



HB 41 Hazardous Walking Conditions
(CH. 2015-XX, Laws of Florida)

Bill Sponsor: Representative Metz

Effective Date: July 1, 2015

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Executive Summary:

This bill revises the criteria used to determine hazardous walking conditions for public school students and the procedures for identification and inspection of the perceived hazardous location. It requires that school districts work with the state and/or local government that has jurisdiction over the roadway to develop a plan to correct the identified hazard within the jurisdiction's five-year transportation work plan or provide a statement to the school superintendent indicating that the hazard will not be corrected. The bill protects the school district in civil actions that may be brought against it because of hazards and allows the school district to enter into interlocal agreements with other governmental entities to identify and correct hazards. The bill also provides for a toll-free telephone hotline to allow the public to report unsafe school bus operators.

Section 1.

Identifies this act as "Gabby's Law for Student Safety."

Section 2.

Amends s.1006.23, F.S., Hazardous walking conditions, to:

- Revise the criteria that identify a hazardous walking condition for public school students who walk parallel to the roadway, as follows:
 - Retains the requirement for an area to be at least four feet wide adjacent to the road for students to walk to and from school, but excludes drainage ditches, sluiceways, swales or channels from inclusion in the required four-foot walkway;
 - Reduces the posted speed limit from 55 miles per hour to 50 miles per hour or greater, and requires uncurbed roads to have at least a three-foot buffer from the edge of the road to the required four-foot area on which students walk to and from school;
 - Removes the exception for residential roads with little or no transient traffic.
- The bill creates additional criteria to be used to identify hazardous walking conditions for students who may be "crossing over the road" (currently known as walking perpendicular to the roadway). The bill also states that any road with an uncontrolled crossing site will be considered a hazardous walking condition if the road has:
 - A posted speed limit of 50 miles per hour or greater; or
 - Six lanes or more, not including turn lanes, regardless of the speed limit.
- The bill provides new language for inspection of a perceived hazardous walking condition. When a request is initiated by the district school superintendent, the perceived hazardous walking condition must be inspected jointly by representatives of:



- The school district;
 - The state or local government with jurisdiction over the road;
 - The municipal police department for a municipal road, the sheriff's office of a county road, or the Department of Transportation for a state road; and
 - The metropolitan planning organization, if the jurisdiction is within an area for which one exists.
- The bill states that the governmental representatives shall determine whether the condition constitutes a hazardous walking condition. If the representatives agree that the condition constitutes a hazardous walking condition, they must report, in writing, the determination to the district school superintendent. The district school superintendent must then request a position statement regarding the correction of the condition from the state or local government with jurisdiction. The state or local government must respond within 90 days. Within 90 days after receiving a request to correct a hazardous walking condition, the state or local government must inform the district school superintendent whether it will include the correction in its next annual five-year transportation work program and, if so, when it will be completed. If the hazardous walking condition is not included in the five-year transportation work program, justification must be provided in writing to the district school superintendent and the Florida Department of Education (FDOE). If the governmental representatives are unable to reach a consensus on whether an issue is a hazardous walking condition, they must report their findings to the district school superintendent. The bill is unclear as to which representative will submit a report to the district school superintendent. The district school superintendent must then submit a report and recommendation to the district school board.
- The bill authorizes a district school board to initiate a proceeding seeking a declaratory judgment proceeding as to whether the condition constitutes a hazardous walking condition after providing at least 30 days' notice in writing to the state or local government with jurisdiction over the road. The bill states that the district school board is responsible for providing evidence of the hazardous walking condition. If the district school board obtains a declaratory judgment, the superintendent must report the finding to FDOE and formally request correction of the hazardous condition.
- The bill states that, in a civil action for damages brought against a government entity under s. 768.28, F.S., the designation of a hazardous walking condition under this section is not admissible in evidence.
- The bill allows a district school board and other governmental entities to enter into an interlocal agreement for the identification and correction of hazardous walking conditions as long as the agreement:
 - Implements the Safe Paths to School Program; or
 - Establishes standards for student safety and identifies and corrects hazardous walking conditions that meet or exceed the standards established in this bill.

Section 3.

Amends s. 1012.45, F.S., School Bus Drivers; Requirements and Duties, to:

- Allow a district school board to establish a safe driver toll-free telephone hotline. The telephone hotline will allow motorists or others who observe improper driving or operation by a school bus driver to report such violations to the district school board for investigation. The bill does not mandate the establishment of a telephone hotline.

Section 4.

Provides an effective date of July 1, 2015



General Implementation Timeline:

July 1, 2015 The act becomes effective.