

690-100AXA-38

Bill No. CS/HB 751 & others

Amendment No. 26 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Melvin and Cantens offered the following:

Amendment (with title amendment)

On page 129, between lines 24 and 25,

insert:

Section 53. Subsection (2) of section 232.09, Florida Statutes, is amended to read:

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

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

(a) With permission.--The absence was with permission

1 of the head of the school; or

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

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

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

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24 Each district school board shall establish an attendance
25 policy which includes, but is not limited to, the required
26 number of days each school year that a student must be in
27 attendance and the number of absences and tardinesses after
28 which a statement explaining such absences and tardinesses
29 must be on file at the school. Each school in the district
30 must determine if an absence or tardiness is excused or
31 unexcused according to criteria established by the district

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1 school board.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 9, line 24, after the semicolon,

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8 insert:

9 amending s. 232.09, F.S.; clarifying scope of

10 reference to term "criminal prosecution";

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