

By Senator Constantine

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1 A bill to be entitled
2 An act relating to public school student transportation;
3 amending s. 1006.23, F.S.; providing that hazardous
4 walking conditions for purpose of transportation to
5 schools applies to K-12 students; revising criteria for
6 determination of hazardous walking conditions; amending
7 ss. 1002.20, 1006.21, and 1011.68, F.S.; conforming
8 provisions; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
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12 Section 1. Subsections (1) and (4) of section 1006.23,
13 Florida Statutes, are amended to read:

14 1006.23 Hazardous walking conditions.--

15 (1) DEFINITION.--As used in this section, "student" means
16 any K-12 public ~~elementary~~ school student ~~whose grade level does~~
17 ~~not exceed grade 6~~.

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

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

21 1. It shall be considered a hazardous walking condition
22 with respect to any road along which students must walk in order
23 to walk to and from school if there is not an area at least 4
24 feet wide adjacent to the road, having a surface upon which
25 students may walk without being required to walk on the road
26 surface. In addition, whenever the road along which students must
27 walk is uncurbed and has a posted speed limit of 35 ~~55~~ miles per
28 hour, the area as described above for students to walk upon shall

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29 | be set off the road by no less than 3 feet from the edge of the
30 | road.

31 | 2. The provisions of subparagraph 1. do not apply when the
32 | road along which students must walk:

33 | a. Is in a residential area which has little or no
34 | transient traffic;

35 | b. Is a road on which the volume of traffic is less than
36 | 180 vehicles per hour, per direction, during the time students
37 | walk to and from school; or

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

40 | (b) Walkways perpendicular to the road.--It shall be
41 | considered a hazardous walking condition with respect to any road
42 | across which students must walk in order to walk to and from
43 | school:

44 | 1. If the traffic volume on the road exceeds the rate of
45 | 360 vehicles per hour, per direction (including all lanes),
46 | during the time students walk to and from school and if the
47 | crossing site is uncontrolled. For purposes of this subsection,
48 | an "uncontrolled crossing site" is an intersection or other
49 | designated crossing site where no crossing guard, traffic
50 | enforcement officer, or stop sign or other traffic control signal
51 | is present during the times students walk to and from school.

52 | 2. If the total traffic volume on the road exceeds 4,000
53 | vehicles per hour through an intersection or other crossing site
54 | controlled by a stop sign or other traffic control signal, unless
55 | crossing guards or other traffic enforcement officers are also
56 | present during the times students walk to and from school.

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57 3. If the road has six or more lanes whether the
58 intersection or crossing site is controlled or uncontrolled.

59 (c) Residents designated as sexual predators or sexual
60 offenders.--It shall be considered a hazardous walking condition
61 with respect to any section of road along which students must
62 walk in order to walk to and from school if a resident on the
63 section of road has been designated as a sexual predator under s.
64 775.21 or a sexual offender under s. 943.0435 whose victims
65 include a minor.

66
67 For purposes of this subsection, traffic volume shall be
68 determined by the most current traffic engineering study
69 conducted by a state or local governmental agency.

70 Section 2. Paragraph (b) of subsection (22) of section
71 1002.20, Florida Statutes, is amended to read:

72 1002.20 K-12 student and parent rights.--Parents of public
73 school students must receive accurate and timely information
74 regarding their child's academic progress and must be informed of
75 ways they can help their child to succeed in school. K-12
76 students and their parents are afforded numerous statutory rights
77 including, but not limited to, the following:

78 (22) TRANSPORTATION.--

79 (b) Hazardous walking conditions.--K-12 ~~K-6~~ public school
80 students shall be provided transportation if they are subjected
81 to hazardous walking conditions, in accordance with the
82 provisions of ss. 1006.21(3)(b) and 1006.23.

83 Section 3. Paragraph (b) of subsection (3) of section
84 1006.21, Florida Statutes, is amended to read:

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85 1006.21 Duties of district school superintendent and
86 district school board regarding transportation.--

87 (3) District school boards, after considering
88 recommendations of the district school superintendent:

89 (b) Shall provide transportation for K-12 public elementary
90 school students in membership ~~whose grade level does not exceed~~
91 ~~grade 6, and may provide transportation for public school~~
92 ~~students in membership in grades 7 through 12,~~ if such students
93 are subjected to hazardous walking conditions as provided in s.
94 1006.23 while en route to or from school.

95 Section 4. Paragraph (e) of subsection (1) of section
96 1011.68, Florida Statutes, is amended to read:

97 1011.68 Funds for student transportation.--The annual
98 allocation to each district for transportation to public school
99 programs, including charter schools as provided in s.
100 1002.33(17)(b), of students in membership in kindergarten through
101 grade 12 and in migrant and exceptional student programs below
102 kindergarten shall be determined as follows:

103 (1) Subject to the rules of the State Board of Education,
104 each district shall determine the membership of students who are
105 transported:

106 (e) With respect to K-12 ~~elementary school~~ students ~~whose~~
107 ~~grade level does not exceed grade 6,~~ by reason of being subjected
108 to hazardous walking conditions en route to or from school as
109 provided in s. 1006.23. Such rules shall, when appropriate,
110 provide for the determination of membership under this paragraph
111 for less than 1 year to accommodate the needs of students who
112 require transportation only until such hazardous conditions are
113 corrected.

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Section 5. This act shall take effect July 1, 2008.