crime.

19 ~~5.4.~~ Prior to assignment of students to second chance  
20 schools, school boards are encouraged to use alternative  
21 programs, such as in-school suspension, which provide  
22 instruction and counseling leading to improved student  
23 behavior, a reduction in the incidence of truancy, and the  
24 development of more effective interpersonal skills.

25 ~~6.5.~~ Students assigned to second chance schools must  
26 be evaluated by the school's local child study team before  
27 placement in a second chance school. The study team shall  
28 ensure that students are not eligible for placement in a  
29 program for emotionally disturbed children.

30 ~~7.6.~~ Students who exhibit academic and social progress  
31 and who wish to return to a traditional school shall be

1 evaluated by school district personnel prior to reentering a  
2 traditional school.

3 8.7. Second chance schools shall be funded at the  
4 dropout prevention program weight pursuant to s. 236.081 and  
5 may receive school safety funds or other funds as appropriate.

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

12 Section 16. Section 39.085, Florida Statutes, is  
13 amended to read:

14 39.085 Alternative Education Institute.--

15 (1) The Alternative Education Institute ~~Effective upon~~  
16 ~~this act becoming a law, there is established, housed for~~  
17 administrative purposes within the Department of Education.  
18 The purpose of the Alternative Education Institute is to  
19 acquire and administer ~~which may immediately contract with a~~  
20 ~~private provider for alternative education programs in~~  
21 ~~residential school facilities. The programs shall be funded~~  
22 with PECO funds in which alternative education programs are  
23 conducted for children in grades 6 through 8 who are: in a  
24 school dropout prevention program; children in need of  
25 services, pursuant to s. 39.01(12); dependent children,  
26 pursuant to s. 39.01(14); or children within a family in need  
27 of services, pursuant to s. 39.01(30). Children eligible for  
28 participation shall not have been adjudicated or had  
29 adjudication withheld for a delinquent act ~~and shall serve~~  
30 ~~juvenile offenders who have been prosecuted as adults or who~~  
31 ~~have been committed to a high-risk residential program or a~~

1 ~~maximum-risk residential program of the Department of Juvenile~~  
2 ~~Justice.~~

3       (2) The institute shall be a not-for-profit  
4 corporation consisting of a 13-member board acting as an  
5 instrumentality of the state. The institute ~~and~~ may receive,  
6 hold, invest, and administer property and any moneys or  
7 donated lands or facilities received from private, state, and  
8 federal sources, as well as technical and professional income  
9 generated or derived from education practice activities of the  
10 institute, for the benefit of the institute and the  
11 fulfillment of its educational mission. ~~The affairs of the~~  
12 ~~corporation shall be managed by a board of directors who shall~~  
13 ~~serve without compensation.~~

14       (3)(a)~~(2)~~ The institute's board members shall be  
15 appointed as follows:~~institute shall be a 13-member board,~~  
16 ~~with~~ 7 members appointed by the Governor, 3 members appointed  
17 by the President of the Senate, and 3 members appointed by the  
18 Speaker of the House of Representatives. Each member shall be  
19 appointed to a term of 3 years, and may be reappointed to the  
20 board. Appointees to the board shall not be persons who hold  
21 other offices. ~~All members must be appointed no later than~~  
22 ~~June 1, 1994. The board shall select a chair from among its~~  
23 ~~members.~~

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

28       (c)~~(3)~~ The board shall select a chair from among its  
29 members.Each member shall have only one vote, ~~shall be~~  
30 ~~appointed to a term of 3 years, and may be reappointed to the~~  
31 ~~board.~~ Any member who misses three consecutive meetings of the



1 board without being excused by the chair is automatically  
 2 removed from the board, and such vacancy shall be filled by  
 3 the appointing authority for the vacant position within 45  
 4 days after the date on which the vacancy occurs.

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

7 (a) Developing the education facilities fixed capital  
 8 outlay and operational plans.

9 (b) Assuring compliance on all siting and contracting  
 10 issues relating to the construction, including repair and  
 11 renovation, and operation of residential school facilities for  
 12 alternative education programs.

13 (c) Obtaining ~~Preparing~~ an annual audit ~~postaudit~~ of  
 14 the institute's not-for-profit corporation's financial  
 15 accounts and the financial accounts of any of the residential  
 16 alternative education program providers ~~its for-profit or~~  
 17 ~~not-for-profit subsidiaries~~, to be performed ~~conducted~~ by an  
 18 independent certified public accountant. The annual audit  
 19 report must include a management letter ~~letters~~ and shall be  
 20 submitted to the Auditor General for review. The board and the  
 21 Auditor General may require and receive from the residential  
 22 alternative education program providers ~~not-for-profit~~  
 23 ~~corporation and any subsidiaries~~, or from their independent  
 24 auditor, any detail or supplemental data relative to the  
 25 operation of the institute ~~not-for-profit corporation~~ or the  
 26 residential alternative education program providers ~~its~~  
 27 ~~subsidiary~~.

28 (d) Providing by the institute ~~not-for-profit~~  
 29 ~~corporation~~ and the residential alternative education program  
 30 providers ~~its for-profit or not-for-profit subsidiaries~~ of  
 31

1 equal employment opportunities to all persons regardless of  
2 race, color, religion, sex, age, or national origin.

3 (e) Safeguarding the integrity of PECO funds for  
4 ~~Establishing~~ programs that ~~which~~ fulfill the education mission  
5 of the institute.

6 (f) Safeguarding the integrity of PECO funds for  
7 ~~Establishing~~ programs that fulfill the alternative education  
8 mission of the institute.

9 (g) Controlling the budget and the dollars  
10 appropriated or donated to the institute from private, state,  
11 and federal sources.

12 (h) Appointing members to carry out the educational  
13 activities of the institute and determine compensation,  
14 benefits, and terms of service.

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

17 (j) Creating the administrative structure necessary to  
18 carry out the mission of the institute.

19 (k) Reporting to the Department of Education, the  
20 Department of Juvenile Justice, and the Legislature.

21 (l) Providing a copy of the institute's annual report  
22 to the Governor and Cabinet, the President of the Senate, and  
23 the Speaker of the House of Representatives by December 15 of  
24 each year.

25 (5) If the contract of a residential alternative  
26 education program provider ~~agreement between the~~  
27 ~~not-for-profit corporation and the institute~~ is terminated for  
28 any reason, the institute shall assume governance ~~and~~  
29 ~~operation~~ of the residential school facility ~~facilities~~.

30 ~~(6) In carrying out the provisions of this section,~~  
31 ~~the not-for-profit corporation and its for-profit or~~

1 ~~not-for-profit subsidiaries are not "agencies" within the~~  
 2 ~~meaning of s. 20.03(11).~~

3 (6) The institute shall enter into an interagency  
 4 cooperation and information-sharing agreement with the  
 5 Department of Juvenile Justice and the Department of Education  
 6 to ensure coordination of services to students in residential  
 7 education programs and a cooperative working relationship  
 8 between the institute and those departments.

9 (7) The institute shall provide full cooperation to  
 10 the Department of Juvenile Justice to ensure that residential  
 11 alternative education programs operating in institute school  
 12 facilities cooperate fully with the department's inspector  
 13 general and with the department's quality assurance  
 14 requirements.

15 Section 17. Section 230.235, Florida Statutes, is  
 16 created to read:

17 230.235 Policy of zero tolerance for crime.--

18 (1) Each school district shall adopt a policy of zero  
 19 tolerance for crime and substance abuse pursuant to this  
 20 section. Such a policy shall include the reporting of  
 21 delinquent acts and crimes occurring whenever and wherever  
 22 students are under the jurisdiction of the school district.

23 (2) Each school district shall enter into an agreement  
 24 with the county sheriff's office or local police department  
 25 specifying guidelines for ensuring that felonies and violent  
 26 misdemeanors, whether committed by a student or adult, and  
 27 delinquent acts that would be felonies or violent misdemeanors  
 28 if committed by an adult, are reported to law enforcement.  
 29 Such agreements shall include the role of school resource  
 30 officers, if applicable, in handling reported incidents,  
 31 special circumstances in which school officials may handle

1 incidents without filing a report to law enforcement, and a  
2 procedure for ensuring that school personnel properly report  
3 appropriate delinquent acts and crimes. The school principal  
4 shall be responsible for ensuring that all school personnel  
5 are properly informed as to their responsibilities regarding  
6 crime reporting, that appropriate delinquent acts and crimes  
7 are properly reported, and that actions taken in cases with  
8 special circumstances are properly taken and documented.

9 Section 18. Section 232.277, Florida Statutes, is  
10 amended to read:

11 232.277 Reports of suspected substance or alcohol  
12 abuse; exemption from liability.--

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

24 (2)(a) It is the intent of the Legislature that all  
25 school students understand that the magnitude of the harm  
26 caused by unlawful use, possession, or sale of the substances  
27 set forth in subsection (1) mandates the reporting of  
28 occurrences of such unlawful acts for prosecution or other  
29 action as appropriate.

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

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

5           Section 19. Effective October 1, 1997, section  
6 790.115, Florida Statutes, is amended to read:

7           790.115 Possessing or discharging weapons or firearms  
8 on school property prohibited; penalties; exceptions.--

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

26           (2)(a) A person shall not possess any firearm,  
27 electric weapon or device, destructive device, or other  
28 weapon, including a razor blade, box cutter, or knife, except  
29 as authorized in support of school-sanctioned activities, on  
30 the property of any school, school bus, or school bus stop;  
31 however, a person may carry a firearm:

1  
2 1. In a case to a firearms program, class or function  
3 which has been approved in advance by the principal or chief  
4 administrative officer of the school as a program or class to  
5 which firearms could be carried;

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

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

12 For the purposes of this section, "school" means any  
13 preschool, elementary school, middle school, junior high  
14 school, secondary school, vocational school, or postsecondary  
15 school, whether public or nonpublic.

16 (b) A person who willfully and knowingly possesses any  
17 electric weapon or device, destructive device, or other  
18 weapon, including a razor blade, box cutter, or knife, except  
19 as authorized in support of school-sanctioned activities, in  
20 violation of this subsection commits a felony of the third  
21 degree, punishable as provided in s. 775.082, s. 775.083, or  
22 s. 775.084.

23 (c) 1. A person who willfully and knowingly possesses  
24 any firearm in violation of this subsection commits a felony  
25 of the third degree, punishable as provided in s. 775.082, s.  
26 775.083, or s. 775.084.

27 2. A person who stores or leaves a loaded firearm  
28 within the reach or easy access of a minor who obtains the  
29 firearm and commits a violation of subparagraph 1. commits a  
30 misdemeanor of the second degree, punishable as provided in s.  
31 775.082 or s. 775.083; except that this does not apply if the

1 firearm was stored or left in a securely locked box or  
 2 container or in a location which a reasonable person would  
 3 have believed to be secure, or was securely locked with a  
 4 firearm-mounted push-button combination lock or a trigger  
 5 lock; if the minor obtains the firearm as a result of an  
 6 unlawful entry by any person; or to members of the Armed  
 7 Forces, National Guard, or State Militia, or to police or  
 8 other law enforcement officers, with respect to firearm  
 9 possession by a minor which occurs during or incidental to the  
 10 performance of their official duties.

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

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

23 (3) This section does not apply to any law enforcement  
 24 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
 25 (8), (9), or (14).

26 Section 20. Section 230.23015, Florida Statutes, 1996  
 27 Supplement, is amended to read:

28 230.23015 Students violating s. 784.081; expulsion or  
 29 ~~and~~ placement in alternative school setting.--Notwithstanding  
 30 any other provision of law, each district school board shall  
 31 adopt rules providing that any student found to have committed

1 a violation of s. 784.081(1), (2), or (3) shall be expelled or  
2 ~~and~~ placed in an alternative school setting or other youth  
3 services or justice program, as appropriate for a minimum  
4 period of 1 year. Upon being charged with the offense, the  
5 student shall be removed from the classroom immediately and  
6 placed in an alternative school setting pending disposition.  
7  
8 Section 21. Section 322.0601, Florida Statutes, is  
9 repealed.  
10 Section 22. Except as otherwise provided herein, this  
11 act shall take effect July 1, 1997.  
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