

By Senator Saunders

25-347-01

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; providing for state or local governmental
9 entities that have jurisdiction over hazardous
10 conditions to make appropriate budgetary
11 provision for correcting such conditions within
12 a reasonable time; amending criteria used in
13 designating a hazardous walking condition;
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 (1) of section 236.083, Florida
19 Statutes, is amended to read:

20 236.083 Funds for student transportation.--The annual
21 allocation to each district for transportation to public
22 school programs of students in membership in kindergarten
23 through grade 12, in migrant and exceptional student programs
24 below kindergarten, and in any other state-funded
25 prekindergarten program shall be determined as follows:

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

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

1 (b) By reason of being students with disabilities or
2 enrolled in a teenage parent program, regardless of distance
3 to school;

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

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

24 (e) With respect to elementary school students whose
25 grade level does not exceed grade 6, by reason of being
26 subjected to hazardous walking conditions en route to or from
27 school as provided in s. 234.021. Such rules shall, when
28 appropriate, provide for the determination of membership under
29 this paragraph for less than 1 year to accommodate the needs
30 of students who require transportation only until such
31 hazardous conditions are corrected. The state or local

1 governmental entities that have control over the hazardous
2 conditions shall make appropriate budgetary allocations to
3 correct the hazardous conditions within a reasonable time
4 after the school district notifies the responsible
5 governmental entities of the hazardous conditions.Any funds
6 appropriated in the 2001-2002 General Appropriations Act for
7 student transportation that are in addition to the funds
8 provided in the 2000-2001 General Appropriations Act for
9 student transportation and that are not designated in the
10 2001-2002 budget workpapers as funds provided for student
11 enrollment growth shall be used to fund students transported
12 according to s. 234.01(1)(b), including those transported by
13 school district option; and

14 (f) By reason of being a pregnant student or student
15 parent, and the child of a student parent as provided in s.
16 230.23166, regardless of distance from school.

17 Section 2. Section 234.021, Florida Statutes, is
18 amended to read:

19 234.021 Hazardous walking conditions.--

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

23 (2) IDENTIFICATION.--

24 (a) When a request for review is made to the district
25 superintendent of schools or the district superintendent's
26 designee concerning a condition perceived to be hazardous to
27 students in that district who are in grades K-3 and live
28 within the 1-mile limit, or are in grades 4-12 and live within
29 the 2-mile limit,and who walk to school, such condition shall
30 be inspected by a representative of the school district, a
31 representative of the county sheriff, a representative of the

1 local safety council, if a safety council exists in the
2 county, and a representative of the local governmental entity
3 where the perceived hazardous condition exists. If any of such
4 representatives determines that a condition is hazardous to
5 such students according to the guidelines established by
6 subsection (3) or based upon his or her findings upon
7 inspection, he or she shall report to the Department of
8 Education with respect thereto. Upon a determination that a
9 condition is hazardous to such students, the district school
10 board shall request a determination from the state or local
11 governmental entity having jurisdiction regarding whether the
12 hazard will be corrected and, if so, regarding a projected
13 completion date. State funds shall be allocated for the
14 transportation of students subjected to such hazards, provided
15 that such funding shall cease upon correction of the hazard or
16 upon the projected completion date, whichever occurs first.

17 (b) It is intended that district school boards and
18 local governmental entities work cooperatively to identify
19 conditions that ~~which~~ are hazardous to students who must walk
20 to school. ~~The~~ It is further intended that state or local
21 governmental entities having jurisdiction shall make
22 appropriate budgetary allocations to correct such hazardous
23 conditions within a reasonable ~~period of~~ time after the school
24 district notifies the responsible governmental entities of the
25 hazardous conditions.

26 (3) GUIDELINES FOR DETERMINING HAZARDOUS WALKING
27 CONDITIONS.--

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

29 1. It shall be considered a hazardous walking
30 condition with respect to any road along which students must
31 walk in order to walk to and from school if there is not an

1 area ~~at least 4 feet wide~~ adjacent to the road which has at
2 least a 4-foot-wide, prepared, level,~~having a~~ surface that is
3 dry under normal conditions upon which students may walk
4 without being required to walk on the road surface. In
5 addition, whenever the road along which students must walk is
6 uncurbed and has a posted speed limit of 55 miles per hour,
7 the area as described above for students to walk upon must
8 ~~shall~~ be set off the road by no less than 3 feet from the edge
9 of the road.

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

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

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

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

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

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

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

7
8 Traffic volume must ~~shall~~ be determined by the most current
9 traffic engineering study conducted by a state or local
10 governmental agency.

11 (4) AUTHORITY OF THE COMMISSIONER OF EDUCATION.--The
12 Commissioner of Education may, in response to a school
13 district's request, approve the district's designation of a
14 hazardous walking condition in an area that does not meet the
15 criteria set forth in subsection (3) if conditions in the area
16 pose significant safety hazards to children walking to and
17 from school as a result of exposure to:

18 (a) Commercial activities or traffic;

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

20 (c) Construction sites, other than single-family-home
21 construction sites;

22 (d) High levels of crime; or

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

25 Section 3. This act shall take effect July 1, 2001.

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SENATE SUMMARY

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