

By Senator Latvala

19-1490-99

1                                   A bill to be entitled  
2           An act relating to transportation of public  
3           school students; amending s. 234.01, F.S.;  
4           providing responsibility of a parent or  
5           guardian with respect to a student's safe  
6           passage to and from a school bus stop; amending  
7           s. 234.021, F.S.; revising standards for  
8           determining when walking conditions are  
9           hazardous and transportation must be provided;  
10          providing responsibility of a parent or  
11          guardian with respect to a student's safety  
12          when transportation is not provided by the  
13          school district; providing for audits;  
14          providing an effective date.

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

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18           Section 1. Subsection (3) is added to section 234.01,  
19 Florida Statutes, 1998 Supplement, to read:

20           234.01 Purpose; transportation; when provided.--  
21           (3) When transportation of students is provided by a  
22 school district under this section, each student's parent or  
23 guardian is responsible for ensuring the student's safe  
24 arrival at the assigned school bus stop and at home.

25           Section 2. Section 234.021, Florida Statutes, is  
26 amended to read:

27           234.021 Hazardous walking conditions.--  
28           (1) DEFINITION.--As used in this section, "student"  
29 means any public elementary school student ~~whose grade level~~  
30 ~~does not exceed grade 6.~~

31           (2) IDENTIFICATION.--

1           (a) When a request for review is made to the district  
2 superintendent of schools or the district superintendent's  
3 designee concerning a condition perceived to be hazardous to  
4 students in that district who live within the 2-mile limit and  
5 who walk to school, such condition shall be inspected by a  
6 representative or representatives of the school district and a  
7 representative of the local governmental entity where the  
8 perceived hazardous condition exists. Such representatives  
9 shall determine whether or not the condition is hazardous to  
10 such students and shall report to the Department of Education  
11 on a form prescribed by the commissioner ~~with respect thereto.~~  
12 Upon a determination that a condition is hazardous to such  
13 students, the district school board shall request a  
14 determination from the state or local governmental entity  
15 having jurisdiction regarding whether the hazard will be  
16 corrected and, if so, regarding a projected completion date.  
17 State funds shall be allocated for the transportation of  
18 students subjected to such hazards, provided that such funding  
19 shall cease upon correction of the hazard or upon the  
20 projected completion date, whichever occurs first.

21           (b) It is intended that district school boards and  
22 state or local governmental entities work cooperatively to  
23 identify conditions that ~~which~~ are hazardous to students who  
24 must walk to school and that state or local governmental  
25 entities correct those hazards. ~~It is further intended that~~  
26 State or local governmental entities having jurisdiction shall  
27 correct such hazardous conditions within 5 years after  
28 identification of the hazard ~~a reasonable period of time.~~

29           (3) CRITERIA FOR DETERMINING HAZARDOUS WALKING  
30 CONDITIONS.--

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

1           1. It shall be considered a hazardous walking  
2 condition with respect to any road along which students must  
3 ~~walk in order to walk~~ to and from school if there is not an  
4 area at least 6 ~~4~~ feet wide adjacent to the road which  
5 provides a surface on which students may walk sufficient to  
6 allow students to be separated from the adjacent road surfaces  
7 by at least 4 feet, ~~having a surface upon which students may~~  
8 ~~walk without being required to walk on the road surface.~~ In  
9 addition, whenever the road along which students must walk is  
10 uncurbed and has a posted speed limit of 55 miles per hour,  
11 the area as described above for students to walk upon shall be  
12 set off the road by no less than 3 feet from the edge of the  
13 road.

14           2. The area shall not be considered hazardous under  
15 this paragraph ~~provisions of subparagraph 1. do not apply when~~  
16 the road along which students must walk:

17           a. Is in a residential area which has little or no  
18 transient traffic;

19           b. Is a road on which the volume of traffic is less  
20 than 180 vehicles per hour in both directions measured,~~per~~  
21 ~~direction~~,~~during the time students walk to and from school;~~  
22 or

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

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

29           1. If the traffic volume on such road exceeds the rate  
30 of 360 vehicles per hour in either direction, ~~per direction~~  
31 ~~(including all lanes per direction)~~,~~during the time students~~

1 walk to and from school and if the crossing site is  
2 uncontrolled. For purposes of this subsection, an  
3 "uncontrolled crossing site" is defined as an intersection or  
4 other designated crossing site where no crossing guard,  
5 traffic enforcement officer, or stop sign or other traffic  
6 control signal is present during the times students walk to  
7 and from school.

8           2. If the total traffic volume on such road exceeds  
9 4,000 vehicles per hour through an intersection or other  
10 crossing site controlled by a stop sign or other traffic  
11 control signal, unless crossing guards or other traffic  
12 enforcement officers are also present during the times  
13 students walk to and from school.

14           3. If the roadway has six or more through lanes,  
15 excluding turn lanes, and exceeds 3,000 vehicles per hour  
16 through an intersection.

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18 Traffic volume shall be determined by the most current traffic  
19 engineering study conducted by a state or local governmental  
20 agency.

21           (4) RESPONSIBILITY FOR STUDENT SAFETY.--When a student  
22 lives less than 2 miles walking distance from school and the  
23 school district is not required under this section to provide  
24 transportation, the student's parent or legal guardian is  
25 responsible for ensuring the student's safe arrival at school  
26 and at home.

27           (5) AUDITING.--Each school district that receives more  
28 than 10 percent of its state transportation allocation for  
29 students transported under this section shall be audited by  
30 the Auditor General annually. The audit must include a  
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1 physical review of a sample of the locations claimed by  
2 districts for funding under this section.

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

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6 SENATE SUMMARY

7 Declares that it is the parent's or guardian's  
8 responsibility to ensure safe passage of a student to and  
9 from the assigned school bus stop when transportation is  
10 provided by the district, and to and from home when  
11 transportation is not provided. Revises standards  
12 relating to traffic flow and walking conditions for  
13 determining when walking conditions are "hazardous."  
14 Requires an annual audit by the Auditor General of  
15 districts receiving more than a threshold amount of state  
16 transportation funds due to hazardous conditions.

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