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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2015	.	
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The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete lines 91 - 178
and insert:
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



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11 to the district school superintendent, who shall provide a
12 report and recommendation to the district school board. The
13 district school board may initiate a proceeding under chapter 86
14 seeking a determination as to whether the condition constitutes
15 a hazardous walking condition as provided in subsection (2)
16 after providing at least 30 days' notice in writing to the state
17 or local governmental entity having jurisdiction over the road
18 of its intent to do so unless, within 30 days after such notice
19 is provided, the state or local governmental entity concurs in
20 writing that the condition is a hazardous walking condition as
21 provided in subsection (2) and provides the position statement
22 pursuant to subsection (4). If a proceeding is initiated under
23 this paragraph, the district school board has the burden of
24 proving such condition by the greater weight of evidence. If the
25 district school board prevails, the district school
26 superintendent shall report the outcome to the Department of
27 Education and initiate a formal request for correction of the
28 hazardous walking condition as provided in subsection (4) The
29 ~~district school superintendent or his or her designee and the~~
30 ~~state or local governmental entity or its representative shall~~
31 ~~then make a final determination that is mutually agreed upon~~
32 ~~regarding whether the hazardous condition meets the state~~
33 ~~criteria pursuant to this section. The district school~~
34 ~~superintendent or his or her designee shall report this final~~
35 ~~determination to the Department.~~

36 ~~(2) (4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING~~
37 ~~CONDITIONS.—~~

38 (a) Walkways parallel to the road.—

39 1. It shall be considered a hazardous walking condition



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

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

52 ~~a. Is in a residential area which has little or no~~
53 ~~transient traffic;~~

54 ~~a.b.~~ Is a road on which the volume of traffic is less than
55 180 vehicles per hour, per direction, during the time students
56 walk to and from school; or

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

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

63 1. ~~If~~ The traffic volume on the road exceeds the rate of
64 360 vehicles per hour, per direction (including all lanes),
65 during the time students walk to and from school and if the
66 crossing site is uncontrolled. For purposes of this subsection,
67 an "uncontrolled crossing site" is an intersection or other
68 designated crossing site where no crossing guard, traffic



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69 enforcement officer, or stop sign or other traffic control
70 signal is present during the times students walk to and from
71 school.

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

77
78 Traffic volume shall be determined by the most current traffic
79 engineering study conducted by a state or local governmental
80 agency.

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

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

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

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

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



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

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

104
105 ===== T I T L E A M E N D M E N T =====

106 And the title is amended as follows:

107 Between lines 25 and 26

108 insert:

109 authorizing a district school board and other
110 governmental entities to enter into a specified
111 interlocal agreement; providing criteria for such
112 agreements;