

ORDINANCE NO. 24-O-18

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA CREATING ARTICLE VII TITLED "SCHOOL ZONE SPEED ENFORCEMENT", IN CHAPTER 20 OF THE CODE OF GENERAL ORDINANCES; ADOPTING FINDINGS; PROVIDING FOR USE OF TRAFFIC INFRACTION DETECTORS IN ACCORDANCE WITH STATE LAW; PROVIDING FOR A LOCAL HEARING OFFICER; REPEALING INCONSISTENT ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, of the Florida Constitution and section 166.021, Florida Statutes, authorize the City of Tallahassee City Commission (“Commission”) to enact ordinances to protect the health, safety, and welfare of the City’s citizens; and

WHEREAS, on April 28, 2023, the Florida Legislature passed CS/CS/HB 657 (“HB 657”) during the 2023 Legislative Session, authorizing cities to enforce applicable speed 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, which was subsequently codified in Chapter 2023-174, Laws of Florida, taking effect on July 1, 2023, and codified at sections 316.003, 316.008, and 316.0776, Florida Statutes; and

WHEREAS, HB 657 authorizes a city to install, or contract with a vendor to place or install, speed detection systems in accordance with certain technical specifications established by the Florida Department of Transportation; and

WHEREAS, HB 657 provides that 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 speed detection systems during specified time periods

1 and further provides for notice to the registered owner of the subject vehicle, hearing
2 procedures, appellate remedies, and the assessment and remittance of civil
3 penalties; and

4 **WHEREAS**, HB 657 requires cities that elect to operate a school speed zone
5 detection program to implement a public awareness campaign at least 30 days
6 before commencing with the enforcement of violations and to annually report
7 information about the program to both the public and the Florida Department of
8 Highway Safety and Motor Vehicles; and

9 **WHEREAS**, HB 657 restricts the location and use of speed detection systems
10 to school zones that the City determines constitute a heightened safety risk
11 warranting additional enforcement measures based on data or other evidence
12 presented at a public hearing; and

13 **WHEREAS**, the City wishes to deter drivers from speeding through school
14 zones and provide a supplemental means for the enforcement of unlawful speed
15 violations by enacting an ordinance to implement a school zone speed enforcement
16 program; and

17 **WHEREAS**, the City Commission find that the Tallahassee Police
18 Department ("TPD") is best positioned to determine the appropriate speed detection
19 system vendor and therefore desires for the City to procure such a vendor and assist
20 with TPD's school zone speed enforcement program in cooperation with the relevant
21 City staff, and in conformance with all requirements set forth in HB 657; and

22 **WHEREAS**, TPD has collected and provided data to the City Commission
23 demonstrating that motor vehicles routinely exceed applicable school zone speed
24 limits in excess of 10 miles per hour in certain school zones within the jurisdiction of
25 the City, and this data being incorporated by reference as Attachment 2 to the
26 agenda item; and

1 **WHEREAS**, the City Commission has considered the traffic data and
2 evidence provided by TPD supporting the installation and operation of each
3 proposed school speed zone detection system and has determined that each school
4 zone where a speed detection system is to be placed or installed constitutes a
5 heightened safety risk that warrants additional enforcements measures; and

6 **WHEREAS**, the City Commission finds that motor vehicles speeding in school
7 zones are unacceptable hazards that threaten the health, safety, and welfare of
8 students and pedestrians in the City of Tallahassee, and that enforcement of
9 applicable speed limits in school zones during school sessions through the use of a
10 speed detection system may reduce instances of speeding in school zones, the City
11 Commission wishes to implement a school zone speed detection program pursuant
12 to the rules and regulations of HB 657 and other applicable state law.

13 **NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF**
14 **TALLAHASSEE, FLORIDA, AS FOLLOWS:**

15 **SECTION 1.** The foregoing findings are true and correct and are made a part
16 hereof and incorporated herein by reference.

17 **SECTION 2.** There is hereby created Article VII of Chapter 20 of the City of
18 Tallahassee General Code of Ordinances, which shall be created as follows:

19 **SECTION 20-200: TITLE.**

20 This Ordinance shall be known and may be cited as the “School Zone Speed
21 Enforcement Ordinance.”

22 **SECTION 20-201: PURPOSE AND INTENT.**

23 The purpose and intent of this Ordinance is to protect the health, safety, and
24 welfare of the citizens of the City of Tallahassee by authorizing the placement or
25 installation and use of speed detection systems on roadways within the jurisdiction of
26 the City, to promote compliance with speed limits in school zones, and to adopt a

1 quasi-judicial system to enforce violations. This Ordinance provides a supplemental
2 means of enforcing unlawful speed violations in school zones and shall not prohibit a
3 law enforcement officer from issuing a uniform traffic citation for a traffic violation in
4 accordance with Chapter 316, Florida Statutes.

5 **SECTION 20-202: DEFINITIONS.**

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

10 (A) HEARING PROCEDURES shall mean the procedures set forth in the
11 City of Tallahassee Code of General Ordinances to conduct hearings before the
12 Code Enforcement Board or the Code Magistrate.

13 (B) LAW ENFORCEMENT OFFICER shall mean, as defined by section
14 943.10(1), Florida Statutes, any person who is elected, appointed, or employed full
15 time by a municipality or the state or any political subdivision thereof; who is vested
16 with authority to bear arms and make arrests; and whose primary responsibility is the
17 prevention and detection of crime or the enforcement of the penal, criminal, traffic, or
18 highway laws of the state.

19 (C) LOCAL HEARING OFFICER shall mean the City Code Enforcement
20 Board or Code Magistrate, as defined in the City of Tallahassee Code of General
21 Ordinance.

22 (D) MOTOR VEHICLE shall mean, as defined by section 316.003, Florida
23 Statutes, a self-propelled vehicle not operated upon rails or guideway, but not
24 including any bicycle, electric bicycle, motorized scooter, electric personal assistive
25 mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.

26

1 (E) NOTICE OF VIOLATION shall mean the written notification sent to the
2 registered owner of a vehicle after a school zone speed infraction by that vehicle has
3 been captured by a speed detection system and thereafter reviewed and approved
4 by a law enforcement office or traffic infraction enforcement officer. A notice of
5 violation must be in the form and include the contents prescribed by section
6 316.1896, Florida Statutes, as it may be amended.

7 (F) SCHOOL ZONE shall mean that portion of a street or highway
8 established as a school zone pursuant to section 316.1895, Florida Statutes, as it
9 may be amended.

10 (G) SCHOOL ZONE SPEED ENFORCEMENT PROGRAM shall mean the
11 regulations and procedures governing the use of speed detection systems in school
12 zones within the jurisdiction of the City, as provided for by applicable law and
13 established by this Ordinance.

14 (H) SCHOOL ZONE SPEED INFRACTION shall mean a violation of
15 section 316.183 or 316.1895, Florida Statutes, captured by a speed detection
16 system within a school zone during the hours provided for by applicable law and set
17 forth in this Ordinance.

18 (I) SCHOOL ZONE SPEED LIMIT shall mean the regulatory posted or
19 reduced posted speed limit within a school zone pursuant to section 316.1895,
20 Florida Statutes.

21 (J) SPEED DETECTION SYSTEM shall mean a portable or fixed
22 automated system used to detect a motor vehicle's speed using radar or LiDAR and
23 to capture a photograph or video of the rear of the motor vehicle that exceeds the
24 speed limit in force at the time of the violation. This term is synonymous with the
25 term "Speed Detection System" defined in section 316.003(82), Florida Statutes, as
26 it may be amended.

1 (K) TRAFFIC INFRACTION ENFORCEMENT OFFICER shall mean
2 person who meets qualifications established by section 316.640, Florida Statutes, as
3 it may be amended.

4 (L) UNIFORM TRAFFIC CITATION shall mean the citation issued to the
5 registered owner of a vehicle for a school zone speed infraction, in the form and
6 including the contents prescribed by section 316.1896, Florida Statutes, as it may be
7 amended.

8 **SECTION 20–203: USE OF SPEED DETECTION SYSTEMS.**

9 Pursuant to section 316.008(9), Florida Statutes, the City hereby elects to use
10 speed detection systems to enforce school zone speed limits within the City's
11 jurisdiction. The City may utilize speed detection systems as a supplemental means
12 of assisting law enforcement personnel in the enforcement of compliance with state
13 law related to unlawful speed in school zones, in accordance with Chapter 316,
14 Florida Statutes.

15 **SECTION 20–204: PROGRAM ADMINISTRATION.**

16 (a) TPD, in cooperation with any necessary City staff and the Leon
17 County School Board, shall be enabled and empowered by this Ordinance to assist
18 with the City's school zone enforcement program. This Ordinance shall further
19 enable TPD to enter into agreements with one or more vendors to place or install
20 speed detection systems and carry out services consistent with the implementation
21 and enforcement of the provisions of Chapter 2023-174, Laws of Florida, as
22 amended, subject to any other applicable state law requirements and this Ordinance.

23 (b) As permitted and defined by applicable law and as set forth in this
24 Ordinance, the City may utilize its Code Enforcement Special Magistrate and/or
25

1 Code Enforcement Board as its Local Hearing Officer, who shall have jurisdiction to
2 conduct proceedings challenging the issuance of a notice of violation, in accordance
3 with state law and City code.

4 **SECTION 20-205: PROGRAM IMPLEMENTATION REQUIREMENTS.**

5 (a) *Vendor Contract.* Pursuant to section 316.0776, Florida Statutes,
6 before the City contracts or renews a contract with a vendor to place or install a
7 speed detection system in a school zone, the contract or contract renewal must be
8 approved by the City Commission as a regular or special meeting of the City
9 Commission. The contract or contract renewal may not be heard on the consent
10 agenda and the public must be allowed to comment pursuant to the City's public
11 comment policies.

12 (b) *Installation and Operation of Speed Detection Systems.* Pursuant to
13 section 316.008, Florida Statutes, speed detection systems may be installed and
14 operated only in the school zones designated by this Ordinance and/or subsequent
15 amendments hereto.

16 (c) *Signage Requirements.* The installation and operation of speed
17 detection systems, including required signage, shall be in accordance with Chapter
18 316, Florida Statutes, all applicable regulations of the Florida Department of
19 Transportation ("FDOT") and the Florida Department of Highway Safety and Motor
20 Vehicles ("FLHSMV"), and the terms of any Memorandum of Understanding or other
21 written agreement that may be entered into between the City and another entity.

22 (d) *Public Awareness:* Pursuant to section 316.0776, Florida Statutes,
23 before notices of violation for school zone speed infractions may be issued, a public
24 announcement and 30-day public awareness campaign of the proposed use of
25

speed detection systems must be conducted. During the 30-day public awareness campaign, only a warning may be issued to the registered owner for a school speed zone infraction and a fine shall not be imposed.

SECTION 20-206: DESIGNATION OF SCHOOL ZONES.

Having considered evidence at a public hearing supporting the installation and operation of speed detection systems in certain school zones within the jurisdiction of the City, and having incorporated this evidence by reference into this Ordinance, the City Commission has determined that each of the following school zones where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures pursuant to section 316.008, Florida Statutes. The City Commission may authorize the placement or installation of speed detection systems in additional school zones via amendment to this Ordinance in accordance with applicable law.

Elementary Schools:

1. Apalachee Elementary	650 Trojan Trail	32311
2. Bond Elementary	2204 Saxon St	32310
3. Buck Lake Elementary	1600 Pedrick Rd	32317
4. Conley Elementary	2400 Orange Ave East	32311
5. Desoto Trail Elementary	5200 Tredington Park	32309
6. Gilchrist Elementary	1301 Timberlane Rd	32312
7. Hartsfield Elementary	1414 Chowkeebbin Nene	32301
8. Hawksrise Elementary	205 Meadow Ridge Dr	32312
9. Oak Ridge Elementary	4530 Shelfer Rd	32305
10. Pineview Elementary	2230 Lake Bradford Rd	32310
11. Riley Elementary	1400 Indiana St	32304
12. Roberts Elementary	5777 Pimlico Dr	32309
13. Ruediger Elementary	526 W. 10 th Ave	32303
14. Sable Palm Elementary	2813 Ridgeway St	32304
15. Sealey Elementary	2815 Allen Rd	32312
16. Springwood Elementary	3801 Fred George Rd	32303
17. Sullivan Elementary	927 Miccosukee Rd	32308

Middle Schools:

18. Cobb Middle School	915 Hillcrest	32308
19. Fairview Middle School	3415 Zillah St	32305
20. Griffin Middle School	800 Alabama St	32304

1	21. Montford Middle School	5789 Pimlico Dr	32309
2	22. Nims Middle School	723 W. Orange Ave	32310
3	23. Raa Middle School	401. W. Tharpe St	32303
4	24. Swift Creek Middle School	2100 Pedrick Rd	32317

5

6 **High Schools:**

7	25. Rickards High School	3013 Jim Lee Rd,	32301
8	26. Sail High School	2006 Jackson Bluff Rd	32304
9	27. Amos Godby High School	1717 W. Tharpe St	32303
10	28. Lincoln High School	3838 Trojan Trail	32311
11	29. Leon High School	550 E. Tennessee St	32308

12

13 **SECTION 20–207: ENFORCEMENT PROCEDURES.**

14

15 (a) *General Powers:* TPD, acting on behalf of the City, shall be authorized to
 16 enforce the applicable speed limit on a roadway properly maintained as a school zone
 17 pursuant to section 316.1895, Florida Statutes, through the use of a speed detection
 18 system for the detection of speed and capturing of photographs or videos for violations in
 19 excess of 10 miles per hour over the speed limit in force at the time of the violation.

20

21 (b) *Review of Speed Detection System Images:* A law enforcement officer or
 22 traffic infraction enforcement officer shall be authorized, pursuant to section 316.1896,
 23 Florida Statutes, to review the photograph or video images from the speed detection
 24 system to confirm that a school zone speed infraction has occurred before issuing a
 25 notice of violation. A notice of violation may be issued for a school zone speed infraction
 26 as follows:

27 (1) For a violation of section 316.1895, Florida Statutes, in excess of 10
 28 miles per hour over the school zone speed limit which occurs within 30
 29 minutes before through 30 minutes after the start of a regularly
 30 scheduled breakfast program.

31

32 (2) For a violation of section 316.1895, Florida Statutes, in excess of 10
 33 miles per hour over the school zone speed limit which occurs within 30
 34 minutes before through 30 minutes after the state of the regularly
 35 scheduled school session.

36

1 (3) For a violation of section 316.183, Florida Statutes, in excess of 10
2 miles per hour over the posted speed limit during the entirety of a
3 regularly scheduled school session.
4

5 (4) For a violation of section 316.1895, Florida Statutes, in excess of 10
6 miles per hour over the school zone speed limit which occurs within 30
7 minutes before through 30 minutes after the end of a regularly
8 scheduled school session.
9

10 (c) *Hearing Procedures and Appeals:* Hearings to contest notices of
11 violations shall be scheduled, noticed, and conducted by the City and/or the school zone
12 speed enforcement program vendor in accordance with sections 316.0083(5) and
13 316.1896, Florida Statutes. An aggrieved party may appeal a final administrative order of
14 the Local Hearing Officer in accordance with section 316.1896, Florida Statutes.
15

16 (d) *Defenses and Penalties:* The enforcement of school zone speed
17 infractions including the issuance of notices of violation and uniform traffic citations, the
18 processing of affidavits to assert an exception to liability, and the assessment of fines
19 must comply with section 316.1896, Florida Statutes. A registered owner who receives a
20 notice of violation may, within 30 days:

- 21
22 (1) Pay the fine of \$100.00, as fixed by section 318.18(3)(d), Florida
23 Statutes, as it may be amended, or
24 (2) Submit an affidavit establishing an exception to liability pursuant to
25 section 316.1896(8), Florida Statutes, as it may be amended, or
26 (3) Request a hearing.
27

28 If the registered owner of a vehicle does not timely pay the fine reflected on the
29 notice of violation, submit a sufficient affidavit, or request a hearing, a uniform traffic
30 citation must be issued to the registered owner and transmitted to the Leon County Clerk
31 of the Court for disposition by the county court.
32

1 **SECTION 20–208: COLLECTION OF EVIDENCE, PUBLIC RECORDS AND**
2 **RETENTION REQUIREMENTS.**

3
4 In accordance with section 316.1896, Florida Statutes, a speed detection system
5 in a school zone may not be used for remote surveillance. The collection of evidence by
6 a speed detection system to enforce school zone speed infractions, or user-controlled
7 pan or tilt adjustments of speed detection components, do not constitute remote
8 surveillance. Recorded video or photographs collected as part of a speed detection
9 system in a school zone may only be used to document school zone speed infractions
10 and for purposes of determining criminal or civil liability for incidents captured by the
11 speed detection system incidental to the permissible use of the speed detection system.

12
13 Any recorded video or photograph obtained via a speed detection system must be
14 destroyed within 90 days after the final disposition of the recorded event, pursuant to
15 section 316.1896, Florida Statutes. Written notice that such records have been
16 destroyed must be provided by December 31st of each year. All public records related to
17 the administration of this Ordinance must be maintained in accordance with Florida law
18 and all requests for such records must be addressed in accordance with Chapter 119,
19 Florida Statutes, and any other applicable state law.

20
21 **SECTION 20–209: ANNUAL REPORTING REQUIREMENTS.**
22

23 The City, with the assistance of TPD and/or the vendor, will annually report on the
24 City's school zone speed enforcement program to the public and to the FLHSMV in
25 accordance with sections 316.0776 and 316.1896, Florida Statutes, as they may be
26 amended. Pursuant to section 316.0776(3)(c), the compliance or sufficiency of
27 compliance with this section of the Ordinance may not be raised in a proceeding
28 challenging a notice of violation for a school zone speed infraction.
29

1 **SECTION 20–210: REMITTANCE OF COLLECTED FINES AND COSTS.**

2

3 All fines and costs collected pursuant to this Ordinance must be remitted in
4 accordance with sections 316.1896 and 318.18, Florida Statutes, and any other relevant
5 state law.

6

7 **SECTION 20–211: ADOPTION BY REFERENCE.**

8

9 Chapter 316, Florida Statutes, provisions for school zone speed detection
10 systems are hereby incorporated by reference.

11 **SECTION 3. Conflicts.** All ordinances or parts of ordinances in conflict
12 herewith are hereby repealed to the extent of such conflict.

13 **SECTION 4. Severability.** If any portion of this Ordinance is for any reason
14 held invalid or declared to be unconstitutional, inoperative, or void by any court of
15 competent jurisdiction, such holdings shall not affect the validity of the remainder of
16 this Ordinance.

17 **SECTION 5. Effective Date.** This Ordinance shall become effective
18 immediately upon its passage.

19

1 **INTRODUCED** in the City Commission on the 10th day of April, 2024.

2 **PASSED** by the City Commission on the 8th day of May, 2024.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

CITY OF TALLAHASSEE

By: _____

John E. Dailey
Mayor

ATTEST:

APPROVED AS TO FORM:

By: _____

James O. Cooke, IV
City Treasurer-Clerk

By: _____

Amy M. Toman
City Attorney