

ORDINANCE NO. 2024-028

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE V, "BOARDS, COMMISSIONS AND COMMITTEES," BY ENACTING A NEW DIVISION 4, ENTITLED "SPEED DETECTION SYSTEMS IN SCHOOL ZONES," AND BY ENACTING NEW SECTIONS 2-240, "PURPOSE AND INTENT," 2-241, "DEFINITIONS," 2-242, "AUTHORIZING USE OF SCHOOL SPEED LIMIT DETECTION SYSTEMS," 2-243, "DETERMINATION OF SAFETY NEED," AND 2-244, "IMPLEMENTATION OF SPEED LIMIT DETECTION SYSTEMS IN SCHOOL ZONES," TO PROVIDE FOR THE USE AND IMPLEMENTATION OF SCHOOL ZONES SPEED LIMIT DETECTION SYSTEMS; PROVIDING FOR A LOCAL HEARING OFFICER TO HEAR APPEALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the 2023 Legislative Session, the Florida Legislature passed CS/HB 657, "Enforcement of School Zone Speed Limits," amending certain provisions of state law governing the use of automated Speed Detection Systems ("SDS") in School Zones, which law became effective July 1, 2023, and is codified as Sections 316.003, 316.008, and 316.0776, Florida Statutes; and

WHEREAS, a speed detection system is defined in Section 316.003, Florida Statutes, as a "portable or fixed automated system used to detect a motor vehicle's speed using radar or LiDAR and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation;" and

WHEREAS, CS/HB 657 authorizes cities to enforce applicable speed limits in school zones during school sessions "through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at the time of the violation;" and

WHEREAS, CS/HB 657 further authorizes cities to place or install, or contract with a vendor to place or install, “a speed detection system within a roadway maintained as a school zone as provided in Section 316.1895, Florida Statutes, to enforce unlawful speed violations;” and

WHEREAS, CS/HB 657 provides that such a speed detection system must be installed in accordance with placement and installation specifications established by the Florida Department of Transportation; and

WHEREAS, CS/HB 657 directs cities to post signage “indicating photographic or video enforcement of the school zone speed limits,” which “shall clearly designate the time period during which the school zone speed limits are enforced using a speed detection system and must meet the placement and installation specifications established by the Florida Department of Transportation;” and

WHEREAS, CS/HB 657 further directs cities that begin a school zone speed detection system program to “make a public announcement and conduct a public awareness campaign of the proposed use of speed detection systems at least 30 days before commencing enforcement under the speed detection system program;” and

WHEREAS, a city that operates school zone speed detection systems must annually report the results of all systems within the city’s jurisdiction by placing the required report on an agenda of a regular or special meeting of the city’s governing body; and

WHEREAS, CS/HB 657 provides that a city may authorize a traffic infraction enforcement officer under Section 316.640, Florida Statutes, to issue uniform traffic citations for violations of Sections 316.1895 and 316.183, Florida Statutes, as authorized by Section 316.008(9), Florida Statutes, and further regulates how such notices of violation shall be sent and what information such notices must include; and

WHEREAS, CS/HB 657 further provides for penalties to be assessed and remitted to various entities, as well as for a process whereby individuals who receive notices of violation may request a hearing; and

WHEREAS, CS/HB 657 prescribes that a city electing to authorize traffic infraction enforcement officers to issue uniform traffic citations “must designate by resolution existing staff to serve as the clerk to the local hearing officer;” and

WHEREAS, CS/HB 657 provides that a city implementing speed detection systems “must enact an ordinance in order to authorize the placement or installation of a speed detection system on a roadway maintained as a school zone” and that, as part of the public hearing on such proposed ordinance, the city must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and “must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures;” 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 in the City; and

WHEREAS, the City desires to implement a speed detection system program in school zones in order to reduce speeding and benefit the public safety; and

WHEREAS, consistent with the requirements of Section 316.008(c), Florida Statutes, in consideration of creating a speed detection system program, the City held a public hearing at which traffic data demonstrating a significant safety need for traffic infraction detectors was presented; and

WHEREAS, in accordance with and pursuant to the provisions of Section

316.088(c), Florida Statutes, the City has considered traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and had determined that each school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional measures.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: That Chapter 2, “Administration,” Article V, “Boards, Commissions and Committees” is hereby amended by enacting a new Division 4, “Speed Detection Systems in School Zones” and enacting new Sections 2-240, “Purpose and Intent,” 2-241, “Definitions,” 2-242, “Authorizing Use of School Zone Speed Limit Detection Systems,” 2-243, “Determination of Safety Need,” and 2-244, “Implementation of Speed Limit Detection Systems in School Zones” to read as follows:

Chapter 2 – ADMINISTRATION

ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. – ~~RESERVED~~ Speed Detection Systems in School Zones

Sec. 2-240. - Purpose and intent.

- (a) The City elects to commence the use of Automated Speed Detection Systems (“SDS”) in school zones within its jurisdiction in accordance with the provisions of state law, including Chapter 316, Florida Statutes, and authorizes the placement of SDS within School Zones in the City in accordance with Chapter 316, Florida Statutes.
- (b) The City shall utilize SDS consistent with and pursuant to all applicable provisions of state law in order to detect, process and penalize speeding in its school zones, as set forth in the Florida Uniform Traffic Control Law. The use of SDS shall be deemed a supplemental means of enforcing state law, and nothing herein shall be construed or operate to preclude the enforcement of the Florida Uniform Traffic Control Law by any other means provided by law.

Sec. 2-241. - Definitions.

For purposes of this ordinance, the following terms shall have the meanings given to them below.

- (a) Motor vehicle shall mean, as defined by Section 316.003, Florida Statutes, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.
- (b) School zone shall mean that portion of a street or highway established as a school zone pursuant to Section 316.1895, Florida Statutes, as it may be amended.
- (c) Speed detection system shall mean a portable or fixed automated system used to detect a motor vehicle's speed using radar or LiDAR and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation. This term is synonymous with the term "Speed Detection System" defined in Section 316.003(83), Florida Statutes, as it may be amended.
- (d) Violation shall mean a person that drives a motor vehicle on a roadway designated as a School Zone at a speed as follows:
 - 1. In excess of 10 miles per hour over the School Zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program in violation of Section 316.1895, Florida Statutes.
 - 2. In excess of 10 miles per hour over the School Zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled school session in violation of Section 316.1895, Florida Statutes.
 - 3. In excess of 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.
 - 4. In excess of 10 miles per hour over the School Zone speed limit which occurs within 30 minutes before through 30 minutes after the end of a regularly scheduled school session in violation of Section 316.1895, Florida Statutes.

Sec. 2-242. - Authorizing Use of School Zone Speed Limit Detection Systems.

Pursuant to Section 316.008(9), Florida Statutes, the City of Coconut Creek hereby elects to use speed detection systems to enforce school zone speed limits within the City's jurisdiction. The City may utilize a speed limit detection system as a supplemental means of monitoring the speed of vehicles and assisting law enforcement personnel in the enforcement of compliance with laws related to speed limits within school zones as permitted and provided for by general law, which are designed to protect and improve the public health, safety, and welfare of the community and thereby reduce accidents, injuries, and disruption of traffic associated with such violations.

Sec. 2-243. - Determination of Safety Need.

SDS are authorized for use at the following locations, based upon the City Commission's findings after consideration of traffic data provided in the "School Zone Speed Report for the City of Coconut Creek" prepared by RedSpeed, Florida, LLC (which is on file with the City Clerk) and any other relevant evidence provided at the public hearing held on July 11, 2024, the City Commission hereby finds that the following school zones where speed detection systems are to be placed or installed constitute a heightened safety risk that warrant additional enforcement measures pursuant to Section 316.008(9), Florida Statutes:

- (a) Atlantic Technical College
- (b) Coconut Creek Elementary
- (c) Coconut Creek High School
- (d) Dave Thomas Education Center
- (e) Lyons Creek Middle School
- (f) Monarch High School
- (g) Tradewinds Elementary School
- (h) Winston Park Elementary

Sec. 2-244. - Implementation of Speed Limit Detection Systems in School Zones.

- (a) In accordance with the provisions of Chapter 2023-174, Laws of Florida, as of the effective date of this ordinance, the City authorizes the implementation of the provisions and requirements of Sections 316.008 and 316.1896, Florida Statutes. The City will implement speed detection systems within the City of Coconut Creek consistent with the placement and installation specifications established by the Florida Department of Transportation, as such may be amended from time to time, to enforce unlawful speed violations, as specified in Sections 316.1895 and 316.183, Florida Statutes, on roadways maintained as school zones.
- (b) Designation of Local Hearing Officer. The City's Special Magistrate, as a Local Hearing Officer, is designated to conduct hearings requested by alleged violators desiring to contest notices of violation detected by SDS in accordance with Chapter 316, Florida Statutes.

- (c) Pursuant to Section 316.1896, Florida Statutes, a traffic infraction enforcement officer 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 authorized by Section 316.008(9), Florida Statutes.
- (d) Notices, Penalties and Appeals. The City's Police Chief, or designee, shall provide notices of violation, assess penalties, remit applicable portions of assessed penalties, and provide for hearing procedures and appeals consistent with the requirements of Chapter 2023-174, Laws of Florida, as such may be amended from time to time.
- (e) Signage and Public Awareness Campaign. The City's Police Chief, 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 Chapter 2023-174, Laws of Florida, as such may be amended from time to time.
- (f) Reporting. The City's Police Chief, or designee, shall comply with the reporting requirements of Chapter 2023-174, Laws of Florida, as such may be amended from time to time.

Secs. 2-245-2-248. – Reserved.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 23RD DAY OF MAY, 2024.

PASSED SECOND READING THIS 11TH DAY OF JULY, 2024.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Brodie	<u>Aye</u>	<u>Aye</u>
Wasserman	<u>Aye</u>	<u>Aye</u>

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5/7/2024

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Words in underscored type are additions to existing text.
A line of *** indicates existing text not shown.