

ORDINANCE 2023-67

An Ordinance of the Osceola County Board of County Commissioners, Enacting Article IV “School Zone Speed Detection System” of Chapter 22 of the Osceola County Code; Providing for Purpose, Intent and Definitions; Authorizing the Use of and Providing for Implementation of School Zone Speed Limit Detection Systems; Designating a Local Hearing Officer; Determining a Heightened Safety Risk and Providing for Designation of School Zones; Providing for Severability; Providing for Scrivener’s Errors; Providing for Conflict; Providing for Inclusion into the Code; Providing for Filing with the Department of State; Providing for an Effective Date.

WHEREAS, Article VIII of the Florida Constitution and section 125.66, Florida Statutes, authorize the Osceola County Board of County Commissioners (“BOCC”) to enact ordinances to protect the health, safety, and welfare of the County’s citizens; and

WHEREAS, Chapter 2023-174, Laws of Florida, enacted and signed by the Governor on May 31, 2023, effective July 1, 2023, amended Chapter 316, Florida Statutes, in regard to enforcement of school zone speed limits and authorized local governments to enforce the speed limit in a school zone at specified periods through the use of a speed detection system; and

WHEREAS, the BOCC desires to deter drivers from speeding through school zones by authorizing the use of school zone speed limit detection systems and enacting an ordinance allowing implementation of school zone speed limit enforcement per Chapter 2023-174, Laws of Florida; and

WHEREAS, at the time of adoption, the BOCC has considered the relevant traffic data and other evidence, incorporated by reference, supporting the installation and operation of school zone speed limit detection systems for each proposed school zone within the County; and

WHEREAS, based upon the traffic data and other evidence considered, the BOCC has determined that each school zone where a speed detection system is to be placed or installed in Osceola County constitutes a heightened safety risk that warrants additional enforcement measures; and

WHEREAS, in order to efficiently carry out the legal requirements for implementation of school zone speed limit detection systems, the BOCC desires to designate its currently appointed Code Enforcement Special Magistrate, or any other Special Magistrate appointed by the County Manager or County Manager’s designee, as its local hearing officer, who shall have jurisdiction to

conduct proceedings in accordance with Chapter 2023-174, Laws of Florida, and section 316.1896, Florida Statutes, as may be amended; and

WHEREAS, the BOCC finds that motor vehicles speeding in school zones are unacceptable hazards that threaten the health, safety, and welfare of students and pedestrians in Osceola County, and that enforcement of applicable speed limits in school zones during school sessions through the use of a speed detection system may reduce instances of speeding in school zones, which warrants implementation of school zone speed detection enforcement pursuant to the rules and regulations of Chapter 2023-174, Laws of Florida, and other applicable state law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

SECTION 1. The foregoing recitals are incorporated herein and are approved.

SECTION 2. Chapter 22 of the Osceola County Code is hereby amended by adding a new Article IV "School Zone Speed Detection System," as follows:

CHAPTER 22
TRAFFIC

ARTICLE IV. – SCHOOL ZONE SPEED DETECTION SYSTEM

Sec. 22-54. Purpose and intent.

The purpose of this article is to protect the health, safety, and welfare of the citizens of Osceola County by authorizing the placement or installation, use, and implementation of a school zone speed limit detection system on roadways maintained as school zones within the jurisdiction of the County, to promote compliance with speed limits in school zones, as permitted by Chapter 2023-174, Laws of Florida, and general law, as such may be amended from time to time.

Sec. 22-55. Definitions.

For purposes of this Ordinance, the following terms shall have the meanings given to them below. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.

- (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.

Sec. 22-56. Authorizing Use of School Zone Speed Limit Detection System.

Pursuant to section 316.008(9), Florida Statutes, Osceola County hereby elects to use speed detection systems to enforce school zone speed limits within the County's jurisdiction. The County 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. 22-57. 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 County authorizes the implementation of the provisions and requirements of sections 316.008 and 316.1896, Florida Statutes. The County Manager or the County Manager's designee is hereby authorized to implement speed detection systems within the unincorporated areas of Osceola 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.
- (b) *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 sections 316.1895 and 316.183, Florida Statutes, as authorized by 316.008(9), Florida Statutes.

(c) *Notices, Penalties and Appeals.* The County Manager or County Manager's 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 203-174, Laws of Florida, as such may be amended from time to time.

(d) *Signage and Public Awareness Campaign.* The County Manager or County Manager's 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 203-174, Laws of Florida, as such may be amended from time to time.

Reporting. The County Manager or County Manager's designee shall comply with the reporting requirements of Chapter 203-174, Laws of Florida, as such may be amended from time to time.

Sec. 22-58. Designation of Local Hearing Officer.

(a) *Local Hearing Officer.* As permitted and defined by applicable law and referenced in this Ordinance and corresponding resolution adopted by the BOCC, the County designates its currently appointed Code Enforcement Special Magistrate, or any other Special Magistrate appointed by the County Manager or County Manager's designee, as its Local Hearing Officer, who shall have jurisdiction to conduct proceedings in accordance with Chapter 203-174, Laws of Florida and section 316.1896, Florida Statutes, as such may be amended from time to time.

Sec. 22-59. Determination of Heightened Safety Risk and Designation of School Zones.

The BOCC finds that based upon the traffic data and evidence presented at the public hearing this date of adoption, it is appropriate to utilize speed limit detection systems at the following school zone locations due to the heightened safety risk that warrants additional enforcement procedures pursuant to section 316.008, Florida Statutes. The BOCC may authorize the placement or installation of speed detection systems in additional school zones via amendment to this Ordinance in accordance with applicable law.

1. Parkway Middle School – 857 Florida Parkway, Kissimmee, Florida 34743
2. Boggy Creek Elementary School – 810 Florida Parkway, Kissimmee, Florida 34743
3. Horizon Middle School – 2020 Ham Brown Road, Kissimmee, Florida 34746

4. Sunrise Elementary School – 1925 Ham Brown Road, Kissimmee, Florida 34746
5. KOA Elementary School – 5000 KOA Street, Kissimmee, Florida 34758
6. BridgePrep Academy – 4851 KOA Street, Poinciana, Florida 34758
7. BridgePrep Academy – Intersection of Marigold Avenue and San Remo Road
8. Deerwood Elementary School – 3701 Marigold Avenue, Kissimmee, Florida 34758
9. Deerwood Elementary School – Intersection of Marigold Avenue and San Lorenzo Road (South)
10. Narcoossee Elementary and Middle Schools – 2700 N. Narcoossee Road, St. Cloud, Florida 34771
11. Liberty High School – 4250 Pleasant Hill Road, Kissimmee, Florida 34746
12. Bellalago Academy – 3651 Pleasant Hill Road, Kissimmee, Florida 34746
13. Mater Brighton Lakes Academy – 3200 Pleasant Hill Road, Kissimmee, Florida 34746
14. Reedy Creek Elementary – Intersection of S. Poinciana Boulevard and Eagles Trail
15. Poinciana High School – 2300 S. Poinciana Boulevard, Kissimmee, Florida 34758
16. Mater Palms Academy – 401 S. Poinciana Boulevard, Kissimmee, Florida 34746

SECTION 3. SEVERABILITY.

If any portion of this Ordinance, or application thereof, is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application and, to that end, the provisions of this Ordinance are deemed and declared severable.

SECTION 4. SCRIVENER'S ERRORS

The County Attorney is authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the Clerk to the Board.

SECTION 5. CONFLICT.

All Ordinances, or parts of Ordinances, in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

SECTION 6. INCLUSION IN THE CODE.

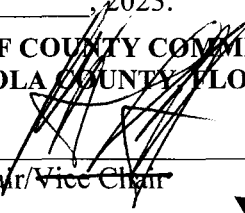
It is the intention of the BOCC and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Osceola County, Florida Code of Ordinances, that the sections of this Ordinance may be renumbered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

SECTION 7. EFFECTIVE DATE.

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

PASSED AND ADOPTED by the Board of County Commissioners of Osceola County, at its duly noticed meeting this 4th day of DECEMBER, 2023.

**BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY FLORIDA**

By: 
Chair/Vice Chair

**ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD**

By: 
Clerk/ Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

December 4th, 2023

