

FLORIDA DEPARTMENT OF EDUCATION



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Education*

Technical Assistance Paper



Implementation of Attendance Requirements for Minors to Maintain Their Driving Privilege

Summary:

Provide technical assistance to school personnel who implement the attendance-related proceedings and to district technical staff who provide information to DHSMV, and to provide updated information and clarify previous policies related to the implementation of attendance-related driver's license requirements.

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Background

The Florida Legislature enacted specific provisions to reduce truancy and ensure that schools respond in a timely manner to student nonattendance. The continuum of attendance-related intervention and enforcement strategies requires school districts to implement programs, procedures, and activities consistent with this legislative intent and pursuant to the following:

- Enforcement of school attendance requirements, (Section 1003.26, Florida Statutes)
- Requirements for minors to maintain their driving privilege (Section 1003.27, Florida Statutes)
- Learnfare Program reporting requirements (Section 414.1251, Florida Statutes)

The Florida Legislature enacted requirements that schools report to the Department of Highway Safety and Motor Vehicles (DHSMV) the names, birth dates, gender, and social security numbers of minors who attain the age of 14 and accumulate 15 unexcused absences in a period of 90 calendar days. The legislation further provides that those students who fail to satisfy attendance requirements will be ineligible to maintain or obtain driving privileges.

Pursuant to Section 322.091, Florida Statutes, a minor is not eligible for driving privileges unless that minor

- Is enrolled in public school, nonpublic school, or a home education program and satisfies relevant attendance requirements; or
- Has received a high school diploma, high school equivalency diploma, special diploma, or certificate of high school completion; or
- Is enrolled in a study course in preparation for the Test of General Educational Development and satisfies relevant attendance requirements; or
- Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements; or
- Has been issued a certificate of exemption according to Section 1003.21(3), Florida Statutes; or
- Has received a hardship waiver, pursuant to Section 322.091, Florida Statutes.

Introduction

The purpose of this technical assistance paper is to:

- Provide technical assistance to school personnel who implement the attendance-related proceedings and to district technical staff who provide information to DHSMV
- Provide updated information and clarify previous policies related to the implementation of attendance-related driver's license requirements
- Replace previous technical assistance paper FY 2004-14, Implementation of Attendance Requirements for Minors to Maintain Their Driving Privilege, dated January 2004

School District Responsibilities

Notification to DHSMV—The principal or designee shall notify the district school board of all students between the ages of 14 and 18 who accumulate 15 unexcused absences in a period of 90 calendar days. The school superintendent is required to transmit electronically to DHSMV the names of the students, dates of birth, gender, and, if available, social security numbers. The school district is also required to report all students who withdraw from school with a withdrawal code that is calculated in the dropout rate. DHSMV will not process records of students who are less than 14 years of age. Notification to DHSMV initiates one of two actions. DHSMV will post a Notice of Intent to Suspend driving privileges to the driver record of all reported licensed students. These students may lose their driver's license unless they comply with attendance requirements. Or, DHSMV will post an education noncompliance entry to the record created for this specific purpose for all reported unlicensed students, and they may not apply for a driver's license until relevant attendance requirements are satisfied.

Reinstatement of Driving Privilege—Satisfaction of relevant attendance requirements for reinstatement is based on the criteria outlined in Section 322.091, Florida Statutes. In most cases, reinstatement will involve students in high school, an adult education program, home education program, or private school.

School districts must electronically transmit a transaction code (code 5) to cancel out-of-compliance reports for students who are licensed and have satisfied attendance requirements or students who should not have been reported. Electronic transmissions for cancellation must occur within 20 calendar days of issuance of the Notice of Intent to Suspend. An electronic transmission to cancel education noncompliance entries is not possible for unlicensed students who have not satisfied attendance requirements or who should not have been reported to DHSMV. A reinstatement form (see Appendix) or status letter must be submitted for these students.

The reinstatement form is required for students who satisfy relevant attendance requirements after 20 calendar days from the date of the notice. Students are also eligible for reinstatement if they have earned a high school diploma or State of Florida diploma. The reinstatement form can be used to document the awarding of a diploma. For licensed students who should not have been reported for whom a correction has not been electronically transmitted within 20 calendar days, a status letter from the public school is required. The letter must be submitted on school letterhead addressed to DHSMV and include the principal's or designee's signature, name of student, date of birth, social security number (if available), and a statement that the student should not have been reported to the department.

An electronic mechanism is not in place for minors enrolled in an adult education program not under the authority of a school district. For reinstatement of driving privileges for these students, contact Donald Klein at (850) 617-3811. Reinstatement forms may be faxed to (850) 617-5158. DHSMV staff will not process any forms that do not include a legible school seal or have a notarized signature. After the order of suspension is posted to a licensed student's driver record, the reinstatement form can be presented to a local driver's license office. If the license is suspended, a reinstatement fee will be required.

To reinstate the driving privilege of a student who is enrolled and attending a home education program or private school, contact Donald Klein at (850) 671-3811.

Hardship Waiver Hearings—School districts shall establish procedures to schedule hardship waiver hearings for students who receive a Notice of Intent to Suspend. Unlicensed students are not eligible for a hardship waiver hearing. A licensed student or his or her parent or guardian has 15 calendar days after the date of receipt of the Notice of Intent to Suspend to request a hardship waiver hearing before the public school principal or the principal’s designee. Districts must notify DHSMV via electronic transmission regarding the request for a waiver hearing within 24 hours after receiving the request. The hearing must be conducted within 30 calendar days of the request. The outcome of the hearing must be electronically transmitted to DHSMV within 24 hours after the hearing. Any student who is denied a waiver may appeal the decision to the district school board. If the school board ultimately grants the hardship waiver, the school board must notify DHSMV. Contact Donald Klein at (850) 671-3811 when a district school board grants a hardship waiver.

The purpose of a hardship waiver hearing is to review the pending suspension of a student’s driving privilege. By approving a student’s request for a hardship waiver, the school district is providing the student an opportunity to maintain his or her driving privilege during the period of time it takes the student to comply with the requirements of Section 322.091(1), Florida Statutes. Therefore, the public school principal, principal’s designee, or the designee of the governing body of a private school is strongly encouraged to approve the waiver request for a specified period of time. For example, the school may approve a waiver based on the conditions set forth in Section 322.091(3)(b), Florida Statutes, for a period of time to allow the student to attend school for 30 consecutive days with no unexcused absences. It is recommended that school districts review hardship waivers 90 calendar days after the date of approval. The district may decide to extend the approval of the waiver and take no further action with DHSMV. If the district decides to withdraw approval of the waiver, the district must inform the student that the waiver has been rescinded and electronically notify DHSMV of this decision. This action will generate a Notice of Intent to Suspend letter to the student.

Department of Highway Safety and Motor Vehicles Responsibilities

The DHSMV’s primary role is to function in a regulatory capacity. This entails creation of Notices of Intent to Suspend and Orders of Suspension and reinstatement of driving privileges for students who comply with attendance requirements. The Notice of Intent to Suspend is sent to all students reported by school districts to DHSMV for noncompliance with attendance requirements. It will notify licensed minors of the intent to suspend driving privileges and unlicensed minors that the DHSMV will withhold eligibility and deny an application for a driver’s license until the student provides verification of compliance required for reinstatement.

A. Attendance and Reporting

A-1. How are “no shows” or students who did not enter (DNE) reported?

For those students who are expected to enroll at the beginning of the school year but who do not return, the district must carry the student on the class roster for up to ten school days. If the student has not enrolled within the first ten school days, the district must remove the student from the roll by entering the withdrawal code DNE and recording the withdrawal date as of the first day of school. At this time, the school district must report the student to the Department of Highway Safety and Motor Vehicles (DHSMV).

A-2. Which students must be reported to DHSMV for noncompliance with attendance requirements?

School districts must report all students between the ages of 14 and 18

- Who accumulate 15 unexcused absences within 90 calendar days, or
- Who have withdrawn from school with a withdrawal code calculated in the dropout rate (DNE, W05, W13, W15, W18, W21, W22, and W23)

A-3. How are excused and unexcused absences defined?

Pursuant to Section 1003.26, Florida Statutes, district school board policies must require each student’s parent(s) to justify their child’s absence, and the justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must require schools to track excused and unexcused absences and contact the parent in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of nonattendance patterns.

A-4. Are public schools responsible for informing students that their driving privileges may be affected for withdrawing from school?

Section 1003.26(1), Florida Statutes, requires the school principal or designee to contact a student’s parent to determine the reason for an unexcused absence or an absence for which the reason is unknown. It is recommended that schools inform students and parents of the consequences of accumulating unexcused absences and of dropping out of school, including the potential loss of driving privileges.

A-5. Which students should not be reported to DHSMV?

Students who transfer to another school within the school district (W02), to another public school in or out of the state (W03), or to a private school in or out of the state (W04) should not be reported to DHSMV for noncompliance of attendance requirements.

A-6. What is the responsibility of public schools whose students were reported with a withdrawal code calculated in the dropout rate and changed to a withdrawal code W02, W03, or W04, to clear a student’s record for noncompliance with school attendance requirements?

DHSMV must be notified that the student should not have been reported. School districts have 20 calendar days from the date of the Notice of Intent to Suspend to electronically transmit a cancellation code. This electronic capability only pertains to licensed drivers. After 20 days a status letter is required. Status letters are always required for students who are not licensed.

A-7. Are public schools required to notify parents and guardians when excessive unexcused absences occur?

Yes. Section 1003.26(1), Florida Statutes, requires the school principal or principal's designee to contact a student's parent to determine the reason for each unexcused absence or absence for which the reason is unknown. If a student accumulates at least five unexcused absences or absences for which the reasons are unknown within a calendar month, or ten unexcused absences or absences for which the reasons are unknown within 90 calendar days, the student's teacher shall report this pattern of nonattendance to the school principal. The principal must refer the case to the school's child study team to determine an intervention plan to most effectively address the problem.

A-8. What is required for public schools to verify transfers within the district (W02), to another public school in or out of state (W03), or to a private school in or out of state (W04)?

Public schools are not required to verify transfers for students who are withdrawn using withdrawal codes W02, W03, or W04. It is the responsibility of school officials to assign appropriate withdrawal codes. A student's withdrawal is official when one or more of the following occurs:

- A parent or legal guardian notifies the school that the child is permanently leaving the school to enroll in another school
- A request for the student's record is received from a public or private school, in or out of state, in which the student is enrolled or plans to enroll
- The student has been transferred within the school or district by school officials
- The student has been promoted, graduates, receives a certificate of completion, or receives a special certificate of completion
- A school official determines that the child has moved and permanently left school or has died

A-9. How should the district report a student who transfers to an adult education program (W26) but does not enroll or is not attending classes?

Any student who leaves school to enter an adult education program prior to completion of high school graduation requirements must be withdrawn as W26. If a student who is assigned code W26 does not enroll in the adult program within ten school days, he or she must be recorded in the appropriate category (i.e., W05, W15, W22). If a student enrolls in the adult program but does not attend classes, he or she must be recorded in the appropriate category by the last secondary school attended. This code also applies to those students who are provided programs through cooperative agreements with adult schools in other districts or a

community college.

A-10. Are expelled students affected?

Yes. The legislation intends that the nonreporting of a student to DHSMV represents his or her compliance with attendance requirements; therefore, expelled students must be reported as soon as they are officially withdrawn from school. However, a student may not be affected if he or she enrolls in another school, home education program, or an alternative to expulsion program and meets relevant attendance requirements.

A-11. Are days missed as a result of suspensions counted in the unexcused absences reported to DHSMV?

No. An out-of-school suspension is an administrative action that prohibits a student from attending school as compared to a truancy issue. For the purpose of reporting to DHSMV, an absence due to suspension included in the 15 unexcused absences reporting criteria results in a double penalty. Students participating in an in-school suspension program do not generate absences because they are required to be present during school hours.

A-12. Is the 16- or 17-year-old student who signs a declaration of intent to terminate school enrollment excluded from these provisions?

No. A 16- or 17-year-old student who withdraws from school is not excluded from being reported to DHSMV for sanction because Florida law provides that a minor is not eligible for driving privileges if he or she is not enrolled in a public school, private school, or a home education program. Pursuant to Section 1003.21(1)(c), Florida Statutes, a student who is 16 or 17 years old may withdraw from school if he or she files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. It is recommended that school staff also inform students and parents regarding the potential loss of driving privileges. The district must notify the student's parent regarding the receipt of the student's intent to terminate school enrollment.

A-13. Is the 90 calendar day period a "rolling" period, and how often must the superintendent report student data to DHSMV?

The 90 calendar day period "rolls" and changes daily. Districts must report a student as soon as he or she accumulates 15 unexcused absences within 90 calendar days. For reporting purposes, districts must only report absences accumulated during the 180-day school year, not including summer school. School districts must transmit student data to DHSMV at least once a week and not wait until the end of the semester to report students who drop out of school or accumulate 15 unexcused absences within the 90 school day semester.

A-14. Should the district notify DHSMV when a student has improved attendance after his or her name has been submitted to DHSMV for having 15 unexcused absences in a 90-day calendar period?

No. The 15 unexcused absences in any given 90 calendar day period is a benchmark of attendance behavior requiring notification for DHSMV action. It becomes the student's responsibility after notification from DHSMV regarding the intent to suspend driving privileges or withhold eligibility for licensure to seek reinstatement if he or she can obtain written verification of 30 consecutive days of attendance with no unexcused absences.

A-15. Which students are affected by these provisions?

For the purpose of implementation of these proceedings, districts must report all students who turn 14 during the school year (July 1–June 30) until they have reached their 18th birthday. Students are eligible to be reported on their 14th birthday.

A-16. Are private schools and other systems not under the authority of a public school district superintendent required to submit attendance data relative to the 15 days of unexcused absences in 90 calendar days to DHSMV?

No; however, for students who have received a Notice of Intent to Suspend/Withhold Eligibility for Licensure, private schools must provide the student with a reinstatement form contingent on compliance with relevant attendance requirements.

A-17. Will 15 days of unexcused absences in 90 calendar days be reported for students in adult education programs?

Yes. Minor students enrolled and attending adult education programs are required to comply with mandatory attendance requirements. This applies to all students between 14 and 18 years of age. In addition, students assigned a W26 withdrawal code must be reported after exiting an education program without earning a high school diploma or State of Florida diploma. Their names must be electronically transmitted to DHSMV via the school district's student database to the Northwest Regional Data Center.

A-18. Are all public educational agencies responsible for contacting the school district when a student who withdrew with a W26 withdrawal code fails to enroll or attend adult education program?

Yes. Legislative intent is that all minor students, regardless of educational program, comply with attendance requirements as specified in law.

A-19. What are the criteria to determine if a student has satisfied relevant attendance requirements?

Satisfaction of relevant attendance requirements for reinstatement is contingent on the criteria specified in Section 322.091, Florida Statutes. Public middle and high school students must attend school for 30 consecutive days with no unexcused absences in order for driving privileges to be reinstated. The count begins the first day after the last unexcused absence. If an unexcused absence occurs during the 30-day accumulation period, the count starts over. Excused absences are acceptable during the accumulation period; however, this extends the length of

time necessary to satisfy the 30-day criteria. Adult education students must satisfy the relevant attendance requirements of the school district. The recommendation for adult education programs is six consecutive weeks of attendance with no unexcused absences.

A-20. How should dropouts be reported?

A student who has been assigned a withdrawal code calculated in the dropout rate, referred to as a dropout code, must be reported to DHSMV on the first day after the student was withdrawn from school. Dropout codes for PK-12 include DNE, W05, W13, W15, W18, W21, W22, and W23.

A-21. Is there a time limit for school districts to electronically transmit the transaction code to cancel the Notice of Intent to Suspend letter or for a licensed student who should not have been reported to DHSMV?

Yes. School districts must electronically transmit the transaction code within 20 calendar days from the date of the notice. After 20 days, attempts to transmit the transaction code will be electronically transmitted back to the district in the SUM file as an error. Electronic transmissions to correct records only apply to students with a learner's permit or a driver's license.

A-22. Is it possible for school districts to electronically transmit the transaction code to cancel an education noncompliance entry posted to a DHSMV record?

No. The transaction code for cancellation only applies to the Notice of Intent to Suspend. Education noncompliance is a correspondence entry to a DHSMV record for unlicensed students reported as out-of-compliance with attendance requirements. A school will not know whether the student is licensed until the SUM file is returned and reviewed. The school must supply the student with a letter to indicate he or she should not have been reported to DHSMV. The letter must be on school letterhead addressed to the DHSMV and include the principal or designee's signature; the student's name, date of birth, and social security number (if available); and a statement that the student should not have been reported to DHSMV.

A-23. Is the Job Corps an acceptable educational program to satisfy attendance requirements?

Yes. Job Corps is a federally funded program under the U.S. Department of Labor that provides dropouts the opportunity to earn a high school diploma and gain training to help them become employable.

A-24. Should a student who transfers to another school be reported to DHSMV?

If the student has not accumulated 15 unexcused absences within 90 calendar days, the student must not be reported to DHSMV. Only students who have accumulated 15 unexcused absences within 90 calendar days and students who have withdrawn from school with a dropout code (DNE, W05, W13, W15, W18, W21, W22, or W23) must be reported to DHSMV.

B. Home Education and Private Schools

B-1. What happens if a student goes into a home education program and is assigned a W24 withdrawal code?

Upon the transfer of a student into a home education program, he or she ceases to be the responsibility of the school district for the purpose of these provisions and should not be reported to DHSMV.

B-2. What are the responsibilities of school districts for students enrolled in home education who are 16 years of age or older?

School districts are required to monitor and enforce compulsory school attendance requirements pursuant to Sections 1003.26 and 1003.27, Florida Statutes, for all students until their 18th birthday, graduation from high school, or receipt of a State of Florida diploma.

B-3. What happens if a student is assigned a W24 withdrawal code for home education and does not register within 30 school days with the district home education office?

The student should be reported to DHSMV.

B-4. Is there an age restriction for enrollment in a school district's home education program?

No. Section 1002.41, Florida Statutes, does not provide an age restriction for enrollment in home education. This section specifies that regular school attendance may be achieved by attendance in a home education program defined as sequentially progressive instruction of a student provided by his or her parent or guardian. When a student enrolled in a public school has been identified as exhibiting a pattern of nonattendance and subsequently withdraws from public school to enroll in a home education program, the district must inform the parent of the accountability requirements of the home education program specified in Section 1003.26(1)(f), Florida Statutes. These requirements provide the required activities of the home education review committee and the related portfolio review schedule for students who have previously demonstrated a pattern of nonattendance.

B-5. When should proof of enrollment in a school district's home education program be issued for reinstatement purposes?

Students enrolled in home education are not excluded from the 30 consecutive days of required attendance for reinstatement. It is recommended that districts issue a reinstatement form (HSMV 72871) only after 30 school days have elapsed. This form will verify enrollment in a home education program for the required 30 days.

B-6. How can a school district report a student who withdrew from home education and is not enrolled in their school district?

School districts have the legal obligation to ensure students are enrolled in school or another approved educational program. Acceptable alternatives to home education are attendance in public or private schools, attendance in a GED program, enrollment in other educational activities approved by the district school board, a certificate of exemption according to Section 1003.21(3), Florida Statutes, or a hardship waiver, pursuant to Section 322.091, Florida Statutes. Pursuant to Section 1003.26(2), Florida Statutes, a designated school representative must give written notice that requires enrollment or attendance within three days after the date of notice to the parent when no valid reason is found for a student's nonenrollment in school. If the school determines that a student whose parent registered him or her for home education is not participating in a home education program, it is the district's responsibility to enforce compulsory school attendance requirements. A record can be created and electronically transmitted by the school district to DHSMV.

B-7. What is a reasonable amount of time for students to withdrawal from high school or a public home education program to enroll and attend a GED or vocational program?

The expectation is for students to continue education. Ten school days from the date of withdrawal is a reasonable timeframe to enroll and attend a program. Students who fail to enroll and attend a program should be reported to DHSMV. Contact Donald Klein at (850) 617-3811 for assistance in reporting students.

B-8. What are the responsibilities of the public school when students transfer from a public school to a private school and receive a Notice of Intent to Suspend/Withhold Eligibility for Licensure?

If a student does not have an attendance problem, he or she must provide verification of enrollment in private school, and the school district must electronically transmit a cancellation code for licensed minors. The cancellation code must be transmitted within 20 days from the date of the notice. If the 20 days has expired, a letter from the public school on school letterhead is required and must indicate the student should not have been reported to DHSMV. The letter also applies to unlicensed minors who enrolled in private school and did not have an attendance problem in public school. Letters from schools can be faxed to (850) 617-5158. If a student was reported for an attendance problem, he or she must attend private school 30 consecutive school days with no unexcused absences. The private school is responsible for issuing a reinstatement form.

B-9. Who is the state contact regarding issues involving private schools and home education programs?

Contact Donald Klein, DHSMV, at (850) 617-3811.

C. On-line Programs

C-1. Can attendance requirements be satisfied through an on-line program?

Yes. Public and private school on-line educational programs are acceptable for satisfying attendance requirements. Programs can be affiliated with the Florida

public school system or be private, which include out-of-state programs. Private on-line programs not listed in the *Florida Education Directory* require enrollment in the school district's home education program. On-line requirements are determined by school districts or private schools. A reinstatement form can be submitted to DHSMV when students have completed the requisite hours for six consecutive weeks.

C-2. Is Florida Virtual School (FLVS) an acceptable on-line program for reinstatement of driving privilege for full-time students?

Yes. FLVS is a nationally recognized Internet learning model. The Florida Legislature established the program in 2000 as an independent educational entity. Full-time students must be enrolled in a public home education program in their school district or a private school listed in the Florida Education Directory. A reinstatement form can be issued after 30 days from date of enrollment. On-line requirements to be met are determined by school districts or private schools.

C-3. Is FLVS acceptable for reinstatement of driving privileges for students in public or private school who need one semester of coursework to graduate?

Yes. On-line education is acceptable for minor students, only during the summer break, who require less than a full-time course load for one semester to graduate. Students are required to be enrolled in their home school. A reinstatement form can be issued after students have accumulated 30 days.

C-4. What are the FLVS on-line requirements to be met before a reinstatement form is issued to full-time students in a public home education program or private school?

On-line requirements are determined by school districts. Private schools may also exercise discretion. FLVS is a self-paced program that provides a learning tool for academic achievement and credit.

C-5. Is FLVS responsible for issuing reinstatement forms?

No. Only a public home education program, private school, or public school can issue forms. FLVS cannot become a student's school of record.

D. Hardship Waivers

D-1. What are the guidelines to be used for approval of a hardship waiver?

Section 322.091(3)(b), Florida Statutes, states,

“The public school principal, the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school's jurisdiction for whom a personal or family hardship requires that the minor have a driver's license for his or her own, or his or her family's, employment or medical care.”

A hardship for employment is based on verification of need. The factor to be

considered is the extent to which a student provides a substantial financial contribution for his or her livelihood or his or her family's needs, relevant to basic necessities of food and shelter, provided for the household in which he or she resides.

A hardship for medical care is based on the need for transportation, for the student or his or her immediate family members living in the same household, to access required treatment. Consideration should be given to whether there are other licensed drivers residing in the household.

D-2. What is the procedure for contacting DHSMV regarding requests for hardship waiver hearings?

All requests for hardship waiver hearings from school districts must be transmitted electronically to DHSMV. For educational institutions for which an electronic process is not available, the department will accept written documentation. Contact Donald Klein at (850) 617-3811.

D-3. Can a licensed student request a hardship hearing?

Yes. Section 322.091(3), Florida Statutes, provides that a minor or his or her parents have the right to request a hardship waiver hearing.

D-4. Can hardship waivers have a limited duration?

Yes. The public school principal, principal's designee, or the designee of the governing body of a private school is encouraged to approve the waiver request for a specified period of time. It is recommended that hardship waivers be reviewed after 90 calendar days following the date of approval. At that time, the district may decide to extend the approval of the waiver and take no action with DHSMV. If the district decides to withdraw approval of the waiver, the district must inform the student that the waiver has been rescinded and electronically notify DHSMV of this decision. This will generate a Notice of Intent to Suspend letter to the student.

D-5. Which educational settings are required to conduct hardship waiver hearings?

Section 322.091(3), Florida Statutes, provides that a minor or the parent or guardian of a minor has 15 calendar days after the date of receipt of the Notice of Intent to Suspend to request a hardship waiver hearing before the public school principal, the principal's designee, or the designee of the governing body of a private school for the purpose of reviewing the pending suspension of his or her driving privilege. The districts must electronically notify DHSMV of the request for a waiver hearing within 24 hours of receiving the request. This includes adult education programs operated by the school district.

D-6. What are the procedures for students or parents to request a hardship waiver?

Schools may wish to develop a procedure for students or parents to request a

hardship waiver, which may include a written request or documentation of a phone call that includes the date and time of request. The principal or principal's designee must inform the school district of the request for a waiver hearing within 24 hours of receiving the request.

D-7. Can a request for a hardship waiver hearing be denied?

No. The public school principal, principal's designee, or the designee of the governing body of a private school must conduct the waiver hearing. In addition, the request for a hearing must be electronically transmitted to DHSMV within the allotted timeframe. Private schools should contact Donald Klein at (850) 617-3811. Unlicensed minors are not eligible for a hardship waiver hearing.

D-8. Is there a time restriction for school districts to electronically transmit a request for a hardship waiver hearing?

Yes. A student or his or her parents have 15 calendar days after the date of receipt of the Notice of Intent to Suspend to request a hardship waiver hearing before the public school principal, the principal's designee, or the designee of the governing body of a private school. An additional five calendar days from the date of the letter are allowed for receipt of the Notice of Intent to Suspend. After time has expired, attempts to transmit this type of request will be electronically transmitted back to the district in the SUM file as an error.

D-9. What happens if a school board overturns a school's denial of a student's request for a hardship waiver?

The school district must notify DHSMV regarding the appeal's positive outcome. Notification shall consist of a written statement that the hardship waiver was approved upon appeal. The written statement must be submitted on school district letterhead signed by a school board official and include the student's name, date of birth, and social security number (if available). The statement can be faxed to Donald Klein at (850) 617-5158.

D-10. Who is responsible for conducting the hardship waiver hearing for a student who subsequently transfers to another school district?

The sending district no longer has a student record for the student and, therefore, cannot electronically transmit waiver information to DHSMV. The receiving district must accept responsibility for conducting the hearing and providing the information to DHSMV. It is appropriate for the receiving district to confer with the sending district to communicate the outcome of the hearing. The receiving district will not be able to electronically report the request or outcome to DHSMV. Therefore, the information must be faxed to Donald Klein within the required timelines.

D-11. Who is responsible for conducting a hardship waiver hearing when a student withdraws or drops out of school?

The school that initiated the report of the student's noncompliance with school attendance to DHSMV is responsible for the hearing. This procedure is applicable

to students who move out of the district or out of the state.

D-12. How should educational institutions that do not have the capability to transmit the data electronically handle hardship waiver requests?

Contact Donald Klein, DHSMV, at (850) 617-3811 or fax (850) 617-5158.

E. Verification of Compliance and Reinstatement

E-1. What is the importance of the compliance date listed on the reinstatement form?

The compliance date confirms school attendance requirements were met on that date. The date listed on the form must be within 30 calendar days of the date each form is received by DHSMV. Forms more than 30 days old are not valid. For home education, hospital homebound, and Florida Virtual School (FLVS) students, the compliance date confirms the 30-day enrollment requirement was met.

E-2. Are reinstatement forms accepted with a compliance date prior to the date of the Notice of Intent to Suspend/Withhold Eligibility for Licensure letter?

No. These forms are not valid. The department cannot process reinstatement forms to remove an entry that was not on a DHSMV record prior to the date of the Notice of Intent to Suspend/Withhold Eligibility for Licensure letter. For example, a form with a compliance date of August 28, 2005, cannot be used to remove a Notice of Intent dated November 17, 2005.

E-3. Who supplies the form that will be used in the license reinstatement process to verify that a student has been in compliance for 30 consecutive school days?

Form HSMV 72870 is provided with this technical assistance paper and must be used to verify student compliance with attendance requirements. School superintendents are responsible for dissemination of the form to all educational settings within the school district involved in the license reinstatement process. This form is not applicable for students who should not have been reported. General correspondence from schools to verify 30 consecutive days of attendance will not be processed by DHSMV to reinstate a student's driving privilege.

E-4. How should a school respond when a student should not have been reported to DHSMV?

A Notice of Intent can be cancelled electronically within 20 calendar days of the letter. After 20 calendar days, the school must provide the student with a status letter on school letterhead addressed to DHSMV and must include the principal or designee's signature; the student's name, date of birth, and social security number (if available); and a statement that the student should not have been reported to DHSMV. The letter should be faxed to Donald Klein at (850) 617-5158. Status letters are always required for the unlicensed student that should not have been reported to DHSMV.

E-5. Can private schools issue a status letter to indicate a student should not have been reported to DHSMV?

No. Private schools do not have the authority to issue status letters. These letters are only acceptable from public schools or districts that electronically reported the student to DHSMV.

E-6. Are schools responsible for notifying DHSMV when the school changes the withdrawal code for a student who was reported to DHSMV when the student returns to school, is attending another educational program, or should not have been reported to DHSMV?

Yes. DHSMV is not directly linked to school district databases. School districts must send DHSMV a status letter to ensure that the driver record is corrected.

E-7. What are the reinstatement procedures to be used when a student transfers out of the reporting district and attendance data is not available?

If a student transfers to another school and attendance data is not available, the count begins the first day of attendance at the new school.

E-8. When can local driver's license offices reinstate a student's driving privilege?

For local driver's license offices to reinstate driving privileges, the Notice of Intent to Suspend and a suspension order must appear on the driver record. The reinstatement form (HSMV 72870) can be presented to the local office to reinstate a minor's driving privilege. The form must include the school's seal or a notarized signature.

If a student should not have been reported, he or she must obtain a status letter from the school responsible for the report to DHSMV. The letter must be on school letterhead addressed to DHSMV and include the principal or designee's signature; the student's name, date of birth, and social security number (if available); and a statement that the student should not have been reported to DHSMV. The letter is authorization for the department to reinstate the student's driving privilege and issue a duplicate license at no cost.

E-9. Can completing requirements for a high school diploma, State of Florida diploma, special diploma, or a certificate of completion be used to reinstate a student's driving privilege?

Yes. The school or educational institution can complete the reinstatement form for the student when requirements for a high school diploma, State of Florida diploma, special diploma, or certificate of completion have been completed. Forms must be dated when graduation occurred.

E-10. Does DHSMV accept attendance records or printed screens of student information that reflect a withdrawal code W02, W03, or W04 to clear a student's record when he or she should not have been reported for noncompliance with school attendance requirements?

No. DHSMV cannot interpret and validate the authenticity of attendance records or printed screens.

E-11. Are registration forms or school enrollment letters sufficient for reinstatement of the driving privilege?

No. Enrollment in an education program alone does not satisfy compulsory school attendance requirements or requirements to maintain or obtain driving privileges. Records must document that the student has complied with relevant attendance requirements. Registration forms or enrollment letters will not be processed by DHSMV to reinstate a student's driving privilege.

E-12. Can a Special Diploma-Option Two be used to reinstate driving privilege?

Yes. This type of diploma is based on attendance in an employment setting as specified in a student's individual educational plan. A reinstatement form must be submitted to document six consecutive weeks of attendance with no unexcused absences.

E-13. Are reinstatement forms accepted without a school seal or a notarized signature of an authorized school official?

No. The reinstatement form must include a notarized signature of an authorized school official or have the school seal affixed. School seals must be legible when received via fax. It is recommended that seals on all forms be shaded to ensure visibility.

E-14. How is reinstatement handled for students who move out of the state or out of the country?

Relevant attendance requirements referenced in the statute (Section 322.091, Florida Statutes) still apply. Contact Donald Klein at (850) 617-3811.

E-15. Can emancipation by virtue of becoming a parent satisfy enrollment and attendance requirements for reinstatement of the driving privilege?

No. A student who is a minor is not emancipated by virtue of becoming a parent. The student must comply with compulsory school age attendance requirements; however, the student may qualify for a hardship waiver under certain circumstances. Compulsory school attendance is related to the age and educational status of the student; whether the student is emancipated or considered an adult under Chapter 743 is not relevant.

E-16. What are the reinstatement requirements for students who withdraw from school due to pregnancy?

Students who withdraw from school due to pregnancy must be reported to DHSMV. To reinstate their driving privilege or be eligible for licensure, they must satisfy relevant attendance requirements. In cases involving a physician's order for bed rest, the hospital homebound program is an acceptable alternative. If a pregnant student is eligible for the hospital homebound program, the student should be coded W02 and not reported to DHSMV for noncompliance.

E-17. What are the reinstatement requirements for students who withdraw from the school's teenage parent program?

Students must satisfy relevant attendance requirements. However, re-enrollment in the school's teenage parent program is also an option. Section 1003.54, Florida Statutes, states that students participating in teenage parent programs are exempt from minimum attendance requirements for absences related to pregnancy or parenting but are required to make up work missed due to absence.

E-18. What is the beginning date of the 30 consecutive school days needed for verification of compliance with attendance requirements?

The district must determine that the student was in compliance for 30 consecutive school days immediately prior to the request for verification of compliance. The starting point for counting the days of compliance begins on the first day of attendance after the last unexcused absence. Reinstatement forms must be dated within 30 days of receipt by DHSMV to be valid.

E-19. If a student receives the Notice of Intent to Suspend driving privileges at the end of a school year, can consecutive days of attendance with no unexcused absences be carried over to the next school year to satisfy attendance requirements for reinstatement?

Yes. The student must be in attendance 30 consecutive school days in order for the school district to verify compliance with attendance requirements. This may include consecutive days of attendance from the previous school year and the current school year.

E-20. Does attendance in summer school satisfy attendance requirements for reinstatement?

Yes. Participation in summer school satisfies requirements for reinstatement if the district provides summer school, the student is eligible to participate, and the student meets relevant attendance requirements, which include 30 consecutive days of attendance with no unexcused absences.

E-21. If a minor withdraws or drops out of high school and enrolls in a GED program, when does the count begin for verification of compliance with the attendance requirements?

With a change in the educational setting, it would be unrealistic to begin the count the first day after the last unexcused absence. Therefore, the count begins the first day of attendance in the new program or site.

E-22. Who is responsible for completing the reinstatement form to verify compliance with enrollment requirements for a student enrolled in a home education program using curriculum provided by a correspondence school?

DOE recommends that the district home education office issue a reinstatement form (HSMV 72871) after the student has been registered 30 school days. Most

correspondence schools are not recognized as private schools in the *Florida Education Directory*.

E-23. What documents and procedures are required to reinstate students enrolled in a home education program?

Pursuant to Section 1003.01, Florida Statutes, regular attendance may be achieved by enrollment in a home education program. The parent or guardian must notify the school district's home education contact of his or her intent to establish and maintain a home education program. When the parent wishes to obtain the reinstatement form to verify compliance with the 30-day enrollment requirement, he or she must contact the district home education coordinator for a reinstatement form (HSMV 72871). This will also ensure that the appropriate withdrawal code is used and the student is no longer reported as a dropout. It is recommended that districts issue a reinstatement form only after the student has been registered 30 consecutive school days in a home education program.

E-24. Who is responsible for completion of the reinstatement form for a student enrolled in a school district's hospital homebound program?

The hospital homebound teacher can verify enrollment and attendance and, therefore, has the appropriate information to complete the reinstatement form. The student must satisfy the 30 consecutive days of attendance requirement for reinstatement.

E-25. When a student exits a school district's hospital homebound program, prior to satisfaction of the 30-day attendance requirement for reinstatement, can consecutive days of attendance with no unexcused absences in hospital homebound be counted toward reinstatement at another education setting?

Yes. The student must resume attendance in another educational setting within a reasonable timeframe for the consecutive days of attendance to be included in the 30-day attendance requirement.

E-26. Can a local driver's license office issue a license to an unlicensed minor if the student has been reported to DHSMV for noncompliance with the attendance requirements?

No. The student can only be issued a license after the reinstatement form documenting compliance with attendance requirements or status letter stating that the student should not have been reported has been completed by the school and faxed to DHSMV at (850) 617-5158.

E-27. When a student is enrolled at a high school and participates in an adult program at night, which program is responsible for determining compliance with relevant attendance requirements?

The site in which the student receives the majority of his or her educational program is responsible for determining compliance with relevant attendance requirements.

E-28. After a student is reported to DHSMV for noncompliance with relevant

attendance requirements and subsequently becomes compliant and has driving privileges reinstated, when does the 90 calendar day period begin?

The 90 calendar day period begins the day after the school issued the reinstatement form.

E-29. Who in the school district is responsible for facilitating the reinstatement process for students enrolled in adult education or career/technical education programs?

It is recommended that the director of adult or career/technical education programs be responsible for working with school administrators to facilitate this process.

E-30. What is the cost to reinstate a suspended learner's permit or a driver's license?

Effective October 1, 2003, the cost for reinstatement is \$35.

Appendix

**NOTIFICATION TO THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
STUDENT COMPLIANCE WITH ATTENDANCE REQUIREMENTS
FOR REINSTATEMENT OF DRIVING PRIVILEGE/ELIGIBILITY FOR LICENSURE**

This is to provide verification to the Department of Highway Safety and Motor Vehicles that the following student, who received Notice of Intent to Suspend/Withhold Eligibility for Licensure due to nonattendance, is in compliance with attendance requirements in S. 322.091(1).

Student's Full Legal Name: _____
(First, Middle, Last)

Mailing Address: _____

Driver's license/Control Number: _____ Gender: ___ Male ___ Female

Date of Birth: ____/____/____ Social Security Number: _____

District Name: _____ District Number: _____

School Name: _____ School/Institution Number: _____

Date Compliance Occurred: ____/____/____

Authorized Signature of School Official: _____
(Signature must be notarized or school seal affixed)

Title: _____

Typed or Printed Name of Person Signing Form: _____

Notary Public
State of Florida at Large

My commission expires: ____/____/____

School Seal

Original signatures required.

For additional information contact:

Name: _____ Telephone: _____

For compliance with the Notice of Intent to Suspend/Withhold Eligibility for Licensure, mail or fax this completed form to: DHSMV, Bureau of Driver Improvement, 2900 Apalachee Parkway, MS #85, Tallahassee, Florida 32399-0570. ATTENTION: Donald Klein. The fax number is (850) 617-5158. If the Order of Suspension was also received, the form can be presented to the local driver's licenses office for reinstatement. A \$35 reinstatement fee is also required for a suspended license.

HSMV 72870 (8/07)

**NOTIFICATION TO THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
STUDENT COMPLIANCE WITH ENROLLMENT REQUIREMENTS
FOR A HOME EDUCATION PROGRAM**

This is to provide verification to the Department of Highway Safety and Motor Vehicles that the following student, who received Notice of Intent to Suspend/Withhold Eligibility for Licensure due to nonattendance, has been enrolled in a home based education program 30 consecutive school days.

Student's Full Legal Name: _____
(First, Middle, Last)

Mailing Address: _____

Driver's license/Control Number: _____ Gender: ___ Male ___ Female

Date of Birth: ____/____/____ Social Security Number: _____

District Name: _____ District Number: _____

School Name: _____ School/Institution Number: _____

Date Compliance Occurred: ____/____/____

Authorized Signature of School Official: _____
(Signature must be notarized or school seal affixed)

Title: _____

Typed or Printed Name of Person Signing Form: _____

Notary Public
State of Florida at Large
My commission expires: ____/____/____

School Seal

Original signatures required.

For additional information contact:

Name _____ Telephone: _____

For compliance with the Notice of Intent to Suspend/Withhold Eligibility for Licensure, mail or fax this completed form to: DHSMV, Bureau of Driver Improvement, 2900 Apalachee Parkway, MS #85, Tallahassee, Florida 32399-0570. ATTENTION: Donald Klein. The fax number is (850) 617-5158. If the Order of Suspension was also received, the form can be presented to the local driver's licenses office for reinstatement. A \$35 reinstatement fee is also required for a suspended license.

HSMV 72871 (8/07)

