

By Senator Perry

8-01070-19

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1                                   A bill to be entitled  
 2           An act relating to public school transportation;  
 3           amending s. 1006.21, F.S.; requiring district school  
 4           boards to provide transportation to certain students;  
 5           amending s. 1006.23, F.S.; revising the definition of  
 6           the term "student"; revising the speed and road  
 7           conditions that meet the requirements for a hazardous  
 8           walking condition; requiring a district school  
 9           superintendent to request a review of a hazardous  
 10          walking condition upon receipt of a written request  
 11          from a parent of a student; requiring rather than  
 12          authorizing a school district to initiate specified  
 13          proceedings under certain circumstances; amending ss.  
 14          1002.20 and 1011.68, F.S.; conforming provisions to  
 15          changes made by the act; providing an effective date.  
 16

17 Be It Enacted by the Legislature of the State of Florida:  
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19           Section 1. Paragraphs (a) and (b) of subsection (3) of  
 20           section 1006.21, Florida Statutes, are amended to read:

21           1006.21 Duties of district school superintendent and  
 22           district school board regarding transportation.-

23           (3) District school boards, after considering  
 24           recommendations of the district school superintendent:

25           (a) Shall provide transportation for each student in  
 26           prekindergarten disability programs and in kindergarten through  
 27           grade 12 membership in a public school when, and only when,  
 28           transportation is necessary to provide adequate educational  
 29           facilities and opportunities that ~~which~~ otherwise would not be

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30 available and to transport students whose homes are more than  
31 1.5 miles ~~a reasonable walking distance, as defined by rules of~~  
32 ~~the State Board of Education,~~ from the nearest appropriate  
33 school.

34 (b) Shall provide transportation for public ~~elementary~~  
35 school students ~~in membership whose grade level does not exceed~~  
36 ~~grade 6,~~ and may provide transportation for public school  
37 students ~~in membership in grades 7 through 12,~~ if they such  
38 students are subjected to hazardous walking conditions as  
39 provided in s. 1006.23 while en route to or from school.

40 Section 2. Subsection (1), paragraphs (a) and (c) of  
41 subsection (2), and paragraphs (a) and (b) of subsection (3) of  
42 section 1006.23, Florida Statutes, are amended to read:

43 1006.23 Hazardous walking conditions.—

44 (1) DEFINITION.—As used in this section, the term "student"  
45 means any public ~~elementary~~ school student in kindergarten  
46 through grade 12 ~~whose grade level does not exceed grade 6.~~

47 (2) HAZARDOUS WALKING CONDITIONS.—

48 (a) *Walkways parallel to the road.*—

49 1. It shall be considered a hazardous walking condition  
50 with respect to any road along which students must walk in order  
51 to walk to and from school if there is not an area at least 4  
52 feet wide adjacent to the road, not including drainage ditches,  
53 sluiceways, swales, or channels, having a surface upon which  
54 students may walk without being required to walk on the road  
55 surface. In addition, whenever the road along which students  
56 must walk is uncurbed and has a posted speed limit of 45 ~~50~~  
57 miles per hour or greater, the area as described above for  
58 students to walk upon shall be set off the road by no less than

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59 3 feet from the edge of the road.

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

62 a. Is a road on which the volume of traffic is less than  
63 180 vehicles per hour, per direction, during the time students  
64 walk to and from school; or

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

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

71 1. The road has a posted speed limit of 45 ~~50~~ miles per  
72 hour or greater; or

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

75 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

76 (a) When a district school superintendent requests a  
77 ~~request for review of~~ is made by the district school  
78 ~~superintendent with respect to~~ a road over which a state or  
79 local governmental entity has jurisdiction concerning a  
80 condition perceived to be hazardous to students in that district  
81 who live within the 1.5-mile ~~2-mile~~ limit and who walk to  
82 school, such condition must ~~shall~~ be inspected jointly by a  
83 representative of the school district, a representative of the  
84 state or local governmental entity with jurisdiction over the  
85 perceived hazardous location, and a representative of the  
86 municipal police department for a municipal road, a  
87 representative of the sheriff's office for a county road, or a

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88 representative of the Department of Transportation for a state  
89 road. The district school superintendent must request the review  
90 if he or she receives a written request from a parent of a  
91 student in the school district. If the jurisdiction is within an  
92 area for which there is a metropolitan planning organization, a  
93 representative of that organization must ~~shall~~ also be included.  
94 The governmental representatives shall determine whether the  
95 condition constitutes a hazardous walking condition as provided  
96 in subsection (2). If the governmental representatives concur  
97 that a condition constitutes a hazardous walking condition as  
98 provided in subsection (2), the governmental entity with  
99 jurisdiction must ~~shall~~ report that determination in writing to  
100 the district school superintendent, who shall initiate a formal  
101 request for correction as provided in subsection (4).

102 (b) If the governmental representatives are unable to reach  
103 a consensus, the reasons for lack of consensus shall be reported  
104 to the district school superintendent, who shall provide a  
105 report and recommendation to the district school board. The  
106 district school board shall ~~may~~ initiate a proceeding under  
107 chapter 86 seeking a determination as to whether the condition  
108 constitutes a hazardous walking condition as provided in  
109 subsection (2) after providing at least 30 days' notice in  
110 writing to the state or local governmental entity having  
111 jurisdiction over the road of its intent to do so unless, within  
112 30 days after such notice is provided, the state or local  
113 governmental entity concurs in writing that the condition is a  
114 hazardous walking condition as provided in subsection (2) and  
115 provides the position statement pursuant to subsection (4). If a  
116 proceeding is initiated under this paragraph, the district

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117 school board has the burden of proving such condition by the  
118 greater weight of evidence. If the district school board  
119 prevails, the district school superintendent shall report the  
120 outcome to the Department of Education and initiate a formal  
121 request for correction of the hazardous walking condition as  
122 provided in subsection (4).

123 Section 3. Paragraph (b) of subsection (22) of section  
124 1002.20, Florida Statutes, is amended to read:

125 1002.20 K-12 student and parent rights.—Parents of public  
126 school students must receive accurate and timely information  
127 regarding their child's academic progress and must be informed  
128 of ways they can help their child to succeed in school. K-12  
129 students and their parents are afforded numerous statutory  
130 rights including, but not limited to, the following:

131 (22) TRANSPORTATION.—

132 (b) *Hazardous walking conditions.*—~~K-6~~ Public school  
133 students shall be provided transportation if they are subjected  
134 to hazardous walking conditions, in accordance with the  
135 provisions of ss. 1006.21(3)(b) and 1006.23.

136 Section 4. Paragraphs (a) and (e) of subsection (1) of  
137 section 1011.68, Florida Statutes, are amended to read:

138 1011.68 Funds for student transportation.—The annual  
139 allocation to each district for transportation to public school  
140 programs, including charter schools as provided in s.  
141 1002.33(17)(b), of students in membership in kindergarten  
142 through grade 12 and in migrant and exceptional student programs  
143 below kindergarten shall be determined as follows:

144 (1) Subject to the rules of the State Board of Education,  
145 each district shall determine the membership of students who are

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146 transported:

147 (a) By reason of living 1.5 ~~2~~ miles or more from school.

148 (e) With respect to public ~~elementary~~ school students whose  
149 ~~grade level does not exceed grade 6, by reason of being~~  
150 subjected to hazardous walking conditions en route to or from  
151 school as provided in s. 1006.23. Such rules shall, when  
152 appropriate, provide for the determination of membership under  
153 this paragraph for less than 1 year to accommodate the needs of  
154 students who require transportation only until such hazardous  
155 conditions are corrected.

156 Section 5. This act shall take effect July 1, 2019.