



City of Margate Police Department



TO: Cale Curtis, City Manager

VIA: Michael Palma, Interim Chief of Police

FROM: Kevin Stransky, Major

DATE: May 7, 2024

SUBJECT: Photo Enforcement/ Speed Detection System Program for School Zones

On July 1, 2023 House Bill 657 was codified into law, allowing municipalities to contract with a vendor, to place or install an automated speed detection system on a street within its jurisdiction, if permitted by the Florida Department of Transportation (FDOT). The system may only be used to enforce speed limits in school zones within thirty minutes prior to a regularly scheduled breakfast program or school session, during the entirety of a regularly scheduled school session, and within thirty minutes after the end of a regularly scheduled school session. All further requirements are listed within HB 657, see attached.

Over the past several months, I began doing research into HB 657 as well as meeting with four different companies, in an effort to gauge whether these programs may be beneficial in assisting the City of Margate with school zone pedestrian safety. The four companies contacted were Altumint, Red Speed, Vera Mobility and Safer Speeds, which were obtained through inquiries with surrounding agencies, as well as contacts and internet searches for these programs and agencies around the state.

The scope of the inquiry, with each company, was limited to our Broward County Public Schools, (Margate Middle School, Atlantic West Elementary, Liberty Elementary and Margate Elementary) that are located off main roadways. These studies were not to include all other alternative/ charter schools on smaller roadways, who have minimal or no pedestrian traffic, or are without flashing school zone lights. Each company conducted their own speed studies for all above listed school zones, for analysis, and the results clearly showed a speeding issue in each school zone, although each company's number of violators in those school zones did vary, most likely due to days of week and the methods of which they gathered data, either radar or on road sensors. Although the numbers varied, all studies did show they meet the statutory requirement of showing a speeding issue in those areas, making them eligible for this program.

After the speed studies were completed, I met with representatives from each, either in person or via Zoom. A series of questions were presented to and discussed with each company, those questions were as follows:

1. Is there any upfront cost to the city to begin service?
 - *Zero upfront cost to city across all companies*
2. How long before the program is fully operational once contract signed by city commission?
 - *Generally, 60-90 days once permits are approved for installation.*
3. How long is the standard contract with your company and is there a termination clause? What is the cost associated with terminating the contract for convenience?
 - *Standard contract across all companies is 5 years- Termination and the cost associated with termination varies by company, which should be discussed with each during a future presentation to City Commissioners.*
4. Does the company provide all signage for school zones where a camera is in use as well as offering public education about the program?
 - *Yes. As listed in HB 657, each company does a 30 day public awareness campaign as well a warning period once the system goes operational. All signage is also provided and installed by the company.*
5. What are the program fees and fee structure once program goes live?
 - *HB657 establishes a \$100 penalty for a violation (\$60 to the City, \$20 to State, \$12 to local school board, \$5 for Crossing Guard Program, \$3 to FDLE) Out of the \$60 the city receives, a portion, generally \$18-\$22 will go to company who holds contract. The fee to the company should be negotiated prior to contract, as well as fee structure.*
6. What is the warranty on all equipment issued to the City; and when is the city responsible for replacement?
 - *Companies cover faulty equipment. The city is responsible for negligence resulting in damage. In the event of a traffic crash, the companies will repair or install new cameras and seek reimbursement via driver insurance policies.*

7. Since the City is only looking to install cameras at our four public schools, does your company offer any mobile or portable type camera that could be used at other schools, without permanently installed cameras, as needed on a case by case basis?
 - *This varies by company. Some do not offer, others offer a version of a portable such as a trailer or handheld device.*
8. Do all violations need to be reviewed and approved by a designee from the police department prior to being issued? Does this need to be a sworn officer?
 - *Yes. Every violation captured and sent to the queue needs to be reviewed and accepted or dismissed, however, it does not need to be a sworn officer.*
9. If a violation transitions to a Uniform Traffic Citation (UTC), which requires it be sent certified mail, who pays for the certified mail?
 - *All companies send the certified mail, the cost varies between companies which should be negotiated prior to signing contract.*
10. Are violation dismissals at our discretion or do they need to be approved by your company as well?
 - *We are able to dismiss violations without company approval.*
11. Do these camera systems integrate with our current automated license plate reader (ALPR) cameras around the city?
 - *The cameras will integrate with our current Flock cameras. However it does vary between companies, based on attorney interpretation of the law, whether the same speed camera can be used in conjunction with Flock or if an additional camera should be placed on a separate pole. All companies will provide additional Flock cameras for each location, some at no cost, some at an additional cost. I recommend our City Attorney decide if the speed camera can be used for Flock purposes or if a separate camera would need to be installed.*
12. Do the camera systems integrate with the flashing school zone lights to ensure the lights are functioning properly before capturing violations?
 - *The program operates in conjunction with the annual Broward County School Calendar. The system does not integrate directly with the lights. If they lights are malfunctioning for that time period, we would notify the company that the lights were inoperable and all violations would be dismissed.*
13. Do you ever offshore any part of your processing for any US based client to any foreign country?
 - *All companies are U.S. based as well as having a 3rd party payment processing.*

14. Are monthly production statistics on the program provided to the city or available upon request?

- *HB 657 requires annual reporting by counties and municipalities that implement speed detection system program in school zones. These reports are all generated and provided by each company; and will also provide monthly statistics on the program.*

Overall, all of these companies are governed by what is outlined in HB 657, and all companies are offering near identical speed detection services to municipalities. The variation between the companies is with the terms and fees associated with each contract which can be negotiated. While \$1 or \$2 per violation may seem trivial, when compounded across hundreds if not thousands of violations per month, this will mean a lot of potentially lost revenue for the City over the term of a five-year contract. Also, incidental costs such as sending a UTC certified mail, or if the city is charged for not reviewing a violation in a timely manner, can all add up to be very costly for the city over the term of the contract. I recommend, whichever company is chosen, that all potential costs to the City be outlined in the contract as well as fees associated with an early termination of the contract.

If the city intends on entering into this program, the first step should be to create and enact an ordinance allowing the use of this program. The ordinance must be enacted prior to the system going live, so doing this prior to signing a contract will allow the program to begin once installed by vendor. I have enclosed three ordinances from other cities for reference. Although the intention is to place these cameras in the school zones of our four main public schools, the ordinance should be written to encompass all schools within the City in case a portable camera option is chosen.

As we move forward with the program, I strongly urge that a full time position be added to the police department, possibly a Community Service Aide (CSA), to handle all aspects of this program from violation review, to potential court appearances. This program will be very similar to the red light camera program from the past, which was very time intensive for those responsible to review violations. While our current staff, either the Police Traffic Unit or CSA's would be able to accommodate the inception of this program, they cannot be tasked with this for the long term, as it will be extremely burdensome to handle along with their normal daily assigned duties. I believe that the potential revenue for the city, as seen in the studies from each company, will have no issue with the staffing of a full time person to this program.

In closing, HB 657 became law on July 1, 2023, less than a year ago. The State of Florida has taken steps on this program, to ensure all counties and municipalities have a clear standard to follow. I believe there is potential for legal challenges similar to the red light camera program. We won't know how far these legal challenges may go or how long they will take, as this program is generally new to the state. The majority of counties and municipalities are still not fully operational with their programs. I do believe this program will work the way it is intended, to slow drivers down around schools and children, as well as provide potentially substantial revenue to the City. I do suggest that we choose a company with the least possible risk, in the event the city decides to terminate the contract early, regardless of cause.