

ITEM #51

(Substitute Resolution)

ADDITIONAL MATERIAL

PUBLIC HEARING

APRIL 22, 2025

SUBMITTED AT THE REQUEST OF

SENATOR STEVE GELLER

PROPOSED

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, URGING MUNICIPALITIES WITHIN BROWARD COUNTY, FLORIDA, TO ENACT AN ORDINANCE PERTAINING TO SPEED DETECTION SYSTEMS IN SCHOOL ZONES; DIRECTING THE COUNTY ATTORNEY'S OFFICE TO AMEND THE COUNTY'S REVOCABLE LICENSE AGREEMENT FORM TO REQUIRE MUNICIPALITIES TO IMPLEMENT CERTAIN BALANCED MEASURES WITHIN A COUNTY RIGHT-OF-WAY IN CONNECTION WITH A MUNICIPAL ORDINANCE PERTAINING TO SPEED DETECTION SYSTEMS IN SCHOOL ZONES; DIRECTING THE COUNTY ADMINISTRATOR TO TRANSMIT A COPY OF THIS RESOLUTION TO EACH MUNICIPALITY LOCATED WITHIN BROWARD COUNTY, FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by Senator Steve Geller)

WHEREAS, Chapter 2023-174, Laws of Florida (the "Act"), creates Section 316.1896, Florida Statutes, and authorizes counties and municipalities to use speed detection systems to enforce school zone speed limits for violations in excess of ten (10) miles per hour over the applicable speed limit when children are going to or from school or during the school session;

WHEREAS, in accordance with the Act, a county or municipality must enact an ordinance authorizing the placement or installation of a speed detection system on a roadway maintained as a school zone;

22 WHEREAS, the use of a speed detection system may reduce instances of
23 speeding in school zones, thereby protecting the welfare and safety of students;

24 WHEREAS, the Board of County Commissioners of Broward County, Florida
25 ("Board"), has enacted an Ordinance authorizing the use of speed detection systems to
26 enforce applicable speed limits on roadways maintained as school zones within the
27 Broward Municipal Services District ("BMSD");

28 WHEREAS, the Ordinance contains a number of balanced measures designed to
29 protect children while maintaining fairness to the driving public, including (i) limiting the
30 use of speed detection systems to roadways maintained as school zones and that have
31 school zone flashing beacons; (ii) ~~limiting the enforcement of the Ordinance to only those~~
32 ~~times when a school zone flashing beacon is in operation; and (iii) requiring that the~~
33 ~~placement of a speed detection system shall not be~~ speed detection systems shall not
34 capture violations less than one hundred (100) feet from any point of ingress to a school
35 zone, thereby providing an additional opportunity for deceleration; (iii) providing for
36 enforcement of the Ordinance during those times thirty (30) minutes before and after the
37 start of a breakfast program or school session and thirty (30) minutes before and after the
38 end of a school session, all such times when the flashing beacons are in operation; and
39 (iv) providing for enforcement of the Ordinance during the school session ("Balanced
40 Measures");

41 WHEREAS, the County's authority to authorize the use of speed detection systems
42 is limited to the BMSD;

43 WHEREAS, each municipality has the authority to enact its own speed detection
44 system ordinance; notwithstanding, if a municipality seeks to place or install a speed

detection system within a County right-of-way, the municipality must enter into a Revocable License Agreement (RLA) with the County; and

WHEREAS, the Board wishes to encourage municipalities seeking to enact speed detection system ordinances to utilize the Broward County Ordinance as a model such that the Balanced Measures are incorporated into the municipal ordinance, and to require RLAs for the placement or installation of speed detection systems within County rights-of-way, consistent with the Balanced Measures, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. The Board urges each municipality within Broward County, Florida ("County"), to enact an ordinance authorizing the use of school zone speed detection systems to protect students across the County, and further urges the municipalities to consider utilization of the Broward County Ordinance, including the Balanced Measures, as a model.

Section 2. The Board directs the County Attorney's Office to amend the County's RLA form, to the full extent permissible under applicable law, to authorize the placement or installation of speed detection systems within County rights-of-way only where the placement, installation, and enforcement are consistent with the Balanced Measures.

Section 3. The Board directs the County Administrator to transmit a copy of this Resolution to each municipality within Broward County, Florida.

Section 4. Severability.

If any portion of this Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Resolution. If any court determines that this Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Resolution to any other individual, group, entity, property, or circumstance.

Section 5. Effective Date.

This Resolution is effective upon adoption.

ADOPTED this day of , 2025. **PROPOSED**

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 04/18/2025
 Alexis Marrero Koratich (date)
 Assistant County Attorney

By: /s/ Maite Azcoitia 04/18/2025
 Maite Azcoitia (date)
 Deputy County Attorney