

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  
 24 to 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:

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.(e) 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.--

58 (a) A minor who is not in compliance with the requirements  
 59 of subsection (1) is disqualified from operating a motor  
 60 vehicle. The period of disqualification shall be until the  
 61 person has attained 19 years of age and has received a high  
 62 school diploma, a high school equivalency diploma, a special  
 63 diploma, or a 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  
 69 or reissue a driver's license or learner's driver's license to  
 70 any person while that person is disqualified from operating a  
 71 motor vehicle under paragraph (a).

72 (3)-(2) NOTIFICATION OF INTENT TO REVOKE ~~SUSPEND~~;  
 73 PROCEDURES ~~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~~,~~ or the parent or guardian of the minor~~,~~  
 80 may, within ~~has~~ 15 calendar days after the date of receipt of  
 81 the this notice, ~~to~~ provide proof of compliance with the  
 82 requirements of this section as provided in subsection (5) ~~(4)~~  
 83 or, within 10 business days, ~~to~~ request a hardship waiver  
 84 hearing under 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~~  
 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  
 98 license or learner's driver's license of a minor who was denied  
 99 a 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  
 102 denied a hardship waiver.

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

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

111 (a) A minor, or the parent or guardian of the ~~a~~ minor,  
 112 may, within 10 business ~~has 15 calendar~~ days after the date of

113 receipt of the notice of intent to revoke, ~~suspend~~ to request a  
 114 hardship waiver hearing before the public school principal, the  
 115 principal's designee, or the designee of the governing body of a  
 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  
 120 request. Public school officials shall also notify the district  
 121 school board of the request for a waiver hearing. The hearing  
 122 must be conducted within 30 calendar days after the public  
 123 school principal, the principal's designee, or the designee of  
 124 the 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  
 134 personal or family hardship requires that the minor have a  
 135 driver's license for his or her own, or his or her family's,  
 136 employment or medical care. The minor or the minor's parent or  
 137 guardian may present other evidence that indicates compliance  
 138 with the requirements of subsection (1) at the waiver hearing.  
 139 The public school principal, the principal's designee, or the  
 140 designee of the governing body of a private school shall take

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141 into consideration the recommendations of teachers, other school  
142 officials, guidance counselors, or academic advisers before  
143 waiving the requirements of subsection (1).

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  
147 waiver hearing within 24 hours after conducting the hearing.  
148 Public school officials shall also notify the district school  
149 board of 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  
153 the 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  
156 waiver 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  
162 the 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  
165 that the minor have a driver's license for his or her own, or  
166 his or her family's, employment or medical care, the department  
167 shall waive the requirements of subsection (1). The department

168 shall adopt, by rule, procedures for processing applications for  
 169 waiver 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~~  
 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~~  
 181 ~~district 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),~~  
 185 ~~whichever 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  
 194 procedure and penalties for the enforcement of the provisions of

195 | this part, relating to compulsory school attendance, shall be as  
 196 | follows:

197 |       (2) NONENROLLMENT AND NONATTENDANCE CASES.--

198 |       (b) Each public school principal or the principal's  
 199 | designee shall notify the district school board of each minor  
 200 | student under its jurisdiction who accumulates 15 unexcused  
 201 | absences in a period of 90 calendar days. Each designee of the  
 202 | governing body of each private school, and each parent whose  
 203 | child is enrolled in a home education program, may provide the  
 204 | Department of Highway Safety and Motor Vehicles with the legal  
 205 | name, sex, date of birth, and social security number of each  
 206 | minor student under his or her jurisdiction who fails to satisfy  
 207 | relevant attendance requirements and who fails to otherwise  
 208 | satisfy the requirements of s. 322.091. The district school  
 209 | superintendent must provide the Department of Highway Safety and  
 210 | Motor Vehicles the legal name, sex, date of birth, and social  
 211 | security number of each minor student who has been reported  
 212 | under this paragraph and who fails to otherwise satisfy the  
 213 | requirements of s. 322.091. The Department of Highway Safety and  
 214 | Motor Vehicles may not issue a driver's license or learner's  
 215 | driver's license to, and shall revoke ~~suspend~~ any previously  
 216 | issued driver's license or learner's driver's license of, any  
 217 | such minor student, pursuant to the provisions of s. 322.091.

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