

ORDINANCE NO. 24-31

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING THE ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS; ADOPTING SECTION 2-22-16 OF THE MANATEE COUNTY CODE; AUTHORIZING THE PLACEMENT AND INSTALLATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES; PROVIDING FOR CODIFICATION; PROVIDING SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the 2023 Florida legislative session, the Florida Legislature passed House Bill ("HB") 657, which provides that a county may enforce the applicable limit on a roadway properly maintained as a school zone through the use of a speed detection system; and

WHEREAS, on May 31, 2023, Governor Ron DeSantis signed HB 657 into law, codified as chapter 2023-174, Laws of Florida; and

WHEREAS, a speed detection system is defined at 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, HB 657 authorizes the counties 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, HB 657 further authorizes counties 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 to enforce unlawful speed violations"; and

WHEREAS, 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, HB 657 directs counties 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, HB 657 further directs counties 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 county that operates school zone speed detection systems must annually report the results of all systems within the county's jurisdiction by placing the required report on an agenda of a regular or special meeting of the county's governing body; and

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

WHEREAS, 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, HB 657 prescribes that a county 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, HB 657 provides that a county 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 county "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, this Board finds that speed violations in school zones present a real hazard not only to the general public's health, and safety, but also specifically to children who are arriving at or departing from school; and

WHEREAS, enforcement of speed limits in school zones with law enforcement officers alone can be difficult, as in the time a law enforcement officer has stopped and cited a speeding driver, other motorists can commit speeding violations and avoid citation; and

WHEREAS, moreover, this board finds that for school zones in the areas of the County, where enforcement of school zone speed limits is not supplemented by municipal law enforcement, a heightened safety risk exists and warrants additional enforcement measures; and

WHEREAS, in accordance with and pursuant to the provisions of section 316.008(c), Florida Statutes, the County has considered traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and has determined that each 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, given that speeding in school zones creates an detrimental hazard for students, and that enforcement of applicable speed limits in school zones during sessions through the use of a speed detection system may reduce instances of speeding in school zones and enhance the welfare and safety of students across Manatee County, the Board desires to implement a school zone speed detection system program to enforce applicable speed limits in school zones during school sessions through the use of a speed detection systems.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

Section 1. Chapter 2-22-16, Article I of the Manatee County Code of Ordinances is hereby created as set forth in Manatee County Code 2-22-16:

Sec. 2-22-16. Speed detection systems for enforcement of school zone speed limits.

1. Purpose and Intent. The purpose of this ordinance is to authorize and implement the use of speed detection systems to enforce applicable speed limits in roadways properly maintained as school zones, as authorized by and in accordance with Chapter 2023-174, Laws of Florida, as such may be amended from time to time, to promote traffic safety and student welfare.
2. Use of Speed Detection Systems. In accordance with Chapter 2023-174, Laws of Florida, Manatee County exercises its authority to authorize placement or installation of speed detection systems to enforce applicable speed limits on roadways maintained as school zones within Manatee County. The County Administrator or designee is hereby authorized to implement speed detection systems within Manatee County 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.

3. 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, Manatee 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 Section 316.008(9), Florida Statutes:

Elementary Schools

- a. Abel Elementary School
7100 Madonna Pl.
Sarasota, Florida 34243
- b. Bashaw Elementary School
3515 57th St. East
Bradenton, Florida 34208
- c. Bayshore Elementary School
6120 26th St. West
Bradenton, Florida 34207
- d. Blackburn Elementary School
3904 17th St. East
Palmetto, Florida 34221
- e. Daughtery Elementary School
515 63rd Ave East
Bradenton, Florida 34203
- f. Harvey Elementary School
8610 115th Ave East
Parrish, Florida 34219
- g. Kinnan Elementary School
3415 Tallevast Rd.
Sarasota, Florida 34243

- h. Myakka Elementary School
37205 Manatee Ave.
Myakka City, Florida 34251
- i. Oneco Elementary School
5214 22nd Street Ct. East
Bradenton, Florida 34203
- j. Samoset Elementary School
3300 19th St. East
Bradenton, Florida 34208
- k. Stewart Elementary School
7905 15th Ave NW
Bradenton, Florida 34209
- l. Tara Elementary School
6950 Linger Lodge Rd. East
Bradenton, Florida 34203
- m. Tillman Elementary School
1415 29th St. East
Palmetto, Florida 34221
- n. Williams Elementary School
3404 Fort Hamer Rd.
Parrish, Florida 34219
- o. Willis Elementary School
14705 The Masters Ave
Lakewood Ranch, Florida 34202
- p. Witt Elementary School
200 Rye Rd. East
Bradenton, Florida 34212

Middle School(s)

- q. Lee Middle School
4000 53rd Ave West
Bradenton, Florida 34210

High School(s)

- r. Southeast High School
1200 37th Ave East
Bradenton, Florida 34208

Dual Schools

- s. Braden River Elementary School
6125 River Club Blvd
Bradenton, Florida 34202
- t. Braden River Middle School
6215 River Club Blvd
Bradenton, Florida 34202
- u. McNeal Elementary School
6325 Lorraine Rd.
Lakewood Ranch, Florida 34202
- v. Nolan Middle School
6615 Greenbrook Blvd
Lakewood Ranch, Florida 34202
- w. Virgil Mills Elementary School
7200 69th St. East
Palmetto, Florida 34221
- x. Buffalo Creek Middle School
7320 69th St. East
Palmetto, Florida 34221
- y. Johnson-Wakeland School (K-8)
2121 26th Ave East
Bradenton, Florida 34208
- z. B.D. Gullett Elementary School
12125 44th Ave East
Bradenton, Florida 34211

- aa. Jain Middle School
12205 44th Ave East
Bradenton, Florida 34211
 - bb. Palma Sola Elementary School
6806 5th Ave NW
Bradenton, Florida 34209
 - cc. King Middle School
600 75th Ave NW
Bradenton, Florida 34209
 - dd. Palm View (K-8)
6025 Bayshore Rd.
Palmetto, Florida 34221
- 4. Traffic Infraction Enforcement Officers. 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 Section 316.1895 and 316.183, Florida Statutes as authorized by Section 316.008(9), Florida Statutes.
 - 5. Notices, Penalties, and Appeals. The County Administrator or designee shall provide notices of violations, assess penalties, remit applicable portions of assessed penalties, and provide for appeals consistent with the requirements of Chapter 2023-174, Laws of Florida, as such may be amended from time to time.
 - 6. 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 Chapter 2023-174, Laws of Florida, as such may be amended from time to time.
 - 7. Reporting. The County Administrator or designee shall comply with the reporting requirements of Chapter 2023-174, Laws of Florida, as such may be amended from time to time.

Section 2. Codification. Pursuant to Section 125.68(1), Florida Statutes, the Codifier shall codify the substantive amendments to the Manatee County Code contained in Section 1 of this Ordinance as provided therein and shall not codify any other section not designated for codification.

Section 3. Severability. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of the Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. Effective Date. This Ordinance shall be effective immediately upon filing with the State of Florida Department of State.

DULY ADOPTED with a quorum present and voting this 13th day of February 2024.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

**ATTEST: ANGELINA "ANGEL" COLONNESO
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**

By: Robin Deth DC
Deputy Clerk

