

By Senator Dyer

14-1082-00

See HB

1 A bill to be entitled
2 An act relating to student transportation;
3 amending s. 234.01, F.S., relating to the
4 determination of student membership for
5 transportation; requiring school boards to
6 provide transportation for public school
7 students who are subjected to hazardous walking
8 conditions, regardless of age; amending s.
9 234.021, F.S., relating to hazardous walking
10 conditions; revising the definition of student
11 for purposes of transportation due to hazardous
12 walking conditions; requiring a hazardous
13 walking condition to be inspected by a
14 representative of the county sheriff and a
15 representative of the local safety council, if
16 a safety council exists in the county;
17 providing for a walking condition to be
18 determined hazardous based on the guidelines of
19 this section or based on findings upon
20 inspection; revising requirements regarding the
21 provision of state funds for the transportation
22 of students subjected to hazardous walking
23 conditions; requiring the Florida Department of
24 Transportation to cooperate with local
25 governments to construct walkways perpendicular
26 to state roads to correct a hazardous walking
27 condition; amending s. 236.083, F.S.; revising
28 provisions relating to funds for student
29 transportation to conform; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Paragraph (b) of subsection (1) of section
4 234.01, Florida Statutes, is amended to read:

5 234.01 Purpose; transportation; when provided.--

6 (1) School boards, after considering recommendations
7 of the superintendent:

8 (b) Shall provide transportation for public ~~elementary~~
9 school students ~~in membership whose grade level does not~~
10 ~~exceed grade 6~~, if such students are subjected to hazardous
11 walking conditions as provided in s. 234.021 while en route to
12 or from school.

13 Section 2. Subsections (1) and (2) and paragraph (b)
14 of subsection (3) of section 234.021, Florida Statutes, are
15 amended to read:

16 234.021 Hazardous walking conditions.--

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

20 (2) IDENTIFICATION.--

21 (a) When a request for review is made to the district
22 superintendent of schools or the district superintendent's
23 designee concerning a condition perceived to be hazardous to
24 students in that district who live within the 2-mile limit and
25 who walk to school, such condition shall be inspected by a
26 representative of the school district, a representative of the
27 county sheriff, a representative of the local safety council,
28 if a safety council exists in the county, and a representative
29 of the local governmental entity where the perceived hazardous
30 condition exists. If any of such representatives determines
31 that a ~~shall determine whether or not the~~ condition is

1 hazardous to such students according to the guidelines
2 established by subsection (3) or based upon his or her
3 findings upon inspection, he or she ~~and~~ shall report to the
4 Department of Education with respect thereto. Upon a
5 determination that a condition is hazardous to such students,
6 the district school board shall request a determination from
7 the state or local governmental entity having jurisdiction
8 regarding whether the hazard will be corrected and, if so,
9 regarding a projected completion date.

10 (b) State funds shall be allocated for the
11 transportation of students subjected to such hazards until,
12 ~~provided that such funding shall cease upon correction of the~~
13 hazard is corrected or until upon the projected completion
14 date, whichever occurs first. The Florida Department of
15 Transportation shall cooperate with local governments to
16 construct walkways perpendicular to state roads to correct a
17 hazardous walking condition. If the hazardous walking
18 condition is not correctable, or if correcting it is not
19 economically feasible, state funds shall be allocated for the
20 transportation of students subjected to such hazards.

21 ~~(c)~~ It is intended that district school boards and
22 local governmental entities work cooperatively to identify
23 conditions which are hazardous to students who must walk to
24 school. ~~It is further intended that state or local~~
25 ~~governmental entities having jurisdiction correct such~~
26 ~~hazardous conditions within a reasonable period of time.~~

27 (3) GUIDELINES ~~CRITERIA~~ FOR DETERMINING HAZARDOUS
28 WALKING CONDITIONS.--

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

3 1. If the traffic volume on such road exceeds the rate
4 of 360 vehicles per hour, per direction (including all lanes),
5 during the time students walk to and from school and if the
6 crossing site is uncontrolled. For purposes of this
7 subsection, an "uncontrolled crossing site" is defined as an
8 intersection or other designated crossing site where no
9 crossing guard, traffic enforcement officer, or stop sign or
10 other traffic control signal is present during the times
11 students walk to and from school.

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

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

22 Section 3. Subsection (1) of section 236.083, Florida
23 Statutes, is amended to read:

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

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

4 (a) By reason of living 2 miles or more from school;

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

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

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

28 ~~(e) With respect to elementary school students whose~~
29 ~~grade level does not exceed grade 6,~~By reason of being
30 subjected to hazardous walking conditions en route to or from
31 school as provided in s. 234.021. Such rules shall, ~~when~~

1 ~~appropriate,~~ provide for the determination of membership under
2 this paragraph ~~for less than 1 year~~ to accommodate the needs
3 of students who require transportation only until such
4 hazardous conditions are corrected or until such students are
5 no longer subjected to the hazardous walking conditions; and

6 (f) By reason of being a pregnant student or student
7 parent, and the child of a student parent as provided in s.
8 230.23166, regardless of distance from school.

9 Section 4. This act shall take effect July 1, 2000.

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LEGISLATIVE SUMMARY

Requires school boards to provide transportation for public school students who are subjected to hazardous walking conditions, regardless of age. Requires a hazardous walking condition to be inspected by a representative of the county sheriff and a representative of the local safety council, if a safety council exists in the county. Revises requirements regarding the provision of state funds for the transportation of students subjected to hazardous walking conditions. Requires the Florida Department of Transportation to cooperate with local governments to construct walkways perpendicular to state roads to correct a hazardous walking condition.