

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Education Appropriations  
 2 Subcommittee  
 3 Representative Metz offered the following:

**Amendment (with title amendment)**

Remove lines 106-174 and insert:

7 provided in subsection (2), the governmental entity with  
 8 jurisdiction shall report that determination in writing to the  
 9 district school superintendent, who shall initiate a formal  
 10 request for correction as provided in subsection (4).

11 (b) If the governmental representatives are unable to  
 12 reach a consensus, the reasons for lack of consensus shall be  
 13 reported to the district school superintendent, who shall  
 14 provide a report and recommendation to the district school  
 15 board. The district school board may initiate a proceeding under  
 16 chapter 86 seeking a determination as to whether the condition  
 17 constitutes a hazardous walking condition as provided in

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

38 (4)(2) TRANSPORTATION; CORRECTION OF HAZARDS.-

39 (a) A district school board ~~It is intended that district~~  
40 ~~school boards~~ and other governmental entities shall work  
41 cooperatively to identify conditions that are hazardous along  
42 student walking routes to school, and a district school board  
43 shall ~~that district school boards~~ provide transportation to

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44 students who would be subjected to such conditions.

45 Additionally, It is further intended that state or local  
46 governmental entities with having jurisdiction over a road along  
47 which a hazardous walking condition is determined to exist shall  
48 correct the condition such hazardous conditions within a  
49 reasonable period of time.

50 (b) Upon a determination pursuant to subsection (3) this  
51 section that a hazardous walking condition exists is hazardous  
52 to students, the district school superintendent board shall  
53 request a position statement with respect to correction of such  
54 condition determination from the state or local governmental  
55 entity with having jurisdiction over the road. Within 90 days  
56 after receiving such request, the state or local governmental  
57 entity shall inform the district school superintendent regarding  
58 whether the entity will include correction of the hazardous  
59 walking condition in its next annual 5-year transportation work  
60 program hazard will be corrected and, if so, when correction of  
61 the condition will be completed. If the hazardous walking  
62 condition will not be included in the state or local  
63 governmental entity's next annual 5-year transportation work  
64 program, the factors justifying such conclusion must be stated  
65 in writing to the district school superintendent and the  
66 Department of Education regarding a projected completion date.

67 (c) State funds shall be allocated for the transportation  
68 of students subjected to a hazardous walking condition. However,  
69 such hazards, provided that such funding shall cease upon

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70 correction of the hazardous walking condition ~~hazard~~ or upon the  
71 projected completion date, whichever occurs first.

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

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

81 (a) Establishes the same or higher standards for the  
82 safety of students walking to school as the standards provided  
83 in this section;

84 (b) Establishes the same or a more rigorous process for  
85 identifying hazardous walking conditions as the processes  
86 provided in this section; or

87 (c) Implements the Safe Paths to Schools Program as  
88 provided in s. 335.066.

89  
90 -----

91 **T I T L E A M E N D M E N T**

92 Remove lines 19-21 and insert:  
93 governmental entity relating to its transportation  
94 work program; providing requirements relating to a  
95 civil action for damages; providing that certain

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96 | interlocal agreements that meet specified criteria are  
97 | not prohibited under this section; providing an  
98 | effective