

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/CS/SB 754

INTRODUCER: Infrastructure and Security, Education Committee and Senator Baxley

SUBJECT: School Crossing Guards

DATE: February 4, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Sikes</u>	<u>ED</u>	Fav/CS
2.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 754 provides alternate training requirements for school crossing guards employed by a private school. The CS provides that the local county sheriff may approve a private school crossing guard at specified locations if the school crossing guard successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Criminal Justice Standards and Training Commission (CJST) or a similar program offered by the police or sheriff's department within the county.

The CS has no impact on state revenues or expenditures.

The CS takes effect July 1, 2020.

II. Present Situation:

School Crossing Guards

The Department of Transportation publishes guidelines and administers the Florida School Crossing Guard Training Program.¹ Each local governmental entity administering a school

¹ Section 316.75, F.S. Florida Department of Transportation, *Florida School Crossing Guard Training Guidelines* (2016), available at <https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/safety/safety/2a-programs/bike-ped/fscgtguidelinesmarch2016.pdf> (last visited January 24, 2020).

crossing guard program must provide a training program for school crossing guards in accordance with the uniform guidelines.

Successful completion of the training program requires:²

- Classroom instruction. A crossing guard must pass at least 75 percent of the items on a written examination.
- Practical training. A crossing guard must competently perform 12 job-related duties.
- Supervised duty. A crossing guard must satisfactorily perform 12 job-related duties during at least two supervised shifts.

A school crossing guard is not required to successfully complete a training program if the school crossing guard:³

- Received equivalent training during employment as a law enforcement officer.
- Receives less than \$5,000 in annual compensation in a county with a population of less than 75,000.
- Is a student who serves in a school patrol.

A nonpublic school may also contract with a local government entity for access to school crossing guard training programs.⁴

Local law enforcement agencies administer the local school crossing guard programs by training school crossing guards, who may be employed by the law enforcement agency or another agency such as the school district.⁵

Traffic Control Officers

Any police or sheriff's department may employ as a traffic control officer any individual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the CJST, or through a similar program offered by the local police or sheriff's department.⁶ The CJST provides an 8-hour Traffic Control Officer for Civilians course that includes instruction in traffic control procedures.⁷

A traffic control officer who only completes the required 8 hours of instruction may direct traffic or operate a traffic control device only at a fixed location and only upon the direction, but not the immediate supervision, of a fully qualified law enforcement officer.⁸ A nongovernmental entity may employ a traffic control officer to control traffic on public streets, highways, or roads only when off-duty, full-time law enforcement officers are unavailable.

² *Id.*

³ Section 316.75, F.S.

⁴ *Id.*

⁵ Email, Florida Department of Transportation, School Crossing Guard Program (Jan. 10, 2020); Telephone interview with Government Affairs Director, Florida Sheriffs Association (Jan. 10, 2020). Counties and municipalities are authorized to impose a surcharge on parking fines for the purpose of funding school crossing guard programs. Section 318.21(11), F.S.; Florida Department of Transportation, *supra* note 1, at 1.

⁶ Section 316.640(4), F.S.

⁷ Florida Department of Law Enforcement, *Senate Bill 754 Legislative Bill Analysis* (December 23, 2019).

⁸ Section 316.640(4), F.S.

Florida law provides minimum qualifications for employment or appointment as a law enforcement officer and also directs the CJST to establish minimum employment and training standards.⁹ Florida law specifies that a traffic control officer is not required to meet the uniform minimum standards established by the CJST for law enforcement officers or auxiliary law enforcement officers.¹⁰

Private School

Private schools operating in Florida are allowed to be organized as either for-profit or nonprofit entities.¹¹ Persons opening a private elementary or secondary school in Florida are required to complete two basic steps:

- (1) Establish the private school; and
- (2) Register the existence of the private school, once established, with the Department of Education (DOE).¹²

Establishment of a Private School

Applications to establish a for-profit or nonprofit organization for the purpose of creating a private elementary or secondary school are processed by the Office of the Secretary of State, Division of Corporations.¹³ For-profit private schools must pay an occupational business tax and obtain a Business Tax Certificate issued by the local municipality. Exemptions may be available for nonprofit educational and religious organizations that qualify as tax exempt under s. 501(c)(3) of the United States Internal Revenue Code. However, a nonprofit private school may still be required to obtain a Business Tax Certificate at no charge.¹⁴

Registering the Existence of a Private School with the Department of Education

The administrator of a private school with students, in any one or more of grades K-12, must register the school with the DOE and annually report (through the annual private school survey) student enrollments by grade or special group (e.g., career education and exceptional child education).¹⁵

The DOE is required to maintain and annually update a database of private schools in the state¹⁶ and make private school information available to the public.¹⁷ In order to complete the registration process, a private school must mail a signed, notarized copy of the annual private school survey to the DOE. The school will then be listed in the Directory of Private Schools.¹⁸

⁹ Sections 943.12 and 943.13, F.S.

¹⁰ Section 316.640(4), F.S.

¹¹ Section 1002.01(2), F.S.

¹² Florida Department of Education, *Opening A Private School*, available at <http://www.fldoe.org/schools/school-choice/private-schools/opening-a-private-school.stml> (last visited February 4, 2020).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 1002.42(2), F.S.

¹⁶ *Id.*

¹⁷ Section 1002.42(2)(f), F.S.

¹⁸ *Supra*, note 12

III. Effect of Proposed Changes:

CS/CS/SB 754 provides alternate training requirements for school crossing guards employed by a private school, as defined in s. 1002.01, F.S., and registered under s.1002.42, F.S. The CS provides that the local county sheriff may approve a private school crossing guard at fixed locations, approved by the sheriff of the county, on private school property or the portion of a county road with egress or ingress to private school property if the school crossing guard successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the CJST or a similar program offered by the police or sheriff's department within the county.

The CS also provides that a school crossing guard who completes the required instruction in traffic control procedures and is approved by the local sheriff:

- May perform his or her duties without the immediate supervision of a fully qualified law enforcement officer.
- Is not required to meet the uniform minimum standards established by the CJST for law enforcement officers or auxiliary law enforcement officers.

The CS takes effect July 1, 2020.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS substantially amends the following section of the Florida Statutes: 316.75

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Infrastructure and Security on February 3, 2020:

- Corrects a reference from "school guard" to "school crossing guard"; and
- Requires a private school to be registered under s. 1002.42, F.S., in the DOE database.

CS by Education on January 21, 2020

- The committee substitute corrects the name of the entity responsible for training to the "Criminal Justice Standards and Training Commission."

B. Amendments:

None.