

By Senator Cruz

18-00417-21

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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.; revising the requirement  
4           that district school boards provide transportation for  
5           certain students; amending s. 1006.23, F.S.; revising  
6           the definition of the term "student"; requiring a  
7           district school superintendent to request a review of  
8           a hazardous walking condition upon receipt of a  
9           written request from a parent of a student; requiring,  
10          rather than authorizing, a district school board to  
11          initiate a specified proceeding relating to hazardous  
12          walking conditions; amending ss. 1002.20 and 1011.68,  
13          F.S.; conforming provisions to changes made by the  
14          act; providing an effective date.

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

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

20           1006.21 Duties of district school superintendent and  
21           district school board regarding transportation.-

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

24           (a) Shall provide transportation for each student in  
25           prekindergarten disability programs and in kindergarten through  
26           grade 12 membership in a public school when, and only when,  
27           transportation is necessary to provide adequate educational  
28           facilities and opportunities that ~~which~~ otherwise would not be  
29           available and to transport students whose homes are more than 2

18-00417-21

2021178\_\_

30 ~~miles a reasonable walking distance, as defined by rules of the~~  
31 ~~State Board of Education,~~ from the nearest appropriate 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. Subsections (1) and (3) of section 1006.23,  
39 Florida Statutes, are amended to read:

40 1006.23 Hazardous walking conditions.-

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

44 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.-

45 (a) When a district school superintendent requests a  
46 ~~request for review of is made by the district school~~  
47 ~~superintendent with respect to~~ a road over which a state or  
48 local governmental entity has jurisdiction concerning a  
49 condition perceived to be hazardous to students in that district  
50 who live within the 2-mile limit and who walk to school, such  
51 condition must ~~shall~~ be inspected jointly by a representative of  
52 the school district, a representative of the state or local  
53 governmental entity with jurisdiction over the perceived  
54 hazardous location, and a representative of the municipal police  
55 department for a municipal road, a representative of the  
56 sheriff's office for a county road, or a representative of the  
57 Department of Transportation for a state road. The district  
58 superintendent must request the review if he or she receives a

18-00417-21

2021178\_\_

59 written request from a parent of a student in the school  
60 district. If the jurisdiction is within an area for which there  
61 is a metropolitan planning organization, a representative of  
62 that organization must ~~shall~~ also be included. The governmental  
63 representatives shall determine whether the condition  
64 constitutes a hazardous walking condition as provided in  
65 subsection (2). If the governmental representatives concur that  
66 a condition constitutes a hazardous walking condition as  
67 provided in subsection (2), the governmental entity with  
68 jurisdiction must ~~shall~~ report that determination in writing to  
69 the district school superintendent, who shall initiate a formal  
70 request for correction as provided in subsection (4).

71 (b) If the governmental representatives are unable to reach  
72 a consensus, the reasons for lack of consensus shall be reported  
73 to the district school superintendent, who shall provide a  
74 report and recommendation to the district school board. The  
75 district school board shall ~~may~~ initiate a proceeding under  
76 chapter 86 seeking a determination as to whether the condition  
77 constitutes a hazardous walking condition as provided in  
78 subsection (2) after providing at least 30 days' notice in  
79 writing to the state or local governmental entity having  
80 jurisdiction over the road of its intent to do so unless, within  
81 30 days after such notice is provided, the state or local  
82 governmental entity concurs in writing that the condition is a  
83 hazardous walking condition as provided in subsection (2) and  
84 provides the position statement pursuant to subsection (4). If a  
85 proceeding is initiated under this paragraph, the district  
86 school board has the burden of proving such condition by the  
87 greater weight of evidence. If the district school board

18-00417-21

2021178\_\_

88 prevails, the district school superintendent shall report the  
89 outcome to the Department of Education and initiate a formal  
90 request for correction of the hazardous walking condition as  
91 provided in subsection (4).

92 Section 3. Paragraph (b) of subsection (22) of section  
93 1002.20, Florida Statutes, is amended to read:

94 1002.20 K-12 student and parent rights.—Parents of public  
95 school students must receive accurate and timely information  
96 regarding their child's academic progress and must be informed  
97 of ways they can help their child to succeed in school. K-12  
98 students and their parents are afforded numerous statutory  
99 rights including, but not limited to, the following:

100 (22) TRANSPORTATION.—

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

105 Section 4. Paragraph (e) of subsection (1) of section  
106 1011.68, Florida Statutes, is amended to read:

107 1011.68 Funds for student transportation.—The annual  
108 allocation to each district for transportation to public school  
109 programs, including charter schools as provided in s.  
110 1002.33(17)(b), of students in membership in kindergarten  
111 through grade 12 and in migrant and exceptional student programs  
112 below kindergarten shall be determined as follows:

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

116 (e) With respect to public elementary school students ~~whose~~

18-00417-21

2021178\_\_

117 ~~grade level does not exceed grade 6,~~ by reason of being  
118 subjected to hazardous walking conditions en route to or from  
119 school as provided in s. 1006.23. Such rules shall, when  
120 appropriate, provide for the determination of membership under  
121 this paragraph for less than 1 year to accommodate the needs of  
122 students who require transportation only until such hazardous  
123 conditions are corrected.

124 Section 5. This act shall take effect July 1, 2021.