

**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 Transportation

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BILL: SB 650

INTRODUCER: Senators Leek and Rouson

SUBJECT: Hazardous Walking Conditions

DATE: March 10, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Pre-meeting</b>
2.			AED	
3.			RC	

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**I. Summary:**

SB 650 expands the criteria for identifying hazardous walking conditions for public elementary school students to include walkways along a freeway or an expressway, including any entrance ramp, exit ramp, or interchange, regardless of the posted speed limit.

The bill may have an indeterminate negative fiscal impact on local governments. See Section V. Fiscal Impact Statement.

This bill takes effect July 1, 2025.

**II. Present Situation:**

**Hazardous Walking Conditions**

Hazardous walking conditions are classified based on statutory criteria for walkways that are parallel or perpendicular to a road, as well as for crossings over the road at uncontrolled sites that students must use to walk to and from school.<sup>1</sup>

The purpose of identifying hazardous walking conditions is to ensure that public school students, whose grade level does not exceed grade 6<sup>2</sup> and who live within 2 miles of their school are eligible for state transportation funding if they walk to school and are subjected to such

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<sup>1</sup> Section 1006.23(2), F.S.

<sup>2</sup> Section 1006.23(1), F.S.

conditions.<sup>3</sup> State funds are generally not allocated for transporting these students unless a hazardous walking condition is identified.<sup>4</sup>

The following statutory criteria define hazardous walking conditions for walkways parallel to the road.

### **Walkways Parallel to the Road**

A hazardous walking condition exists for walkways parallel to the road when there is less than a four-foot wide surface adjacent to the road for students to walk, not including drainage ditches, sluiceways, swales, or channels. Additionally, if the road is uncurbed and has a posted speed limit of 50 miles per hour or greater, the walking surface must be set back at least three feet from the edge of the road or it will be identified as a hazardous walking condition.<sup>5</sup>

A condition on a parallel walkway may not be designated as hazardous if:<sup>6</sup>

- the volume of traffic<sup>7</sup> on the road is less than 180 vehicles per hour, per direction, during the time when students walk to and from school; or
- the road is located in a residential area with a posted speed limit of 30 miles per hour or less.

### **Inspecting, Determining, and Reporting Hazardous Walking Conditions**

Identification of hazardous walking conditions begins when the district school superintendent requests a review of a condition perceived to be hazardous for students who live within the two-mile limit of a school and who walk to school.<sup>8</sup>

Once a request for review is received, the perceived hazardous walking condition must be jointly inspected by a representative of the:<sup>9</sup>

- school district;
- state or local governmental entity with jurisdiction over the location; and
- either a municipal police department, the sheriff's office, or the Florida Department of Transportation (FDOT).

Under current law, the governmental representatives must determine whether the condition constitutes a hazardous walking condition. If the governmental representatives concur that a

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<sup>3</sup> Section 1006.23(4)(c), F.S.

<sup>4</sup> See s. 1011.68(1)(a), F.S. See also, r. 6A-3.001, F.A.C., F.A.C. A reasonable walking distance for any student who is not otherwise eligible for transportation pursuant to s. 1011.68, F.S. is any distance not more 2 miles between the home and school or 1 1/2 miles between the home and the assigned bus stop.

<sup>5</sup> Section 1006.23(2)(a)1, F.S.

<sup>6</sup> Section 1006.23(2)(a)2, F.S.

<sup>7</sup> Section 1006.23(2), F.S. (Flush left provision at the end of the subsection.) Traffic volume is determined by the most current traffic engineering study conducted by a state or local governmental agency.

<sup>8</sup> Section 1006.23(3)(a), F.S.

<sup>9</sup> Section 1006.23(3)(a), F.S. A representative of the municipal police department is required for a municipal road, a representative of the sheriff's office is required for a county road, and a representative of the Department of Transportation is required for a state road. If the jurisdiction is a metropolitan planning organization, a representative of that organization must also be included.

condition constitutes a hazardous walking condition, the governmental entity with jurisdiction must report that determination in writing to the superintendent, who then initiates a formal request for correction.<sup>10</sup>

If the governmental representatives are unable to reach a consensus, the reasons for lack of consensus are reported to the superintendent, who must provide a report and recommendation to the district school board.<sup>11</sup> The board may initiate a proceeding under Chapter 86 of the Florida Statutes, to determine whether the condition constitutes a hazardous walking condition after providing at least 30 days' notice to the state or local governmental entity having jurisdiction over the road.<sup>12</sup>

### Roadway Definitions and Access

The FDOT Design Manual sets forth design criteria, as well as procedures, for all new construction, reconstruction, and resurfacing projects on the State Highway System and the National Highway System.<sup>13</sup> The manual utilizes a functional classification that groups streets and highways into classes, or systems, according to the character of service they are intended to provide. Relevant definitions include:

- *Freeway*: A freeway is a divided highway that provides full control of access (i.e. limited access)<sup>14</sup> and is intended for long distance trips.<sup>15</sup>
- *Expressway*: Expressways are freeways situated in major metropolitan areas with primary service for commuters; and may or may not be tolled.<sup>16</sup>
- *Ramp*: A turning roadway that connects a freeway to a crossing roadway within an interchange.<sup>17</sup>

Section 316.091, F.S., prohibits the operation of a bicycle or other human-powered vehicle on the roadway or along the shoulder of a limited access highway, including bridges, unless official signs and a designated, marked bicycle lane are present at the entrance of the section of highway indicating that such use is permitted pursuant to a pilot program of the FDOT.<sup>18</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> Section 1006.23(3)(b), F.S.

<sup>12</sup> *Id.* The proceedings continue unless, within 30 days after such notice is provided, the state or local governmental entity concurs in writing that the condition is a hazardous walking condition and provides a position statement.

<sup>13</sup> Florida Department of Transportation, *FDOT Design Manual 2025*, at 1, available at [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2025/2025-fdm-complete.pdf?sfvrsn=624b0e74\\_10](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2025/2025-fdm-complete.pdf?sfvrsn=624b0e74_10)

<sup>14</sup> Section 334.03(12), F.S., defines "Limited access facility" to mean a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other commercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 9.

<sup>18</sup> Section 316.091(4), F.S.

## Safe Routes to School Program

The Safe Routes to School (SRTS) is a statewide program funded by the FDOT. Its goal is to make it safer for more children to walk and bicycle to school. The program provides funding for roadway improvement projects that improve safety near schools. The program funds projects that address unsafe or lack of infrastructure, as well as programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community.<sup>19</sup>

A 2022 OPPAGA report found that for fiscal years 2016-2017 through 2021-2022, FDOT allocated approximately \$40 million to 30 school districts for 109 SRTS projects. Most of the SRTS projects involved the construction of sidewalks.<sup>20</sup>

### III. Effect of Proposed Changes:

The bill expands the criteria for identifying hazardous walking conditions for public elementary school students who use walkways parallel to the road to walk to and from school. The bill adds that a walkway is also considered hazardous if it is along a freeway or an expressway, including entrance ramps, exit ramps, and interchanges, regardless of the posted speed limit.

It is unclear from the bill, but local school districts may be required to purchase additional buses for increased transportation services for students who currently use walkways that would be considered hazardous under the requirements of the bill.

The effective date of the bill is July 1, 2025.

### 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>19</sup> Florida Department of Transportation, *What is Florida SRTS?*, available at <https://www.fdot.gov/projects/floridasrts/florida-safe-routes-to-school/what-is-florida-srts> (last visited March 7, 2025).

<sup>20</sup> OPPAGA, *Hazardous Walking Conditions in Florida: A 2022 Analysis* (2022), at 45, available at <https://ricksblog.biz/wp-content/uploads/2022/08/OPPAGA-Research-Hazardous-Walking-Conditions-07-26-2022.pdf> (last visited March 7, 2025).

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill could increase the number of students eligible for school transportation services. As a result, school districts may incur additional costs related to the purchase of additional buses for increased transportation services. Thus, the bill could have an indeterminate negative fiscal impact on local government expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 1006.23 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.