

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.

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 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
 27 must walk is uncurbed and has a posted speed limit of 35 ~~55~~
 28 miles per hour, the area as described above for students to walk

29 upon shall be set off the road by no less than 3 feet from the
 30 edge of the 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
 42 road across which students must walk in order to walk to and
 43 from 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
 51 signal is present during the times students walk to and from
 52 school.

53 2. If the total traffic volume on the road exceeds 4,000
 54 vehicles per hour through an intersection or other crossing site
 55 controlled by a stop sign or other traffic control signal,

56 unless crossing guards or other traffic enforcement officers are
 57 also present during the times students walk to and from school.

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

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

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

71 Section 2. Paragraph (b) of subsection (22) of section
 72 1002.20, Florida Statutes, is amended to read:

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

79 (22) TRANSPORTATION.--

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

84 Section 3. Paragraph (b) of subsection (3) of section
 85 1006.21, Florida Statutes, is amended to read:

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

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

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

96 Section 4. Paragraph (e) of subsection (1) of section
 97 1011.68, Florida Statutes, is amended to read:

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

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

107 (e) With respect to K-12 ~~elementary school~~ students ~~whose~~
 108 ~~grade level does not exceed grade 6,~~ by reason of being
 109 subjected to hazardous walking conditions en route to or from
 110 school as provided in s. 1006.23. Such rules shall, when
 111 appropriate, provide for the determination of membership under

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112 | this paragraph for less than 1 year to accommodate the needs of
113 | students who require transportation only until such hazardous
114 | conditions are corrected.

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