

ORDINANCE 2024-25

1 AN ORDINANCE AMENDING CHAPTER 5, CITY CODE, BY
2 CREATING ARTICLE IV, SCHOOL SPEED ZONE
3 INFRACTIONS, SECTION 5.23, CITY CODE, SCHOOL
4 SPEED ZONE ENFORCEMENT CAMERAS, WHICH
5 AUTHORIZES A SCHOOL SPEED ZONE SPEED
6 ENFORCEMENT PROGRAM AND USE OF SPEED
7 DETECTION SYSTEMS, PROVIDING PROGRAM
8 IMPLEMENTATION REQUIREMENTS, DESIGNATION OF
9 SCHOOL ZONES AND ENFORCEMENT; PROVIDING
10 LEGISLATIVE FINDINGS, SEVERABILITY, CODIFICATION,
11 CORRECTION OF SCRIVENER'S ERRORS, AND AN
12 EFFECTIVE DATE.

13
14 **WHEREAS**, the City of Orlando ("City") possesses broad home rule powers
15 granted under the State of Florida Constitution and pursuant to the grant of power
16 set forth in § 2(b), Article VIII of the State Constitution, the legislative body of each
17 municipality has the power to enact legislation concerning any subject matter
18 upon which the Florida Legislature may act, unless otherwise prohibited or
19 preempted; and

20
21 **WHEREAS**, on April 28, 2023, the Florida Legislature passed CS/CS/HB
22 657 ("HB 657"), authorizing municipalities to enforce the applicable speed limit on
23 a roadway properly maintained as a school zone through, the use of a Speed
24 Detection System; and

25
26 **WHEREAS**, on May 31, 2023, HB 657 was signed into law under Chapter
27 2023-174, Laws of Florida, taking effect on July 1, 2023; and

28
29 **WHEREAS**, HB 657 provides that a municipality may issue Notices of
30 Violation and may authorize a law enforcement officer or traffic infraction
31 enforcement officer to issue uniform traffic citations for violation of § 316.1895 and
32 § 316.183, Florida Statutes, that are captured by speed detection systems during
33 specified time periods and further provide for notice to the registered owner of the
34 subject vehicle, a hearing procedure, appellate remedies and the assessment and
35 remittance of civil penalties and costs; and

36
37 **WHEREAS**, HB 657 requires municipalities that elect to operate a school
38 speed zone detection program to implement a public awareness campaign at least
39 30 days before commencing with the enforcement of violations and to annually report
40 information about the program to both the public and the Florida Department of
41 Highway Safety and Motor Vehicle; and

42
43 **WHEREAS**, HB 657 restricts the location and use of speed detection systems
44 to school zones that the municipality determines constitute a heightened safety risk
45 warranting additional enforcement measures based on data or other evidence
46 presented at a public hearing; and

ORDINANCE 2024-25

47 **WHEREAS**, the City wishes to deter drivers from speeding through school
48 zones and provide a supplemental means for the enforcement of unlawful speed
49 violations by enacting an ordinance to implement a school zone speed enforcement
50 program; and
51

52 **WHEREAS**, the City must determine the appropriate speed detection
53 system vendor and procure such a vendor to assist with the City's school zone
54 speed enforcement program in cooperation with the relevant City staff, and in
55 conformance with all requirements set forth in HB 657; and
56

57 **WHEREAS**, the Orange County School District has over 207,561 students
58 across 210 schools school sites and serves as the school district for the City; and
59

60 **WHEREAS**, the City of Orlando School Speed Zone Speed Assessment,
61 along with accompanying memo dated December 3, 2024, ("the Study") provides
62 data and evaluation criteria to support a finding that certain schools, and
63 associated school zones, have a heightened safety risk; and
64

65 **WHEREAS**, the Study determined there to be a heightened risk at school
66 zones within the City which had: (1) a school zone that is signed with flashers that
67 indicate a reduced speed limit is in effect; and (2) data indicate that more than 50%
68 of drivers exceed the school speed zone speed limit during the arrival and
69 dismissal periods when the school zone is active; and
70

71 **WHEREAS**, based on the traffic data and other evidence presented in the
72 Study, the City determined that certain schools set forth in this Ordinance have a
73 heightened safety risk which supports the installation of school speed zone safety
74 cameras; and
75

76 **WHEREAS**, the Study is being incorporated by reference and submitted to
77 the City Clerk as supplemental information to this Ordinance, and part of the
78 record, at the time of adoption; and
79

80 **WHEREAS**, as part of the public hearing on this matter, the City Council of
81 the City of Orlando ("City Council") has considered the data and other evidence
82 provided by City staff supporting the installation and operation of speed
83 detection systems on roadways maintained as school zones and has determined
84 that each school zone where a speed detection system is to be placed or
85 installed constitutes a heightened safety risk that warrants additional
86 enforcement measure on the roadway maintained as a school zone; and
87

88 **WHEREAS**, the City Council finds that motor vehicles speeding on a
89 roadway maintained as a school zone before, during and after school hours is a
90 hazard that threatens the health, safety, and welfare of students and pedestrians
91 in the City, and that enforcement of applicable speed limits in school zones before,
92 during, and after school session through the use of a speed detection system may

ORDINANCE 2024-25

reduce safety risks in school zones, City Council approves the implementation of a school zone speed detection program pursuant to the rules and regulations of HB 657 and other applicable state laws.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

SECTION ONE: Article IV. School Speed Zone Infractions, is hereby created to read in its entirety as follows:

Sec. 5.23. School speed zone enforcement cameras.

(a) **Intent.** The intent of this section is to protect the health, safety, and welfare of the citizens of Orlando by authorizing the placement or installation and use of speed detection systems on roadways maintained as a school zone as authorized under F.S. § 316.008, pursuant to F.S. § 316.1895, within the jurisdiction of the City, to promote compliance with speed limits in school zones, and to adopt a quasi-judicial system to enforce violations. This section provides a supplemental means of enforcing unlawful speed violations in school zones and shall not prohibit a law enforcement officer from issuing a uniform traffic citation for a traffic violation in accordance with F.S. Ch. 316.

(b) **Definitions.** For the purposes of this section, the following terms shall have the meanings given below:

Hearing procedures means the procedures set forth under F.S. § 316.1896, governing noticing, scheduling, and conducting hearings before a local hearing officer.

Law enforcement officer means, as defined by F.S. § 943.10(1), any person who is elected, appointed, or employed full time by a 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 City Code Enforcement Board and/or a Code Enforcement Hearing Officer/Special Magistrate.

Motor vehicle means, as defined by F.S. § 316.003, 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.

Notice of violation means the written notification sent to the registered owner of a 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 F.S. § 316.1896, as it may be amended.

School Zone means that portion of a street or highway established as a school zone pursuant to F.S. § 316.1895, 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 section.

ORDINANCE 2024-25

School Zone Speed Infraction means a violation of F.S. §§ 316.183 or 316.1895, 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 section.

School Zone Speed Limit means the regularly posted or reduced posted speed limit within a school zone pursuant to F.S. § 316.1895.

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 F.S. § 316.003(83), as it may be amended.

Traffic infraction Enforcement Officer means a person who meets the qualifications established by F.S. § 316.640, 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 F.S. §§ 316.1896 and 316.650, as amended.

(c) **Use of speed detection systems.** Pursuant to F.S. § 316.008(9), the City of Orlando elects to use speed detection systems on roadways properly maintained as a school zone to enforce speed limits within the City's jurisdiction. The City may utilize speed detection systems 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 F.S. Ch. 316.

(d) **Program administration.**

(1) The Orlando Police Department in cooperation with any necessary City staff and any approved vendor and its employees and agents, shall be enabled and empowered by this section to assist with the City's school zone speed enforcement program. This section shall further enable the City to enter into agreements with one (1) or more vendors to place or install speed detection systems and carry out services consistent with the implementation and enforcement of the provisions of Chapter 2023-174, Laws of Florida, subject to any other applicable state or local legal requirements or this section.

(2) The City may utilize a Code Enforcement Hearing Officer/Special Magistrate, and/or its Code Enforcement Board as its local hearing officer, who shall have jurisdiction to conduct proceedings challenging the issuance of a notice of violation.

(3) The City shall, from time to time, designate a member of its existing staff to serve as clerk for the hearings before a local hearing officer.

(e) **Program implementation requirements.**

(1) **Vendor contract.** City Council shall approve any contract for placement or installation of a speed detection system in a school zone in accordance with F.S. § 316.0776.

(2) **Installation and operation of Speed Detection Systems.** Pursuant to F.S. §§ 316.008 and 316.0776, Speed Detection Systems may be installed and operated only in the School Zones designated by this section and/or subsequent amendments thereto.

(3) **Signage requirements.** The installation and operation of speed detection systems, including required signage, shall be in accordance with F.S. Ch. 316.

ORDINANCE 2024-25

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 Orlando Police Department and/or the City and its vendor(s).

(4) **Public awareness.** Pursuant to F.S. § 316.0776, before notices of violation for School Zone speed infractions may be issued, a public announcement and thirty-day public awareness campaign of the initial proposed use of Speed Detection Systems must be conducted. During the thirty-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.

(f) **Designation of School Zones.** Having considered evidence at a public hearing supporting the installation and operation of speed detection systems on certain roadways maintained as school zones within the jurisdiction of the City, the school zones on the roadways surrounding the following schools constitute a heightened safety risk that warrants additional enforcement measures by installation or placement of Speed Detection Systems pursuant to F.S. § 316.008. Additional Speed Detection Systems may be approved via amendment to this subsection in accordance with applicable law.

1. Audubon Park School, Public K8, 1500 Falcon Dr. 32803.
2. Blankner School, Public K8, 2500 S Mills Ave. 32806.
3. Boone, Public HS, 1000 E Kaley St. 32806.
4. College Park, Public MS, 1201 Maury Rd. 32804.
5. Dover Shores, Public ES, 1200 Gaston Foster Rd. 32812.
6. Eagle's Nest, Public ES, 5353 Metrowest Blvd., 32811.
7. Engelwood, Public ES, 5985 La Costa Dr., 32807.
8. Innovation, Public MS, 13950 Storey Park Blvd., 32832.
9. Lake Como School, Public K8, 2450 E Gore St., 32806.
10. Lake Silver, Public ES, 2401 N Rio Grande Ave., 32804.
11. Laureate Park, Public ES, 7800 Laureate Blvd., 32827.
12. Metrowest, Public ES, 1801 Lake Vilma Dr., 32835.
13. Millennia Gardens, Public ES, 3515 Gardens Ridge Way, 32811.
14. Odyssey, Public MS, 9290 Lee Vista Blvd., 32829.
15. Princeton, Public ES, 311 W. Princeton St., 32804.
16. Roberto Clemente, Public MS, 6000 Stonewall Jackson Rd., 32807.
17. Rock Lake, Public ES, 408 N. Tampa Ave., 32805.
18. Sun Blaze, Public ES, 9101 Randal Park Blvd., 32832.
19. Vista Lakes, Public ES, 6050 Lake Champlain Dr., 32829.
20. Vista Pointe, Public ES, 6900 Market Place Dr., 32822.
21. Westpointe, Public ES, 7525 Westpointe Blvd., 32835.

(g) **Enforcement procedures.**

(1) **General powers.** The Orlando Police Department and its Orlando Stops Traffic Safety Program shall be authorized to enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to Chapter 2023-174, Laws of Florida, for violations of F.S. §§ 316.183 and 316.1895, through the use of a Speed Detection System for the detection of speed and capturing of photographs or videos for violations in excess of ten (10) miles per hour over

ORDINANCE 2024-25

the speed limit in force at the time of the violation. The Orlando Police Department Chief of Police or designee is responsible for establishing the business rules of procedure between the vendor and the City necessary for implementing this section.

(2) **Review of speed detection system information.** Information captured by a speed detection system shall be reviewed by an authorized employee or agent of the City of Orlando.

(3) **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 F.S. § 316.1895, in excess of ten (10) miles per hour over the school zone speed limit which occurs within thirty (30) minutes before through thirty (30) minutes after the start of a regularly scheduled breakfast program.

(ii) For a violation of F.S. § 316.1895, in excess of ten (10) miles per hour over the school zone speed limit which occurs within thirty (30) minutes before through thirty (30) minutes after the start of a regularly scheduled school session.

(iii) For a violation of F.S. § 316.183, in excess of ten (10) miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.

(iv) For a violation of F.S. § 316.1895, in excess of ten (10) miles per hour over the school zone speed limit which occurs within thirty (30) minutes before through thirty (30) minutes after the end of a regularly scheduled school session.

(4) **Notice of violation.** A notice of violation must be sent to the registered owner of the motor vehicle involved in the violation as provided under F.S. § 316.1896.

(5) **Hearing procedures and appeals.** Hearings to contest notices of violations shall be held in accordance with the requirements of Chapter 2023-174, Laws of Florida, and F.S. §§ 316.0083(5) and 316.1896. An aggrieved party may appeal a final administrative order of the Local Hearing Officer in accordance with F.S. § 316.1896.

(6) **Defenses, penalties and costs.** The enforcement of school zone speed infractions including the issuance of notices of violation and uniform traffic citations, the processing of affidavits to assert an exception to liability, and the assessment of fines and costs must comply with F.S. § 316.1896. In accordance with F.S. § 316.1896(14)(e), the local hearing officer must assess the statutory authorized penalty if the petitioner is found in violation and may also require the petitioner to pay municipal costs not to exceed two hundred fifty dollars (\$250.00) per violation. A registered owner who receives a notice of violation may, within thirty (30) days:

(i) Pay the fine of one hundred dollars (\$100.00), as fixed by F.S. § 318.18(3)(d), as it may be amended;

(ii) Submit an affidavit establishing an exception to liability pursuant to F.S. § 316.1896(8), as it may be amended; or

(iii) Request a hearing.

ORDINANCE 2024-25

(7) **Issuance of a uniform traffic citation.** A law enforcement officer or traffic infraction enforcement officer shall be authorized, pursuant to F.S. § 316.1896, to issue a uniform traffic citation for violations of F.S. § 316.1895 or 316.183 as authorized by F.S. § 316.008(9). 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 by the City to the Orange County Clerk of the Court for disposition by the county court.

(h) **Collection of evidence, public records, and retention requirements.** In accordance with F.S. § 316.1896, 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 ninety (90) days after the final disposition of the recorded event, pursuant to F.S. § 316.1896. Written notice that such records have been destroyed must be provided by December 31st of each year. 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 F.S. Ch. 119, and any other applicable state law.

(i) **Annual reporting requirements.** The City, with the assistance of the Orlando Police Department and/or the vendor, will 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 F.S. § 316.0776 and §316.1896, as they may be amended. Pursuant to F.S. § 316.0776(3)(c), the compliance or sufficiency of compliance with this subsection may not be raised in a proceeding challenging a notice of violation for a school zone speed infraction.

(j) **Remittance of collected fines and costs.** All fines and costs collected pursuant to this section must be remitted in accordance with F.S. §§ 316.1896 and 318.18, and any other relevant state law.

(k) **Resolution of conflict of laws.** In all instances where Florida law, as evidenced by the Florida Administrative Code, Florida Statutes, applicable case law, or otherwise, mandates standards or requirements that are stricter than the provisions of this section, or where a matter is addressed by Florida law that is not addressed by this section, then said law shall govern. In situations where this section addresses a matter in a manner that is stricter than that of Florida law, the provisions of this section shall control.

SECTION TWO: CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

ORDINANCE 2024-25

SECTION THREE: SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION FOUR. SEVERABILITY: If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION FIVE: EFFECTIVE DATE. This ordinance shall take effect upon its passage and as provided by law.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the 24th day of June, 2024.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the _____ day of _____, 2024.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the ____ day of _____, 2024.

**BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:**

Mayor Buddy Dyer

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

Stephanie Herdocia
City Clerk

ORDINANCE 2024-25

369
370
371
372
373
374
375
376
377
378
379
380
381

THIS ORDINANCE DRAFTED BY AND
APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

Chief Assistant City Attorney