

CHAPTER 234

TRANSPORTATION OF SCHOOL CHILDREN

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234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(a) Shall provide transportation for each student in prekindergarten handicapped and in kindergarten through grade 12 membership in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available and to transport students whose homes are more than a reasonable walking distance, as defined by rules of the state board, from the nearest appropriate school.

(b) Shall provide transportation for public elementary school students in membership whose grade level does not exceed grade 6, if such students are subjected to hazardous walking conditions as provided in s. 234.021 while en route to or from school.

(c) May provide transportation for public school migrant, exceptional, nursery, and other public school students in membership below kindergarten; kindergarten through grade 12 students in membership in a public school; and adult students in membership in adult vocational, basic, and high school graduation programs in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available.

(d) May provide transportation for the transportation disadvantaged as defined in s. 427.011 and for other school-age children as provided for in s. 234.211.

(e) Shall provide necessary transportation to pregnant students or student parents, and the children of those students, as part of a teenage parent program pursuant to s. 230.23166.

(f) May provide transportation for other persons to events or activities in which the school district or school has agreed to participate or cosponsor. The school district shall adopt a policy to address liability for trips pursuant to this paragraph.

(2) In each case in which transportation of students is impracticable in the opinion of the school board, the school board is authorized to take steps for making available educational facilities as are authorized by law or rule of the state board and as, in the opinion of the school board, are practical.

History.—s. 801, ch. 19355, 1939; CGL 1940 Supp. 892(260); s. 8, ch. 29754, 1955; s. 94, ch. 65-239; s. 1, ch. 69-300; s. 11, ch. 71-164; s. 106, ch. 72-221; s. 1, ch. 81-254; s. 100, ch. 83-217; s. 1, ch. 86-146; s. 23, ch. 89-379; s. 45, ch. 91-105; s. 6, ch. 93-198; s. 131, ch. 94-209.

234.02 Safety and health of pupils.—Maximum regard for safety and adequate protection of health shall be primary requirements which shall be observed by school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and regulations of the state board in providing transportation pursuant to s. 234.01:

(1) School boards shall use school buses, as defined in s. 234.051, for all regular transportation. Regular transportation or regular use shall mean transportation of students to and from school or school-related activities which are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten programs through grade 12. School boards may regularly use motor vehicles other than school buses only under the following conditions:

(a) When the transportation is for physically handicapped or isolated students and the district has elected to provide for the transportation of the student through written or oral contracts or agreements.

(b) When the transportation is a part of a comprehensive contract for a specialized educational program between a school board and a service provider who provides instruction, transportation, and other services.

(c) When the transportation is provided through a public transit system.

(d) When the transportation of students is necessary or practical in a motor vehicle owned or operated by a school board other than a school bus and such transportation is provided in designated seating positions in a passenger car not to exceed 8 students or in any other motor vehicle designed to transport 10 or fewer persons which meets all federal motor vehicle safety standards for passenger cars.

When students are transported in motor vehicles, the occupant crash protection system provided by the vehicle manufacturer shall be used unless the student's physical condition prohibits such use.

(2) Except as provided in subsection (1), school boards may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis only in the following circumstances:

(a) When a student is ill or injured and must be taken home or to a medical treatment facility under nonemergency circumstances; and

1. The school has been unable to contact the student's parent or guardian or such parent, guardian, or responsible adult designated by the parent or guardian is not available to provide the transportation;

2. Proper adult supervision of the student is available at the location to which the student is being transported;

3. The transportation is approved by the school principal, or a school administrator designated by the principal to grant or deny such approval, or in the absence of the principal and designee, by the highest ranking school administrator or teacher available under the circumstances; and

4. If the school has been unable to contact the parent or guardian prior to the transportation, the school shall continue to seek to contact the parent or guardian until the school is able to notify the parent or guardian of the transportation and the pertinent circumstances.

(b) When the transportation is in connection with a school function or event regarding which the school district or school has undertaken to participate or to sponsor or provide the participation of students; and

1. The function or event is a single event which is not part of a scheduled series or sequence of events to the same location, such as, but not limited to, a field trip, a recreational outing, an interscholastic competition or cooperative event, an event connected with an extracurricular activity offered by the school, or an event connected to an educational program, such as, but not limited to, a job interview as part of a cooperative education program;

2. Transportation is not available, as a practical matter, using a school bus or school district passenger car; and

3. Each student's parent or guardian is notified, in writing, regarding the transportation arrangement and gives written consent before a student is transported in a privately owned motor vehicle.

(c) When a school board requires employees such as school social workers and attendance officers to use their own motor vehicles to perform duties of employment, and such duties include the occasional transportation of students.

(3) When approval is granted for the transportation of students in a privately owned vehicle, the provisions of s. 234.03, regarding liability for tort claims, shall apply. School district employees who provide approved transportation in privately owned vehicles shall be deemed to be acting within the scope of their employment. Parents, guardians, or other responsible adults who provide approved transportation in privately owned vehicles shall have the same exposure to, and protections from, risks of personal liability as do school district employees acting within the scope of their employment.

(4) Each school board may establish policies which restrict the use of privately owned motor vehicles to circumstances which are more limited than are described in this section or which prohibit such use. Each school board may establish policies which provide for more extensive requirements for approval, parental notification and consent procedures, insurance coverage, driver qualifications, or a combination of these.

(5) When transportation is authorized in privately owned vehicles, students may only be transported in designated seating positions and shall be required to use the occupant crash protection system provided by the vehicle manufacturer.

(6) School boards may contract with a common carrier to transport students to and from in-season and postseason athletic contests and to and from a school function or event in which the school district or a school has undertaken to participate or to provide or sponsor the participation of students.

(7) Transportation for adult students may be provided by any appropriate means as authorized by the school board when the transportation is accepted as a responsibility by the school board as provided in s. 234.01.

(8) Notwithstanding any other provision of this section, in an emergency situation which constitutes an imminent threat to student health or safety, school personnel may take whatever action is necessary under the circumstances to protect student health and safety.

(9) Except as provided in s. 234.211, transportation shall not be the responsibility of the school board in connection with any event or activity which is not an event or activity offered by the school district or an event or an activity in which the school district or school has agreed to participate, cosponsor, or require the participation of students, and the school board shall have no liability for transportation arranged and provided by parents or other parties to such events or activities.

(10) Each school board shall designate and adopt a specific plan for adequate examination, maintenance, and repair of transportation equipment. Examination of the mechanical condition of each school bus shall be made by a capable mechanic at least once each month that the bus is in operation.

(11) The superintendent shall notify the school board of any school bus which does not meet all requirements of law and regulations of the state board, and the school board shall, if such school bus is in an unsafe condition, withdraw it from use as a school bus until the bus meets said requirements. The Department of Education may inspect or have inspected any school bus to determine whether the bus meets requirements of law and regulations of the state board. The department may, after due notice to a school board that any school bus does not meet certain requirements of law and regulations of the state board, rule that such bus shall be withdrawn from use as a school bus, this ruling to be effective forthwith or upon a date to be specified therein, whereupon the school board shall withdraw same from use as a school bus until the bus meets requirements of law and regulations of the state board and until the department has officially revoked its said ruling. Notwithstanding any other provisions of this chapter, general purpose urban transit systems are declared qualified to transport children to and from school.

(12) The routing and scheduling of school buses shall be planned in such a manner as to eliminate the necessity for children to stand while a school bus is in motion. When circumstances of an emergency nature temporarily necessitate transporting children on school buses in excess of the rated seating capacity, such buses shall proceed at such a reduced rate of speed as shall maximize safety of the students, taking into account existing traffic conditions. Each school board is responsible for prompt relief of the emergency condition by providing additional equipment, bus rerouting, bus rescheduling, or other appropriate remedial action.

(13) The State Board of Education may adopt rules to implement this section as it deems necessary or desirable in the interest of student health and safety.

History.—s. 802, ch. 19355, 1939; CGL 1940 Supp. 892(261); s. 1, ch. 69-300; s. 106, ch. 72-221; s. 1, ch. 74-132; s. 15, ch. 75-284; s. 1, ch. 77-174; s. 7, ch. 89-101; s. 6, ch. 89-278; s. 7, ch. 90-172; s. 49, ch. 90-288; s. 46, ch. 91-105; s. 1, ch. 95-177.

234.021 Hazardous walking conditions.—

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

(2) **IDENTIFICATION.**—

(a) When a request for review is made to the district superintendent of schools or the district superintendent’s designee 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 by a representative of the school district and a representative of the local governmental entity where the perceived hazardous condition exists. Such representatives shall determine whether or not the condition is hazardous to such students and shall report to the Department of Education with respect thereto. Upon a determination that a condition is hazardous to such students, the district school board shall request a determination from the state or local governmental entity having jurisdiction regarding whether the hazard will be corrected and, if so, regarding a projected completion date. State funds shall be allocated for the transportation of students subjected to such hazards, provided that such funding shall cease upon correction of the hazard or upon the projected completion date, whichever occurs first.

(b) It is intended that district school boards and local governmental entities work cooperatively to identify conditions which are hazardous to students who must walk to school. It is further intended that state or local governmental entities having jurisdiction correct such hazardous conditions within a reasonable period of time.

(3) **CRITERIA FOR DETERMINING 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, 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 55 miles per hour, 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. The provisions of subparagraph 1. do not apply when the road along which students must walk:

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

b. 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

c. 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:

1. If the traffic volume on such 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 defined as 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. If the total traffic volume on such 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.

History.—s. 2, ch. 81-254; s. 1296, ch. 95-147.

234.03 Tort liability; liability insurance.—

(1) Each district school board shall be liable for tort claims arising out of any incident or occurrence involving a school bus or other motor vehicle owned, maintained, operated, or used by such school board to transport persons, to the same extent and in the same manner as the state or any of its agencies or subdivisions is liable for tort claims under s. 768.28, except that the total liability to persons being transported for all claims or judgments of such persons arising out of the same incident or occurrence shall not exceed an amount equal to \$5,000 multiplied by the rated seating capacity of the bus or other vehicle, as determined by rules of the State Board of Education, or \$100,000, whichever is greater. The provisions of s. 768.28 shall apply to all claims or actions brought against school boards, as authorized in this subsection.

(2) Each school board may secure and keep in force a medical payments plan or medical payments insurance on school buses and other vehicles. If a medical payments plan or insurance is provided, it shall be carried in a sum of no less than \$500 per person.

(3) Expenses, costs, or premiums to protect against liability for torts as provided in this section may be paid from any available funds of the school board.

(4) If vehicles used in transportation are not owned by the school board, such school board is authorized to require owners of such vehicles to show evidence of adequate insurance during the time that such vehicles are in the services of the school board.

(5) This section does not apply to causes of action accruing before October 1, 1978.

History.—s. 803, ch. 19355, 1939; CGL 1940 Supp. 892(262), B115(15); s. 60, ch. 29764, 1955; s. 4, ch. 59-339; s. 9, ch. 61-288; s. 16, ch. 63-376; s. 1, ch. 69-300; s. 139, ch. 71-136; s. 106, ch. 72-221; ss. 1, 2, ch. 78-192.

234.041 Buses simulating school buses in color and insignia; conditions of use.—

(1) It shall be unlawful for any person, except a governmental unit or agency operating as provided by law, to use on the public highways of the state any bus of an orange or yellow color known as “school bus chrome,”

or any color purporting to resemble the color of a school bus, for any purpose other than to transport persons to and from educational or recreational facilities or institutions or to and from events or activities which are sponsored, financed, or supervised by educational, recreational, religious, or charitable organizations. When said vehicle has ceased to be so used, or is used for the transportation of passengers other than for said purpose, its use shall be unlawful unless and until said bus has been changed from said colors to some other color by repainting and unless and until all signs and insignia which mark or designate it as a school bus have been removed therefrom. However, in school districts contracting for buses from an outside source or in school districts operating specially designed or equipped buses for the transporting of the handicapped, those buses may be used on a temporary or irregular basis to transport persons to and from facilities or activities not specified in this subsection within the county with the express consent of the school board.

(2) Any educational, recreational, religious, or charitable organization may own, operate, rent, or lease any bus which has been painted the orange or yellow color known as "school bus chrome" and which has been equipped with the signs, lights, insignia, and other features which normally characterize a school bus, as defined in s. 234.051, consistent with the provisions of this section.

(3) Any person violating any provision hereof shall be deemed guilty of a misdemeanor.

(4) Any county or municipal ordinance contrary to the provisions of this section is hereby repealed.

History.—ss. 1, 2, 3, ch. 57-280; s. 5, ch. 61-459; s. 96, ch. 65-239; s. 106, ch. 72-106; s. 13, ch. 75-284; s. 2, ch. 78-104; s. 1, ch. 80-265.

234.051 School buses.—School buses shall be defined and meet specifications as follows:

(1) **DEFINITION.**—For the purpose of the school code, a "school bus" is defined as a motor vehicle regularly used for the transportation of prekindergarten through grade 12 students of the public schools to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any school board, excepting:

(a) Passenger cars, multipurpose passenger vehicles, and trucks as defined in 49 C.F.R. part 571.

(b) Motor vehicles subject to, and meeting all requirements of, the Interstate Commerce Commission and operated by carriers operating under the jurisdiction of the Interstate Commerce Commission but not used exclusively for the transportation of public school pupils.

(2) **SPECIFICATIONS.**—Each school bus as defined in 49 C.F.R. part 571, and subsection (1), which is rented, leased, purchased, or contracted for, shall meet the applicable federal motor vehicle safety standards and other specifications as prescribed by regulations of the state board.

(3) **STANDARDS FOR LEASED VEHICLES.**—A motor vehicle owned and operated by a county or municipal transit authority which is leased by the school board of the local school district for transportation of public school students shall meet such standards as shall be established by the State Board of Education for

the purpose of implementing this act. A school bus authorized by a school board to carry passengers other than school pupils shall have the words "School Bus" and any other signs and insignia which mark or designate it as a school bus covered, removed, or otherwise concealed while said passengers are being transported.

(4) **OCCUPANT PROTECTION SYSTEMS.**—Students shall be transported only in designated seating positions, except as provided in s. 234.02(12), and shall be required to use the occupant crash protection system provided by the manufacturer, which system shall comply with the requirements of 49 C.F.R. part 571, or specifications of the State Board of Education.

History.—s. 808, ch. 19355, 1939; CGL 1940 Supp. 892(267); s. 10, ch. 29754, 1955; s. 1, ch. 65-52; s. 98, ch. 65-239; s. 1, ch. 69-300; s. 106, ch. 72-221; s. 16, ch. 75-284; s. 7, ch. 86-146; s. 11, ch. 86-173; s. 7, ch. 89-278; s. 47, ch. 91-105.

Note.—Former s. 234.06.

234.0515 Transportation of public school students by private transportation companies.—Where transportation is not provided to public school students pursuant to s. 234.01, the district school board may provide to the parents of those students a list of transportation companies which are able to provide such transportation. Any district school board which provides such a list shall require that, prior to being placed on the list, a transportation company provide to the district school board a notarized statement that all vehicles to be used by the company for the purpose of transporting students have received inspection, maintenance, and repair equal or superior to that required of vehicles used by the district school board. In addition, on the first school day of each month, a transportation company shall provide to the district school board written evidence that each vehicle used for the transportation of students was examined by a capable mechanic. When a cost is incurred by the school board to ensure compliance, a fee shall be charged to the transportation company to offset that cost. The district school board shall have no liability for transportation arranged and provided for students pursuant to this section.

History.—s. 1, ch. 91-290.

234.061 Designation of routes and nontransportation zones.—Each school board, after considering recommendations from the superintendent, shall designate, by map or otherwise, or shall provide by school board rule for the designation of, nontransportation zones which shall be composed of all areas in the district from which it is unnecessary or impracticable to furnish transportation. Nontransportation zones shall be designated annually prior to the opening of school and the designation of bus routes for the succeeding school year. Each school board, after considering recommendations from the superintendent, shall specifically designate, or shall provide by school board rule for the designation of, specific routes to be traveled regularly by school buses, and each route shall meet the requirements prescribed by rules of the state board.

History.—s. 106, ch. 72-221; s. 2, ch. 86-146.

234.091 General qualifications.—Each school bus driver shall be of good moral character, of good vision and hearing, able-bodied, free from communicable dis-

ease, mentally alert, and sufficiently strong physically to handle the bus with ease, and he or she shall possess such other qualifications as are prescribed by the state board, including those qualifications described in 49 C.F.R. 391.41-.49 "physical qualifications and examinations" and 49 C.F.R. 391.81-.123 "controlled substance testing," and he or she shall hold a valid commercial driver's license with a passenger endorsement.

History.—s. 814, ch. 19355, 1939; CGL 1940 Supp. 892(273); s. 3, ch. 21989, 1943; s. 64, ch. 29764, 1955; s. 106, ch. 72-221; s. 36, ch. 89-282; ss. 8, 9, ch. 90-172; ss. 6, 7, ch. 90-230; ss. 50, 51, ch. 90-288; ss. 48, 49, ch. 91-105; s. 1297, ch. 95-147.

Note.—Former s. 234.14.

234.101 Specific requirements; driver training program; contract.—

(1) The State Board of Education shall adopt requirements which school bus drivers must meet prior to employment by district school boards.

(2) Each district school board is authorized to provide a school bus driver training program and may make this program available to nonpublic school bus drivers by contract.

History.—s. 106, ch. 72-221; s. 8, ch. 86-146; s. 12, ch. 86-173.

234.111 School buses to stop at crossings.—Each school bus shall be brought to a full stop before crossing any railroad track and before entering or crossing any arterial highway or dangerous thoroughfare, and the bus shall not proceed until the driver has clearly observed that it is safe to proceed.

History.—s. 852, ch. 19355, 1939; CGL 1940 Supp. 892(284); s. 106, ch. 72-221.

Note.—Former s. 234.25.

234.112 School bus stops.—Each district school board shall establish school bus stops, or provide by school board rule for the establishment of school bus stops, as necessary at the most reasonably safe locations available. Where unusual traffic hazards exist at school bus stops on roads maintained by the state outside of municipalities, the Department of Transportation, in concurrence and cooperation with and upon request of the district school board, shall place signs at such bus stops warning motorists of the location of the stops.

History.—s. 1, ch. 77-74; s. 3, ch. 86-146.

234.211 Use of school buses for public purposes.

(1)(a) Each school district may enter into agreements with the governing body of a county or municipality in the school district or any state agency or agencies established or identified to assist the transportation disadvantaged, as defined in s. 427.011, including the elderly, pursuant to Pub. L. No. 89-73, as amended, for the use of the school buses of the school district by departments, boards, commissions, or officers of such county or municipality or of the state for county, municipal, or state purposes, including transportation of such transportation disadvantaged. Each such agreement shall provide for reimbursement of the school district, in full or in part, for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of such buses pursuant to such agreement.

(b) Each school district may enter into agreements with nonprofit corporations and nonprofit civic associations and groups to allow the use of school buses to transport school-age children for activities sponsored

by such associations and groups, including, but not limited to, the Girl Scouts, the Boy Scouts, 4-H Clubs, the Y.M.C.A., and similar groups. The use of school buses for such activities shall be pursuant to rules adopted by the school district and with compensation to the school board at least equal to the costs incurred by the board for such use.

(2)(a) The governing body or state agency or agencies established or identified pursuant to Pub. L. No. 89-73, or the nonprofit corporation or nonprofit civic organization or group, or an agency established or identified to assist the transportation disadvantaged as defined in s. 427.011, shall indemnify and hold harmless the school district from any and all liability of the school district by virtue of the use of such buses pursuant to an agreement authorized by this section.

(b) For purposes of liability for negligence, state agencies or subdivisions as defined in s. 768.28(2) shall be covered by s. 768.28. Every other corporation or organization shall provide liability insurance coverage in the minimum amounts of \$100,000 on any claim or judgment and \$200,000 on all claims and judgments arising from the same incident or occurrence.

(3) When such buses are used for nonschool purposes other than the transportation of the transportation disadvantaged, the flashing red lights and white strobe lights shall not be used, and the "School Bus" inscriptions on the front and rear of such buses shall be covered or concealed.

History.—s. 1, ch. 78-104; s. 3, ch. 80-414; s. 8, ch. 81-254; s. 101, ch. 83-217; s. 11, ch. 83-324; s. 2, ch. 84-49; s. 8, ch. 89-278.

234.212 Contract for transportation services.—In the event a contract between any school district and any person, business, or entity to provide the district with school bus service for the transportation of pupils in the district provides that such person, business, or entity shall own, operate, and maintain school buses for such service, the district may purchase the number of buses needed for the district through the Department of Education and sell the same to such person, business, or entity as a part of the contract for such service. Any benefit derived to the provider of such service from the purchase of such buses from the district shall be taken as a credit against the cost of such service to the district. The district shall not be required to submit the sale of such buses to bid.

History.—s. 1, ch. 80-332.

234.301 Pool Purchase of School Buses.—

(1) Beginning July 1, 1991, Florida nonpublic schools which demonstrate a racially nondiscriminatory student admission policy may purchase school buses from the state pool purchase program as authorized in s. 229.79, if the nonpublic school meets the following conditions:

(a) Students in one or more grades, kindergarten through grade 12, are provided an education program by the school and the school has submitted the information required pursuant to this section and the most recent school survey required in s. 229.808.

(b) All conditions of the contracts for purchasing school buses between the Department of Education and the companies involved, including bus specifications,

ordering deadlines, delivery period and procedures, and payment requirements, shall be met.

(c) Purchase orders shall be made out to the appropriate company or companies involved and shall be accompanied by a certified check in the amount of 25 percent of the total cost of the bus or buses as a good faith deposit that the bus or buses will be purchased.

(d) The remainder of the total cost shall be paid upon delivery of the bus or buses to the representative of the nonpublic school receiving the bus or buses, or shall be paid when the company informs the purchaser that the buses are ready for delivery if the purchaser has specified that buses are to be picked up at the company's location. If the chassis and the body are purchased from different companies, the remainder of the chassis' total cost shall be payable upon delivery of the chassis to the body manufacturer.

(e) If the nonpublic school does not meet the obligation stated in paragraph (d) within 30 calendar days after notice that the bus is ready for delivery or that the chassis has been delivered to the body manufacturer, the selling company may retain 15 percent of the amount being held by the company as a good faith deposit, and all obligations to the nonpublic school may be canceled. When the 15 percent is retained, the company shall return 10 percent of the good faith deposit to the nonpublic school within 15 days of cancellation of the companies' objection.

(2) Any bus purchased under this section may not be sold, if still titled as a motor vehicle, within 5 calendar years of the date of the initial Florida title being issued, unless the following conditions are met:

(a) The bus or buses may be sold only to a Florida public school district or Florida nonpublic school. Any such sale during the first 5 years shall be documented to the Department of Education within 15 days after the sale.

(b) The bus or buses shall be advertised by the nonpublic school in one major newspaper located in each of the five regions of the state for 3 consecutive days and a copy of the advertisement and the name of each newspaper shall be sent to the Department of Education before the first day of advertising the bus or buses for sale.

(c) The bus may not be sold at a profit. The bus shall be depreciated at a rate of 10 percent per calendar year, with the first year starting on the date of issue of the initial title in this state.

(d) Notwithstanding any other provisions of law and rule regarding purchase of used school buses, the bus may be sold to a public school district if the conditions of paragraph (c) are met.

(e) Any public school district or nonpublic school purchasing a bus under the conditions of this subsection must accept the obligations of this subsection, and such shall be entered in the sales contract.

(3) Any nonpublic school, including the owner or corporation purchasing a bus or buses under the conditions of this section, that does not comply with all the conditions of this section shall not be eligible for future purchases of a school bus under this section.

(4) Any nonpublic school interested in purchasing a bus under this section shall notify, in writing, the Department of Education. The Department of Education shall send the school the appropriate forms, instructions, and price quotations.

(5) Notwithstanding any other provisions of this section, no school bus manufacturer, distributor, or dealer shall be required to violate any dealer contract or franchise agreement entered into before the effective date of this section regarding the sale of its buses.

(6) The State Board of Education may adopt any rule necessary to implement this section, maintain the integrity of the school bus pool purchase program, and ensure the best and lowest price for purchasing school buses by the public school districts.

History.—s. 71, ch. 91-105.

234.302 School crossing guards.—Each local governmental entity administering a school crossing guard program shall provide a training program for school crossing guards according to uniform guidelines for the training of school crossing guards adopted by the Department of Transportation. Successful completion of such training program shall be required of each school guard except:

(1) A person who received equivalent training during employment as a law enforcement officer;

(2) A person who receives less than \$5,000 in annual compensation in a county with a population of less than 75,000; and

(3) A student who serves in a school patrol.

School crossing guard training programs may be made available to nonpublic schools upon contract.

History.—s. 2, ch. 92-194.