

**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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: CS/SB 754

INTRODUCER: Education Committee and Senator Baxley

SUBJECT: School Crossing Guards

DATE: January 31, 2020

REVISED: \_\_\_\_\_

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

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 754 provides alternate training requirements for school crossing guards employed by a private school. The bill 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 or a similar program offered by the police or sheriff's department within the county.

The bill has no impact on state revenues or expenditures.

The bill 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.<sup>1</sup> Each local governmental entity administering a school

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<sup>1</sup> 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:<sup>2</sup>

- 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:<sup>3</sup>

- 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.<sup>4</sup>

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.<sup>5</sup>

### ***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 Criminal Justice Standards and Training Commission (CJST), or through a similar program offered by the local police or sheriff's department.<sup>6</sup> The CJST provides an 8-hour Traffic Control Officer for Civilians course that includes instruction in traffic control procedures.<sup>7</sup>

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.<sup>8</sup> 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.

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<sup>2</sup> *Id.*

<sup>3</sup> Section 316.75, F.S.

<sup>4</sup> *Id.*

<sup>5</sup> 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.

<sup>6</sup> Section 316.640(4), F.S.

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

<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup>

### **III. Effect of Proposed Changes:**

CS/SB 754 provides alternate training requirements for school crossing guards employed by a private school. The bill 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 Criminal Justice Standards and Training Commission (CJST) or a similar program offered by the police or sheriff's department within the county.

The bill 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 bill 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.

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<sup>9</sup> Sections 943.12 and 943.13, F.S.

<sup>10</sup> Section 316.640(4), F.S.

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 bill substantially amends s. 316.75, F.S.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

**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.