

By Senator Steube

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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; amending ss. 1002.20 and
12 1011.68, F.S.; conforming provisions to changes made
13 by the act; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraphs (a) and (b) of subsection (3) of
18 section 1006.21, Florida Statutes, are amended to read:

19 1006.21 Duties of district school superintendent and
20 district school board regarding transportation.—

21 (3) District school boards, after considering
22 recommendations of the district school superintendent:

23 (a) Shall provide transportation for each student in
24 prekindergarten disability programs and in kindergarten through
25 grade 12 membership in a public school when, and only when,
26 transportation is necessary to provide adequate educational
27 facilities and opportunities that ~~which~~ otherwise would not be
28 available and to transport students whose homes are more than
29 1.5 miles ~~a reasonable walking distance, as defined by rules of~~

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30 ~~the State Board of Education,~~ from the nearest appropriate
31 school.

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

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

41 1006.23 Hazardous walking conditions.—

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

45 (2) HAZARDOUS WALKING CONDITIONS.—

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

47 1. It shall be considered a hazardous walking condition
48 with respect to any road along which students must walk in order
49 to walk to and from school if there is not an area at least 4
50 feet wide adjacent to the road, not including drainage ditches,
51 sluiceways, swales, or channels, having a surface upon which
52 students may walk without being required to walk on the road
53 surface. In addition, whenever the road along which students
54 must walk is uncurbed and has a posted speed limit of 45 ~~50~~
55 miles per hour or greater, the area as described above for
56 students to walk upon shall be set off the road by no less than
57 3 feet from the edge of the road.

58 2. Subparagraph 1. does not apply when the road along which

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59 students must walk:

60 a. Is a road on which the volume of traffic is less than
61 180 vehicles per hour, per direction, during the time students
62 walk to and from school; or

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

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

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

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

73 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

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

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

100 Section 3. Paragraph (b) of subsection (22) of section
101 1002.20, Florida Statutes, is amended to read:

102 1002.20 K-12 student and parent rights.—Parents of public
103 school students must receive accurate and timely information
104 regarding their child's academic progress and must be informed
105 of ways they can help their child to succeed in school. K-12
106 students and their parents are afforded numerous statutory
107 rights including, but not limited to, the following:

108 (22) TRANSPORTATION.—

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

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

115 1011.68 Funds for student transportation.—The annual
116 allocation to each district for transportation to public school

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117 programs, including charter schools as provided in s.
118 1002.33(17)(b), of students in membership in kindergarten
119 through grade 12 and in migrant and exceptional student programs
120 below kindergarten shall be determined as follows:

121 (1) Subject to the rules of the State Board of Education,
122 each district shall determine the membership of students who are
123 transported:

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

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

133 Section 5. This act shall take effect July 1, 2018.