
ORDINANCE NO. 240-11-159

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, AMENDING THE CITY OF LAUDERHILL CODE OF ORDINANCES, CHAPTER 20, TRAFFIC, CREATING ARTICLE IV, "SPEED DETECTION SYSTEMS FOR ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS"; PROVIDING FOR USE OF TRAFFIC INFRACTION DETECTORS IN ACCORDANCE WITH FLORIDA STATUTES, CHAPTER 316; MAKING A DETERMINATION THAT THE TRAFFIC DATA STUDY SUPPORTS THE INSTALLATION AND OPERATION OF PROPOSED SCHOOL ZONE SPEED DETECTION SYSTEMS IN PARTICULAR LOCATIONS WHICH CONSTITUTE A HEIGHTENED SAFETY RISK THAT WARRANT ADDITIONAL ENFORCEMENT MEASURES; ADOPTING AND INCORPORATING THE TRAFFIC DATA OR OTHER SUPPORTING EVIDENCE; AUTHORIZING INSTALLATION OF THE SPEED DETECTION SYSTEMS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

WHEREAS, during the 2023 legislative session, the Florida legislature passed House Bill 657 ("HB 657"), which was later codified in Florida Statutes Chapter 316, enacting certain provisions of state law governing the use of automated Speed Detection Systems ("SDS") in School Zones, which became law effective July 1, 2023; and

WHEREAS, speeding in designated school zones presents a threat to the health and safety of the public, and in particular, all school aged children who attend schools in the City; and

WHEREAS, the city is authorized to place or install, or contract with a vendor to place or install, SDS in accordance with certain technical specifications established by the Florida Department of Transportation; and

WHEREAS, the city may issue notices of violation and may authorize a law enforcement officer, or traffic infraction enforcement officer, to issue uniform traffic citations for violations of sections 316.1895 and 316.183, Florida Statutes, that are captured by SDS during specified time periods and further provides for notice to the registered owner of the subject vehicle, hearing procedures, appellate remedies, and the assessment and remittance of civil penalties; and

WHEREAS, cities that elect to operate a school speed zone detection program must first implement a public awareness campaign at least 30 days before commencing with enforcement of violations and must annually report information about the program to both the public and the Florida Department of Highway Safety and Motor Vehicles; and

WHEREAS, the location and use of SDS is restricted to school zones that the City determines constitute a heightened safety risk warranting additional enforcement measures based on data or other evidence presented at a public hearing; and

WHEREAS, consistent with the requirements of Florida Statutes, Section 316.008(9)(c), the city has considered traffic study data and other evidence supporting the installation and operation of each such SDS, and the city has determined that the specific locations where the devices will be placed or installed constitute a heightened safety risk that warrants additional enforcement measures, with this data being attached hereto and incorporated herein; and

WHEREAS, in consideration of the traffic data and evidence provided which supports the installation and operation of each proposed school speed zone detection system due to heightened safety risks, the City desires to implement an automated SDS program in school zones in order to reduce speeding and benefit public safety and hereby authorizes the placement or installation of a SDS on the designated roadways maintained as a school zone;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1: That Chapter 20, Traffic, is hereby amended to create Article IV, Speed Detection Systems for Enforcement of School Zone Speed Limits, to read as follows:

ARTICLE IV. SPEED DETECTION SYSTEMS FOR ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS

Section 20-70. Intent

(a) The intent of this Section is to safeguard the health, safety, and welfare of the residents and visitors of the City of Lauderhill by authorizing the placement, installation, and use of speed detection systems on roadways designated as school zones within the City's jurisdiction. This is intended to encourage compliance with speed limits in school zones, as permitted by and in accordance with Chapter 316 of the Florida Statutes, as may be amended from time to time. Additionally, this Section serves as a supplementary method for enforcing speed violations in school zones and does not prevent law enforcement officers from issuing uniform traffic citations for traffic violations in accordance with Chapter 316 of the Florida Statutes.

(b) Use of Speed Detection Systems. Pursuant to Chapter 316, Florida Statutes, the City of Lauderhill exercises its authority to permit the placement or installation of speed detection systems to enforce speed limits on roadways designated as school zones within its jurisdiction. The use of these systems must comply with Chapter 316, Florida Statutes, including, but not limited to, requirements and procedures for evidence collection, public records and retention, enforcement powers and procedures, review of photographic or video images from the speed detection system, issuance of violation notices, hearing procedures and appeals, as well as defenses and penalties.

Section 20-71. Program Administration

(a) **Authorization for Installation.** The city is hereby authorized to place or install speed detection systems on roadways designated as school zones within the jurisdictional boundaries of the City consistent with the placement and installation specifications established by the Florida Department of Transportation, as may be amended, to enforce unlawful speed violations, as specified in Chapter 316.

(b) The City is authorized to enter into agreements with one, or more, vendor(s) for the placement or installation of speed detection systems and to provide services necessary for the implementation and enforcement of the provisions of Chapter 316 regarding speed detection systems, in compliance with applicable State laws and the provisions of this Section. Any contract, or renewal, must be approved by the city commission.

(c) **Traffic Infraction Enforcement Officers.** In accordance with Section 316.1896, Florida Statutes, a traffic infraction enforcement officer, as defined under Section 316.640, Florida Statutes, is authorized to issue uniform traffic citations for violations of Sections 316.1895 and 316.183, Florida Statutes, as permitted by Section 316.008(9), Florida Statute.

(d) **Designation of Local Hearing Officers.** The City Special Master/Magistrate is hereby designated as a Local Hearing Officer authorized to conduct hearings for alleged violators who wish to contest notices of violation issued through speed detection systems, in accordance with Chapter 316, Florida Statutes.

(e) A speed detection system in a school zone may not be used for remote surveillance.

(f) Any recorded video or photograph obtained through the use of a speed detection system must be destroyed within ninety (90) days after the final disposition of the recorded event. The vendor of a speed detection system must provide the city with written notice by December 31 of each year that such records have been destroyed in accordance with Florida Statutes, Section 316.1896(15)(b).

Section 20-72. Determination of Heightened Safety Risk

In compliance with Section 316.008(9) Florida Statutes, the City Commission considered traffic data and other evidence supporting the placement installation and operation of each proposed school zone speed detection system on November 25, 2024 and December 9, 2024. The City Commission determined that ten (10) school zones within the City constituted a heightened safety risk at that time that warrant additional enforcement measures including placement, installation and operation of speed detection systems at such school zones. The City may authorize the placement or installation of speed detection systems in additional school zones in accordance with applicable law, based upon future needs.

Section 20-73. Signage and Public Awareness.

The city shall ensure the posting of signage and initiate a public awareness campaign concerning the placement or installation of speed detection systems at least 30 days prior to commencing enforcement, in accordance with the applicable requirements of Chapter 316, Florida Statutes, as well as all applicable regulations from the Florida

Department of Transportation (FDOT), the Florida Department of Highway Safety and Motor Vehicles (FLHSMV), and the terms of any agreements between the City and its vendor(s). During the 30-day public awareness campaign, only a warning may be issued to the registered owner of a motor vehicle for a violation of 316.1895 or 316.183 enforced by a speed detective system.

Section 20-74. Reporting.

The City, in collaboration with the City's vendor, will adhere to the reporting requirements outlined in Sections 316.0776(3)(c)(2) and 316.1896 of the Florida Statutes, as may be amended from time to time, which report must be read aloud at a city commission meeting and must be adopted by the city commission.

Section 20-75. Enforcement, penalties, appeal procedures.

(a) Enforcement. The city may enforce the applicable speed limit on a roadway properly maintained as a school zone through the use of speed detection system for the detection of speed and capturing photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at the time of the violation:

- (i) Within thirty (30) minutes before through thirty (30) minutes after the start of a regularly scheduled breakfast program; and
- (ii) Within thirty (30) minutes before through thirty (30) minutes after the start or a regularly scheduled school session; and
- (iii) During the entirety of a regularly scheduled school session; and
- (iv) Within thirty (30) minutes before through thirty (30) minutes after the end of a regularly scheduled school session.

(b) Within thirty (30) days after a violation, a notice of violation must be sent via first-class mail to the registered owner of the motor vehicle involved in the violation pursuant to 316.1896.

(c) Within thirty (30) days of receiving a notice of violation, the recipient may request a hearing before the Special Master (Local Hearing Officer) or may pay the penalty pursuant to the notice.

(d) A uniform traffic citation must be sent by certified mail to the address of the registered owner of the motor vehicle involved in the violation if: payment is not received within thirty (30) days of the notice of violation, if the registered owner has not requested a hearing, and if the registered owner has not submitted an affidavit contesting the violation pursuant to 316.1896(7).

Section 20-76. Hearings.

If a hearing is requested, the Special Master may hear the matter in accordance with the procedures set forth in 316.0083(5) and as follows:

- (a) The notice of hearing must be sent by first-class mail.
- (b) All testimony at the hearing must be under oath and recorded. The Special Master must review 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. Formal rules of evidence do not apply, but due process must be observed and govern the proceedings.

- (c) The Special Master must determine whether a violation under this Article occurred and must uphold or dismiss the violation. The Special Master must issue a final order including the determination, and if the notice is upheld, must require the petitioner to pay the penalty previously assessed on the notice, and may also require the petitioner to pay the municipal costs of prosecution in the amount of \$85.00. If the violation is found to have been issued in error, the Special Master may dismiss the case. The final order must be mailed to the petitioner by first-class mail.
- (d) A petitioner may file an appeal to the circuit court within thirty (30) days of the final order, consistent with the process provided in Florida Statutes, Section 162.11.

Section 20-77. Remittance of Collected Fines and Costs.

All fines collected pursuant to this Article shall be remitted in accordance with Florida Statutes, Sections 316.1896 and 318.18, and any other applicable State law.

(a) In addition to any amount that may be paid to the city as stated in the contract with the vendor, the following must be paid to the following agencies as required by Florida Statutes if a notice of violation is issued pursuant to 316.1896(5):

- (i) \$20.00 to Department of Revenue for the General Revenue Fund.
- (ii) \$6.00 retained by the City to administer speed detection systems in school zones and other public safety initiatives.
- (iii) \$3.00 to the Department of Revenue for the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.
- (iv) \$12.00 to the Broward County School District for school security initiatives, for student transportation, or to improve the safety of student walking conditions.
- (v) \$5.00 retained by the City for the School Crossing Guard Recruitment and Retention Program pursuant to 316.1894.

(b) Alternatively, if a citation is instead issued by a traffic infraction enforcement officer, then the uniform traffic citation shall be issued for a \$100.00 fine, with the fine to be distributed as follows:

- (i) \$20.00 to Department of Revenue for the General Revenue Fund.
- (ii) \$77.00 to the City
- (iii) \$3.00 to the Department of Revenue for the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

SECTION 4. The required traffic study data and other supporting evidence relied upon in order to make a determination that the installation of the speed detection systems in the specific locations constituted a heightened safety risk to warrant the additional enforcement measures is hereby adopted, a copy of which is attached hereto as Composite Exhibit "A" and incorporated herein.

SECTION 5. A detailed listing of the school zone locations where installation is authorized is attached hereto as Exhibit "B" and incorporated herein.

SECTION 6. If this ordinance or any part thereof be declared invalid by a Court of competent jurisdiction, the invalidity of any part of this ordinance shall not otherwise affect the validity of the remaining provisions of this ordinance, which shall be deemed to have been enacted without the invalid provision.

SECTION 7 All sections or parts of sections of the Code of Ordinances of the City of Lauderhill, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 8. It is the intention of the City Commission of the City of Lauderhill that the provisions of this ordinance shall become and be made a part of the Code of the City of Lauderhill, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 9. This ordinance shall become effective immediately upon its passage, unless otherwise provided.

DATED this ____ day of _____, 2024.

PASSED on first reading this _____ day of _____, 2024.

PASSED AND ADOPTED on second reading this ____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
R. CAMPBELL	_____	_____
M. DUNN	_____	_____
J. HODGSON	_____	_____
S. MARTIN	_____	_____
D. GRANT	_____	_____