

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Pre-K - 12 Committee

BILL: SB 2126

INTRODUCER: Senator Constantine

SUBJECT: Public Schools/Transportation

DATE: March 26, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Matthews	ED	Favorable
2.	_____	_____	EA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Under the bill, transportation to and from school must be provided to students in grades 7 through 12 who are subject to hazardous walking conditions, who live within the 2-mile limit of the school, and who walk to school. The bill also provides two additional hazardous walking conditions. A walkway perpendicular to the road is considered hazardous if the road has six or more lanes whether the intersection or crossing site is controlled or uncontrolled. Additionally, it is a hazardous walking condition when a resident on any section of road along which students must walk to school has been designated as a sexual predator or a sexual offender and whose victims include a minor.

This bill amends sections 1002.20, 1006.21, 1006.23, and 1011.68 of the Florida Statutes.

II. Present Situation:

Hazardous Walking Conditions

Current law provides legislative intent for school districts and local governmental entities to work cooperatively to identify conditions which are hazardous to students who must walk to school.¹ Legislative intent is also provided for state or local governmental entities with jurisdiction to correct the hazardous condition within a reasonable period of time.

The law provides for the identification of hazardous walking conditions for students who walk to school and who live within the 2-mile limit of the school.² The procedure applies after a request

¹ s. 1006.23, F.S.

² *Id.*

for review is made to the district school superintendent or his or her designee. The procedure includes the following requirements:³

- An inspection by the school district representative and a representative of the state or local governmental entity where the perceived hazardous condition exists;
- A determination by these representatives as to whether or not the perceived condition is hazardous to students and a report to the Department of Education (DOE); and
- An allocation of state funds for the transportation of students subjected to these hazards, provided that the funding stops upon correction of the hazard.

The law provides the criteria for determining whether walking conditions are hazardous.⁴ Certain walkways are considered hazardous if they do not meet specific requirements:

- For walkways parallel to the road: Any road where students must walk to and from school must have an area at least 4-feet wide adjacent to the road with a surface for walking that does not require walking on the road.
- Uncurbed walkways parallel to a road with posted speed of 55 miles per hour: A road must have the 4-foot wide area for students to walk on that is set off the road by no less than 3 feet from the road's edge.⁵
- Walkways perpendicular to the road are also considered hazardous under the following conditions:
 - If the traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students are walking to and from school and if the crossing site is uncontrolled.⁶
 - If 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 are walking to and from school.

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

School boards, after considering recommendations of the superintendent, must provide transportation for public elementary school students whose grade level does not exceed grade 6, if these students are subjected to hazardous walking conditions while en route to or from school.⁷ Students in grades 7 through 12 may be provided with transportation if they are subject to hazardous walking conditions.

³ ss. 1006.23 and 1011.68(1)(e), F.S.

⁴ s. 1006.23(4), F.S.

⁵ The law provides certain exceptions to these hazardous walking condition criteria, if the road: is located in a residential area which has little or no transient traffic; has a volume of traffic that is less than 180 vehicles per hour, per direction, during the time the students walk to and from school; or is located in a residential area and has a posted speed limit of 30 miles per hour or less.

⁶ An uncontrolled crossing site is an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, stop sign, or other traffic control signal is present when students are walking to and from school.

⁷ s. 1006.21(3)(b), F.S.

Sexual Predators and Sexual Offenders

As of February 13, 2007, there were 6,238 sexual predators in the state registry. Current law provides that a person convicted of an enumerated sexual offense must be designated a “sexual predator.”⁸ As of the same date, there were 33,989 sexual offenders in the state registry. The distinction between a sexual predator and a sexual offender is based on what offense the person has been convicted of, whether the person has previously been convicted of a sexual offense, and the date the offense occurred.⁹

III. Effect of Proposed Changes:

Under the bill, transportation must be provided to students in grades 7 through 12 who are subject to hazardous walking conditions, who live within the 2-mile limit of the school, and who walk to school. The bill also provides two additional hazardous walking conditions. A walkway perpendicular to the road is considered hazardous if the road has six or more lanes whether the intersection or crossing site is controlled or uncontrolled. Additionally, it is a hazardous walking condition when a resident on any section of road along which students must walk to school has been designated as a sexual predator or a sexual offender and whose victims include a minor. It is unclear in the bill as to who is responsible for identifying the residents who meet the criteria in the bill. Additionally, a hazardous walking condition that is predicated on the residence of a designated sexual predator or sexual offender may be subject to frequent change. This requirement may subject school districts and local governmental entities to claims arising from a failure to designate an area as a hazardous walking condition.

The effective date of the bill is July 1, 2007.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

⁸ s. 775.21, F.S.

⁹ Staff analysis for CS/SB 988, March 19, 2007.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be a significant recurring fiscal cost to school districts and potentially the state to fund the additional transportation provided to students in grade 7 through 12, who are subject to hazardous walking conditions. Additionally, there may be more state and local costs associated with redesignating previously nonhazardous walking conditions for students through the 6th grade and providing transportation to these students. The total recurring fiscal impact is indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
