A bill to be entitled
An act relating to public school transportation;
amending s. 1006.21, F.S.; requiring district school
boards to provide transportation for certain students;
providing the criteria for a specified measurement;
requiring a district school board to provide
transportation for certain students subjected to a
hazardous walking condition; authorizing school
districts to provide transportation to all public
school students; amending s. 1006.23, F.S.; revising
the definition of the term "student"; revising the
conditions that meet the requirements for a hazardous
walking condition; revising requirements for suitable
student walking conditions; making editorial changes;
deﬁning the term "designated crossing site"; deleting
a requirement for speciﬁed entities to participate in
inspections of hazardous walking conditions; requiring
a district school superintendent to request a review
of a road upon receipt of a written request concerning
a hazardous walking condition from a student's parent;
deleting a reporting requirement; revising the
criteria for state funds provided for the
transportation of speciﬁed students; requiring
district school boards to review and update hazardous
walking segments; providing requirements for such
reviews; requiring the Department of Education to
establish procedures for such reviews; prohibiting
such reviews from being an unnecessary burden on
district school boards; conforming provisions to
changes made by the act; amending ss. 1002.20 and
1011.68, F.S.; conforming provisions to changes made
by the act; providing an effective date.

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

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

1006.21 Duties of district school superintendent and
district school board regarding transportation.—
(3) District school boards, after considering
recommendations of the district school superintendent:
(a) Shall provide transportation for each student in
prekindergarten disability programs and in kindergarten through
grade 12 membership in a public school when, and only when,
transportation is necessary to provide adequate educational
facilities and opportunities that which otherwise would not be
available and to transport students whose homes are beyond the
transportation service boundary of 2 miles from the school such
students attend. Such distance shall be measured using the most
direct pedestrian route from the closest pedestrian point of
entry of the property where the student resides to the closest
pedestrian point of entry of his or her assigned school. The
pedestrian point of entry of the property where the student
resides shall be the location where the residential property
meets the public right-of-way. Except for roads in residential
areas that have a posted speed limit of 30 miles per hour or
less, pedestrian routes referenced in this paragraph must
include designated crossing sites and suitable walkways, as
described in s. 1006.23, that connect the student's home to his
or her assigned school more than a reasonable walking distance,
as defined by rules of the State Board of Education, from the
nearest appropriate school.

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

(c) May, subject to budget and logistical considerations,
and at their discretion, transport all other public school
students as necessary to provide for student safety,
Section 2. Subsections (1) and (2), paragraph (a) of subsection (3), and paragraphs (a) and (c) of subsection (4) of section 1006.23, Florida Statutes, are amended, and paragraph (d) is added to subsection (4) of that section, to read:

1006.23 Hazardous walking conditions.—

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

(2) HAZARDOUS WALKING CONDITIONS.—

(a) Walkways parallel to the road.—

It shall be considered a hazardous walking condition with respect to any road along which students must walk in order to walk to and from school, except for roads in residential areas that have a posted speed limit of 30 miles per hour or less, if there is not a sidewalk or suitable walkway on an area at least 5 4 feet wide adjacent to and separate from the edge of the road, including any paved road shoulder, not including drainage ditches, sluiceways, swales, or channels, having a surface upon which students may walk without being required to walk on the road surface. The following are not suitable walkways: any portion of drainage ditches, sluiceways, private or public parking lots, swales, channels, or other stormwater runoff facilities or systems and railroad crossings, bridges,
and overpasses that lack paved walkways designed for pedestrians. In addition, whenever the road along which students must walk is uncurbed and has a posted speed limit of 45 50 miles per hour or greater, the area as described above for students to walk upon shall be set off the road by no less than 5 3 feet from the edge of the road, including any paved road shoulder. Students may not be required to cross a road outside of designated crossing sites in order to acquire a safe walkway parallel to the road.

2. Subparagraph 1. does not apply when the road along which students must walk:
   a. Is a road on which the volume of traffic is less than 180 vehicles per hour, per direction, during the time students walk to and from school; or
   b. Is located in a residential area and has a posted speed limit of 30 miles per hour or less.

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

   1. It is likely that pedestrians crossing the road will
encounter traffic turning from left turn lanes during a green light;

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

3. There are free-flow right turn lanes.+

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

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

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

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

1. The road has a posted speed limit of 45 50 miles per hour or greater; or
2. The road has four six lanes or more, not including turn lanes, regardless of the speed limit.

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

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

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

(3) IDENTIFICATION OF HAZARDOUS CONDITIONS.—

(a) When a district school superintendent requests a request for review is made by the district school superintendent with respect to a road over which a state or local governmental entity has jurisdiction concerning a condition perceived to be hazardous to students in that district who live within the 2-mile limit and who walk to and from school.
school, such condition shall be inspected jointly by a representative of the school district and a representative of the state or local governmental entity with jurisdiction over the perceived hazardous location, and a representative of the municipal police department for a municipal road, a representative of the sheriff's office for a county road, or a representative of the Department of Transportation for a state road. If the jurisdiction is within an area for which there is a metropolitan planning organization, a representative of that organization shall also be included. The district school superintendent shall request a review of a road if he or she receives a written request concerning a hazardous walking condition from the parent of a student in the school district. The governmental representatives shall determine whether the condition constitutes a hazardous walking condition as provided in subsection (2). If the governmental representatives concur that a condition constitutes a hazardous walking condition as provided in subsection (2), the governmental entity with jurisdiction shall report that determination in writing to the district school superintendent, who shall initiate a formal request for correction as provided in subsection (4).

(4) TRANSPORTATION; CORRECTION OF HAZARDS.—

(a) A district school board and other governmental entities shall work cooperatively to identify conditions that
are hazardous along student walking routes to and from school, and a district school board shall provide transportation to students who would be subjected to such conditions.

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

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

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

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

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

(22) TRANSPORTATION.—

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

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

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

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

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

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