

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

ARTICLE VI. - Traffic Control

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

1
2 (3) Pursuant to Section 316.1896, Florida Statutes, a
3 traffic infraction enforcement officer under Section
4 316.640, Florida Statutes, is authorized to issue
5 uniform traffic citations for violations of Sections
6 316.1895 and 316.183, Florida Statutes, as authorized
7 by Section 316.008(9), Florida Statutes.
8

9 (4) Notices, Penalties and Appeals. The City's Police
10 Chief, or designee, shall provide notices of violation,
11 assess penalties, remit applicable portions of assessed
12 penalties, and provide for hearing procedures and
13 appeals consistent with the requirements of Chapter
14 2023-174, Laws of Florida, as such may be amended from
15 time to time.
16

17 (5) Signage and Public Awareness Campaign. The City's
18 Police Chief, or designee, shall post signage and
19 conduct a public awareness campaign regarding the
20 placement or installation of speed detection systems
21 consistent with the requirements of Chapter 2023-174,
22 Laws of Florida, as such may be amended from time to
23 time.
24

25 (6) Reporting. The City's Police Chief, or designee, shall
26 comply with the reporting requirements of Chapter 2023-
27 174, Laws of Florida, as such may be amended from time
28 to time.
29

30 **Section 3: Conflicts.** That all ordinances or parts of
31 ordinances, all City Code sections or parts of City Code sections,
32 and all resolutions or parts of resolutions in conflict with this
33 ordinance are hereby repealed to the extent of such conflict.
34

35 **Section 4: Severability.** That should any section or provision
36 of this ordinance or any portion thereof, any paragraph, sentence,
37 clause or word be declared by a court of competent jurisdiction to
38 be invalid, such decision shall not affect the validity of the
39 remainder hereof as a whole or part hereof other than the part
40 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 19th day of JUNE 2024.

PASSED ON SECOND READING THIS 3RD day of JULY 2024.

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 _____