

By Senator Saunders

25-811B-99

1                                   A bill to be entitled  
2           An act relating to student transportation;  
3           amending ss. 234.021, 236.083, F.S.; amending  
4           criteria for determining the annual allocation  
5           to each school district of funds for  
6           transportation to public school programs of  
7           students who are in kindergarten through grade  
8           12; requesting that state or local governmental  
9           entities that have jurisdiction over hazardous  
10          conditions make appropriate budgetary provision  
11          for correcting such conditions and correct  
12          those conditions within a reasonable time;  
13          amending criteria used in designating a  
14          hazardous walking condition; providing an  
15          effective date.

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

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19           Section 1. Subsection (1) of section 236.083, Florida  
20 Statutes, is amended to read:

21           236.083 Funds for student transportation.--The annual  
22 allocation to each district for transportation to public  
23 school programs of students in membership in kindergarten  
24 through grade 12, in migrant and exceptional student programs  
25 below kindergarten, and in any other state-funded  
26 prekindergarten program shall be determined as follows:

27           (1) Subject to the rules of the commissioner, each  
28 district shall determine the membership of students who are  
29 transported:

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1           (a) By reason of living at least 1 mile from school if  
2 in grades K-3 or at least 2 miles ~~or more~~ from school if in  
3 grades 4-12;

4           (b) By reason of being students with disabilities or  
5 enrolled in a teenage parent program, regardless of distance  
6 to school;

7           (c) By reason of being in a state prekindergarten  
8 program, regardless of distance from school;

9           (d) By reason of being vocational, dual enrollment, or  
10 students with disabilities transported from one school center  
11 to another to participate in an instructional program or  
12 service; or students with disabilities, transported from one  
13 designation to another in the state, provided one designation  
14 is a school center and provided the student's individual  
15 educational plan (IEP) identifies the need for the  
16 instructional program or service and transportation to be  
17 provided by the school district. A "school center" is defined  
18 as a public school center, public community college, public  
19 university, or other facility rented, leased, or owned and  
20 operated by the school district or another public agency. A  
21 "dual enrollment student" is defined as a public school  
22 student in membership in both a public secondary school  
23 program and a public community college or a public university  
24 program under a written agreement to partially fulfill ss.  
25 229.814 and 240.115 and earning full-time equivalent  
26 membership under s. 236.081(1)(g);

27           (e) With respect to elementary school students whose  
28 grade level does not exceed grade 6, by reason of being  
29 subjected to hazardous walking conditions en route to or from  
30 school as provided in s. 234.021. Such rules shall, when  
31 appropriate, provide for the determination of membership under

1 this paragraph for less than 1 year to accommodate the needs  
2 of students who require transportation only until such  
3 hazardous conditions are corrected. The state or local  
4 governmental entities that have control over the hazardous  
5 conditions are requested to make appropriate budgetary  
6 allocations to correct such hazardous conditions within a  
7 reasonable time after the local school district notifies the  
8 responsible governmental entities of the hazardous condition;  
9 and

10 (f) By reason of being a pregnant student or student  
11 parent, and the child of a student parent as provided in s.  
12 230.23166, regardless of distance from school.

13 Section 2. Section 234.021, Florida Statutes, is  
14 amended to read:

15 234.021 Hazardous walking conditions.--

16 (1) DEFINITION.--As used in this section, the term  
17 "student" means any public elementary school student whose  
18 grade level does not exceed grade 6.

19 (2) IDENTIFICATION.--

20 (a) When a request for review is made to the district  
21 superintendent of schools or the district superintendent's  
22 designee concerning a condition perceived to be hazardous to  
23 students in that district who are in grades K-3 and live  
24 within 1-mile limit, or are in grades 4-12 and live within the  
25 2-mile limit,and who walk to school, such condition shall be  
26 inspected by a representative of the school district and a  
27 representative of the local governmental entity where the  
28 perceived hazardous condition exists. Such representatives  
29 shall determine whether or not the condition is hazardous to  
30 such students and shall report to the Department of Education  
31 with respect thereto. Upon a determination that a condition

1 is hazardous to such students, the district school board shall  
2 request a determination from the state or local governmental  
3 entity having jurisdiction regarding whether the hazard will  
4 be corrected and, if so, regarding a projected completion  
5 date. State funds shall be allocated for the transportation  
6 of students subjected to such hazards, provided that such  
7 funding shall cease upon correction of the hazard or upon the  
8 projected completion date, whichever occurs first.

9 (b) It is intended that district school boards and  
10 local governmental entities work cooperatively to identify  
11 conditions that ~~which~~ are hazardous to students who must walk  
12 to school. ~~The~~ ~~It is further intended that~~ state or local  
13 governmental entities having jurisdiction are requested to  
14 make appropriate budgetary allocations to correct such  
15 hazardous conditions within a reasonable time after the local  
16 school district notifies the responsible governmental entities  
17 of the hazardous conditions ~~a reasonable period of time.~~

18 (3) CRITERIA FOR DETERMINING HAZARDOUS WALKING  
19 CONDITIONS.--

20 (a) Walkways parallel to the road.--

21 1. It shall be considered a hazardous walking  
22 condition with respect to any road along which students must  
23 walk in order to walk to and from school if there is not an  
24 area ~~at least 4 feet wide~~ adjacent to the road which has at  
25 least a 4-foot-wide, prepared, level, having a surface that is  
26 dry under normal conditions upon which students may walk  
27 without being required to walk on the road surface. In  
28 addition, whenever the road along which students must walk is  
29 uncurbed and has a posted speed limit of 55 miles per hour,  
30 the area as described above for students to walk upon must

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1 ~~shall~~ be set off the road by no less than 3 feet from the edge  
2 of the road.

3 2. ~~The provisions of Subparagraph 1. does do~~ not apply  
4 when the road along which students must walk:

5 a. Is in a residential area that ~~which~~ has little or  
6 no transient traffic;

7 b. Is a road on which the volume of traffic is less  
8 than 180 vehicles per hour, per direction, during the time  
9 students walk to and from school; or

10 c. Is located in a residential area and has a posted  
11 speed limit of 30 miles per hour or less.

12 (b) Walkways perpendicular to the road.--It shall be  
13 considered a hazardous walking condition with respect to any  
14 road across which students must walk in order to walk to and  
15 from school:

16 1. If the traffic volume on such road exceeds the rate  
17 of 360 vehicles per hour, per direction (including all lanes),  
18 during the time students walk to and from school and if the  
19 crossing site is uncontrolled. As used in ~~For purposes of this~~  
20 subsection, the term an "uncontrolled crossing site" means is  
21 ~~defined as~~ an intersection or other designated crossing site  
22 where no crossing guard, traffic enforcement officer, or stop  
23 sign or other traffic control signal is present during the  
24 times students walk to and from school.

25 2. If the total traffic volume ~~on such road~~ exceeds  
26 4,000 vehicles per hour through an intersection or other  
27 crossing site controlled by a stop sign or other traffic  
28 control signal, unless crossing guards or other traffic  
29 enforcement officers are also present during the times  
30 students walk to and from school.

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1 Traffic volume must ~~shall~~ be determined by the most current  
2 traffic engineering study conducted by a state or local  
3 governmental agency.

4 (4) Authority of the Commissioner of Education.--The  
5 Commissioner of Education may, in response to a school  
6 district's request, approve the district's designation of a  
7 hazardous walking condition in an area that does not meet the  
8 criteria set forth in subsection (3) if conditions in the area  
9 pose significant safety hazards to children walking to and  
10 from school as a result of exposure to:

11 (a) Commercial activities or traffic;

12 (b) Canals, lakes, or other bodies of water;

13 (c) Construction sites, other than single-family-home  
14 construction sites;

15 (d) High levels of crime; or

16 (e) Other conditions that, considered cumulatively,  
17 pose an unacceptable risk to children.

18 Section 3. This act shall take effect July 1, 1999.

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21 SENATE SUMMARY

22 Amends criteria for determining the annual allocation to  
23 each school district of funds for the transportation to  
24 kindergarten through grade 12. Provides that funds may be  
25 allocated for transporting children who attend grades K-3  
26 if they live at least 1 mile from school, or if they live  
27 closer and there is a hazardous condition on their  
28 walking route. Requests that the governmental entity that  
29 has jurisdiction over a hazardous condition appropriate  
30 money for correcting the condition and make the  
31 correction within a reasonable time after being notified  
of the condition. Amends criteria for designating a  
condition as a "hazardous walking condition."