

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1247 w/CS School Zones/Parked Vehicles
SPONSOR(S): Cantens
TIED BILLS: **IDEN./SIM. BILLS:** SB 500

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation</u>	<u>18 Y, 0 N w/CS</u>	<u>Garner</u>	<u>Miller</u>
2) <u>Public Safety & Crime Prevention</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

Currently, no state law specifically prohibits parents from dropping off or picking up students on a school's campus at areas outside the school's designated loading/unloading area for cars.

HB 1247 w/CS prohibits the stopping of a vehicle to load or unload any passenger in a school safety zone during school hours, except in a designated loading or unloading area. A violation of the provision is a non-criminal traffic infraction punishable as a non-moving violation. A violator is subject to a civil penalty of \$30 and up to \$30 in court costs. The bill does not prohibit proper parking in a school safety zone. Parents are not prohibited from parking in appropriate parking spots around the school campus for the purpose of going into the school.

State regulations require public schools to designate separate student loading and unloading areas for cars and buses. Because they are not subject to these regulations, some private schools may not have specifically designated car loading/unloading areas. To the extent that private schools will be required to designate such areas, some expenditure of an indeterminate amount may be required by these schools to prepare and designate an appropriate loading or unloading area. In addition, parents of private school students attending a school without a designated loading/unloading area may be subject to prohibitions of the bill and attendant penalties without any available legal means of stopping to drop off students.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1247a.tr.doc
DATE: March 15, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

Expand Individual Freedom?

HB 1247 w/CS prohibits the loading or unloading of passengers in a school safety zone outside of an area designated for that purpose. To the extent the bill limits the locations where a parent may unlawfully drop off or pick up a child from school, the bill does not tend to expand individual freedom.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, all schools are required to have two loading/unloading areas for students – one for school buses and one for cars. The size and design of these areas may vary slightly by school. Commonly, however, even at the vast majority of schools that have easily accessible and well-designed car drop-off areas, long lines of cars form in these areas during the peak drop-off and pick-up times for children before and after school. To save time, many parents drop their students off at non-designated areas on or adjacent to school campuses, a practice that sometimes causes hazards to other traffic and to students.

A number of existing provisions in law address stopping or unloading passengers from a vehicle, generally. For example, s. 316.2005, F.S., regulates the circumstances under which vehicle doors may be opened and closed. That section provides that, no person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. An infraction is punished as a non-moving violation. This section of law may be applicable in cases where a parent drops a student off on a busy street near a school and the car door is opened into traffic.

Section 316.194, F.S., is another provision of current law that may apply to situations involving the unloading of student passengers outside of designated loading zones. That section provides that no person may “stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave the vehicle off such part of the highway.”

In addition, s. 316.2956(1)(a)10., F.S., provides that no person may stop, stand or park a vehicle “[a]t any place where official traffic control devices prohibit stopping.”

Under applicable state rules and regulations, all schools should have a designated loading/unloading area for cars that is separate from the area for school buses. Pursuant to State Board of Education (SBE) Administrative Rules, every district school-board owned facility, whether new construction or existing buildings being remodeled or renovated, must have passenger drop-off/loading zones as close

to accessible entrance(s) as possible, cannot have driveways that completely encircle a school plant, and must have separate areas for bus driveways and parent pick-up areas.

Existing facilities not subject to renovation must meet requirements regarding student loading and unloading as well. SBE rules require educational sites to meet certain minimum safety and casualty requirements, including having passenger drop-off/loading zones as close to accessible entrances(s) as possible; having on-site driveways that do not completely encircle the school plant; preventing vehicular and pedestrian traffic from crossing each other on the site (unless appropriate safety devices are provided); and having bus driveways and parent pick-up areas that are separated (unless safety devices are provided). SBE rules also require each school board to conduct at least one casualty safety inspection of each building in its jurisdiction each fiscal year to ensure compliance with safety requirements.

Currently, no state law specifically prohibits parents from dropping off or picking up students on a school's campus at areas outside the school's designated loading/unloading area for cars.

Effect of Proposed Changes

HB 1247 w/CS prohibits the stopping of a vehicle to load or unload any passenger in a school safety zone during school hours, except in a designated loading or unloading area. A violation of the provision is a non-criminal traffic infraction punishable as a non-moving violation. A violator is subject to a civil penalty of \$30 and up to \$30 in court costs. The bill does not prohibit proper parking in a school safety zone. Parents are not prohibited from parking in appropriate parking spots around the school campus for the purpose of going into the school.

The term "school safety zone" as defined in HB 1247 w/CS means anywhere in, on, or within 500 feet of any real property owned by or leased to a school district or any public or private elementary school and used for elementary school education. The bill also contains a definition of "school hours" that is fairly expansive and will include any time school-sanctioned activities are occurring at the school. It defines "school hours" as all times during which the school is open and is staffed by instructional personnel, administrative personnel, or educational support employees. These personnel terms are defined elsewhere in current law and will include all teachers, administrators, and support staff.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.1945, F.S., prohibiting the loading or unloading of passengers within a school safety zone in a place other than one designated for that purpose.

Section 2. Providing an effective date of July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See the FISCAL COMMENTS section, below.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See the FISCAL COMMENTS section, below.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private schools, which are not subject to the SBE rules described above, may not have specifically designated car loading/unloading areas. To the extent that private schools will be required to designate such areas, some expenditure of an indeterminate amount may be required by these schools to prepare and designate an appropriate loading or unloading area. In addition, parents of private school students attending a school without a designated loading/unloading area may be subject to prohibitions of the bill and attendant penalties without any available legal means of stopping to drop off students.

D. FISCAL COMMENTS:

State and local governments may experience a positive fiscal impact as a result of the imposition of civil penalties pursuant to the provisions of this bill. Because the number of infractions that will occur is unknown, the impact is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No exercise of rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 15, 2004, the Committee on Transportation adopted one amendment that changed the bill's definition of a "school safety zone" to include certain property owned by or leased to school districts in addition to individual public or private schools. The committee then reported the bill favorably as amended with a committee substitute.