



1                   A bill to be entitled  
2           An act relating to hazardous walking conditions;  
3           providing a short title; amending s. 1006.23, F.S.;  
4           revising criteria that determine a hazardous walking  
5           condition for public school students; revising  
6           procedures for inspection and identification of  
7           hazardous walking conditions; authorizing a district  
8           school superintendent to initiate a formal request for  
9           correction of a hazardous walking condition;  
10          authorizing a district school board to initiate a  
11          declaratory judgment proceeding under certain  
12          circumstances and providing requirements therefor;  
13          requiring a district school board to provide  
14          transportation to students who would be subjected to  
15          hazardous walking conditions; requiring state or local  
16          governmental entities with jurisdiction over a road  
17          with a hazardous walking condition to correct the  
18          condition within a reasonable period of time;  
19          providing requirements for a governmental entity  
20          relating to its transportation work program; providing  
21          requirements relating to a civil action for damages;  
22          providing that certain interlocal agreements that meet  
23          specified criteria are not prohibited under this  
24          section; amending s. 1012.45, F.S.; providing that a  
25          district school board may implement a safe driver  
26          toll-free telephone hotline for specified purposes;



27 providing an effective date.

28

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

30

31 Section 1. This act may be cited as "Gabby's Law for  
32 Student Safety."

33 Section 2. Section 1006.23, Florida Statutes, is reordered  
34 and amended to read:

35 1006.23 Hazardous walking conditions.—

36 (1) DEFINITION.—As used in this section, the term  
37 "student" means any public elementary school student whose grade  
38 level does not exceed grade 6.

39 ~~(2) (4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING~~  
40 ~~CONDITIONS.—~~

41 (a) Walkways parallel to the road.—

42 1. It shall be considered a hazardous walking condition  
43 with respect to any road along which students must walk in order  
44 to walk to and from school if there is not an area at least 4  
45 feet wide adjacent to the road, not including drainage ditches,  
46 sluiceways, swales, or channels, having a surface upon which  
47 students may walk without being required to walk on the road  
48 surface. In addition, whenever the road along which students  
49 must walk is uncurbed and has a posted speed limit of 50 ~~55~~  
50 miles per hour or greater, the area as described above for  
51 students to walk upon shall be set off the road by no less than  
52 3 feet from the edge of the road.



53           2. ~~The provisions of~~ Subparagraph 1. does ~~de~~ not apply  
54 when the road along which students must walk:

55           ~~a. Is in a residential area which has little or no~~  
56 ~~transient traffic;~~

57           a.b. Is a road on which the volume of traffic is less than  
58 180 vehicles per hour, per direction, during the time students  
59 walk to and from school; or

60           b.e. Is located in a residential area and has a posted  
61 speed limit of 30 miles per hour or less.

62           (b) Walkways perpendicular to the road.—It shall be  
63 considered a hazardous walking condition with respect to any  
64 road across which students must walk in order to walk to and  
65 from school if:

66           1. ~~If~~ The traffic volume on the road exceeds the rate of  
67 360 vehicles per hour, per direction (including all lanes),  
68 during the time students walk to and from school and if the  
69 crossing site is uncontrolled. For purposes of this subsection,  
70 an "uncontrolled crossing site" is an intersection or other  
71 designated crossing site where no crossing guard, traffic  
72 enforcement officer, or stop sign or other traffic control  
73 signal is present during the times students walk to and from  
74 school.

75           2. ~~If~~ The total traffic volume on the road exceeds 4,000  
76 vehicles per hour through an intersection or other crossing site  
77 controlled by a stop sign or other traffic control signal,  
78 unless crossing guards or other traffic enforcement officers are



79 also present during the times students walk to and from school.

80

81 Traffic volume shall be determined by the most current traffic  
82 engineering study conducted by a state or local governmental  
83 agency.

84 (c) Crossings over the road.—It shall be considered a  
85 hazardous walking condition with respect to any road at any  
86 uncontrolled crossing site which students must walk in order to  
87 walk to and from school if:

88 1. The road has a posted speed limit of 50 miles per hour  
89 or greater; or

90 2. The road has six lanes or more, not including turn  
91 lanes, regardless of the speed limit.

92 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

93 (a) When a request for review is made by ~~to~~ the district  
94 school superintendent with respect to a road over which a state  
95 or local governmental entity has jurisdiction ~~or the district~~  
96 ~~school superintendent's designee~~ concerning a condition  
97 perceived to be hazardous to students in that district who live  
98 within the 2-mile limit and who walk to school, such condition  
99 shall be inspected jointly by a representative of the school  
100 district, ~~and~~ a representative of the state or local  
101 governmental entity with ~~that has~~ jurisdiction over the  
102 perceived hazardous location, and a representative of the  
103 municipal police department for a municipal road, a  
104 representative of the sheriff's office for a county road, or a



105 representative of the Department of Transportation for a state  
106 road. If the jurisdiction is within an area for which there is a  
107 metropolitan planning organization, a representative of that  
108 organization shall also be included. The governmental  
109 representatives shall determine whether the condition  
110 constitutes a hazardous walking condition as provided in  
111 subsection (2). If the governmental representatives concur that  
112 a condition constitutes a hazardous walking condition as  
113 provided in subsection (2), the governmental entity with  
114 jurisdiction shall report that determination in writing to the  
115 district school superintendent, who shall initiate a formal  
116 request for correction as provided in subsection (4).

117 (b) If the governmental representatives are unable to  
118 reach a consensus, the reasons for lack of consensus shall be  
119 reported to the district school superintendent, who shall  
120 provide a report and recommendation to the district school  
121 board. The district school board may initiate a proceeding under  
122 chapter 86 seeking a determination as to whether the condition  
123 constitutes a hazardous walking condition as provided in  
124 subsection (2) after providing at least 30 days' notice in  
125 writing to the state or local governmental entity having  
126 jurisdiction over the road of its intent to do so unless, within  
127 30 days after such notice is provided, the state or local  
128 governmental entity concurs in writing that the condition is a  
129 hazardous walking condition as provided in subsection (2) and  
130 provides the position statement pursuant to subsection (4). If a



131 proceeding is initiated under this paragraph, the district  
132 school board has the burden of proving such condition by the  
133 greater weight of evidence. If the district school board  
134 prevails, the district school superintendent shall report the  
135 outcome to the Department of Education and initiate a formal  
136 request for correction of the hazardous walking condition as  
137 provided in subsection (4). ~~The district school superintendent~~  
138 ~~or his or her designee and the state or local governmental~~  
139 ~~entity or its representative shall then make a final~~  
140 ~~determination that is mutually agreed upon regarding whether the~~  
141 ~~hazardous condition meets the state criteria pursuant to this~~  
142 ~~section. The district school superintendent or his or her~~  
143 ~~designee shall report this final determination to the~~  
144 ~~Department.~~

145 (4)(2) TRANSPORTATION; CORRECTION OF HAZARDS.-

146 (a) A district school board ~~It is intended that district~~  
147 ~~school boards~~ and other governmental entities shall work  
148 cooperatively to identify conditions that are hazardous along  
149 student walking routes to school, and a district school board  
150 shall ~~that district school boards~~ provide transportation to  
151 students who would be subjected to such conditions.  
152 Additionally, ~~It is further intended that~~ state or local  
153 governmental entities with having jurisdiction over a road along  
154 which a hazardous walking condition is determined to exist shall  
155 correct the condition ~~such hazardous conditions~~ within a  
156 reasonable period of time.



157           (b) Upon a determination pursuant to subsection (3) this  
158 section that a hazardous walking condition exists is hazardous  
159 to students, the district school superintendent board shall  
160 request a position statement with respect to correction of such  
161 condition determination from the state or local governmental  
162 entity with having jurisdiction over the road. Within 90 days  
163 after receiving such request, the state or local governmental  
164 entity shall inform the district school superintendent regarding  
165 whether the entity will include correction of the hazardous  
166 walking condition in its next annual 5-year transportation work  
167 program hazard will be corrected and, if so, when correction of  
168 the condition will be completed. If the hazardous walking  
169 condition will not be included in the state or local  
170 governmental entity's next annual 5-year transportation work  
171 program, the factors justifying such conclusion must be stated  
172 in writing to the district school superintendent and the  
173 Department of Education regarding a projected completion date.

174           (c) State funds shall be allocated for the transportation  
175 of students subjected to a hazardous walking condition. However,  
176 such hazards, provided that such funding shall cease upon  
177 correction of the hazardous walking condition hazard or upon the  
178 projected completion date, whichever occurs first.

179           (5) CIVIL ACTION.—In a civil action for damages brought  
180 against a governmental entity under s. 768.28, the designation  
181 of a hazardous walking condition under this section is not  
182 admissible in evidence.



183        (6) INTERLOCAL AGREEMENTS.—This section does not prohibit  
184 a district school board and other governmental entities from  
185 entering into an interlocal agreement pursuant to s. 163.31777  
186 that addresses the identification and correction of hazardous  
187 walking conditions, if such agreement:

188            (a) Implements the Safe Paths to Schools Program as  
189 provided in s. 335.066; or

190            (b) Establishes standards for the safety of students  
191 walking to school and procedures for identifying and correcting  
192 hazardous walking conditions that meet or exceed the standards  
193 and procedures provided in subsections (2), (3), and (4).

194        Section 3. Subsection (5) is added to section 1012.45,  
195 Florida Statutes, to read:

196        1012.45 School bus drivers; requirements and duties.—

197            (5) Each district school board may implement a safe driver  
198 toll-free telephone hotline for motorists or others who observe  
199 improper driving or operation by a school bus driver to report  
200 such violations to the district school board for investigation  
201 and corrective or disciplinary action by the school board.

202        Section 4. This act shall take effect July 1, 2015.