

Florida Statutes (www.leg.state.fl.us):

1006.23 Hazardous walking conditions.—

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

(2) HAZARDOUS WALKING CONDITIONS.—

(a) *Walkways parallel to the road.*—

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

2. Subparagraph 1. does not apply when the road along which students must walk:

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

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

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

1. The traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students walk to and from school and if the crossing site is uncontrolled. For purposes of this subsection, an “uncontrolled crossing site” is an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign or other traffic control signal is present during the times students walk to and from school.

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

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

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

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

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

(3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

(a) When a request for review is made by the district school superintendent with respect to a road over which a state or local governmental entity has jurisdiction concerning a condition perceived to be hazardous to students in that district who live within the 2-mile limit and who walk to school, such condition shall be inspected jointly by a representative of the school district, a representative of the state or local governmental entity with jurisdiction over the perceived hazardous location, and a representative of the municipal police department for a municipal road, a representative of the sheriff's office for a county road, or a representative of the Department of Transportation for a state road. If the jurisdiction is within an area for which there is a metropolitan planning organization, a representative of that organization shall also be included. The governmental representatives shall determine whether the condition constitutes a hazardous walking condition as provided in subsection (2). If the governmental representatives concur that a condition constitutes a hazardous walking condition as provided in subsection (2), the governmental entity with jurisdiction shall report that determination in writing to the district school superintendent, who shall initiate a formal request for correction as provided in subsection (4).

(b) If the governmental representatives are unable to reach a consensus, the reasons for lack of consensus shall be reported to the district school superintendent, who shall provide a report and recommendation to the district school board. The district school board may initiate a proceeding under chapter 86 seeking a determination as to whether the condition constitutes a hazardous walking condition as provided in subsection (2) after providing at least 30 days' notice in writing to the state or local governmental entity having jurisdiction over the road of its intent to do so unless, within 30 days after such notice is provided, the state or local governmental entity concurs in writing that the condition is a hazardous walking condition as provided in subsection (2) and provides the position statement pursuant to subsection (4). If a proceeding is initiated under this paragraph, the district school board has the burden of proving such condition by the greater weight of evidence. If the district school board prevails, the district school superintendent shall report the outcome to the Department of Education and initiate a formal request for correction of the hazardous walking condition as provided in subsection (4).

(4) TRANSPORTATION; CORRECTION OF HAZARDS.—

(a) A district school board and other governmental entities shall work cooperatively to identify conditions that are hazardous along student walking routes to school, and a district school board shall provide transportation to students who would be subjected to such conditions. Additionally, state or local governmental entities with jurisdiction over a road along which a hazardous walking condition is determined to exist shall correct the condition within a reasonable period of time.

(b) Upon a determination pursuant to subsection (3) that a hazardous walking condition exists, the district school superintendent shall request a position statement with respect to correction of such condition from the state or local governmental entity with jurisdiction over the road. Within 90 days after receiving such request, the state or local governmental entity shall inform the district school superintendent whether the entity will include correction of the hazardous walking condition in its next annual 5-year transportation work program and, if so, when correction of the condition will be completed. If the hazardous walking condition will not be included in the state or local governmental

entity's next annual 5-year transportation work program, the factors justifying such conclusion must be stated in writing to the district school superintendent and the Department of Education.

(c) State funds shall be allocated for the transportation of students subjected to a hazardous walking condition. However, such funding shall cease upon correction of the hazardous walking condition or upon the projected completion date, whichever occurs first.

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

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

(a) Implements the Safe Paths to Schools Program as provided in s. [335.066](#); or

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

History.—s. 297, ch. 2002-387; s. 2, ch. 2015-101.

Florida Administrative Code (www.flrules.org):

6A-3.001 Basic Principles for Transportation of Students.

(1) Where it is practicable to provide improved transportation service and school facilities for students from an area in adjoining districts, district lines shall not interfere with the designation of a school attendance area composed of areas of two (2) or more districts. It shall be the duty of school boards and superintendents of the districts involved to develop a plan which will issue the children of the area adequate school advantages. Students shall not be transported at public expense across district lines unless an annual agreement exists between the respective school boards. This agreement shall outline the responsibility of each district for providing school facilities, including transportation, and specify which district shall have exclusive responsibility for providing and operating the equipment. Unless the agreement shall stipulate otherwise, the rules and regulations of the district in which the bus is traveling shall be observed.

(2) All school bus routes shall be so planned and adjusted to the capacities of available equipment and school buses should be so chosen and assigned to routes and attendance areas that insofar as practicable the full capacity of each bus will be utilized, without standees, to serve students whose homes are beyond reasonable walking distance of the assigned public school center.

(3) A reasonable walking distance for any student who is not otherwise eligible for transportation pursuant to Section 1011.68, F.S., is any distance not more than two (2) miles between the home and school or one and one-half (1 1/2) miles between the home and the assigned bus stop. Such distance shall be measured from the closest pedestrian entry point of the property where the student resides to the closest pedestrian entry point of the assigned school building or to the assigned bus stop. The pedestrian entry point of the residence shall be where private property meets the public right-of-way. The district shall determine the shortest pedestrian route whether or not it is accessible to motor vehicle traffic.

Rulemaking Authority 1001.02(1), 1006.21, 1006.22, 1011.68 FS. Law Implemented 1001.42(10), 1002.20(22), 1003.02(1)(e), 1006.22, 1011.68 FS. History—New 3-26-66, Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Formerly 6A-3.01, Amended 3-12-86, 11-15-94.

6A-3.0121 Responsibility of School District and Parents or Guardians for Students Who Are Transported at Public Expense.

(1) The school district shall determine what safety measures shall be used in the transportation of students. Such safety measures shall include the designation of routes, bus turning areas, and student stop locations which shall not be left to the discretion of the bus operator or the parents or guardians of the students. The district shall provide belt cutters meeting Florida School Bus Specifications on any school bus equipped with passenger securement or restraint straps. The district shall determine the method of securement or positioning of students with special needs.

(2) The school district shall exercise additional specific powers and responsibilities as follows:

(a) The district shall provide bus operators and attendants instructions, in writing, as to any special conditions or non-medical care which a student may need while on the bus.

(b) The district shall instruct bus operators, and attendants if used, in their responsibilities for students who are transported at public expense as follows:

1. The operator or attendant of a bus transporting students shall remain with the bus so that students aboard will be under supervision at all times, except to call for assistance in case of an emergency or accident involving the students or bus.

2. In cases where a student with physical disabilities is unable to leave the area of a student stop without assistance, the school bus operator shall not assume responsibility for such assistance except in an emergency which threatens the safety of such student or students.

3. The operator and attendant shall be provided training related to students; however, the operator and attendant shall not give medicine and shall limit his or her assistance to that which may normally be expected of a reasonable, prudent person or as specified in the student's Individual Educational Plan.

(c) The district shall inform parents, guardians, and students at least annually in writing of their responsibilities and related district policies as follows:

1. To ensure the safe travel of their students during the portions of each trip to and from school and home when the students are not under the custody and control of the school district, including during each trip to and from home and the assigned bus stop when the school district provides bus transportation.

2. To ensure that students ride only in their assigned school buses and get off only at assigned bus stops, except when the district has approved alternative buses or arrangements.

3. To ensure students are aware of and follow the district's adopted code of student conduct while the students are at school bus stops and to provide necessary supervision during times when the bus is not present.

4. To ensure that, when the physical disability of the student renders the student unable to get on and off the bus without assistance, the parent or guardian provides the necessary assistance to help the student get on and off at the bus stop, as required by district policy or the student's individual educational plan.

(3) Knowledge, skills and abilities related to student management techniques and characteristics of the students shall be considered when selecting or assigning operators and attendants for routes serving students.

Rulemaking Authority 1001.02(1), 1006.22(13) FS. Law Implemented 1001.42(10), 1003.31(1)(d), 1006.10, 1006.21, 1006.22 FS. History—New 3-26-66, Amended 9-17-72, Repromulgated 12-5-74, Formerly 6A-3.121, Amended 11-15-94, 11-26-06.