

ITEM #50

(Substitute Ordinance)

ADDITIONAL MATERIAL

PUBLIC HEARING

APRIL 22, 2025

SUBMITTED AT THE REQUEST OF

SENATOR STEVE GELLER

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO SPEED DETECTION SYSTEMS IN SCHOOL
3 ZONES; REPEALING SECTION 23-6 OF THE BROWARD COUNTY CODE OF
4 ORDINANCES ("CODE") RELATING TO SCHOOL ZONE SPEED LIMITS; CREATING
5 A NEW ARTICLE II OF CHAPTER 23, INCLUDING SECTIONS 23-9 THROUGH 23-11,
6 RELATING TO SCHOOL ZONE SPEED LIMITS AND SPEED DETECTION SYSTEMS;
7 RENUMBERING AND AMENDING ARTICLES II AND III OF CHAPTER 23; AND
8 PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE
9 DATE.

10 (SPONSORED BY SENATOR STEVE GELLER)
11

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

17 WHEREAS, in accordance with the Act, a county or municipality must enact an
18 ordinance authorizing the placement or installation of a speed detection system on a
19 roadway maintained as a school zone. As part of the public hearing on such proposed
20 ordinance, the county or municipality must consider traffic data or other evidence
21 supporting the installation and operation of each proposed school zone speed detection

22 system, and the county or municipality must determine that the school zone where a
23 speed detection system is to be placed or installed constitutes a heightened safety risk
24 that warrants additional enforcement measures;

25 WHEREAS, the Broward County Traffic Engineering Division gathered speed and
26 traffic volume data for the County-maintained roadways that are within the Broward
27 Municipal Services District ("BMSD") school zones for Meadowbrook Elementary and
28 Dillard High School ("Traffic Study");

29 WHEREAS, the Traffic Study demonstrates that there is speeding in the
30 designated school zones within the BMSD, thereby presenting a heightened safety risk
31 to the public and, in particular, all school-aged children who attend schools within the
32 BMSD;

33 WHEREAS, the use of a speed detection system may reduce instances of
34 speeding in school zones and enhance the welfare and safety of students within the
35 BMSD; and

36 WHEREAS, the Board of County Commissioners of Broward County, Florida,
37 wishes to implement a school zone speed detection system program to enforce applicable
38 speed limits in school zones during school sessions,

39 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
40 BROWARD COUNTY, FLORIDA:

41 Section 1. The foregoing recitals are true and correct and are incorporated
42 herein by reference.

43 Section 2. Section 23-6 of the Broward County Code of Ordinances is hereby
44 repealed in its entirety.

Section 3. Article II of the Broward County Code of Ordinances is hereby created to read as follows:

[Underlining omitted]

ARTICLE II. SCHOOL ZONE SPEED LIMITS AND SPEED DETECTION SYSTEMS

Sec. 23-9. Definitions.

Board shall mean the Board of County Commissioners of Broward County, Florida.

Broward Municipal Services District or *BMSD* shall mean the unincorporated areas of Broward County, Florida.

Division shall mean the Traffic Engineering Division, or its successor division, as established by the Broward County Administrative Code.

Local hearing officer shall have the meaning established in Section 316.003, Florida Statutes, as amended.

Manual shall mean the "Manual on Uniform Traffic Control Devices for Streets and Highways," published by the Federal Highway Administration, as amended.

Roadway and Traffic Design Standards shall mean the document prepared by the State of Florida Department of Transportation, pursuant to the provisions of law, setting forth a uniform system of traffic-control devices for use on the streets and highways of the State of Florida, as amended.

School shall mean all public and private schools that include elementary, middle, and high school grades, or any combination thereof.

School zone shall mean a street or road, or segment thereof, that has been identified by the Division as an area requiring reduced speed at certain times of the day

in order to provide orderly traffic control and school pedestrian safety. Roads identified as “school zones” need not be directly adjacent to school property.

School zone flashing beacon shall mean a traffic control device with one (1) or more signal sections in each direction that, when flashing, designates a reduced school zone speed limit, identifies the periods that such school zone speed limit is in effect, and warns drivers to slow down and look for children crossing the street.

Speed detection system shall have the meaning established in Section 316.003, Florida Statutes, as amended.

Traffic infraction enforcement officer shall have the meaning established in Section 316.1906, Florida Statutes, as amended.

Sec. 23-10. School zone speed limit.

(a) *Authority and Purpose.* This section is ordained in accordance with the authority granted to Broward County pursuant to Chapter 316, Florida Statutes, as amended. The purpose of this section is to promote the public health, safety, and welfare by limiting speed within certain school zones located within Broward County.

(b) *Establishment of School Zones.* School zones shall be established by the Division by the posting of signs or traffic-control devices, as provided in Section 316.1895, Florida Statutes, that shall conform to standards set forth in the Manual and the Roadway and Traffic Design Standards.

(c) *Considerations and Guidelines.* The Division may establish school zones within Broward County only subsequent to the conducting of an engineering and traffic investigation of each area proposed as a school zone and in accordance with the criteria and standards set forth in the Manual and the Roadway and Traffic Design Standards.

(d) *Establishment of Speed Limitations.* In accordance with Section 316.1895(4), Florida Statutes, as amended, school zone speed limits shall be established at fifteen (15) miles per hour for all school zones within Broward County thirty (30) minutes before the start of and thirty (30) minutes after the end of a regularly scheduled school breakfast program or school session.

(e) *Prohibition.* In accordance with this section, no person shall drive a vehicle on a roadway designated as a school zone at a speed greater than that posted in the school zone.

(f) *Penalty.* Violation of the provisions of this section shall be punishable as provided by law.

Sec. 23-11. Speed detection systems for enforcement of speed limitations in school zones.

(a) *Authority and Purpose.* The purpose of this section is to promote traffic safety and student welfare by authorizing and implementing the use of speed detection systems to enforce applicable speed limits on roadways properly maintained as school zones, as authorized by and in accordance with Section 316.1896, Florida Statutes, as amended.

(b) *Use of Speed Detection Systems.* In accordance with Section 316.1896, Florida Statutes, as amended, Broward County exercises its authority to authorize the placement or installation of speed detection systems to enforce applicable speed limits on roadways maintained as school zones within the BMSD. The County Administrator, or designee, is hereby authorized to implement speed detection systems within the BMSD consistent with the placement and installation specifications established by the Florida

Department of Transportation, as amended, to enforce unlawful speed violations, as specified in Sections 316.183 and 316.1895, Florida Statutes, on roadways maintained as school zones and that have school zone flashing beacons. ~~The placement of a speed detection system shall not be~~ Speed detection systems shall not capture violations less than one hundred (100) feet from any point of ingress to a school zone.

(c) *Determination of Heightened Safety Risk.* Having considered traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, Broward County determines that the following school zones where a speed detection system is to be placed or installed constitute a heightened safety risk that warrants additional enforcement measures pursuant to Sections 316.008(9) and 316.1896, Florida Statutes, as amended:

School	Address
Meadowbrook Elementary School	2300 SW 46th Ave, Fort Lauderdale, FL 33317
Dillard High School	2501 NW 11th St, Fort Lauderdale, FL 33311

(d) *Violations.* A violation of this section shall be deemed to occur when a ~~school zone flashing beacon is in operation and when a~~ person drives a motor vehicle on a roadway designated as a school zone at a speed as follows ("Violation"):

- (1) In excess of ten (10) miles per hour over the school zone speed limit that occurs within thirty (30) minutes before through thirty (30) minutes after the start of a regularly scheduled breakfast program in violation of Section 316.1895, Florida Statutes, as amended, and when a school zone flashing beacon is in operation;

(2) In excess of ten (10) miles per hour over the school zone speed limit that occurs within thirty (30) minutes before through thirty (30) minutes after the start of a regularly scheduled school session in violation of Section 316.1895, Florida Statutes, as amended, and when a school zone flashing beacon is in operation; ~~or~~

(3) In excess of ten (10) miles per hour over the posted speed limit during the entirety of a regularly scheduled school session in violation of Section 316.183, Florida Statutes, as amended; or

~~(3)~~ (4) In excess of ten (10) miles per hour over the school zone speed limit that occurs within thirty (30) minutes before through thirty (30) minutes after the end of a regularly scheduled school session in violation of Section 316.1895, Florida Statutes, as amended, and when a school zone flashing beacon is in operation.

(e) *Notice of Violation.* Within thirty (30) days after a Violation, a notice of violation ("NOV") shall be sent by first-class mail to the registered owner of the motor vehicle involved in the Violation. The NOV must include:

- (1) The name and address of the vehicle owner;
- (2) A photograph, video, or other recorded image showing the license plate of the motor vehicle;
- (3) The make, model, and year of the vehicle;
- (4) The date, time, and location of the Violation;
- (5) Notice that the infraction charged is pursuant to this section;

- (6) The maximum speed at which the motor vehicle was traveling within the school zone;
- (7) The speed limit within the school zone at the time of the Violation;
- (8) A statement that the owner has a right to review, in person or remotely, the photograph or video captured by the speed detection system and the evidence of the speed of the motor vehicle detected by the speed detection system that constitutes a rebuttable presumption that the motor vehicle was used in a Violation;
- (9) Instructions as to the time and the place or website at which the photograph or video and evidence of speed detected captured by the speed detection system may be examined and observed;
- (10) Information that advises the violator on the person's right to request a hearing, including all costs related thereto, and a form used to request a hearing or, alternatively, a web address to a website that provides such information;
- (11) A statement specifying the remedies available under Section 318.14, Florida Statutes, as amended;
- (12) A statement that the owner must pay a penalty in the amount provided under Section 318.18, Florida Statutes, as amended, or furnish an affidavit that complies with Section 316.1896, Florida Statutes, as amended, within thirty (30) days after the date of issuance of the NOV in order to avoid court fees, costs, and the issuance of a uniform traffic citation against the motor vehicle owner;

(13) Instructions on all methods of payment of the penalty associated with the Violation; and

(14) A signed statement by the Traffic Infraction Enforcement Officer that, based on inspection of recorded photographs or video captured by the speed detection system(s), the vehicle was involved in and was utilized to commit a Violation.

(f) *Local Hearing Officer.* Except as may be otherwise provided by resolution of the Broward County Board of County Commissioners ("Board"), there is hereby created the position of hearing officer to serve as the Local Hearing Officer who shall preside over NOV hearings set forth under Section 316.1896, Florida Statutes, as amended. The hearing officer shall be a member in good standing of The Florida Bar and shall engage in the practice of law in Broward County.

(g) *Traffic Infraction Enforcement Officer.* The County Administrator, or designee, shall designate a Traffic Infraction Enforcement Officer to implement the authorizations contained under Section 316.1896(6), Florida Statutes, as amended, and the Board shall designate by Resolution a County staff member to serve as the clerk to the Local Hearing Officer ("Clerk").

(h) *Hearing Procedures.*

(1) Any person that elects to request a hearing ("Petitioner") shall be scheduled for a hearing by the Clerk, with notice of the hearing to be sent to the Petitioner by first-class mail. Upon receipt of the notice, the Petitioner may reschedule the hearing once by submitting a written request to reschedule to the Clerk at least five (5) calendar days before the day of the originally

scheduled hearing. The Petitioner may cancel his or her appearance before the Local Hearing Officer by paying, before the start of the hearing, the penalty assessed by Section 316.1896(2), Florida Statutes, as amended, plus the administrative costs established under Section 316.0083(5)(c), Florida Statutes, as amended.

- (2) At the conclusion of the hearing, the Local Hearing Officer shall determine whether a Violation has occurred. The Local Hearing Officer shall issue a final order including the determination and, if the NOV is upheld, the Petitioner shall be required to pay the penalty assessed under Section 318.18(3)(d), Florida Statutes, as amended, and may also be required to pay the County's costs, not to exceed the amount established under Section 316.0083(5)(e), Florida Statutes, as amended. The final administrative order shall be mailed to the Petitioner by first-class mail.

(i) *Appeals.* An aggrieved party may appeal a final order consistent with the process provided under Section 162.11, Florida Statutes, as amended.

(j) *Supplemental Authority.* The provisions of this section supplement the enforcement of Sections 316.183 and 316.1895, Florida Statutes, as amended, by law enforcement officers and do not prohibit law enforcement officers from issuing uniform traffic citations for violations of Section 316.183 or 316.1895, Florida Statutes, as amended.

(k) *Signage and Public Awareness Campaign.* The County Administrator, or designee, shall post signage and conduct a public awareness campaign regarding the

placement or installation of speed detection systems consistent with the requirements of Section 316.1896, Florida Statutes, as amended.

(l) *Reporting.* The County Administrator, or designee, shall comply with the reporting requirements of Section 316.1896, Florida Statutes, as amended.

Section 4. Article II of the Broward County Code of Ordinances is hereby renumbered and amended to read as follows:

ARTICLE ~~III~~. PARKING, STOPPING, AND STANDING

...

Section 5. Article III of the Broward County Code of Ordinances is hereby renumbered to read as follows:

ARTICLE ~~III~~ IV. EMERGENCY ENERGY CONSERVATION

...

Section 6. Severability.

If any portion of this Ordinance 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 Ordinance. If any court determines that this Ordinance, 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 Ordinance to any other individual, group, entity, property, or circumstance.

Section 7. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary to accomplish such intention.

Section 8. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

AIK/gmb
Speed Zone Detection System Ordinance
04/18/2025
60091-0009

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.