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1  
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

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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

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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; creating s. 230.235, F.S.;  
27 requiring school districts to adopt a policy of  
28 zero tolerance for crime, including criminal  
29 substance abuse violations; amending s.  
30 232.277, F.S.; requiring reporting and  
31 notification of student substance abuse;

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1 amending s. 790.115, F.S.; expanding offenses  
2 that are punishable as possessing or  
3 discharging weapons or firearms on school  
4 property and providing a qualifier to an  
5 exception from such offense; amending s.  
6 230.23015, F.S.; clarifying provisions relating  
7 to students who commit assault or battery on  
8 school personnel; repealing s. 322.0601, F.S.,  
9 relating to driver's licenses for minors;  
10 creating s. 232.433, F.S.; requiring that the  
11 Florida High School Activities Association or  
12 successor organization adopt statewide uniform  
13 safety standards for student cheerleaders;  
14 amending s. 228.057, F.S.; requiring school  
15 districts with a controlled open enrollment  
16 program to afford preferred access to the  
17 program to parents of students in multiple  
18 session schools; providing intent; amending s.  
19 39.045, F.S., relating to confidential  
20 information about juvenile offenders, to  
21 provide for disclosure to teachers; amending s.  
22 948.03, F.S.; requiring a juvenile in a  
23 community control program to attend a public  
24 adult education program or dropout prevention  
25 program if available unless an exception is  
26 made by the principal; requiring disclosure of  
27 certain information if a juvenile attends a  
28 regular educational school program; providing  
29 effective dates.

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1           WHEREAS, the primary focus of the 1997 Legislature is  
2 education, and

3           WHEREAS, in the first month of the 1997 session, the  
4 Legislature has passed two major components of its education  
5 agenda, the first of which raises student academic standards  
6 across the board and the second of which provides for  
7 better-educated and better-prepared teachers, and

8           WHEREAS, a third major component of the 1997  
9 legislative education agenda is student discipline and school  
10 safety, and

11           WHEREAS, it is the intent of the Legislature to raise  
12 the standards of student discipline and school safety as  
13 dramatically as it has raised student academic and teacher  
14 certification standards, NOW, THEREFORE,

15

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

17

18           Section 1. Section 232.09, Florida Statutes, is  
19 amended to read:

20           232.09 Parents and legal guardians responsible for  
21 attendance of children; attendance policy.--

22           (1) The Legislature finds:

23           (a) It is essential that our children receive an  
24 education.

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

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

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

31

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

3           (f) If a juvenile refuses to attend school or a parent  
4 or guardian refuses to compel the child to attend school,  
5 there must exist an efficient and expedient process to enforce  
6 attendance laws.

7           (2) Each parent and legal guardian of a child within  
8 the compulsory attendance age is ~~shall be~~ responsible for the  
9 ~~such~~ child's school attendance as required by law. The  
10 absence of a child from school is ~~shall be~~ prima facie  
11 evidence of a violation of this section; however, ~~no~~ criminal  
12 prosecution may not ~~shall~~ be brought against a parent,  
13 guardian, or other person having control of the child until  
14 the provisions of s. 232.17(2)~~(c)~~ have been complied with. A  
15 ~~No~~ parent or guardian of a child is not ~~shall be held~~  
16 responsible for the ~~such~~ child's nonattendance at school under  
17 any of the following conditions:

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

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

23           (c)~~(3)~~ Financial inability.--The parent was unable  
24 financially to provide necessary clothes for the child, which  
25 inability was reported in writing to the superintendent prior  
26 to the opening of school or immediately after the beginning of  
27 such inability; provided, that the validity of any claim for  
28 exemption under this subsection shall be determined by the  
29 superintendent subject to appeal to the school board; or

30           (d)~~(4)~~ Sickness, injury, or other insurmountable  
31 condition.--Attendance was impracticable or inadvisable on

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1 account of sickness or injury, attested to by a written  
2 statement of a licensed practicing physician, or was  
3 impracticable because of some other stated insurmountable  
4 condition as defined by regulations of the state board. If a  
5 student is continually sick and repeatedly absent from school,  
6 he or she must be under the supervision of a physician in  
7 order to receive an excuse from attendance. Such excuse  
8 provides that a student's condition justifies absence for more  
9 than the number of days permitted by the district school  
10 board.

11  
12 Each district school board shall establish an attendance  
13 policy which includes, but is not limited to, the required  
14 number of days each school year that a student must be in  
15 attendance and the number of absences and tardinesses after  
16 which a statement explaining such absences and tardinesses  
17 must be on file at the school. Each school in the district  
18 must determine if an absence or tardiness is excused or  
19 unexcused according to criteria established by the district  
20 school board.

21 Section 2. Section 232.0205, Florida Statutes, is  
22 created to read:

23 232.0205 Disclosure at school registration.--According  
24 to procedures established by the district school board, each  
25 student at the time of initial registration for school in a  
26 school district shall note previous school expulsions, arrests  
27 resulting in a charge, and juvenile justice actions the  
28 student has had.

29 Section 3. Paragraph (c) of subsection (1) of section  
30 232.01, Florida Statutes, is amended to read:

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1           232.01 Regular school attendance required between ages  
2 of 6 and 16; permitted at age of 5; exceptions.--

3           (1)

4           (c) A child who attains the age of 16 years during the  
5 school year ~~is shall~~ not subject to compulsory school  
6 attendance be required to attend school beyond the date upon  
7 which he or she attains that age if the child files a formal  
8 declaration of intent to terminate school enrollment with the  
9 district school board. The declaration must acknowledge that  
10 terminating school enrollment is likely to reduce the  
11 student's earning potential and must be signed by the child.  
12 The school district must notify the child's parent or legal  
13 guardian of the child's declaration of intent to terminate  
14 school enrollment. A child who attains the age of 18 years  
15 during the school year is not subject to compulsory school  
16 attendance beyond the date upon which he or she attains that  
17 age.

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

21           39.01 Definitions.--When used in this chapter:

22           (12) "Child in need of services" means a child for  
23 whom there is no pending investigation into an allegation or  
24 suspicion of abuse, neglect, or abandonment; no pending  
25 referral alleging the child is delinquent; or no current  
26 supervision by the Department of Juvenile Justice or the  
27 Department of Health and Rehabilitative Services for an  
28 adjudication of dependency or delinquency. The child must  
29 also, pursuant to this chapter, be found by the court:

30           (b) To be habitually truant from school, while subject  
31 to compulsory school attendance, despite reasonable efforts to



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1 remedy the situation pursuant to ss. 232.17 and 232.19 ~~s.~~  
2 ~~232.19~~ and through voluntary participation by the child's  
3 parents or legal custodians and by the child in family  
4 mediation, services, and treatment offered by the Department  
5 of Juvenile Justice or the Department of Health and  
6 Rehabilitative Services; or  
7 (73) "To be habitually truant" means that:  
8 (a) The child has 15 unexcused absences within 90  
9 calendar days with or without the knowledge or justifiable  
10 consent of the child's parent or legal guardian, is subject to  
11 compulsory school attendance under s. 232.01, and is not  
12 exempt under ~~from attendance by virtue of being over the age~~  
13 ~~of compulsory school attendance or by meeting the criteria in~~  
14 s. 232.06, s. 232.09, or any other exemptions specified by law  
15 or the rules of the State Board of Education.†  
16 (b) ~~In addition to the actions described in s. 232.17,~~  
17 ~~the school administration has completed the following~~  
18 Escalating activities to determine the cause, and to attempt  
19 the remediation, of the child's truant behavior under ss.  
20 232.17 and 232.19 have been completed.†  
21 1. ~~After a minimum of 3 and prior to 15 unexcused~~  
22 ~~absences within 90 days, one or more meetings have been held,~~  
23 ~~either in person or by phone, between a school attendance~~  
24 ~~assistant or school social worker, the child's parent or~~  
25 ~~guardian, and the child, if necessary, to report and to~~  
26 ~~attempt to solve the truancy problem. However, if the school~~  
27 ~~attendance assistant or school social worker has documented~~  
28 ~~the refusal of the parent or guardian to participate in the~~  
29 ~~meetings, then this requirement has been met.†~~  
30 2. ~~Educational counseling has been provided to~~  
31 ~~determine whether curriculum changes would help solve the~~

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1 ~~truancy problem, and, if any changes were indicated, such~~  
2 ~~changes were instituted but proved unsuccessful in remedying~~  
3 ~~the truant behavior. Such curriculum changes may include~~  
4 ~~enrollment of the child in an alternative education program~~  
5 ~~that meets the specific educational and behavioral needs of~~  
6 ~~the child, including a second chance school, as provided for~~  
7 ~~in s. 230.2316, designed to resolve truant behavior;~~

8 ~~3. Educational evaluation, pursuant to the~~  
9 ~~requirements of s. 232.19(3)(b)3., has been provided; and~~

10 ~~4. The school social worker, the attendance assistant,~~  
11 ~~or the school superintendent's designee if there is no school~~  
12 ~~social worker or attendance assistant has referred the student~~  
13 ~~and family to the children-in-need-of-services and~~  
14 ~~families-in-need-of-services provider or the case staffing~~  
15 ~~committee, established pursuant to s. 39.426, as determined by~~  
16 ~~the cooperative agreement required in s. 232.19(3). The case~~  
17 ~~staffing committee may request the department or its designee~~  
18 ~~to file a child-in-need-of-services petition based upon the~~  
19 ~~report and efforts of the school district or other community~~  
20 ~~agency or may seek to resolve the truancy behavior through the~~  
21 ~~school or community-based organizations or agencies.~~

22  
23 If a child who is subject to ~~within the~~ compulsory school  
24 attendance ~~age~~ is responsive to the interventions described in  
25 ss. 232.17 and 232.19 ~~this paragraph~~ and has completed the  
26 necessary requirements to pass the current grade as indicated  
27 in the district pupil progression plan, the child shall not be  
28 determined to be habitually truant and shall be passed. If a  
29 child within the compulsory school attendance age has 15  
30 unexcused absences within 90 calendar days or fails to enroll  
31 in school, the State Attorney may file a

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1 child-in-need-of-services petition. Prior to filing a  
2 petition, the child must be referred to the appropriate agency  
3 for evaluation. After consulting with the evaluating agency,  
4 the State Attorney may elect to file a  
5 child-in-need-of-services petition.

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

22 (d) The failure or refusal of the parent or legal  
23 guardian or the child to participate, or make a good faith  
24 effort to participate, in the activities prescribed to remedy  
25 the truant behavior, or the failure or refusal of the child to  
26 return to school after participation in activities required by  
27 this subsection, or the failure of the child to stop the  
28 truant behavior after the school administration and the  
29 Department of Juvenile Justice have worked with the child as  
30 described in s. 232.19(3) shall be handled as prescribed in s.  
31 232.19.

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1 Section 5. Subsections (28) and (29) of section  
2 228.041, Florida Statutes, 1996 Supplement, are amended to  
3 read:

4 228.041 Definitions.--Specific definitions shall be as  
5 follows, and wherever such defined words or terms are used in  
6 the Florida School Code, they shall be used as follows:

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

21 (29) DROPOUT.--A dropout is a student not subject to  
22 ~~over the age of~~ compulsory school attendance, as defined in s.  
23 232.01, who meets any one or more of the following criteria:

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

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1 (b) The student has not met the relevant attendance  
2 requirements of the school district pursuant to State Board of  
3 Education rules, or the student was expected to attend a  
4 school but did not enter as expected for unknown reasons, or  
5 the student's whereabouts are unknown;

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

9 (d) The student has withdrawn from school due to  
10 hardship, unless such withdrawal has been granted under the  
11 provisions of s. 322.091 ~~322.0601~~, court action, expulsion,  
12 medical reasons, or pregnancy; or

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

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

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

26 232.2462 Attendance requirement for receipt of high  
27 school credit; definition of "credit".--

28 (2) A student may not be awarded a credit if he or she  
29 has not been in for instruction for a minimum of 135 hours  
30 unless he or she has demonstrated mastery of the student  
31 performance standards in the course of study as provided by

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1 rules of the district school board. Excused absences as  
2 determined by the district school board and as carried out by  
3 the secondary school principal shall not be counted against  
4 the 135-hour minimum requirement. Criteria for determining  
5 excused absences shall be as provided in s. 232.022, s.  
6 232.0225, absence for religious instruction, or a religious  
7 holiday, and s. 232.09(2)(d)~~(4)~~, absence due to sickness,  
8 injury, or other insurmountable condition, and absence due to  
9 participation in an academic class or program. Missed work  
10 shall be made up, as provided in the pupil progression plan  
11 established by the district school board by rule, for all  
12 excused absences. The difference between the 135-hour minimum  
13 requirement and the 150-hour definition of full credit  
14 established in this section may at the discretion of the  
15 secondary school principal be used for noninstructional  
16 extracurricular activities unless otherwise provided by  
17 district school board rule. In credit programs operated in the  
18 period beyond 180 school days, each full-credit course must be  
19 established for a minimum of 120 hours.

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

22 414.125 Learnfare program.--

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

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1 participant in the Learnfare program in order that the  
2 required conferences are held.

3 Section 8. Section 232.17, Florida Statutes, 1996  
4 Supplement, is amended to read:

5 232.17 Enforcement of school attendance Attendance  
6 ~~assistants; qualifications; compensation; duties.--Pursuant to~~  
7 ~~procedures established by the district school board, a~~  
8 ~~designated school representative must complete activities~~  
9 ~~designed to determine the cause and attempt the remediation of~~  
10 ~~truant behavior, as provided in this section.~~ Provisions for  
11 ~~the employment, qualifications, compensation, and duties of~~  
12 ~~attendance assistants shall be as follows:~~

13 (1) ~~EMPLOYMENT AND QUALIFICATIONS OF ATTENDANCE~~  
14 ~~ASSISTANTS.--The school board, upon the recommendation of the~~  
15 ~~superintendent, may employ and fix the compensation, including~~  
16 ~~reimbursement for travel, of a sufficient number of qualified~~  
17 ~~attendance assistants to guarantee regular attendance at~~  
18 ~~school of all children of the district within compulsory~~  
19 ~~school-age requirements who are not herein exempted from~~  
20 ~~attendance.~~

21 (2) ~~DUTIES AND RESPONSIBILITIES OF ATTENDANCE~~  
22 ~~ASSISTANTS.--The duties and responsibilities of the attendance~~  
23 ~~assistant shall be exercised under the direction of the~~  
24 ~~superintendent and shall be as follows:~~

25 (a) ~~Maintain records.--Pupil accounting records,~~  
26 ~~unless maintained by others assigned by the superintendent,~~  
27 ~~shall be kept by attendance assistants. These records shall~~  
28 ~~be on forms approved pursuant to regulations of the state~~  
29 ~~board.~~

30 (1)(b) INVESTIGATE NONENROLLMENT AND UNEXCUSED  
31 ABSENCES.--A designated school representative in accordance

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1 ~~with procedure established by the state board, attendance~~  
2 ~~assistants~~ shall investigate cases of nonenrollment and  
3 unexcused absences from school of all children subject to  
4 compulsory school attendance within the compulsory school age.

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

26 (3)(d) RETURN CHILD TO PARENT.--A designated school  
27 representative ~~The attendance assistant~~ shall visit the home  
28 or place of residence of a child and any other place in which  
29 he or she is likely to find any child who is required to  
30 attend school when such child is not enrolled or is absent  
31 from school during school hours without an excuse, and, when



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1 ~~the~~ such child is ~~has been~~ found, shall return the child to  
2 his or her parent or to the principal or teacher in charge of  
3 the school, or to the private tutor from whom absent.

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

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

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

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1           (6)(g) RIGHT TO INSPECT.--A designated school  
2 representative ~~The attendance assistant~~ shall have the same  
3 right of access to, and inspection of, establishments where  
4 minors may be employed or detained as is given by law to the  
5 Division of Jobs and Benefits only for the purpose of  
6 ascertaining whether children of compulsory school age are  
7 actually employed there and are actually working there  
8 regularly. The designated school representative ~~attendance~~  
9 ~~assistant~~ shall, if he or she finds unsatisfactory working  
10 conditions or violations of the Child Labor Law, report his or  
11 her findings to the Division of Jobs and Benefits or its  
12 agents.

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

24           Section 9. Section 232.19, Florida Statutes, 1996  
25 Supplement, is amended to read:

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

30           (1) COURT JURISDICTION.--The circuit court has  
31 original and exclusive jurisdiction of all proceedings

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1 against, or prosecutions of, children under the provisions of  
2 this chapter. Proceedings against, or prosecutions of, parents  
3 or employers as provided by this section shall be in the court  
4 of each county having jurisdiction of misdemeanors wherein  
5 trial by jury is afforded the defendant.

6 (2) NONENROLLMENT AND NONATTENDANCE CASES.--

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

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

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

23           (a) The child must have 15 unexcused absences within  
24 90 calendar days with or without the knowledge or consent of  
25 the child's parent or legal guardian, must be subject to  
26 compulsory school attendance, and must not be exempt under ~~and~~  
27 ~~must not be exempt from attendance by virtue of being over the~~  
28 ~~age of compulsory school attendance or by meeting the criteria~~  
29 ~~in s. 232.06, s. 232.09, or any other exemption specified by~~  
30 law or the rules of the State Board of Education.  
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1 (b) In addition to the actions described in s. 232.17,  
2 the school administration must have completed the following  
3 activities to determine the cause, and to attempt the  
4 remediation, of the child's truant behavior:

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

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

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

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1 If a child who is subject to ~~within the~~ compulsory school  
2 attendance ~~age~~ is responsive to the interventions described in  
3 this paragraph and has completed the necessary requirements to  
4 pass the current grade as indicated in the district pupil  
5 progression plan, the child shall be passed.

6 (4) COOPERATIVE AGREEMENTS.--

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

14 (a) Clearly defines each department's role,  
15 responsibility, and function in working with habitual truants  
16 and their families.

17 (b) Identifies and implements measures to resolve and  
18 reduce truant behavior. ~~The interagency agreement shall~~  
19 ~~specify that the participants~~

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

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

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

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

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

1            (7)~~(6)~~ PENALTIES.--The penalties for refusing or  
2 failing to comply with ~~the provisions of~~ this chapter shall be  
3 as follows:

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

5            1. A parent or legal guardian who refuses or fails to  
6 have a child who is under his or her control attend school  
7 regularly, or who refuses or fails to comply with the  
8 requirements in subsection (3), commits is guilty of a  
9 misdemeanor of the second degree, punishable as provided in s.  
10 775.082 or s. 775.083 by law.

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

23            3. In addition to any other punishment, the court  
24 shall order a parent or legal guardian who has violated this  
25 section to send the child to school, and may also order the  
26 parent or legal guardian to participate in an approved parent  
27 training class, attend school with the child unless this would  
28 cause undue hardship, perform community service hours at the  
29 school, or participate in counseling or other services, as  
30 appropriate. If a parent or legal guardian is ordered to  
31 attend school with a child, the school shall provide for



1 programming to educate the parent or legal guardian and child  
2 on the importance of school attendance. It shall be unlawful  
3 to terminate any employee solely because he or she is  
4 attending school with his or her child pursuant to a court  
5 order.

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

12 (c) The employer.--

13 1. An employer who fails to notify the superintendent  
14 when he or she ceases to employ a child ~~commits is guilty of a~~  
15 misdemeanor of the second degree, punishable as provided in s.  
16 775.082 or s. 775.083 ~~by law.~~

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

21 (d) The child.--

22 1. In addition to any other authorized sanctions, the  
23 court shall order a child found to be a habitual truant to  
24 make up all school work missed and may order the child to pay  
25 a civil penalty of up to \$2, based on the child's ability to  
26 pay, for each day of school missed, perform up to 25 community  
27 service hours at the school, or participate in counseling or  
28 other services, as appropriate.

29 2. Upon a second or subsequent finding that a child is  
30 a habitual truant, the court, in addition to any other  
31 authorized sanctions, shall order the child to make up all

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1 school work missed and may order the child to pay a civil  
2 penalty of up to \$5, based on the child's ability to pay, for  
3 each day of school missed, perform up to 50 community service  
4 hours at the school, or participate in counseling or other  
5 services, as appropriate.

6 Section 10. Section 232.195, Florida Statutes, is  
7 amended to read:

8 232.195 Continuation of truancy remedial activities  
9 upon transfer of student; retention of legal jurisdiction.--

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

22 (2) In the event that a legal proceeding has  
23 commenced, as provided in s. 232.19~~(3)~~, against a student who  
24 has been determined to be a habitual truant, the movement of  
25 the student who is the subject of such proceeding to another  
26 circuit court district in this state will not affect the  
27 jurisdiction of the court to proceed with the case under the  
28 law.

29 Section 11. Section 232.197, Florida Statutes, is  
30 created to read:

31

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1           232.197 Notification to schools of court action.--If a  
2 court takes action that directly involves a child's school,  
3 including, but not limited to, an order that a student attend  
4 school, attend school with his or her parent or legal  
5 guardian, perform at grade level, or perform community service  
6 hours at the school, the office of the clerk of the court  
7 shall provide notice to the school of the court's action.

8           Section 12. Section 232.2452, Florida Statutes, is  
9 amended to read:

10           232.2452 Report cards; end-of-the-year status.--

11           (1) Each school district shall establish and publish  
12 policies requiring the content and regular issuance of student  
13 report cards for all elementary school, middle school, and  
14 high school students. These report cards must clearly depict  
15 and grade:

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

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

21           (c) The student's attendance, including absences and  
22 tardiness.

23           (2) Each school district is encouraged to establish no  
24 fewer than two districtwide report card pickup days per year  
25 to facilitate teacher-parent conferences and enhance parental  
26 responsibility for student performance and behavior. During a  
27 report card pickup day, each parent or guardian may visit his  
28 or her child's school and teacher and receive the child's  
29 report card during hours established by the district school  
30 board. School districts are encouraged to establish flexible  
31 scheduling of personnel during the hours designated by the

1 district school board for report card pickup to allow  
2 before-school, after-school, evening, or weekend opportunities  
3 for parents to visit the school and teacher.

4 (3) A student's final report card for a school year  
5 shall contain a statement indicating end-of-the-year status  
6 regarding performance or nonperformance at grade level,  
7 acceptable or unacceptable behavior and attendance, and  
8 promotion or nonpromotion.

9  
10 School districts shall not allow schools to exempt students  
11 from academic performance requirements based on practices or  
12 policies designed to encourage student attendance.

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

15 232.25 Pupils subject to control of school.--

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

18 (a) I will be respectful at all times and obedient  
19 unless asked to do wrong.

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

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

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

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

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

29 (g) I pledge to be nonviolent and to respect my  
30 teachers and fellow classmates.

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

3 322.05 Persons not to be licensed.--The department may  
4 not issue a license:

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

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

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

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

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

21 322.09 Application of minors.--

22 (3) The department may not issue a driver's license or  
23 learner's driver's license to any applicant under the age of  
24 18 years who is not in compliance with the requirements of s.  
25 322.091.

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

28 322.091 Attendance requirements.--

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

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1           (a) Is enrolled in a public school, nonpublic school,  
2 or home education program and satisfies relevant attendance  
3 requirements;

4           (b) Has received a high school diploma, a high school  
5 equivalency diploma, a special diploma, or a certificate of  
6 high school completion;

7           (c) Is enrolled in a study course in preparation for  
8 the Test of General Educational Development and satisfies  
9 relevant attendance requirements;

10           (d) Is enrolled in other educational activities  
11 approved by the district school board and satisfies relevant  
12 attendance requirements;

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

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

16  
17 The department may not issue a driver's license or learner's  
18 driver's license to, or shall suspend the driver's license or  
19 learner's driver's license of, any minor concerning whom the  
20 department receives notification of noncompliance with the  
21 requirements of this section.

22           (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;  
23 RECORD OF NONCOMPLIANCE.--

24           (a) The department shall notify each minor for whom  
25 the department has received notification of noncompliance with  
26 the requirements of this section as provided in s. 232.19, and  
27 the minor's parent or guardian, of the department's intent to  
28 suspend the minor's driving privileges.

29           (b) The minor, or the parent or guardian of the minor,  
30 has 15 calendar days after the date of receipt of this notice  
31 to provide proof of compliance with the requirements of this

1 section as provided in subsection (4) or to request a hardship  
2 waiver hearing under subsection (3).

3 (c) Twenty days after the date of issuance of this  
4 notice, the department shall suspend the minor's operator's  
5 license or learner's driver's license or record the legal  
6 name, sex, date of birth, and social security number of each  
7 minor who does not possess a driver's license or learner's  
8 driver's license, unless the minor has provided the department  
9 with verification of compliance with the requirements of  
10 subsection (1) or the appropriate school official has provided  
11 the department with verification of a request for a waiver  
12 hearing.

13 (d) Upon notification of the outcome of a hardship  
14 waiver hearing, the department shall suspend the driver's  
15 license or learner's driver's license of a minor who was  
16 denied a hardship waiver, or record the legal name, sex, date  
17 of birth, and social security number of a minor who does not  
18 possess a driver's license or learner's driver's license and  
19 who was denied a hardship waiver.

20 (e) The department may not issue a driver's license or  
21 learner's driver's license to any minor for whom it has a  
22 record of noncompliance with the requirements of subsection  
23 (1) unless the minor submits verification of compliance  
24 pursuant to subsection (4).

25 (3) HARDSHIP WAIVER AND APPEAL.--

26 (a) A minor, or the parent or guardian of a minor, has  
27 15 calendar days after the date of receipt of the notice of  
28 intent to suspend to request a hardship waiver hearing before  
29 the public school principal, the principal's designee, or the  
30 designee of the governing body of a private school for the  
31 purpose of reviewing the pending suspension of driving

1 privileges. The school official receiving the request shall  
2 notify the department of the request for a waiver hearing  
3 within 24 hours after receiving the request. Public school  
4 officials shall also notify the district school board of the  
5 request for a waiver hearing. The hearing must be conducted  
6 within 30 calendar days after the public school principal, the  
7 principal's designee, or the designee of the governing body of  
8 a private school receives the request.

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

23 (c) The public school principal, the principal's  
24 designee, or the designee of the governing body of a private  
25 school shall notify the department of the outcome of a minor's  
26 hardship waiver hearing within 24 hours after conducting the  
27 hearing. Public school officials shall also notify the  
28 district school board of the outcome of the hearing.

29 (d) Any person denied a hardship waiver by a public  
30 school principal, the principal's designee, or the designee of  
31 the governing body of a private school may appeal the decision



1 to the district school board or the governing body of the  
2 private school. The district school board or the governing  
3 body of the private school shall notify the department if the  
4 hardship waiver is subsequently granted.

5 (4) VERIFICATION OF COMPLIANCE AND REINSTATEMENT.--A  
6 district school board shall provide a minor with written  
7 verification that he or she is in compliance with the  
8 requirements of subsection (1) if the district determines that  
9 he or she has been in compliance for 30 days prior to the  
10 request for verification of compliance. Upon receiving  
11 written verification that the minor is again in compliance  
12 with the requirements of subsection (1), the department shall  
13 reinstate the minor's driving privilege. Thereafter, if the  
14 school district determines that the minor is not in compliance  
15 with the requirements of subsection (1), the department shall  
16 suspend the minor's driving privilege until the minor is 18  
17 years of age or otherwise satisfies the requirements of  
18 subsection (1), whichever occurs first.

19 (5) REPORTING AND ACCOUNTABILITY.--The department  
20 shall report quarterly to each school district the legal name,  
21 sex, date of birth, and social security number of each student  
22 whose driving privileges have been suspended under this  
23 section.

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

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

1           Section 18. Section 230.235, Florida Statutes, is  
2 created to read:

3           230.235 Policy of zero tolerance for crime.--

4           (1) Each school district shall adopt a policy of zero  
5 tolerance for crime and substance abuse pursuant to this  
6 section. Such a policy shall include the reporting of  
7 delinquent acts and crimes occurring whenever and wherever  
8 students are under the jurisdiction of the school district.

9           (2) Each school district shall enter into an agreement  
10 with the county sheriff's office or local police department  
11 specifying guidelines for ensuring that felonies and violent  
12 misdemeanors, whether committed by a student or adult, and  
13 delinquent acts that would be felonies or violent misdemeanors  
14 if committed by an adult, are reported to law enforcement.  
15 Such agreements shall include the role of school resource  
16 officers, if applicable, in handling reported incidents,  
17 special circumstances in which school officials may handle  
18 incidents without filing a report to law enforcement, and a  
19 procedure for ensuring that school personnel properly report  
20 appropriate delinquent acts and crimes. The school principal  
21 shall be responsible for ensuring that all school personnel  
22 are properly informed as to their responsibilities regarding  
23 crime reporting, that appropriate delinquent acts and crimes  
24 are properly reported, and that actions taken in cases with  
25 special circumstances are properly taken and documented.

26           Section 19. Section 232.277, Florida Statutes, is  
27 amended to read:

28           232.277 Reports of suspected substance or alcohol  
29 abuse; exemption from liability.--

30           (1) School personnel are required to report to the  
31 principal or principal's designee any suspected unlawful use,

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

10 (2)(a) It is the intent of the Legislature that all  
11 school students understand that the magnitude of the harm  
12 caused by unlawful use, possession, or sale of the substances  
13 set forth in subsection (1) mandates the reporting of  
14 occurrences of such unlawful acts for prosecution or other  
15 action as appropriate.

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

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

22 Section 20. Effective October 1, 1997, section  
23 790.115, Florida Statutes, is amended to read:

24 790.115 Possessing or discharging weapons or firearms  
25 on school property prohibited; penalties; exceptions.--

26 (1) A person who exhibits any sword, sword cane,  
27 firearm, electric weapon or device, destructive device, or  
28 other weapon, including a razor blade, box cutter, or knife,  
29 except as authorized in support of school-sanctioned  
30 activities, in the presence of one or more persons in a rude,  
31 careless, angry, or threatening manner and not in lawful

1 self-defense, on the grounds or facilities of any school,  
2 school bus, or school bus stop, or within 1,000 feet of the  
3 real property that comprises a public or private elementary  
4 school, middle school, or secondary school, during school  
5 hours or during the time of a sanctioned school activity,  
6 commits a felony of the third degree, punishable as provided  
7 in s. 775.082, s. 775.083, or s. 775.084. This subsection does  
8 not apply to the exhibition of a firearm or weapon on private  
9 real property within 1,000 feet of a school by the owner of  
10 such property or by a person whose presence on such property  
11 has been authorized, licensed, or invited by the owner.

12 (2)(a) A person shall not possess any firearm,  
13 electric weapon or device, destructive device, or other  
14 weapon, including a razor blade, box cutter, or knife, except  
15 as authorized in support of school-sanctioned activities, on  
16 the property of any school, school bus, or school bus stop;  
17 however, a person may carry a firearm:

18 1. In a case to a firearms program, class or function  
19 which has been approved in advance by the principal or chief  
20 administrative officer of the school as a program or class to  
21 which firearms could be carried;

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

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

28  
29 For the purposes of this section, "school" means any  
30 preschool, elementary school, middle school, junior high  
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1 school, secondary school, vocational school, or postsecondary  
2 school, whether public or nonpublic.

3 (b) A person who willfully and knowingly possesses any  
4 electric weapon or device, destructive device, or other  
5 weapon, including a razor blade, box cutter, or knife, except  
6 as authorized in support of school-sanctioned activities, in  
7 violation of this subsection commits a felony of the third  
8 degree, punishable as provided in s. 775.082, s. 775.083, or  
9 s. 775.084.

10 (c)1. A person who willfully and knowingly possesses  
11 any firearm in violation of this subsection commits a felony  
12 of the third degree, punishable as provided in s. 775.082, s.  
13 775.083, or s. 775.084.

14 2. A person who stores or leaves a loaded firearm  
15 within the reach or easy access of a minor who obtains the  
16 firearm and commits a violation of subparagraph 1. commits a  
17 misdemeanor of the second degree, punishable as provided in s.  
18 775.082 or s. 775.083; except that this does not apply if the  
19 firearm was stored or left in a securely locked box or  
20 container or in a location which a reasonable person would  
21 have believed to be secure, or was securely locked with a  
22 firearm-mounted push-button combination lock or a trigger  
23 lock; if the minor obtains the firearm as a result of an  
24 unlawful entry by any person; or to members of the Armed  
25 Forces, National Guard, or State Militia, or to police or  
26 other law enforcement officers, with respect to firearm  
27 possession by a minor which occurs during or incidental to the  
28 performance of their official duties.

29 (d) A person who discharges any weapon or firearm  
30 while in violation of paragraph (a), unless discharged for  
31 lawful defense of himself or another or for a lawful purpose,

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1 commits a felony of the second degree, punishable as provided  
2 in s. 775.082, s. 775.083, or s. 775.084.

3 (e) The penalties of this subsection shall not apply  
4 to persons licensed under s. 790.06. Persons licensed under  
5 s. 790.06 shall be punished as provided in s. 790.06(12),  
6 except that a licenseholder who unlawfully discharges a weapon  
7 or firearm on school property as prohibited by this subsection  
8 commits a felony of the second degree, punishable as provided  
9 in s. 775.082, s. 775.083, or s. 775.084.

10 (3) This section does not apply to any law enforcement  
11 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
12 (8), (9), or (14).

13 Section 21. Section 230.23015, Florida Statutes, 1996  
14 Supplement, is amended to read:

15 230.23015 Students violating s. 784.081; expulsion or  
16 ~~and~~ placement in alternative school setting.--Notwithstanding  
17 any other provision of law, each district school board shall  
18 adopt rules providing that any student found to have committed  
19 a violation of s. 784.081(1), (2), or (3) shall be expelled or  
20 ~~and~~ placed in an alternative school setting or other youth  
21 services or justice program, as appropriate for a minimum  
22 ~~period of 1 year~~. Upon being charged with the offense, the  
23 student shall be removed from the classroom immediately and  
24 placed in an alternative school setting pending disposition.

25 Section 22. Section 322.0601, Florida Statutes, is  
26 repealed.

27 Section 23. Section 232.433, Florida Statutes, is  
28 created to read:

29 232.433 Safety standards for cheerleaders.--The  
30 Florida High School Activities Association or successor  
31 organization shall adopt statewide uniform safety standards

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1 for student cheerleaders and spirit groups that participate in  
2 any school activity or extracurricular student activity. The  
3 Florida High School Activities Association or successor  
4 organization shall adopt the "Official High School Spirit  
5 Rules," published by the National Federation of State High  
6 School Associations, as the statewide uniform safety  
7 standards.

8           Section 24. Subsection (8) is added to section  
9 228.057, Florida Statutes, 1996 Supplement, to read:

10           228.057 Public school parental choice.--

11           (8) Notwithstanding any provision of this section, a  
12 school district with schools operating on both multiple  
13 session schedules and single session schedules shall afford  
14 parents of students in multiple session schools preferred  
15 access to the controlled open enrollment program of the school  
16 district.

17           Section 25. The intent of sections 26 and 27 of this  
18 act is to create a positive and safe learning environment for  
19 the children of Florida and to keep disruptive children from  
20 affecting the ability of public school students to learn.

21           Section 26. Subsection (5) of section 39.045, Florida  
22 Statutes, 1996 Supplement, is amended to read:

23           39.045 Oaths; records; confidential information.--

24           (5) Except as provided in subsections (3), (8), (9),  
25 and (10), and s. 943.053, all information obtained under this  
26 part in the discharge of official duty by any judge, any  
27 employee of the court, any authorized agent of the Department  
28 of Juvenile Justice, the Parole Commission, the Juvenile  
29 Justice Advisory Board, the Department of Corrections, the  
30 district juvenile justice boards, any law enforcement agent,  
31 or any licensed professional or licensed community agency

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1 representative participating in the assessment or treatment of  
2 a juvenile is confidential and may be disclosed only to the  
3 authorized personnel of the court, the Department of Juvenile  
4 Justice and its designees, the Department of Corrections, the  
5 Parole Commission, the Juvenile Justice Advisory Board, law  
6 enforcement agents, school superintendents and their  
7 designees, any licensed professional or licensed community  
8 agency representative participating in the assessment or  
9 treatment of a juvenile, and others entitled under this part  
10 to receive that information, or upon order of the court.  
11 Within each county, the sheriff, the chiefs of police, the  
12 district school superintendent, and the department shall enter  
13 into an interagency agreement for the purpose of sharing  
14 information about juvenile offenders among all parties. The  
15 agreement must specify the conditions under which summary  
16 criminal history information is to be made available to  
17 appropriate school personnel, and the conditions under which  
18 school records are to be made available to appropriate  
19 department personnel. Such agreement shall require  
20 notification to any classroom teacher of assignment to the  
21 teacher's classroom of a juvenile who has been placed in a  
22 community control or commitment program for a felony offense.  
23 The agencies entering into such agreement must comply with s.  
24 943.0525, and must maintain the confidentiality of information  
25 that is otherwise exempt from s. 119.07(1), as provided by  
26 law.

27 Section 27. Subsection (9) of section 948.03, Florida  
28 Statutes, 1996 Supplement, is amended to read:

29 948.03 Terms and conditions of probation or community  
30 control.--

31



1           (9)(a) As a condition of community control, probation,  
2 or probation following incarceration, require an offender who  
3 has not obtained a high school diploma or high school  
4 equivalency diploma or who lacks basic or functional literacy  
5 skills, upon acceptance by an adult education program, to make  
6 a good faith effort toward completion of such basic or  
7 functional literacy skills or high school equivalency diploma,  
8 as defined in ~~s. ss. 228.0713~~ and 229.814, in accordance with  
9 the assessed adult general education needs of the individual  
10 offender. The court shall not revoke community control,  
11 probation, or probation following incarceration because of the  
12 offender's inability to achieve such skills or diploma but may  
13 revoke community control, probation, or probation following  
14 incarceration if the offender fails to make a good faith  
15 effort to achieve such skills or diploma. The court may grant  
16 early termination of community control, probation, or  
17 probation following incarceration upon the offender's  
18 successful completion of the approved program. As used in  
19 this subsection, "good faith effort" means the offender is  
20 enrolled in a program of instruction and is attending and  
21 making satisfactory progress toward completion of the  
22 requirements.

23           (b) A juvenile on community control who is a public  
24 school student must attend a public adult education program or  
25 a dropout prevention program, pursuant to s. 230.2316, which  
26 includes a second chance school or an alternative to  
27 expulsion, if the school district where the juvenile is  
28 enrolled offers such programs, unless the principal of the  
29 school determines that special circumstances warrant  
30 continuation in the regular educational school program.  
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1           (c) If a juvenile on community control attends a  
2 regular educational school program because a public adult  
3 education program or dropout prevention program, which  
4 includes a second chance school or an alternative to  
5 expulsion, is not available in the school district, the  
6 identity of the juvenile on community control, the nature of  
7 the felony offense committed by the juvenile, and the  
8 conditions of community control must be made known to each of  
9 the student's teachers.

10           Section 28. Except as otherwise provided in this act,  
11 this act shall take effect July 1, 1997.

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