

By Senator Campbell

33-1588-00

1 A bill to be entitled
2 An act relating to habitual truants; amending
3 s. 232.09, F.S.; providing that a habitual
4 truant may not receive a driver's license until
5 18 years of age; requiring the Department of
6 Education to provide the Department of Highway
7 Safety and Motor Vehicles with records of
8 habitual truants; providing an effective date.

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

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

14 232.09 Parents and legal guardians responsible for
15 attendance of children; attendance policy; driver's license
16 age for habitual truants.--

17 (1) The Legislature finds:

18 (a) It is essential that our children receive an
19 education.

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

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

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

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

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

1 (2) Each parent and legal guardian of a child within
2 the compulsory attendance age is responsible for the child's
3 school attendance as required by law. The absence of a child
4 from school is prima facie evidence of a violation of this
5 section; however, criminal prosecution under this chapter may
6 not be brought against a parent, guardian, or other person
7 having control of the child until the provisions of s.
8 232.17(2) have been complied with. A parent or guardian of a
9 child is not responsible for the child's nonattendance at
10 school under any of the following conditions:

11 (a) With permission.--The absence was with permission
12 of the head of the school; or

13 (b) Without knowledge.--The absence was without the
14 parent's knowledge, consent, or connivance, in which case the
15 child shall be dealt with as a dependent child; or

16 (c) Financial inability.--The parent was unable
17 financially to provide necessary clothes for the child, which
18 inability was reported in writing to the superintendent prior
19 to the opening of school or immediately after the beginning of
20 such inability; provided, that the validity of any claim for
21 exemption under this subsection shall be determined by the
22 superintendent subject to appeal to the school board; or

23 (d) Sickness, injury, or other insurmountable
24 condition.--Attendance was impracticable or inadvisable on
25 account of sickness or injury, attested to by a written
26 statement of a licensed practicing physician, or was
27 impracticable because of some other stated insurmountable
28 condition as defined by rules of the state board. If a student
29 is continually sick and repeatedly absent from school, he or
30 she must be under the supervision of a physician in order to
31 receive an excuse from attendance. Such excuse provides that a

1 student's condition justifies absence for more than the number
2 of days permitted by the district school board.

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

13 (3) A student who becomes a habitual truant as defined
14 in s. 228.041 may not be issued a driver's license under
15 chapter 322 until he or she is at least 18 years of age. The
16 Department of Education shall provide the Department of
17 Highway Safety and Motor Vehicles with the records of habitual
18 truants on a timely basis.

19 Section 2. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Provides that a habitual truant may not receive a
25 driver's license until the age of 18 years. Requires the
26 Department of Education to provide records of habitual
27 truants timely.

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