

1 A bill to be entitled

2 An act relating to hazardous walking conditions for K-
3 12 students; amending s. 336.045, F.S.; requiring the
4 Department of Transportation to develop and adopt
5 standards and criteria to identify hazardous walking
6 conditions; amending s. 1002.20, F.S.; authorizing
7 school districts to provide transportation to K-12
8 public school students meeting certain criteria
9 relating to hazardous walking conditions; amending s.
10 1006.21, F.S.; requiring school districts to provide
11 transportation to students beyond a certain
12 transportation service boundary; providing
13 requirements for the calculation of such boundary;
14 authorizing school districts to provide transportation
15 to certain other students; amending s. 1006.23, F.S.;
16 revising the definition for the term "student";
17 deleting provisions used to identify hazardous walking
18 conditions; deleting a requirement for specified
19 entities to participate in inspections of hazardous
20 walking conditions; requiring a district school
21 superintendent to request a review of a road upon
22 receipt of a request from certain persons; conforming
23 provisions and cross-references to changes made by the
24 act; deleting a reporting requirement; requiring
25 district school boards to review and update hazardous

26 walking segments; requiring the Department of
 27 Education to establish procedures for such reviews;
 28 prohibiting such reviews from being an unnecessary
 29 burden on district school boards; amending s. 1011.68,
 30 F.S.; revising the calculation for the funding
 31 allocation for the transportation of students to
 32 include hazardous walking conditions ridership
 33 membership; conforming provisions to changes made by
 34 the act; providing an effective date.

35

36 Be It Enacted by the Legislature of the State of Florida:

37

38 Section 1. This act may be cited as the "Safe Walkways to
 39 School Act."

40 Section 2. Subsection (7) is added to section 336.045,
 41 Florida Statutes, to read:

42 336.045 Uniform minimum standards for design,
 43 construction, and maintenance; advisory committees.—

44 (7) The department shall develop and adopt standards and
 45 criteria that identify hazardous walking conditions that pose
 46 barriers to the safe access to public education for minor
 47 children.

48 Section 3. Paragraph (b) of subsection (22) of section
 49 1002.20, Florida Statutes, is amended to read:

50 1002.20 K-12 student and parent rights.—Parents of public

51 school students must receive accurate and timely information
 52 regarding their child's academic progress and must be informed
 53 of ways they can help their child to succeed in school. K-12
 54 students and their parents are afforded numerous statutory
 55 rights including, but not limited to, the following:

56 (22) TRANSPORTATION.—

57 (b) Hazardous walking conditions.—~~K-6~~ Public school
 58 students who reside within 2 miles of the school they attend may
 59 ~~shall~~ be provided transportation if they are subjected to
 60 hazardous walking conditions that pose barriers to the students
 61 safe access to public education, in accordance with ~~the~~
 62 ~~provisions of~~ ss. 336.045, 1006.21(3)(b), and 1006.23.

63 Section 4. Paragraphs (c) through (g) of subsection (3) of
 64 section 1006.21, Florida Statutes, are redesignated as
 65 paragraphs (d) through (h), respectively, paragraphs (a) and (b)
 66 are amended, and a new paragraph (c) is added to that
 67 subsection, to read:

68 1006.21 Duties of district school superintendent and
 69 district school board regarding transportation.—

70 (3) District school boards, after considering
 71 recommendations of the district school superintendent:

72 (a) Shall provide transportation for each student in
 73 prekindergarten disability programs and in kindergarten through
 74 grade 12 membership in a public school when, ~~and only when,~~
 75 transportation is necessary to provide safe and adequate access

76 | to educational facilities and opportunities that ~~which~~ otherwise
77 | would not be available and to transport students whose homes are
78 | beyond the transportation service boundary of 2 miles from the
79 | school such student attends. Such distance shall be measured
80 | using the most direct pedestrian route from the closest
81 | pedestrian point of entry of the property where the student
82 | resides to the closest pedestrian point of entry of his or her
83 | assigned school. The pedestrian point of entry of the property
84 | where the student resides shall be the location where the
85 | residential property meets the public right-of-way. Except for
86 | roads in residential areas that have a posted speed limit of 30
87 | miles per hour or less, pedestrian routes referenced in this
88 | paragraph must include safe sidewalks and crosswalks, as
89 | described in s. 336.045, that connect the student's home to his
90 | or her assigned school ~~more than a reasonable walking distance,~~
91 | ~~as defined by rules of the State Board of Education, from the~~
92 | ~~nearest appropriate school.~~

93 | (b) May, subject to budget and logistical considerations
94 | and at their discretion, transport students in membership whose
95 | homes are within 2 miles of the school they attend and who ~~shall~~
96 | ~~provide transportation for public elementary school students in~~
97 | ~~membership whose grade level does not exceed grade 6, and may~~
98 | ~~provide transportation for public school students in membership~~
99 | ~~in grades 7 through 12, if such students are subjected to~~
100 | hazardous walking conditions that pose barriers to their safe

101 access to a public education as identified pursuant to s.
 102 336.045 provided in s. 1006.23 while en route to or from school.
 103 Such distance shall be measured using the most direct pedestrian
 104 route from the closest pedestrian point of entry of the property
 105 where the student resides to the closest pedestrian point of
 106 entry of his or her assigned school. The pedestrian point of
 107 entry of the property where the student resides shall be the
 108 location where the residential property meets the public right-
 109 of-way.

110 (c) May, subject to budget and logistical considerations,
 111 and at their discretion, transport other students in membership
 112 as necessary to provide for student safety.

113 Section 5. Section 1006.23, Florida Statutes, is amended
 114 to read:

115 1006.23 Hazardous walking conditions.—

116 (1) DEFINITION.—As used in this section, the term
 117 "student" means any public ~~elementary~~ school student who resides
 118 within 2 miles of the school he or she attends and encounters
 119 hazardous walking conditions as identified pursuant to s.
 120 336.045 whose grade level does not exceed grade 6.

121 ~~(2) HAZARDOUS WALKING CONDITIONS.—~~

122 ~~(a) Walkways parallel to the road.—~~

123 ~~1. It shall be considered a hazardous walking condition~~
 124 ~~with respect to any road along which students must walk in order~~
 125 ~~to walk to and from school if there is not an area at least 4~~

126 ~~feet wide adjacent to the road, not including drainage ditches,~~
127 ~~sluiceways, swales, or channels, having a surface upon which~~
128 ~~students may walk without being required to walk on the road~~
129 ~~surface. In addition, whenever the road along which students~~
130 ~~must walk is uncurbed and has a posted speed limit of 50 miles~~
131 ~~per hour or greater, the area as described above for students to~~
132 ~~walk upon shall be set off the road by no less than 3 feet from~~
133 ~~the edge of the road.~~

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

136 ~~a. Is a road on which the volume of traffic is less than~~
137 ~~180 vehicles per hour, per direction, during the time students~~
138 ~~walk to and from school; or~~

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

141 ~~(b) Walkways perpendicular to the road. It shall be~~
142 ~~considered a hazardous walking condition with respect to any~~
143 ~~road across which students must walk in order to walk to and~~
144 ~~from school if:~~

145 ~~1. The traffic volume on the road exceeds the rate of 360~~
146 ~~vehicles per hour, per direction (including all lanes), during~~
147 ~~the time students walk to and from school and if the crossing~~
148 ~~site is uncontrolled. For purposes of this subsection, an~~
149 ~~"uncontrolled crossing site" is an intersection or other~~
150 ~~designated crossing site where no crossing guard, traffic~~

151 ~~enforcement officer, or stop sign or other traffic control~~
 152 ~~signal is present during the times students walk to and from~~
 153 ~~school.~~

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

159
 160 ~~Traffic volume shall be determined by the most current traffic~~
 161 ~~engineering study conducted by a state or local governmental~~
 162 ~~agency.~~

163 ~~(c) Crossings over the road. It shall be considered a~~
 164 ~~hazardous walking condition with respect to any road at any~~
 165 ~~uncontrolled crossing site which students must walk in order to~~
 166 ~~walk to and from school if:~~

167 ~~1. The road has a posted speed limit of 50 miles per hour~~
 168 ~~or greater; or~~

169 ~~2. The road has six lanes or more, not including turn~~
 170 ~~lanes, regardless of the speed limit.~~

171 (2) ~~(3)~~ IDENTIFICATION OF HAZARDOUS CONDITIONS.-

172 (a) When a district school superintendent requests a
 173 ~~request for review of is made by the district school~~
 174 ~~superintendent with respect to a road over which a state or~~
 175 ~~local governmental entity has jurisdiction concerning a~~

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

199 (b) If the governmental representative is unable to
 200 determine whether the condition constitutes a hazardous walking

201 condition, the lack of a determination ~~representatives are~~
202 ~~unable to reach a consensus, the reasons for lack of consensus~~
203 shall be reported to the district school superintendent, who
204 shall provide a report and recommendation to the district school
205 board. The district school board may initiate a proceeding under
206 chapter 86 seeking a determination as to whether the condition
207 constitutes a hazardous walking condition ~~as provided in~~
208 ~~subsection (2)~~ after providing at least 30 days' notice in
209 writing to the state or local governmental entity having
210 jurisdiction over the road of its intent to do so unless, within
211 30 days after such notice is provided, the state or local
212 governmental entity concurs in writing that the condition is a
213 hazardous walking condition ~~as provided in subsection (2)~~ and
214 provides the position statement pursuant to subsection (3) ~~(4)~~.
215 If a proceeding is initiated under this paragraph, the district
216 school board has the burden of proving such condition by the
217 greater weight of evidence. If the district school board
218 prevails, the district school superintendent shall report the
219 outcome to the Department of Education and initiate a formal
220 request for correction of the hazardous walking condition as
221 provided in subsection (3) ~~(4)~~.

222 (3) ~~(4)~~ TRANSPORTATION; CORRECTION OF HAZARDS.—

223 (a) A district school board and other governmental
224 entities shall work cooperatively to identify conditions that
225 are hazardous along student walking routes to and from school,

226 | ~~and a district school board shall provide transportation to~~
227 | ~~students who would be subjected to such conditions.~~

228 | ~~Additionally,~~ State or local governmental entities with
229 | jurisdiction over a road along which a hazardous walking
230 | condition is determined to exist shall correct the condition
231 | within a reasonable period of time.

232 | (b) Upon a determination pursuant to subsection (2) ~~(3)~~
233 | that a hazardous walking condition exists, the district school
234 | superintendent shall request a position statement with respect
235 | to correction of such condition from the state or local
236 | governmental entity with jurisdiction over the road. Within 90
237 | days after receiving such request, the state or local
238 | governmental entity shall inform the district school
239 | superintendent whether the entity will include correction of the
240 | hazardous walking condition in its next annual 5-year
241 | transportation work program and, if so, when correction of the
242 | condition will be completed. If the hazardous walking condition
243 | will not be included in the state or local governmental entity's
244 | next annual 5-year transportation work program, the factors
245 | justifying such conclusion must be stated in writing to the
246 | district school superintendent and the Department of Education.

247 | (c) State funds shall be allocated for the transportation
248 | of students subjected to a hazardous walking condition. However,
249 | such funding shall cease upon correction of the hazardous
250 | walking condition ~~or upon the projected completion date,~~

251 ~~whichever occurs first.~~

252 (d) Each district school board shall periodically review
253 and update hazardous walking segments and document the review in
254 writing. The department shall, in collaboration with district
255 school boards, establish procedures for such reviews and
256 documentation. Such reviews and documentation may not pose an
257 unnecessary burden on a district school board.

258 (4)~~(5)~~ CIVIL ACTION.—In a civil action for damages brought
259 against a governmental entity under s. 768.28, the designation
260 of a hazardous walking condition under this section is not
261 admissible in evidence.

262 (5)~~(6)~~ INTERLOCAL AGREEMENTS.—This section does not
263 prohibit a district school board and other governmental entities
264 from entering into an interlocal agreement pursuant to s.
265 163.31777 that addresses the identification and correction of
266 hazardous walking conditions, if such agreement:

267 (a) Implements the Safe Paths to Schools Program as
268 provided in s. 335.066; or

269 (b) Establishes standards for the safety of students
270 walking to school and procedures for identifying and correcting
271 hazardous walking conditions as established pursuant to s.
272 336.045 that meet or exceed the standards and procedures
273 provided in subsections (2)~~,~~ and (3)~~,~~ ~~and~~ ~~(4)~~.

274 Section 6. Paragraph (e) of subsection (1) and subsections
275 (2) and (3) of section 1011.68, Florida Statutes, are amended to

276 read:

277 1011.68 Funds for student transportation.—The annual
278 allocation to each district for transportation to public school
279 programs, including charter schools as provided in s.
280 1002.33(17)(b), of students in membership in kindergarten
281 through grade 12 and in migrant and exceptional student programs
282 below kindergarten shall be determined as follows:

283 (1) Subject to the rules of the State Board of Education,
284 each district shall determine the membership of students who are
285 transported:

286 (e) With respect to public elementary school students
287 ~~whose grade level does not exceed grade 6~~, by reason of being
288 subjected to hazardous walking conditions as established
289 pursuant to s.336.045 en route to or from school as provided in
290 s. 1006.23 and who are provided transportation services by the
291 school district because of such conditions. Such rules shall,
292 when appropriate, provide for the determination of membership
293 under this paragraph for less than 1 year to accommodate the
294 needs of students who require transportation only until such
295 hazardous conditions are corrected.

296 (2) The allocation for each district shall be calculated
297 annually in accordance with the following formula:
298 $T = B + EX + H$. The elements of this formula are defined as
299 follows: T is the total dollar allocation for transportation. B
300 is the base transportation dollar allocation prorated by an

301 adjusted student membership count but does not include students
302 eligible for hazardous student ridership. The adjusted
303 membership count shall be derived from a multiplicative index
304 function in which the base student membership is adjusted by
305 multiplying it by index numbers that individually account for
306 the impact of the price level index, average bus occupancy, and
307 the extent of rural population in the district. EX is the base
308 transportation dollar allocation for disabled students prorated
309 by an adjusted disabled student membership count. The base
310 transportation dollar allocation for disabled students is the
311 total state base disabled student membership count weighted for
312 increased costs associated with transporting disabled students
313 and multiplying it by an average per student cost for
314 transportation as determined by the Legislature. The adjusted
315 disabled student membership count shall be derived from a
316 multiplicative index function in which the weighted base
317 disabled student membership is adjusted by multiplying it by
318 index numbers that individually account for the impact of the
319 price level index, average bus occupancy, and the extent of
320 rural population in the district. Each adjustment factor shall
321 be designed to affect the base allocation by no more or less
322 than 10 percent. H is the base transportation dollar allocation
323 for students prorated by an adjusted hazardous walking
324 conditions ridership membership count. The adjusted membership
325 count shall be derived from a multiplicative index function in

326 which the base hazardous ridership membership is adjusted by
327 multiplying it by index numbers that individually account for
328 the impact of the price level index, average bus occupancy, and
329 the extent of rural population in the district. Each adjustment
330 factor shall be designed to affect the base allocation by no
331 more or less than 10 percent.

332 (3) The total allocation to each district for
333 transportation of students shall be the sum of the amounts
334 determined in subsection (2). If the funds appropriated for the
335 purpose of implementing this section are not sufficient to pay
336 the base transportation allocation, ~~and~~ the base transportation
337 allocation for disabled students, and the base transportation
338 allocation for hazardous ridership, the Department of Education
339 shall prorate the available funds on a percentage basis. If the
340 funds appropriated for the purpose of implementing this section
341 exceed the sum of the base transportation allocation, ~~and~~ the
342 base transportation allocation for disabled students, and the
343 base transportation allocation for hazardous ridership, the base
344 transportation allocation for disabled students and the base
345 transportation allocation for hazardous ridership shall be
346 limited to the amount calculated in subsection (2), and the
347 remaining balance shall be added to the base transportation
348 allocation.

349 Section 7. This act shall take effect July 1, 2022.