

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.