

ORDINANCE 24-

AN ORDINANCE ADOPTING CHAPTER 113 OF THE ALACHUA COUNTY CODE RELATING TO ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS; AUTHORIZING THE PLACEMENT AND INSTALLATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the 2023 state legislative session, the Florida Legislature passed House Bill ("HB") 657, which provides that a county may enforce the 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, codified as Chapter 2023-174, Laws of Florida (hereafter referred to as "the 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, the Laws of Florida authorize 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, the Laws of Florida further authorize 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, the Laws of Florida provide 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, the Laws of Florida direct 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, the Laws of Florida further direct 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, the Laws of Florida provide that a county 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 as authorized by section 316.008(9), and further regulates how such notices of violation shall be sent and what information such notices must include; and

WHEREAS, the Laws of Florida further provide 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, the Laws of Florida prescribe 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, the Laws of Florida provide 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, speed violations in school zones in the unincorporated area of the County are rampant, with the Alachua County Sheriff's Office issuing 230 citations for speeding in a school zone in the last year alone; 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 escape citation; and

WHEREAS, in accordance with and pursuant to the Laws of Florida, 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 unacceptable hazard for students, 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 and enhance the welfare and safety of students across Alachua County, this Board wishes 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 system,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Section 1. Legislative Finding of Fact. The Board of County Commissioners of Alachua County, Florida finds and declares that all the statements set forth in the preamble of this ordinance are true and correct.

Section 2. Alachua County Code. Chapter 113 of the Alachua County Code of Ordinances is adopted as contained in Exhibit 'A'.

Section 3. Modifications. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions

of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Alachua County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word “ordinance” may be changed to “section,” “article,” or other appropriate designation. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the County Manager or designee without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Circuit Court.

Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and this ordinance shall take effect upon filing with the Department of State.

*****SIGNATURES ON NEXT PAGE*****

1 DULY ADOPTED in regular session, this _____ day of _____, 2024.

2 BOARD OF COUNTY COMMISSIONERS OF
3 ALACHUA COUNTY, FLORIDA
4

5
6 ATTEST:

7 By: _____
8 Chair

9
10 _____
11 J. K. Irby, Clerk

APPROVED AS TO FORM

12
13
14 (SEAL)

15 _____
16 County Attorney

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18 --- REMAINDER OF PAGE IS BLANK ---

Exhibit 'A'

CHAPTER 113. ALACHUA COUNTY SCHOOL ZONE SPEED ENFORCEMENT USING A DETECTION SYSTEM

Sec. 113.01. Short title, authority and applicability.

- (a) This chapter shall be known and may be cited as the "Alachua County School Zone Speed Enforcement."
- (b) The Board of County Commissioners of Alachua County has the authority to adopt this ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapter 2023-174, and Section 316.1896, Florida Statutes and its referenced statutes.
- (c) This chapter shall apply to all Alachua County school zones identified in Sec. 113.04 below.

Sec. 113.02. Intent and purpose.

The purpose of this ordinance is to authorize and implement the use of speed detection systems to enforce applicable speed limits on 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, in order to promote traffic safety and student welfare.

Sec. 113.03. Use of Speed Detection Systems.

In accordance with the Laws of Florida, Alachua County exercises its authority to authorize placement or installation of speed detection systems to enforce applicable speed limits for those school zones identified in Sec. 113.04. The County is hereby authorized to implement speed detection systems within the school zones identified in Sec. 113.04., 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 Chapter 316, on roadways maintained as school zones.

Sec. 113.04. 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, Alachua County determines that the following school zones where a speed detection system may be placed or installed constitute a heightened safety risk that warrants additional enforcement measures:

- 1) Archer Community Center at FL - 45
- 2) Archer Elementary School at SW 170th St.
- 3) Ft. Clarke Middle School at NW 23rd Ave.
- 4) Hawthorne High School at SE 69th Ave.
- 5) Hidden Oak Elementary School at Ft. Clarke Blvd.
- 6) Hidden Oak Elementary School at NW 23rd Ave.
- 7) Idylwild Elementary School at SW Williston Rd.
- 8) Kanapaha Middle School at SW 75th St.
- 9) Kimball Wiles Elementary School at SW 75th St
- 10) Lake Forest Elementary at SE 43rd St.
- 11) Lawton M. Chiles Elementary School at School House Rd.
- 12) Lawton M. Chiles Elementary School at SW 24th Ave
- 13) Meadowbrook Elementary School at NW 39th Ave.
- 14) Newberry Elementary School at SW 15th Ave.
- 15) Newberry High School at W Newberry Rd.
- 16) Oakview Middle School (Zone 1) at SW 250th St.
- 17) Shell Elementary School at SE Hawthorne Rd.

Sec. 113.05. 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 as authorized by 316.008(9).

Sec. 113.06. Notices, Penalties, and Appeals.

The County shall provide notices of violation, 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.

Sec. 113.07. Signage and Public Awareness Campaign.

The County 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.

Sec. 113.08. Reporting.

The County shall comply with the reporting requirements of Chapter 2023-174, Laws of Florida, as such may be amended from time to time.

Sec. 113.09. Payment of fee.

Penalties to be assessed and collected by the county as established in s. 318.18(3)(d) must be remitted as follows:

(a) Twenty dollars must be remitted to the Department of Revenue for deposit into the General Revenue Fund.

(b) Sixty dollars must be retained by the county and must be used to administer speed detection systems in school zones and other public safety initiatives.

(c) Three dollars must be remitted to the Department of Revenue for deposit into the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

(d) Twelve dollars must be remitted to the county school district in which the violation occurred and must be used for school security initiatives, for student transportation, or to improve the safety of student walking conditions. Funds remitted under this paragraph must be shared with charter schools in the district based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment and must be used for school security initiatives or to improve the safety of student walking conditions.

(e) Five dollars must be retained by the county or municipality for the School Crossing Guard Recruitment and Retention Program pursuant to s. 316.1894.

Sec. 113.10. Use of funds.

Funds shall be expended consistent with the Laws of Florida.

Sec. 113.11. Review of Heightened Safety Risks.

Sec. 113.04. shall be updated by the County no later than every two years from the date of last adoption. The update shall coincide with the annual reporting required by the Laws of Florida. The review shall include a recommendation regarding the need to update the list based on current traffic data, demonstrating a heightened safety risk, for roadways properly maintained as school zones, as authorized by and in accordance with the Laws of Florida.