

**ORDINANCE NO. 1540-24**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE ALFRED, FLORIDA, AMENDING CHAPTER 54 OF THE CODE OF ORDINANCES OF THE CITY OF LAKE ALFRED BY CREATING ARTICLE V ENTITLED "SCHOOL ZONE SPEED ENFORCEMENT"; MAKING FINDINGS; PROVIDING FOR PURPOSE, INTENT AND DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM AND AUTHORIZING THE USE OF SCHOOL ZONE SPEED DETECTION SYSTEMS WITHIN THE CITY OF LAKE ALFRED; PROVIDING FOR PROGRAM IMPLEMENTATION REQUIREMENTS IN ACCORDANCE WITH CHAPTER 2023-174, LAWS OF FLORIDA; PROVIDING FOR THE DESIGNATION OF SCHOOL ZONES; PROVIDING FOR ENFORCEMENT AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR CODIFICATION; PROVIDING BUSINESS IMPACT ESTIMATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake Alfred (the "City") is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution; and

**WHEREAS**, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, the City is vested with governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

**WHEREAS**, on July 1, 2023, House Bill 657, as codified under *Chapter 2023-174, Laws of Florida* (hereinafter referred to as "HB 657"), went into effect, authorizing municipalities to use *speed detection systems* in accordance with certain technical specifications established by the Florida Department of Transportation to enforce the speed limit in a school zone at specified periods; and

**WHEREAS**, pursuant to Section 316.008(9) of the Florida Statutes, prior to the use of a *speed detection system* on roadways established and properly maintained as a school zone to enforce speed limits within the corporate limits of the City, the City must adopt an ordinance (the "Ordinance"); and

**WHEREAS**, prior to the City's utilization of a *speed detection system* in any particular school zone, Section 316.008(9), Florida Statutes, requires the City to first determine whether a school zone constitutes a heightened safety risk that warrants additional traffic enforcement measures based on traffic data collected and other evidence; and

**WHEREAS**, HB 657 restricts the location and use of a *speed detection system* to established school zones in accordance with Section 316.1895 of the Florida Statutes; and

**WHEREAS**, HB 657 provides that a municipality may issue a *notice of violation* or may authorize a law enforcement officer or traffic infraction enforcement officer to issue a *uniform*

*traffic citation* for violations of sections 316.1895 and 316.183, Florida Statutes, that are captured by a *speed detection system* 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 costs; and

**WHEREAS**, Pursuant to Section 316.0776(3) of the Florida Statutes, for a municipality implementing and electing to operate a school zone *speed detection system* for the first time, the municipality must implement a public awareness campaign at least 30 days before commencing the school zone *speed detection system* and/or program (the "Program") and notify the public of the specific date on which the Program will commence; and

**WHEREAS**, Pursuant to Section 316.0776(3)(c) of the Florida Statutes, a county or city with one (1) or more school zone *speed detection system(s)* must annually report, in accordance with reporting and public hearing requirements set forth in Section 316.1896(16) of the Florida Statutes, the results of all system(s) within its jurisdiction to the general public and Florida Department of Highway Safety and Motor Vehicles; and

**WHEREAS**, HB 657 and Section 316.0776(3)(c), Florida Statutes, require that, before the City enters in a contract or renews a contract with a vendor to place or install a *speed detection system*, the City Commission must approve the contract or contract renewal at a regular or special meeting; the vendor contract or contract renewal must not be considered as part of the consent agenda; and all interested parties and/or members of the public must be allowed an opportunity to provide comment(s) to the City Commission pursuant to the City's rules and/or policies related to public participation; and

**WHEREAS**, on Monday, July 8, 2024, at a duly noticed public meeting, the City Commission of the City of Lake Alfred, after considering relevant traffic data and other evidence supporting the installation of school zone *speed detection system(s)* within the City, has found it desirable and necessary to deter drivers from traveling at unsafe speeds through established and maintained school zone(s) and implement a supplemental means for the enforcement of unlawful speed violations by enacting this Ordinance which establishes a school zone speed enforcement program; and

**WHEREAS**, on Monday, July 8, 2024, at a duly noticed public meeting, the City Commission has determined, based upon the evidence considered, the location of the specific school zone(s) within its corporate limits constitute a heightened safety risk warranting additional enforcement procedures; and

**WHEREAS**, at the time of adoption of this Ordinance, the relevant traffic data and other evidence presented to the City Commission is incorporated herein by reference and submitted to the City Clerk as supplemental information, supporting the installation and operation of *speed detection systems* for certain school zones within corporate limits of the City; and

**WHEREAS**, on Monday, July 8, 2024, at a duly noticed public meeting, the City Commission finds that motor vehicles speeding on a roadway maintained as a school zone during specified periods is an unacceptable hazard that threatens the health, safety, and welfare of students and pedestrians in the City, and that enforcement of applicable speed limits in school zones during specified periods through the use of a *speed detection system* may reduce safety risks in school zones, which warrants implementation of school zone speed detection enforcement pursuant to the requirements, rules, and regulations provided in *Chapter 2023-174, Laws of Florida*, and applicable Florida law; and

**WHEREAS**, the City Commission of the City of Lake Alfred, Florida, finds that the approval and adoption of this Ordinance in order to implement school zone *speed detection systems* is intended and necessary to protect and preserve the present advantages that exist within the corporate limits of the City of Lake Alfred, Florida; is consistent with the public interest; and this Ordinance is intended to promote, protect, and improve the public health, safety, and general welfare of the citizens and residents of the City of Lake Alfred, Florida.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF THE CITY OF LAKE ALFRED, FLORIDA, THAT:**

**Section 1. Incorporation of Recitals.** The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements that form a factual and material basis for the adoption of this Ordinance, and the City Commission of the City of Lake Alfred, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the adoption of this Ordinance.

**Section 2. Amendment.** The *Code of Ordinances, City of Lake Alfred, Florida* (the "Code") is hereby amended as shown in **Exhibit "A"**, which is attached hereto and made a part hereof (deleted provisions are shown in ~~strike through~~ format, and new provisions are shown in underlined format).

**Section 3. Conflicts.** All Ordinances in conflict with this Ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

**Section 4. Severability.** The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase of this Ordinance, or the application thereof shall be held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The City Commission of the City of Lake Alfred hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared invalid, unenforceable, or unconstitutional, or unenforceable. If any word, sentence, clause, phrase, or provision of this Ordinance for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, then all remaining provisions and portions of this Ordinance shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida, by and through its City Commission, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5. Administrative Correction of Scrivener's Errors.** It is the intention of the City Commission that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the City of Lake Alfred is accomplished, sections of this Ordinance may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

**Section 6. Codification.** It is the intention of the Lake Alfred City Commission that the substantive provisions of this Ordinance incorporated herein shall become and be made a part of the Code of Ordinances of the City of Lake Alfred, Florida.


**Section 7. Business Impact Estimate.** On October 1, 2023, Senate Bill 170, *Chapter 2023-309, Laws of Florida*, was enacted creating Section 166.0411 of the Florida Statutes and amending Section 166.04, Florida Statutes, requiring a municipality to prepare a business impact estimate before the enactment of an ordinance. Provided however, Section 166.041(4)(c)1, Florida Statutes (2023), provides, in pertinent part, that municipal ordinances enacted and required for compliance with federal or state law or regulation are exempt. In this instance, *Chapter 2023-174, Laws of Florida*, requires the City to adopt an ordinance in order to establish, administer, and enforce the applicable provisions of Chapter 316 of the Florida Statutes; and therefore, this Ordinance is exempt and does not require a business impact estimate.

**Section 8: Effective date.** This Ordinance shall take effect immediately upon adoption.

**INTRODUCED AND PASSED** on the first reading of the City of Lake Alfred City Commission held this 17th day of June 2024.

**ADOPTED AND ENACTED** on second reading/public hearing at the meeting of the City of Lake Alfred City Commission held this 8<sup>th</sup> day of July 2024.


**CITY OF LAKE ALFRED, FLORIDA**

By:   
Mac C. Fuller, Mayor

**ATTEST:**

  
Linda Bourgeois, BAS, MMC, City Clerk

**Approved as to form:**

  
Frederick J. Murphy, Jr., City Attorney



**EXHIBIT "A"**  
**ORDINANCE NO. 1540-24**

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**SCHOOL ZONE SPEED ENFORCEMENT**

**CODE OF ORDINANCES, CITY OF LAKE ALFRED, FLORIDA**

Text shown in gray shading as underlined is text to be added and text shown as ~~strikeout~~ is text to be removed.

**CHAPTER 54  
TRAFFIC AND VEHICLE**

**ARTICLE V. – SCHOOL ZONE SPEED LIMIT ENFORCEMENT**

**Sec. 54-127. – Purpose and Intent.**

The purpose of this Article is to protect the health, safety, and welfare of the children, citizens and residents of the City of Lake Alfred, Florida; and, by electing to implement the use of speed detection system(s) to enforce applicable speed limit(s) on certain roadways which, pursuant to Section 316.1895 of the Florida Statutes, are properly maintained as a school zone, the City Commission of the City of Lake Alfred, Florida, determined that, in order to protect the public interests and promote compliance with applicable speed limits within the corporate limits of the City of Lake Alfred, this Article is intended and necessary to address a significant and heightened safety risk warranting additional enforcement procedures.

This Article provides a supplemental means of enforcing unlawful speed violations in established and properly maintained school zones. Notwithstanding the City’s adoption of a quasi-judicial system to enforce unlawful speed violations, nothing in this Article shall prohibit a law enforcement officer from issuing a uniform traffic citation for a traffic violation in accordance with Chapter 316, Florida Statutes.

**Sec. 54-128. – Definitions.**

The following words, terms, and phrases, when used in this Article of the *Code of Ordinances of the City of Lake Alfred, Florida*, shall have the meanings respectfully ascribed to them in this Section, except where the context clearly indicates a different meaning and only when consistent with applicable Florida law:

“City” means the City of Lake Alfred, a municipal corporation organized and existing under the laws of the State of Florida, vested with home rule authority pursuant to the Municipal Home Rule Powers Act, Chapter 166 of the Florida Statutes, and Article VIII, §2 of the Florida Constitution.

“City Code” means the City of Lake Alfred Code of Ordinances and/or City of Lake Alfred Unified Land Development Code.

“City Commission” means the duly elected City of Lake Alfred City Commission and/or governing body of the City of Lake Alfred, Florida.

“Department” means the Department of Highway Safety and Motor Vehicles as defined in Section 20.24 of the Florida Statutes. Any reference herein to the Department of Transportation shall be construed as referring to the Department of Transportation as defined in Section 20.23 of the Florida Statutes or the appropriate division thereof.

“Hearing Procedures” means the procedures set forth in Section 316.1896, Florida Statutes, governing the noticing, scheduling, and conducting hearings and/or proceedings before the City Local Hearing Officer or Local Hearing Officer.

“Law Enforcement Officer” means, as defined by Section 943.10(1) of the Florida Statutes, any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

“Local Hearing Officer” means the person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under Section(s) 316.0083(1)(a) and 316.1896(2), Florida Statutes (2023), who is authorized to conduct hearings related to a notice of violation issued pursuant to Section 316.0083 or Section 316.1896, Florida Statutes (2023). The charter county, non-charter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer.

“City Local Hearing Officer” means the City of Lake Alfred Code Enforcement Special Magistrate or other appointee, as authorized by the City Code; Chapter 2023-174, Laws of Florida; Chapter 316 of the Florida Statutes, as may be amended; and as established by the City Commission of the City of Lake Alfred by resolution.

“Motor Vehicle” means, as defined by Section 316.003 of the 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.

“Registered Owner” means a person who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, such conditional vendee or lessee or mortgagor shall be deemed the owner.

“Notice of Violation” means the written notification sent to the Registered Owner of a Motor Vehicle after a school zone speed infraction by that vehicle has been captured by a Speed Detection System and thereafter reviewed and approved by a Law Enforcement Officer or Traffic

Infraction Enforcement Officer. A Notice of Violation must be in the form and include the contents prescribed by section 316.1896(2), Florida Statutes, as it may be amended.

“Person” means, as defined by Section 316.1896, Florida Statutes, includes a natural person, the Registered Owner or co-owner of a Motor Vehicle, or the person identified in an affidavit as having actual care, custody, or control of the Motor Vehicle at the time of the violation.

“School Zone” means that portion of a street or highway established as a school zone pursuant to Section 316.1895, Florida Statutes, as it may be amended.

“School Zone Speed Enforcement Program” means the regulations and procedures governing the use of Speed Detection Systems on roadways maintained as a school zone within the jurisdiction of the City, as provided for by applicable law and established by this Ordinance.

“School Zone Speed Infraction” means a violation of Section 316.183 or Section 316.1895, Florida Statutes, captured by a Speed Detection System on a roadway maintained as a school zone during the hours provided for by applicable law and set forth in this Ordinance.

“School Zone Speed Limit” means the regularly posted or reduced posted speed limit within a school zone pursuant to Section 316.1895, Florida Statutes.

“Speed Detection System” means 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.

“Traffic Infraction Enforcement Officer” means a person who is employed or appointed by the City of Lake Alfred Police Department, with or without compensation, and satisfies the qualification(s) and/or requirement(s) established by Section 316.640(5), Florida Statutes, and is vested with authority to enforce violations of Sections 316.1895 and 316.183, Florida Statutes, pursuant to Section 316.1896 of the Florida Statutes, as it may be amended.

“Uniform Traffic Citation” means the citation issued to the registered owner of a vehicle for a school zone speed infraction, in the form and including the contents prescribed by Sections 316.1896 and 316.650, Florida Statutes, as it may be amended.

#### **Sec. 54-129. – School Zone Speed Detection System(s).**

Pursuant to Section 316.008(9), Florida Statutes, the City hereby elects to use Speed Detection System(s) on roadways established and properly maintained as a school zone to enforce speed limits within the corporate limits of the City. The City may utilize Speed Detection System(s) as a supplemental means of assisting law enforcement personnel in the enforcement of compliance with state law related to unlawful speed in school zones, in accordance with Chapter 316 of the Florida Statutes.



Pursuant to Section 316.1906(3), Florida Statutes, a Speed Detection System is exempt from the design requirement(s) for radar or LiDAR units established by the Department.

**Sec. 54-130. – Establishment of School Zone Speed Detection System Program.**

In accordance with Chapter 2023-174, Laws of Florida, in order for the City to establish and conduct a School Zone Speed Detection System Program as authorized by Section 316.008(9), Florida Statutes, the City must adhere to the requirement(s) provided for in Section 316.0776(3)(b) of the Florida Statutes.

**Sec. 54-131. – School Zone Speed Detection System Program Administration.**

- (a) The City of Lake Alfred Police Department, in cooperation with the City Manager or City Manager's designee, is empowered to administer and assist with the City's school zone speed enforcement program, consistent with the provisions of Chapter 2023-174, Laws of Florida, subject to applicable Florida law, this Article, and applicable resolutions of the City Commission of the City of Lake Alfred.
- (b) In accordance with Chapter 2023-174, Laws of Florida, and Section 316.1896, Florida Statutes, as may be amended, the City may designate its Code Enforcement Special Magistrate as its Local Hearing Officer, who shall have jurisdiction to conduct quasi-judicial proceedings related to the enforcement of applicable speed limits on roadways properly maintained as a school zone pursuant to Section 316.1895, Florida Statutes, as may be amended from time to time.
- (c) In accordance with Chapter 2023-174, Laws of Florida, and section 316.1896, Florida Statutes, as may be amended, the City Commission shall designate, by resolution, existing City staff to serve as the clerk to the Local Hearing Officer.

**Sec. 54-132. – School Zone Speed Detection System Program Implementation.**

- (a) Pursuant to Section 316.008(9)(b) of the Florida Statutes, the City may 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, in order to enforce unlawful speed violations, as more specifically provided for in Section(s) 316.1895(10) or 316.183, Florida Statutes, on such roadway(s); and, in accordance with applicable Florida law, a school zone in compliance with Section 316.1895, Florida Statutes, creates a *rebuttable presumption* that the school zone is properly maintained.
- (b) **Vendor Contract.** Pursuant to section 316.0776(3)(c)1 of the Florida Statutes, before the City enters into a contract with or renews a contract with a vendor to place or install a Speed Detection System in a school zone, the contract or contract renewal must be approved by the City Commission, at a duly noticed, regular or special City Commission meeting; the contract or contract renewal may not be considered as part of a consent agenda; and interested members of the public must be allowed to comment, in accordance with the City's public comment rules, policies, and/or formats.

(c) **Installation and Operation of Speed Detection Systems.**

1. Pursuant to Section 316.0776(3) of the Florida Statutes, a Speed Detection System authorized by Section 316.008(9) of the Florida Statutes may be placed or installed in a school zone on a *state* road, as follows:
  - i. Speed Detection System permitted by the Department of Transportation; and
  - ii. Speed Detection System permitted in accordance with placement and installation specifications developed by the Department of Transportation. Pursuant to Chapter 2023-174, Laws of Florida, and Section 316.0776(3), Florida Statutes, the Department of Transportation established “placement and installation specifications” on or before December 31, 2023.
2. Pursuant to Section 316.0776(3) of the Florida Statutes, a Speed Detection System authorized by Section 316.008(9) of the Florida Statutes may be placed or installed in school zone on a *street or highway* under the jurisdiction of the City in accordance with placement and installation specifications developed by the Department of Transportation. Pursuant to Chapter 2023-174, Laws of Florida, and Section 316.0776(3), Florida Statutes, the Department of Transportation established “placement and installation specifications” on or before December 31, 2023.
3. Pursuant to Section(s) 316.008(9) and 316.0776, Florida Statutes, Speed Detection Systems may be installed and operated only in the school zones designated by this Ordinance and/or subsequent amendments thereto.

(d) **Signage Requirements.** The installation and operation by the City of Speed Detection Systems, as authorized by Section 316.008(9), Florida Statutes, the City must notify the public that a Speed Detection System may be in use by posting signage, as follows:

1. Posted signage must notify the public by indicating photographic or video enforcement of the school zone speed limits;
2. Posted signage shall clearly designate the time period(s) during which the school zone speed limit(s) are enforced using a Speed Detection System; and
3. Posted signage must meet the “placement and installation specifications” established by established by the Department of Transportation.

For Speed Detection System(s) enforcing violations of Section(s) 316.1895 or 316.183, Florida Statutes, on a roadway maintained as a school zone, Section 316.0776(3)(a) of the Florida Statutes governs the signage and notification requirement(s) for purposes of notifying the public of the City’s proposed use of Speed Detection System(s).

(e) The installation and operation by the City of Speed Detection Systems shall be governed in accordance with Chapter 316, Florida Statutes, all applicable regulations of the Florida

Department of Transportation and the Florida Department of Highway Safety and Motor Vehicles, and the terms of any Memorandum of Understanding or other written agreement that may be entered into between the City of Lake Alfred Police Department and/or the City and applicable vendor(s).

- (f) ***Public Awareness.*** Pursuant to section 316.0776, Florida Statutes, before a Notice of Violation for A school zone speed infraction may be issued, a “public announcement” and “30-day public awareness campaign” of and/or for the initial proposed use of Speed Detection System(s) must be conducted notifying the public of the specific date on which the program will commence.

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 Section(s) 316.1895 or 316.183, Florida Statutes, enforced by a Speed Detection Systems, and no liability may be imposed for civil penalties under Section 318.18(3)(d) of the Florida Statutes.

#### **Sec. 54-133. – School Zone Designation(s).**

Pursuant to Section 316.008(9)(c) of the Florida Statutes, the City Commission has determined, based on its consideration of *traffic data* and/or *other evidence* presented to the City Commission, at the duly noticed public meeting/hearing on this date of adoption, supporting the installation and operation of a Speed Detection System on and/or for the proposed roadway maintained as a school zone and constitutes a heightened safety risk warranting additional enforcement measures by installation or placement of Speed Detection System(s) pursuant to Section 316.008(9), Florida Statutes, as may be amended from time to time. Subsequent speed detection systems may be approved for inclusion or removal via amendment to this Ordinance in accordance with Chapter 316, Florida Statutes, and applicable Florida law.

Two (2) Speed Limit Detection Systems for Lake Alfred Elementary, 550 E. Cummings Street, Lake Alfred, FL. 33850.

#### **Sec. 54-134. – School Zone Speed Detection System Enforcement Procedure(s).**

- (a) ***General Powers.*** The City of Lake Alfred Police Department shall be authorized to enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to Section 316.1895, Florida Statutes, for violation(s) of Sections 316.1895 and 316.183, Florida Statutes, through the use of a Speed Detection System for the detection of speed and capturing of photographs or videos for unlawful speed violation(s) in excess of ten (10) miles per hour (mph) over the speed limit in force at the time of the violation.

The City of Lake Alfred Police Department Chief of Police or designee is responsible for establishing the business rules of procedure between the vendor and the City which are necessary for implementing this Section.

- (b) ***Review of Speed Detection System Information.*** Pursuant to section 316.1896, Florida Statutes, as may be amended, information captured by a Speed Detection System shall be

reviewed by a Law Enforcement Officer or Traffic Infraction Enforcement Officer. Section 316.1896(1), Florida Statutes, does not prohibit the City from issuing a Notice of Violation as provided in Section 316.1896(2), Florida Statutes.

(c) **School Zone Speed Detection System Violations.** The applicable speed limit on a roadway properly maintained as a school zone may be enforced through the capturing of a violation by a Speed Detection System, as follows:

- (i) For a violation of section 316.1895, Florida Statutes, 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.
- (ii) For a violation of section 316.1895, Florida Statutes, 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.
- (iii) For a violation of section 316.183, Florida Statutes, in excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.
- (iv) For a violation of section 316.1895, Florida Statutes, 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.

A violation shall be evidenced by a Speed Detection System described in Section(s) 316.008(9) and 316.0776(3) of the Florida Statutes.

(d) **Notice of Violation.** A Notice of Violation must be sent to the Registered Owner of the Motor Vehicle for a violation of Sections 316.1895 or 316.183, Florida Statutes, as provided under section 316.1896(2), Florida Statutes, which includes, but shall not be limited to, the following:

- (i) Within 30 days after a violation, the Notice of Violation shall be sent by first-class mail to the Registered Owner of the Motor Vehicle involved in the violation;
- (ii) The Notice of Violation shall specify the remedies available under Section 318.14, Florida Statutes, and that the violator must pay the penalty under Section 318.13(3)(d), Florida Statutes, to the City or provide an affidavit in accordance with the requirements set forth in Section 316.1896(8), Florida Statutes, within 30 days after the date of the Notice of Violation in order to avoid applicable fee(s) and/or cost(s);
- (iii) The Notice of Violation shall include a photograph or other recorded image showing the license plate of the Motor Vehicle;

- (iv) The Notice of Violation shall specifically provide the date, time, and location of the violation;
- (v) The Notice of Violation shall include the maximum speed at which the Motor Vehicle was traveling within the School Zone;
- (vi) The Notice of Violation shall include the speed limit within the School Zone at the time of the violation;
- (vii) The Notice of Violation shall notify the Registered Owner of the right to review, in person or remotely, the photograph and/or video captured by the Speed Detection System and the evidence of the speed of the Motor Vehicle detected by the Speed Detection System which constitute a rebuttable presumption that the Motor Vehicle was used in violation of Section(s) 316.1895 or 316.183 of the Florida Statutes;
- (viii) The Notice of Violation must provide the Registered Owner with a time, place, and/or website at which the photograph and/or video captured and evidence of the speed detected may be examined and observed; and
- (ix) The Notice of Violation shall be accompanied by information related to the right to request a hearing, all costs related thereto, and a form used by the City for requesting a hearing. Alternatively, the City may direct the Registered Owner and/or person receiving the Notice of Violation to a website providing the information identified in this paragraph.

Pursuant to Section 316.1896(2), Florida Statutes, the photograph or video captured by the Speed Detection System and evidence of the speed of the Motor Vehicle detected by the Speed Detection System which are identified in the Notice of Violation shall constitute a rebuttable presumption that the Motor Vehicle was used in violation of Section 316.1895 or Section 316.183, Florida Statutes.

- (e) **Hearing Procedures and Appeals.** Hearings to contest a Notices of Violation shall be held in accordance with the requirements of Chapter 2023-174, Laws of Florida, and sections 316.0083(5) and 316.1896, Florida Statutes.

If the Registered Owner or co-owner of the Motor Vehicle; the person identified as having care, custody, or control of the Motor Vehicle at the time of the violation; or an authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the Notice of Violation.

Pursuant to Section 316.1896(14)(f), Florida Statutes, an aggrieved party may appeal a final administrative order of the City Local Hearing Officer consistent with the process provided in Section 162.11 of the Florida Statutes.

- (f) **Defenses and Penalties.** The enforcement of school zone speed infractions including the issuance of a Notices of Violation and/or Uniform Traffic Citation, the processing of affidavits to assert an exception as to liability, and the assessment of fines and costs must comply with section 316.1896, Florida Statutes.

A hearing before the City Local Hearing Officer shall be conducted in accordance with the procedure(s) established by Sections 316.0083(5) and 316.1896(14), Florida Statutes.

In accordance with section 316.1896(14)(e), Florida Statutes, the City Local Hearing Officer must determine whether a violation occurred and must uphold or dismiss the violation; must issue a final administrative order assess the statutory authorized penalty if the Registered Owner is found in violation and may also require the Registered Owner to pay municipal costs not to exceed the amount(s) established in Section 316.083(5)(e) of the Florida Statutes (not to exceed \$250).

A Registered Owner who receives a Notice of Violation may, within 30 days of the Notice of Violation:

- (i) Pay the fine of \$100.00, as fixed by section 318.18(3)(d), Florida Statutes, as it may be amended; or
  - (ii) Submit an affidavit establishing an exception to liability pursuant to section 316.1896(8), Florida Statutes, as it may be amended; or
  - (iii) Request a hearing. If a hearing is requested, payment may not be required before the hearing requested by the Person.
- (g) **Issuance of a uniform traffic citation.** A Law Enforcement Officer or Traffic Infraction Enforcement Officer shall be authorized, pursuant to section 316.1896, Florida Statutes, to issue a Uniform Traffic Citation for violations of Sections 316.1895 or 316.183 as authorized by section 316.008(9), Florida Statutes. If the registered owner of a vehicle does not timely pay the fine reflected on the notice of violation, submit a sufficient affidavit, or request a hearing, a uniform traffic citation must be issued by a law enforcement officer or a traffic infraction enforcement officer to the registered owner and transmitted to the Polk County Clerk of the Court for disposition by the county court.

#### **Sec. 54-135. – Evidence, Public Records, Retention Requirements.**

In accordance with section 316.1896, Florida Statutes, a Speed Detection System in a school zone may not be used for remote surveillance. The collection of evidence by a Speed Detection System to enforce school zone speed infractions, or user-controlled pan or tilt adjustments of speed detection components, do not constitute remote surveillance.

Recorded video or photographs collected as part of a Speed Detection System in a school zone may only be used to document school zone speed infractions and for purposes of determining

criminal or civil liability for incidents captured by the speed detection system incidental to the permissible use of the Speed Detection System.

Any recorded video or photograph obtained via a speed detection system must be destroyed within 90 days after the final disposition of the recorded event, pursuant to section 316.1896, Florida Statutes. Written notice that such records have been destroyed must be provided by December 31st of each year to the City by its speed detection system vendor.

All public records related to the administration of this Section must be maintained in accordance with Florida law and all requests for such records must be addressed in accordance with Chapter 119, Florida Statutes, and applicable Florida law.

#### **Sec. 54-136. – Annual Reporting.**

- (a) The City, with the assistance of the City of Lake Alfred Police Department and/or the vendor, shall annually report on the City's school zone speed enforcement program to the public and to the Florida Department of Highway Safety and Motor Vehicles in accordance with Sections 316.0776 and 316.1896, Florida Statutes, as they may be amended.
- (b) Pursuant to Section 316.0776(3)(c), Florida Statutes, and applicable law, the City shall annually report to the Department the results of all systems within the City's jurisdiction, as follows:
  - 1. The annual report required under Section 316.1896(16)(a), Florida Statutes, shall be placed on the agenda, as a single reporting item, of a regular or special meeting of the City Commission.
  - 2. The annual report shall include a written summary (the "Summary").
  - 3. The Summary shall be read aloud at the regular or special meeting of the City Commission.
  - 4. The Summary shall contain, for the same time period pertaining to the annual report to the Department under Section 316.1896(16)(a), Florida Statutes, the information required by Section 316.0776(3)(c)2, Florida Statutes, as follows:
    - i. The number of Notices of Violation issued;
    - ii. The number of Notices of Violation contested;
    - iii. The number of Notices of Violation upheld;
    - iv. The number of Notices of Violation dismissed;
    - v. The number of Uniform Traffic Citations issued; and

- vi. The number of Notices of Violation and/or Uniform Traffic Citations that were paid and how collected funds were distributed and in what amount(s).
- 5. The City shall report to the Department that the City's annual report was considered in accordance with Section 316.0776(3)(c)2, Florida Statutes, including the date of the regular or special meeting at which the annual report was considered by the City Commission.
- (c) Pursuant to Section 316.0776(3)(c), Florida Statutes, the compliance or sufficiency of compliance with this requirement may not be raised in a proceeding challenging a Notice of Violation for a school zone speed infraction.

**Sec. 54-137. – Remittance of Collected Fines and Costs.**

All fines and costs collected by the City pursuant to this Article shall be remitted in accordance with Sections 316.1896 and 318.18, Florida Statutes, and applicable Florida law.

**Sec. 54-138. – School Crossing Guard Recruitment and Retention Program.**

Pursuant to Section 316.1894, Florida Statutes, as may be amended, the law enforcement agency having jurisdiction over a municipality conducting a school zone speed detection system program authorized by Section 316.008(9), Florida Statutes, shall use funds generated pursuant to Section 316.1896(5)(e), Florida Statutes, from the school zone Speed Detection System to administer the School Crossing Guard Recruitment and Retention Program. Such program may provide recruitment and retention stipends to crossing guards at K-12 public schools, including charter schools, or stipends to third parties for the recruitment of new crossing guards. The School Crossing Guard Recruitment and Retention Program must be designed and managed at the discretion of the law enforcement agency.