

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 for certain students;
5 providing the criteria for a specified measurement;
6 requiring a district school board to provide
7 transportation for certain students subjected to a
8 hazardous walking condition; authorizing school
9 districts to provide transportation to all public
10 school students; amending s. 1006.23, F.S.; revising
11 the definition of the term "student"; revising the
12 conditions that meet the requirements for a hazardous
13 walking condition; revising requirements for suitable
14 student walking conditions; making editorial changes;
15 defining the term "designated crossing site"; deleting
16 a requirement for specified entities to participate in
17 inspections of hazardous walking conditions; requiring
18 a district school superintendent to request a review
19 of a road upon receipt of a written request concerning
20 a hazardous walking condition from a student's parent;
21 deleting a reporting requirement; revising the
22 criteria for state funds provided for the
23 transportation of specified students; requiring
24 district school boards to review and update hazardous
25 walking segments; providing requirements for such

26 | reviews; requiring the Department of Education to
 27 | establish procedures for such reviews; prohibiting
 28 | such reviews from being an unnecessary burden on
 29 | district school boards; conforming provisions to
 30 | changes made by the act; amending ss. 1002.20 and
 31 | 1011.68, F.S.; conforming provisions to changes made
 32 | by the act; providing an effective date.
 33 |

34 | Be It Enacted by the Legislature of the State of Florida:
 35 |

36 | Section 1. Paragraphs (c) through (g) of subsection (3) of
 37 | section 1006.21, Florida Statutes, are redesignated as
 38 | paragraphs (d) through (h), respectively, paragraphs (a) and (b)
 39 | of that subsection are amended, and a new paragraph (c) is added
 40 | to that subsection, to read:

41 | 1006.21 Duties of district school superintendent and
 42 | district school board regarding transportation.—

43 | (3) District school boards, after considering
 44 | recommendations of the district school superintendent:

45 | (a) Shall provide transportation for each student in
 46 | prekindergarten disability programs and in kindergarten through
 47 | grade 12 membership in a public school when, and only when,
 48 | transportation is necessary to provide adequate educational
 49 | facilities and opportunities that ~~which~~ otherwise would not be
 50 | available and to transport students whose homes are beyond the

51 transportation service boundary of 2 miles from the school such
52 students attend. Such distance shall be measured using the most
53 direct pedestrian route from the closest pedestrian point of
54 entry of the property where the student resides to the closest
55 pedestrian point of entry of his or her assigned school. The
56 pedestrian point of entry of the property where the student
57 resides shall be the location where the residential property
58 meets the public right-of-way. Except for roads in residential
59 areas that have a posted speed limit of 30 miles per hour or
60 less, pedestrian routes referenced in this paragraph must
61 include designated crossing sites and suitable walkways, as
62 described in s. 1006.23, that connect the student's home to his
63 or her assigned school ~~more than a reasonable walking distance,~~
64 ~~as defined by rules of the State Board of Education, from the~~
65 ~~nearest appropriate school.~~

66 (b) Shall provide transportation for public ~~elementary~~
67 school students ~~in membership~~ whose homes are within 2 miles of
68 the schools they attend and who ~~grade level does not exceed~~
69 ~~grade 6, and may provide transportation for public school~~
70 ~~students in membership in grades 7 through 12, if such students~~
71 are subjected to hazardous walking conditions as provided in s.
72 1006.23 while en route to or from school.

73 (c) May, subject to budget and logistical considerations,
74 and at their discretion, transport all other public school
75 students as necessary to provide for student safety,

76 | convenience, or comfort or to alleviate congestion.

77 | Section 2. Subsections (1) and (2), paragraph (a) of
 78 | subsection (3), and paragraphs (a) and (c) of subsection (4) of
 79 | section 1006.23, Florida Statutes, are amended, and paragraph
 80 | (d) is added to subsection (4) of that section, to read:

81 | 1006.23 Hazardous walking conditions.—

82 | (1) DEFINITION.— As used in this section, the term
 83 | "student" means any public ~~elementary~~ school student who resides
 84 | within 2 miles of the school he or she attends ~~whose grade level~~
 85 | ~~does not exceed grade 6.~~

86 | (2) HAZARDOUS WALKING CONDITIONS.—

87 | (a) Walkways parallel to the road.—

88 | ~~1.~~ It shall be considered a hazardous walking condition
 89 | with respect to any road along which students must walk in order
 90 | to walk to and from school, except for roads in residential
 91 | areas that have a posted speed limit of 30 miles per hour or
 92 | less, if there is not a sidewalk or suitable walkway an area at
 93 | least 5 4 feet wide adjacent to and separate from the edge of
 94 | the road, including any paved road shoulder, not including
 95 | drainage ditches, sluiceways, swales, or channels, having a
 96 | surface upon which students may walk without being required to
 97 | walk on the road surface. The following are not suitable
 98 | walkways: any portion of drainage ditches, sluiceways, private
 99 | or public parking lots, swales, channels, or other stormwater
 100 | runoff facilities or systems and railroad crossings, bridges,

101 and overpasses that lack paved walkways designed for
102 pedestrians. In addition, whenever the road along which students
103 must walk is uncurbed and has a posted speed limit of 45 ~~50~~
104 miles per hour or greater, the area as described above for
105 students to walk upon shall be set off the road by no less than
106 5 ~~3~~ feet from the edge of the road, including any paved road
107 shoulder. Students may not be required to cross a road outside
108 of designated crossing sites in order to acquire a safe walkway
109 parallel to the road.

110 ~~2. Subparagraph 1. does not apply when the road along~~
111 ~~which students must walk:~~

112 ~~a. Is a road on which the volume of traffic is less than~~
113 ~~180 vehicles per hour, per direction, during the time students~~
114 ~~walk to and from school; or~~

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

117 (b) Walkways perpendicular to the road.—It shall be
118 considered a hazardous walking condition with respect to any
119 road across which students must walk in order to walk to and
120 from school if students must cross more than two lanes of
121 traffic, including turn lanes and free-flow right turn lanes,
122 that have a posted speed limit of 35 miles per hour or greater
123 or if the designated crossing site is situated in a location
124 where:

125 1. It is likely that pedestrians crossing the road will

126 encounter traffic turning from left turn lanes during a green
127 light;

128 2. There are turn lanes where a right turn on a red light
129 is authorized; or

130 3. There are free-flow right turn lanes.†

131 ~~1. The traffic volume on the road exceeds the rate of 360~~
132 ~~vehicles per hour, per direction (including all lanes), during~~
133 ~~the time students walk to and from school and if the crossing~~
134 ~~site is uncontrolled. For purposes of this subsection, an~~
135 ~~"uncontrolled crossing site" is an intersection or other~~
136 ~~designated crossing site where no crossing guard, traffic~~
137 ~~enforcement officer, or stop sign or other traffic control~~
138 ~~signal is present during the times students walk to and from~~
139 ~~school.~~

140 ~~2. The total traffic volume on the road exceeds 4,000~~
141 ~~vehicles per hour through an intersection or other crossing site~~
142 ~~controlled by a stop sign or other traffic control signal,~~
143 ~~unless crossing guards or other traffic enforcement officers are~~
144 ~~also present during the times students walk to and from school.~~

145
146 ~~Traffic volume shall be determined by the most current traffic~~
147 ~~engineering study conducted by a state or local governmental~~
148 ~~agency.~~

149 (c) Crossings over the road.—It shall be considered a
150 hazardous walking condition with respect to any road at any

151 uncontrolled crossing site which students must walk in order to
 152 walk to and from school if:

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

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

157 (d) For purposes of this section, the term:

158 1. "Designated crossing site" means a site that is
 159 properly marked as a pedestrian crossing site on the road
 160 surface and is supplemented by special emphasis markings such as
 161 signals, signs, beacons, or enhanced overhead lighting that
 162 conspicuously identify the location as a pedestrian crossing
 163 site.

164 2. "Uncontrolled crossing site" means an intersection or
 165 other designated crossing site where no crossing guard, traffic
 166 enforcement officer, or stop sign or other traffic control
 167 signal is present during the times students walk to and from
 168 school.

169 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

170 (a) When a district school superintendent requests a
 171 ~~request for review of is made by the district school~~
 172 ~~superintendent with respect to~~ a road over which a state or
 173 local governmental entity has jurisdiction concerning a
 174 condition perceived to be hazardous to students in that district
 175 who live within the 2-mile limit and who walk to and from

176 | school, such condition shall be inspected jointly by a
 177 | representative of the school district ~~and,~~ a representative of
 178 | the state or local governmental entity with jurisdiction over
 179 | the perceived hazardous location, ~~and a representative of the~~
 180 | ~~municipal police department for a municipal road, a~~
 181 | ~~representative of the sheriff's office for a county road, or a~~
 182 | ~~representative of the Department of Transportation for a state~~
 183 | ~~road.~~ If the jurisdiction is within an area for which there is a
 184 | metropolitan planning organization, a representative of that
 185 | organization shall also be included. The district school
 186 | superintendent shall request a review of a road if he or she
 187 | receives a written request concerning a hazardous walking
 188 | condition from the parent of a student in the school district
 189 | The governmental representative ~~representatives~~ shall determine
 190 | whether the condition constitutes a hazardous walking condition
 191 | as provided in subsection (2). ~~If the governmental~~
 192 | ~~representatives concur that a condition constitutes a hazardous~~
 193 | ~~walking condition as provided in subsection (2), the~~
 194 | ~~governmental entity with jurisdiction shall report that~~
 195 | ~~determination in writing to the district school superintendent,~~
 196 | ~~who shall initiate a formal request for correction as provided~~
 197 | ~~in subsection (4).~~

198 | (4) TRANSPORTATION; CORRECTION OF HAZARDS.—

199 | (a) A district school board and other governmental
 200 | entities shall work cooperatively to identify conditions that

201 are hazardous along student walking routes to and from school,
202 and a district school board shall provide transportation to
203 students who would be subjected to such conditions.

204 ~~Additionally,~~ State or local governmental entities with
205 jurisdiction over a road along which a hazardous walking
206 condition is determined to exist shall correct the condition
207 within a reasonable period of time.

208 (c) State funds shall be allocated for the transportation
209 of students who reside within 2 miles of the school they attend
210 and who are subjected to a hazardous walking condition. However,
211 such funding shall cease upon correction of the hazardous
212 walking condition ~~or upon the projected completion date,~~
213 ~~whichever occurs first.~~

214 (d) Each district school board shall periodically review
215 and update hazardous walking segments and document the review in
216 writing. The department shall, in collaboration with district
217 school boards, establish procedures for such reviews and
218 documentation. Such reviews and documentation may not be an
219 unnecessary burden on a district school board.

220 Section 3. Paragraph (b) of subsection (22) of section
221 1002.20, Florida Statutes, is amended to read:

222 1002.20 K-12 student and parent rights.—Parents of public
223 school students must receive accurate and timely information
224 regarding their child's academic progress and must be informed
225 of ways they can help their child to succeed in school. K-12

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226 students and their parents are afforded numerous statutory
227 rights including, but not limited to, the following:

228 (22) TRANSPORTATION.—

229 (b) Hazardous walking conditions.—~~K-6~~ Public school
230 students who reside within 2 miles of the school they attend
231 shall be provided transportation if they are subjected to
232 hazardous walking conditions, in accordance with ~~the provisions~~
233 ~~of~~ ss. 1006.21(3)(b) and 1006.23.

234 Section 4. Paragraph (e) of subsection (1) of section
235 1011.68, Florida Statutes, is amended to read:

236 1011.68 Funds for student transportation.—The annual
237 allocation to each district for transportation to public school
238 programs, including charter schools as provided in s.
239 1002.33(17)(b), of students in membership in kindergarten
240 through grade 12 and in migrant and exceptional student programs
241 below kindergarten shall be determined as follows:

242 (1) Subject to the rules of the State Board of Education,
243 each district shall determine the membership of students who are
244 transported:

245 (e) With respect to public elementary school students
246 ~~whose grade level does not exceed grade 6~~, by reason of being
247 subjected to hazardous walking conditions en route to or from
248 school as provided in s. 1006.23 and provided transportation
249 services by the district school board. Such rules shall, when
250 appropriate, provide for the determination of membership under

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251 | this paragraph for less than 1 year to accommodate the needs of
252 | students who require transportation only until such hazardous
253 | conditions are corrected.

254 | Section 5. This act shall take effect July 1, 2020.