Schools, speed zones

Number: INFORMAL

Date: February 20, 2012

Mr. John W. Bowen
School Board Attorney
School District of Manatee County
Post Office Box 9069
Bradenton, Florida 34206-9069

Dear Mr. Bowen:

On behalf of the Superintendent of Schools for Manatee County, you have asked for this office's assistance in determining enforcement options for section 316.1895(5), Florida Statutes. Attorney General Bondi has asked that I respond to your letter.

After reviewing the information you have submitted, it appears that this is a matter upon which this office may not comment at this time. The Florida Attorney General is statutorily limited to providing legal opinions to governmental officers and agencies upon questions relating to their own duties and responsibilities.[1] Because Chapter 316, Florida Statutes, the Florida Uniform Traffic Control Law,[2] is administered by the Florida Department of Highway Safety and Motor Vehicles (FDOT), and because enforcement of Florida's traffic laws is vested in local law enforcement, this office may only comment on questions relating to the enforcement of section 316.1895(5), Florida Statutes, at the request of a law enforcement agency. However, while the superintendent is not charged under section 316.1895, Florida Statutes, with the establishment, enforcement, or design of school zones, I offer the following comments in an effort to assist you.

Section 316.1895, Florida Statutes, requires the Department of Transportation to adopt a uniform system of traffic control devices and pedestrian control devices for use on streets and highways around all public and private schools.[3] The Department of Transportation, counties, and municipalities are all given responsibility for maintaining[4] school zones located within their jurisdictions.[5] A violation of the speed limits established by section 316.1895, Florida Statutes, is a moving violation and subject to enforcement by state and local law enforcement.[6]

Section 316.1895(5), Florida Statutes, provides that:

"A school zone speed limit may not be less than 15 miles per hour except by local regulation. No school zone speed limit shall be more than 20 miles per hour in an urbanized area, as defined in s. 334.03. Such speed limit may be in force only during those times 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session."

Thus, the statute requires special lowered speed limit zones to be enforced before, during, and after school ingress and egress. The FDOT Manual for Speed Zoning for Highways, Roads and

Streets in Florida indicates that the speed limit selection decision depends on such things as:

"• Age of children,
• Normal approach speed of traffic,
• Sight distance,
• Number of vehicles,
• Width of street,
• Presence of other traffic control devices,
• Use of adult and/or school children crossing guards, etc."[7]

As the manual indicates, "[h]ours can be posted during which the speed limit applies or a manual control or a time-clock can be used in conjunction with a variable message and/or when [sic] flashing signs (with yellow beacons). These signs are described in Part VII of the MUTCD [Manual], and are referred to in section 316.1895, F.S."[8]

The statutes clearly contemplate a limited, specific time period for enforcement of school zones based on the hours of the school day and providing safety and protection for students for a period of 30 minutes before the beginning of the school day and for a period of 30 minutes after the close of the school session while students are in transit. The School District of Manatee County should work with local law enforcement and the Department of Transportation to ensure that any designated school speed zones comply with section 316.1895, Florida Statutes, and afford the greatest degree of protection available to students.

I trust that these informal comments will be helpful to you. Thank you for contacting the Florida Attorney General's Office for assistance.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

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Enclosures

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[1] *See* s. 16.01(3), Fla. Stat., and Department of Legal Affairs Statement Concerning Opinions (copies enclosed).

[2] *See* s. 316.001, Fla. Stat., for the short title of Ch. 316, Fla. Stat.

[3] Section 316.1895(1)(a), Fla. Stat.

[4] The term "maintained" with respect to school zones means "the care and maintenance of all school zone signs, markers, traffic control devices, and pedestrian control devices."

[5] Section 316.1895(3), Fla. Stat.

[6] *See* s. 316.640, Fla. Stat., regarding enforcement of traffic laws.

[7] *See* s. 15.1.1, FDOT Manual Number 750-010-002, Speed Zoning for Highways, Roads and Streets in Florida, dated 9/97.

[8] *Id.*