

Proof of Publication

ALACHUA COUNTY
STATE OF FLORIDA
COUNTY OF ALACHUA

PREPARED BY LEGAL NOTICE COORDINATOR:

Before the undersigned authority personally appeared Ethan Long, who on oath says that he is the OMB Data Analyst Coordinator of Alachua County, Florida; that the attached copy of advertisement: **Public Hearing - Proposed Ordinance regarding Alachua County School Zone Speed Enforcement Update**, for November 12th, 2024 was published on the publicly accessible website, <https://alachuacounty.us/Pages/AlachuaCounty.aspx>, of Alachua County, Florida on **11/06/24**.

Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

Signature Ethan Long Data Analyst Coordinator

Date Nov 6th, 2024

Business Impact Estimate published with the advertisement and attached.

THIS SECTION AND BELOW PREPARED BY NOTARY

Sworn and Subscribed before me this 6th day of November 2024, by Ethan Long who is personally known to me X or who has produced ___ as identification.

Maureen Rischitelli

Signature of Notary Public

Notary Public Seal



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Public Hearing - Proposed Ordinance regarding Alachua County School Zone Speed Enforcement Update

Tue Nov 12th 11:30am

[Public-Hearings](#) [Growth-Management](#) [Ordinance](#)

Jack Durrance, Room 209, 12 SE 1st St, Gainesville, FL 32601, USA [map](#) [directions](#)

Published November 6th, 2024

Update: Business Impact Estimate Added

The Alachua County Board of County Commissioners will hold a public hearing on Tuesday, November 12, 2024, at 11:30 am, or as soon thereafter as may be heard. The public hearing will be held in the John R. "Jack" Durrance Auditorium, Room 209, 12 SE 1st Street, Gainesville, Florida to consider a proposed Ordinance regarding Alachua County School Zone Speed Enforcement

Ordinance will amend the Alachua County Code Chapter 113 to permit camera enforcement of speed limits in school zones as provided for by Chapter 2023-174, Laws of Florida.

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

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.

Ordinance attached

If Required Business Impact Attached

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To receive email notifications of newly posted legal notices, email ✉ legalnotices@alachuacounty.us and put "Subscribe" in the subject line.

Contact Us

For any questions or concerns please contact the Legal Notices Coordinator at ✉ legalnotices@alachuacounty.us.

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As part of an ongoing accessibility initiative we are using the Siteimprove Intelligence Platform™ to help identify and prioritize accessibility issues on our website.

📷 Background image: Lake Alice provided by: [PhotoTale Studio, Portrait, Family and Landscape Photographer in Gainesville, FL](#)



Business Impact Estimate

Proposed Ordinance Title:

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.

This Business Impact Estimate is provided in accordance with section 125.66(3), Florida Statutes. If one or more boxes are checked below, this means Alachua County is of the opinion that a business impact estimate is not required by state law¹ for the proposed ordinance and no additional information is provided on the following pages. This Business Impact Estimate may be revised following its initial posting. Choose applicable exemption box(s) if the proposed ordinance:

- is required for compliance with Federal or State law or regulation.
- relates to the issuance or refinancing of debt.
- relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government.
- is an emergency ordinance.
- relates to procurement.
- is enacted to implement any of the following:
 - a. Development orders and development permits as authorized by the Florida Local Government Development Agreement Act in ss. 163.3220 - 163.3243.
 - b. Comprehensive Plan Amendments or land development regulation amendments initiated by an application by a private party other than the County.
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code;
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 125.66(3)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance is related to Enforcement of School Zone Speed Limits, permitting enforcement of applicable speed limits in school zones during school sessions through the use of a speed detection system, as provided for by Chapter 2023-174, Laws of Florida. This ordinance is proposed to protect the public health and welfare by protecting the safety of the most vulnerable road users in designated school zones.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in Alachua County, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;**
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and**
- (c) An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

a) This ordinance is directed towards the behavior of individual drivers and not towards businesses.

b) The ordinance establishes a \$100 fee for violating posted school speed zones. If a business employs a driver who violates the ordinance, the business would have the ability to recoup costs from its employees.

c) The County is able to recoup \$60 of revenue per violation to cover the administrative costs of enforcing the ordinance. This revenue is estimated to directly offset the costs of the regulation. Total revenues and costs would be determined by the total number of violations of existing law.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

No businesses should be directly impacted by the ordinance.

4. Additional information the governing body deems useful, if any: