

By Senator Deutch

30-02979-08

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1 A bill to be entitled

2 An act relating to driver licenses; amending s. 322.091,
3 F.S.; providing that a minor who is not in compliance with
4 certain education requirements is disqualified from
5 operating a motor vehicle until certain conditions are
6 met; providing for revocation of driving privileges and
7 driver's license or learner's driver's license;
8 prohibiting the Department of Highway Safety and Motor
9 Vehicles from issuing or reissuing a license to a person
10 who is disqualified from operating a motor vehicle;
11 providing for notification; providing procedures;
12 providing for hardship waivers; directing the department
13 to adopt rules for processing applications for waiver;
14 providing for verification of compliance; amending s.
15 1003.27, F.S.; revising terminology to specify that the
16 department shall revoke any previously issued driver's
17 license or learner's driver's license of a minor who is
18 not in compliance with specified education requirements;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 322.091, Florida Statutes, is amended to
24 read:

25 322.091 Attendance requirements.--

26 (1) ELIGIBILITY REQUIREMENTS FOR DRIVING PRIVILEGES.--

27 (a) A minor is not eligible for driving privileges unless
28 that minor:

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29 1.(a) Is enrolled in a public school, nonpublic school, or
30 home education program and satisfies relevant attendance
31 requirements;

32 2.(b) Has received a high school diploma, a high school
33 equivalency diploma, a special diploma, or a certificate of high
34 school completion;

35 3.(c) Is enrolled in a study course in preparation for the
36 Test of General Educational Development and satisfies relevant
37 attendance requirements;

38 4.(d) Is enrolled in other educational activities approved
39 by the district school board and satisfies relevant attendance
40 requirements;

41 5.(e) Has been issued a certificate of exemption according
42 to s. 1003.21(3); or

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

44 (b) A minor who drops out of a public, nonpublic, or home
45 education program shall remain eligible for driving privileges
46 if, within 5 business days, the minor enrolls in a public,
47 nonpublic, or home education program, in a study course in
48 preparation for the Test of General Educational Development, or
49 in other educational activities approved by the district school
50 board, and satisfies relevant attendance requirements.

51
52 ~~The department may not issue a driver's license or learner's~~
53 ~~driver's license to, or shall suspend the driver's license or~~
54 ~~learner's driver's license of, any minor concerning whom the~~
55 ~~department receives notification of noncompliance with the~~
56 ~~requirements of this section.~~

57 (2) DISQUALIFICATION FROM OPERATING A MOTOR VEHICLE.--

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58 (a) A minor who is not in compliance with the requirements
59 of subsection (1) is disqualified from operating a motor vehicle.
60 The period of disqualification shall be until the person has
61 attained 19 years of age and has received a high school diploma,
62 a high school equivalency diploma, a special diploma, or a
63 certificate of high school completion.

64 (b) Except as otherwise provided in this section, the
65 department shall revoke the driving privileges and driver's
66 license or learner's driver's license of any minor concerning
67 whom the department receives notification of noncompliance with
68 the requirements of this section. The department may not issue or
69 reissue a driver's license or learner's driver's license to any
70 person while that person is disqualified from operating a motor
71 vehicle under paragraph (a).

72 (3) (2) NOTIFICATION OF INTENT TO REVOKE SUSPEND; PROCEDURES
73 SUSPENSION; RECORD OF NONCOMPLIANCE.--

74 (a) The department shall notify each minor for whom the
75 department has received notification of noncompliance with the
76 requirements of this section as provided in s. 1003.27, and the
77 minor's parent or guardian, of the department's intent to revoke
78 ~~suspend~~ the minor's driving privileges.

79 (b) The minor~~7~~ or the parent or guardian of the minor~~7~~ may,
80 within ~~has~~ 15 calendar days after the date of receipt of the ~~this~~
81 notice, ~~to~~ provide proof of compliance with the requirements of
82 this section as provided in subsection (5) ~~(4)~~ or, within 10
83 business days, ~~to~~ request a hardship waiver hearing under
84 subsection (4) ~~(3)~~.

85 (c) Twenty days after the date of issuance of the ~~this~~
86 notice under paragraph (a), the department shall revoke ~~suspend~~

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87 | the minor's driver's ~~operator's~~ license or learner's driver's
88 | license or record the legal name, sex, date of birth, and social
89 | security number of the ~~each~~ minor if he or she ~~who~~ does not
90 | possess a driver's license or learner's driver's license, unless
91 | the minor has provided the department with verification of
92 | compliance pursuant to paragraph (b) ~~with the requirements of~~
93 | ~~subsection (1)~~ or the appropriate school official has provided
94 | the department with verification of a request for a waiver
95 | hearing.

96 | (d) Upon notification of the outcome of a hardship waiver
97 | hearing, the department shall revoke ~~suspend~~ the driver's license
98 | or learner's driver's license of a minor who was denied a
99 | hardship waiver, or record the legal name, sex, date of birth,
100 | and social security number of a minor who does not possess a
101 | driver's license or learner's driver's license and who was denied
102 | a hardship waiver.

103 | (e) Until the conditions of paragraph (2) (a) have been met,
104 | the department may not issue or reissue a driver's license or
105 | learner's driver's license to any person ~~minor~~ for whom it has a
106 | record of noncompliance with the requirements of subsection (1)
107 | unless the person is granted a hardship waiver under subsection
108 | (4) or ~~minor~~ submits verification of compliance pursuant to
109 | paragraph (b) subsection (4).

110 | (4)(3) HARDSHIP WAIVER AND APPEAL.--

111 | (a) A minor, or the parent or guardian of the ~~a~~ minor, may,
112 | within 10 business ~~has 15 calendar~~ days after the date of receipt
113 | of the notice of intent to revoke, ~~suspend~~ to request a hardship
114 | waiver hearing before the public school principal, the
115 | principal's designee, or the designee of the governing body of a

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116 private school for the purpose of reviewing the pending
117 revocation ~~suspension~~ of driving privileges. The school official
118 receiving the request shall notify the department of the request
119 for a waiver hearing within 24 hours after receiving the request.
120 Public school officials shall also notify the district school
121 board of the request for a waiver hearing. The hearing must be
122 conducted within 30 calendar days after the public school
123 principal, the principal's designee, or the designee of the
124 governing body of a private school receives the request.

125 (b) The public school principal, the principal's designee,
126 or the designee of the governing body of a private school shall
127 waive the requirements of subsection (1) for any minor under the
128 school's jurisdiction when noncompliance with subsection (1) is
129 due to a personal or family hardship caused by an illness or
130 physical condition of the minor or a family member of the minor,
131 by an unstable living situation, or by any extreme condition or
132 circumstance or shall waive the requirements of subsection (1)
133 for any minor under the school's jurisdiction for whom a personal
134 or family hardship requires that the minor have a driver's
135 license for his or her own, or his or her family's, employment or
136 medical care. The minor or the minor's parent or guardian may
137 present other evidence that indicates compliance with the
138 requirements of subsection (1) at the waiver hearing. The public
139 school principal, the principal's designee, or the designee of
140 the governing body of a private school shall take into
141 consideration the recommendations of teachers, other school
142 officials, guidance counselors, or academic advisers before
143 waiving the requirements of subsection (1).

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144 (c) The public school principal, the principal's designee,
145 or the designee of the governing body of a private school shall
146 notify the department of the outcome of a minor's hardship waiver
147 hearing within 24 hours after conducting the hearing. Public
148 school officials shall also notify the district school board of
149 the outcome of the hearing.

150 (d) Any person denied a hardship waiver by a public school
151 principal, the principal's designee, or the designee of the
152 governing body of a private school may appeal the decision to the
153 district school board or the governing body of the private
154 school. The district school board or the governing body of the
155 private school shall notify the department if the hardship waiver
156 is subsequently granted.

157 (e) Any person denied a hardship waiver by the district
158 school board or the governing body of a private school may apply
159 to the department for a hardship waiver. If the department finds
160 that noncompliance with subsection (1) is due to a personal or
161 family hardship caused by an illness or physical condition of the
162 minor or a family member of the minor, by an unstable living
163 situation, or by any extreme condition or circumstance or if the
164 department finds that a personal or family hardship requires that
165 the minor have a driver's license for his or her own, or his or
166 her family's, employment or medical care, the department shall
167 waive the requirements of subsection (1). The department shall
168 adopt, by rule, procedures for processing applications for waiver
169 received under this paragraph.

170 (5) ~~(4)~~ VERIFICATION OF COMPLIANCE AND REINSTATEMENT.--A
171 district school board shall provide a minor with written
172 verification that he or she is in compliance with the

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173 requirements of subsection (1) if the district determines that
174 the minor ~~he or she~~ has been in compliance for 30 days prior to
175 the request for verification of compliance or that the minor has
176 enrolled in a program, study course, or approved educational
177 activity as provided in paragraph (1)(b). ~~Upon receiving written~~
178 ~~verification that the minor is again in compliance with the~~
179 ~~requirements of subsection (1), the department shall reinstate~~
180 ~~the minor's driving privilege. Thereafter, if the school district~~
181 ~~determines that the minor is not in compliance with the~~
182 ~~requirements of subsection (1), the department shall suspend the~~
183 ~~minor's driving privilege until the minor is 18 years of age or~~
184 ~~otherwise satisfies the requirements of subsection (1), whichever~~
185 ~~occurs first.~~

186 (6)~~(5)~~ REPORTING AND ACCOUNTABILITY.--The department shall
187 report quarterly to each school district the legal name, sex,
188 date of birth, and social security number of each student whose
189 driving privileges have been revoked ~~suspended~~ under this
190 section.

191 Section 2. Paragraph (b) of subsection (2) of section
192 1003.27, Florida Statutes, is amended to read:

193 1003.27 Court procedure and penalties.--The court procedure
194 and penalties for the enforcement of the provisions of this part,
195 relating to compulsory school attendance, shall be as follows:

196 (2) NONENROLLMENT AND NONATTENDANCE CASES.--

197 (b) Each public school principal or the principal's
198 designee shall notify the district school board of each minor
199 student under its jurisdiction who accumulates 15 unexcused
200 absences in a period of 90 calendar days. Each designee of the
201 governing body of each private school, and each parent whose

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202 child is enrolled in a home education program, may provide the
203 Department of Highway Safety and Motor Vehicles with the legal
204 name, sex, date of birth, and social security number of each
205 minor student under his or her jurisdiction who fails to satisfy
206 relevant attendance requirements and who fails to otherwise
207 satisfy the requirements of s. 322.091. The district school
208 superintendent must provide the Department of Highway Safety and
209 Motor Vehicles the legal name, sex, date of birth, and social
210 security number of each minor student who has been reported under
211 this paragraph and who fails to otherwise satisfy the
212 requirements of s. 322.091. The Department of Highway Safety and
213 Motor Vehicles may not issue a driver's license or learner's
214 driver's license to, and shall revoke ~~suspend~~ any previously
215 issued driver's license or learner's driver's license of, any
216 such minor student, pursuant to the provisions of s. 322.091.

217 Section 3. This act shall take effect July 1, 2008.