

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/CS/HB 85](#)

TITLE: Hazardous Walking Conditions

SPONSOR(S): Kendall

COMPANION BILL: [CS/SB 650](#) (Leek)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Education Administration](#)

18 Y, 0 N, As CS



[Education & Employment](#)

20 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

The bill expands the criteria for identifying hazardous walking conditions for public elementary school students to include walkways along a limited access facility, as defined in the Florida transportation code.

Fiscal or Economic Impact:

Local government may incur transportation costs for students who use walkways now identified as hazardous under the bill. Thus, the bill will have an indeterminate fiscal impact on local government expenditures.

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ANALYSIS

EFFECT OF THE BILL:

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 [limited access facility](#), as defined in [s. 334.03\(12\), F.S.](#) (Section [1](#)).

The effective date of the bill is July 1, 2025. (Section [2](#)).

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The bill will have an indeterminate fiscal impact on local government expenditures.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[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.¹

The purpose of identifying hazardous walking conditions is to ensure that public school students, whose grade level does not exceed grade 6² and who live within 2 miles of their school are eligible for state transportation

¹ S. [1006.23\(2\), F.S.](#)

² S. [1006.23\(1\), F.S.](#)

funding if they walk to school and are subjected to such conditions.³ State funds are generally not allocated for transporting these students unless a hazardous walking condition is identified.⁴

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 4-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 3 feet from the edge of the road or it will be identified as a hazardous walking condition.⁵

A condition on a parallel walkway may not be designated as hazardous if:⁶

- the volume of traffic⁷ 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 2-mile limit of a school and who walk to school.⁸

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

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

Under current law, the governmental representatives must determine whether the condition constitutes a hazardous walking condition. If the governmental representatives concur that a 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.¹⁰

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.¹¹ 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.¹²

Limited Access Facility

³ S. [1006.23\(4\)\(c\), F.S.](#)

⁴ 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 than 2 miles between the home and school or 1 1/2 miles between the home and the assigned bus stop.

⁵ S. [1006.23\(2\)\(a\)1, F.S.](#)

⁶ S. [1006.23\(2\)\(a\)2, F.S.](#)

⁷ S. [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.

⁸ S. [1006.23\(3\)\(a\), F.S.](#)

⁹ S. [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.

¹⁰ *Id.*

¹¹ S. [1006.23\(3\)\(b\), F.S.](#)

¹² *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.

Florida transportation code defines a limited access facility to mean a street or highway especially designed for through traffic, and over, from, or where 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.¹³

Other Resources:

[Hazardous Walking Conditions in Florida: A 2022 Analysis by the Office of Program Policy Analysis and Government Accountability](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Education Administration Subcommittee	18 Y, 0 N, As CS	3/4/2025	Sleap	Dixon
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Removed a walkway along a state highway from the criteria for identifying hazardous walking conditions. 			
Education & Employment Committee	20 Y, 0 N, As CS	3/13/2025	Hassell	Dixon
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> Clarified that a walkway along a limited access facility, as defined in statute, is considered a hazardous walking condition, rather than walkways along freeways or expressways, including any entrance ramp, exit ramp, or interchange. 			

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹³ S. [334.03\(12\), F.S.](#)