

CITY OF MARGATE, FLORIDA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING CHAPTER 33, "POLICE AND LAW ENFORCEMENT; OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE VI, "TRAFFIC CONTROL," BY ENACTING A NEW SECTION 33-73, ENTITLED "SPEED DETECTION SYSTEMS IN SCHOOL ZONES," TO PROVIDE FOR PURPOSE AND INTENT, DEFINITIONS; PROVIDING FOR THE AUTHORIZATION TO USE SCHOOL SPEED LIMIT DETECTION SYSTEMS, A DETERMINATION OF SAFETY NEED, AND THE IMPLEMENTATION OF SPEED LIMIT DETECTION SYSTEMS IN SCHOOL ZONES; PROVIDING FOR A LOCAL HEARING OFFICER TO HEAR APPEALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, during the 2023 Legislative Session, the Florida Legislature passed, and Governor DeSantis signed Chapter 2023-174, Laws of Florida, "Enforcement of School Zone Speed Limits," amending certain provisions of state law governing the use of automated Speed Detection Systems ("SDS") in School Zones, which law became effective July 1, 2023, and is codified as Sections 316.003, 316.008, and 316.0776, Florida Statutes; and

**WHEREAS**, a speed detection system is defined in 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

1       **WHEREAS**, Chapter 2023-174, Laws of Florida authorizes cities  
2 to enforce applicable speed limits in school zones during school  
3 sessions "through the use of a speed detection system for the  
4 detection of speed and capturing of photographs or videos for  
5 violations in excess of 10 miles per hour over the speed limit in  
6 force at the time of the violation;" and

7       **WHEREAS**, Chapter 2023-174, Laws of Florida further authorizes  
8 cities to place or install, or contract with a vendor to place or  
9 install, "a speed detection system within a roadway maintained as  
10 a school zone as provided in Section 316.1895, Florida Statutes,  
11 to enforce unlawful speed violations;" and

12       **WHEREAS**, Chapter 2023-174, Laws of Florida provides that such  
13 a speed detection system must be installed in accordance with  
14 placement and installation specifications established by the  
15 Florida Department of Transportation; and

16       **WHEREAS**, Chapter 2023-174, Laws of Florida directs cities to  
17 post signage "indicating photographic or video enforcement of the  
18 school zone speed limits," which "shall clearly designate the time  
19 period during which the school zone speed limits are enforced  
20 using a speed detection system and must meet the placement and  
21 installation specifications established by the Florida Department  
22 of Transportation;" and

23       **WHEREAS**, Chapter 2023-174, Laws of Florida further directs  
24 cities that begin a school zone speed detection system program to  
25 "make a public announcement and conduct a public awareness  
26 campaign of the proposed use of speed detection systems at least  
27 30 days before commencing enforcement under the speed detection  
28 system program;" and

1       **WHEREAS**, a city that operates school zone speed detection  
2 systems must annually report the results of all systems within  
3 the city's jurisdiction by placing the required report on an agenda  
4 of a regular or special meeting of the city's governing body; and

5       **WHEREAS**, Chapter 2023-174, Laws of Florida provides that a  
6 city may authorize a traffic infraction enforcement officer under  
7 Section 316.640, Florida Statutes, to issue uniform traffic  
8 citations for violations of Sections 316.1895 and 316.183, Florida  
9 Statutes, as authorized by Section 316.008(9), Florida Statutes,  
10 and further regulates how such notices of violation shall be sent  
11 and what information such notices must include; and

12       **WHEREAS**, Chapter 2023-174, Laws of Florida further provides  
13 for penalties to be assessed and remitted to various entitles, as  
14 well as for a process whereby individuals who receive notices of  
15 violation may request a hearing; and

16       **WHEREAS**, Chapter 2023-174, Laws of Florida prescribes that a  
17 city electing to authorize traffic infraction enforcement officers  
18 to issue uniform traffic citations "must designate by resolution  
19 existing staff to serve as the clerk to the local hearing officer;"  
20 and

21       **WHEREAS**, Chapter 2023-174, Laws of Florida provides that a  
22 city implementing speed detection systems "must enact an ordinance  
23 in order to authorize the placement or installation of a speed  
24 detection system on a roadway maintained as a school zone" and  
25 that, as part of the public hearing on such proposed ordinance,  
26 the city must consider traffic data or other evidence supporting  
27 the installation and operation of each proposed school zone speed  
28 detection system, and "must determine that the school zone where

1 a speed detection system is to be placed or installed constitutes  
2 a heightened safety risk that warrants additional enforcement  
3 measures;" and

4 **WHEREAS**, speeding in designated school zones presents a  
5 threat to the health and safety of the public, and, in particular,  
6 all school-aged children in the City; and

7 **WHEREAS**, the City desires to implement a speed detection  
8 system program in school zones in order to reduce speeding and  
9 benefit the public safety; and

10 **WHEREAS**, consistent with the requirements of Section  
11 316.008(c), Florida Statutes, in consideration of creating a speed  
12 detection system program, the City held a public hearing at which  
13 traffic data demonstrating a significant safety need for traffic  
14 infraction detectors was presented; and

15 **WHEREAS**, in accordance with and pursuant to the provisions  
16 of Section 316.088(c), Florida Statutes, the City has considered  
17 traffic data or other evidence supporting the installation and  
18 operation of each proposed school zone speed detection system,  
19 and had determined that each school zone where a speed detection  
20 system is to be placed or installed constitutes a heightened safety  
21 risk that warrants additional measures.

22 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
23 **CITY OF MARGATE, FLORIDA:**

24  
25 **Section 1: Ratification.** That the foregoing "WHEREAS" clauses  
26 are hereby ratified and confirmed as being true and correct and  
27 are hereby made a specific part of this ordinance.

28  
29 **Section 2:** That Chapter 33, "Police and Law Enforcement;  
30 Offenses and Miscellaneous Provisions," Article VI, "Traffic

Control," is hereby amended by enacting a new Section 33-73, entitled, "Speed Detection Systems in School Zones," to read as follows:

**Chapter 33 - Police and Law Enforcement; Offenses and Miscellaneous Provisions**

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**ARTICLE VI. - Traffic Control**

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**Section 33-73. - ~~RESERVED~~ Speed Detection Systems in School Zones**

(a) Purpose and intent.

(1) The City elects to commence the use of Automated Speed Detection Systems ("SDS") in school zones within its jurisdiction in accordance with the provisions of state law, including Chapter 316, Florida Statutes, and authorizes the placement of SDS within School Zones in the City in accordance with Chapter 316, Florida Statutes.

(2) The City shall utilize SDS consistent with and pursuant to all applicable provisions of state law in order to detect, process and penalize speeding in its school zones, as set forth in the Florida Uniform Traffic Control Law. The use of SDS shall be deemed a supplemental means of enforcing state law, and nothing herein shall be construed or operate to preclude the enforcement of the Florida Uniform Traffic Control Law by any other means provided by law.

(b) Definitions.

For purposes of this ordinance, the following terms shall have the meanings given to them below.

(1) Motor vehicle shall mean, as defined by Section 316.003, Florida Statutes, a self-propelled vehicle

1 not operated upon rails or guideway, but not including  
2 any bicycle, electric bicycle, motorized scooter,  
3 electric personal assistive mobility device, mobile  
4 carrier, personal delivery device, swamp buggy, or  
5 moped.  
6

7 (2) School zone shall mean that portion of a street or  
8 highway established as a school zone pursuant to  
9 Section 316.1895, Florida Statutes, as it may be  
10 amended.  
11

12 (3) Speed detection system shall mean a portable or fixed  
13 automated system used to detect a motor vehicle's  
14 speed using radar or LiDAR and to capture a photograph  
15 or video of the rear of a motor vehicle that exceeds  
16 the speed limit in force at the time of the violation.  
17 This term is synonymous with the term "Speed Detection  
18 System" defined in Section 316.003(83), Florida  
19 Statutes, as it may be amended.  
20

21 (c) Authorizing Use of School Zone Speed Limit Detection Systems.  
22

23 Pursuant to Section 316.008(9), Florida Statutes, the City of  
24 Margate hereby elects to use speed detection systems to  
25 enforce school zone speed limits within the City's  
26 jurisdiction. The City may utilize a speed limit detection  
27 system as a supplemental means of monitoring the speed of  
28 vehicles and assisting law enforcement personnel in the  
29 enforcement of compliance with laws related to speed limits  
30 within school zones as permitted and provided for by general  
31 law, which are designed to protect and improve the public  
32 health, safety, and welfare of the community and thereby  
33 reduce accidents, injuries, and disruption of traffic  
34 associated with such violations.  
35

36 (d) Determination of Safety Need.  
37

38 SDS are authorized for use at the following locations, based  
39 upon the City Commission's finding that the school zones where  
40 speed detection systems are to be placed or installed

1 constitute a heightened safety risk that warrant additional  
2 enforcement measures:

- 3
- 4 • MARGATE MIDDLE SCHOOL - 500 NW 65<sup>TH</sup> AVENUE,  
5 MARGATE, FL
- 6 • ATLANTIC WEST ELEMENTARY SCHOOL - 301 NW 69<sup>TH</sup>  
7 TERRACE, MARGATE, FL
- 8 • LIBERTY ELEMENTARY SCHOOL - 2450 BANKS ROAD,  
9 MARGATE, FL
- 10 • MARGATE ELEMENTARY SCHOOL - 6300 NW 18<sup>TH</sup> STREET,  
11 MARGATE, FL
- 12 • BROWARD MATH AND SCIENCE SCHOOLS - 6101 NW 31<sup>ST</sup>  
13 STREET, MARGATE, FL
- 14 • RISE ACADEMY - 6101 NW 31<sup>ST</sup> STREET, MARGATE, FL
- 15

16 (e) Implementation of Speed Limit Detection Systems in School  
17 Zones.  
18

19 (1) In accordance with the provisions of Chapter 2023-174,  
20 Laws of Florida, as of the effective date of this  
21 ordinance, the City authorizes the implementation of  
22 the provisions and requirements of Sections 316.008 and  
23 316.1896, Florida Statutes. The City will implement  
24 speed detection systems within the City of Margate  
25 consistent with the placement and installation  
26 specifications established by the Florida Department  
27 of Transportation, as such may be amended from time to  
28 time, to enforce unlawful speed violations, as  
29 specified in Sections 316.1895 and 316.183, Florida  
30 Statutes, on roadways maintained as school zones.  
31

32 (2) Designation of Local Hearing Officer. The City's  
33 Special Magistrate, as a Local Hearing Officer, is  
34 designated to conduct hearings requested by alleged  
35 violators desiring to contest notices of violation  
36 detected by SDS in accordance with Chapter 316, Florida  
37 Statutes.

(3) 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, Florida Statutes, as authorized by Section 316.008(9), Florida Statutes.

(4) Notices, Penalties and Appeals. The City's Police Chief, or designee, shall provide notices of violation, assess penalties, remit applicable portions of assessed penalties, and provide for hearing procedures and appeals consistent with the requirements of Chapter 2023-174, Laws of Florida, as such may be amended from time to time.

(5) Signage and Public Awareness Campaign. The City's Police Chief, or designee, 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.

(6) Reporting. The City's Police Chief, or designee, shall comply with the reporting requirements of Chapter 2023-174, Laws of Florida, as such may be amended from time to time.

**Section 3: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 4: Severability.** That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 5: Codification.** That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Margate, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 6: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading.

PASSED ON FIRST READING THIS 19<sup>th</sup> day of JUNE 2024.

PASSED ON SECOND READING THIS 16<sup>th</sup> day of APRIL 2025.

ATTEST:

\_\_\_\_\_  
JENNIFER M. JOHNSON  
CITY CLERK

\_\_\_\_\_  
TOMMY RUZZANO  
MAYOR

RECORD OF VOTE - 1ST READING      RECORD OF VOTE - 2ND READING

Caggiano YES  
Simone NO  
Arserio YES  
Schwartz YES  
Ruzzano NO

Caggiano \_\_\_\_\_  
Simone \_\_\_\_\_  
Arserio \_\_\_\_\_  
Schwartz \_\_\_\_\_  
Ruzzano \_\_\_\_\_