

## **ORDINANCE NO. 2025-4**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, AMENDING CHAPTER 38 OF THE TOWN CODE TO CREATE ARTICLE VIII. – SCHOOL ZONE SPEED ENFORCEMENT; PROVIDING FOR PURPOSE, INTENT, AND DEFINITIONS; ESTABLISHING A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM AND AUTHORIZING THE USE OF SPEED DETECTION SYSTEMS WITHIN THE TOWN; PROVIDING FOR PROGRAM ADMINISTRATIVE AND ENFORCEMENT PROCEDURES; PROVIDING FOR THE CREATION OF A SCHOOL CROSSING GUARD RECRUITMENT AND RETENTION PROGRAM; PROVIDING FOR A 30-DAY PUBLIC AWARENESS CAMPAIGN PRIOR TO ENFORCEMENT; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, in 2023, the Florida Legislature passed CS/CS/HB 657, codified as Chapter 2023-174, Laws of Florida, authorizing municipalities to enforce the applicable speed limit on a roadway properly maintained as a school zone through the use of a speed detection system; and

**WHEREAS**, HB 657 provides that municipalities may issue notices of violation and may authorize law enforcement officers and/or traffic infraction enforcement officers to issue uniform traffic citations for violations of Fla. Stat. §§ 316.1895 and 316.183 that are captured by speed detection systems during specified time periods and further provides for notice to the registered owner of the subject vehicle, hearing procedures, appellate remedies, and the assessment and remittance of civil penalties; and

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

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

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

**WHEREAS**, the Town Council has been presented traffic data demonstrating that motor vehicles repeatedly exceed the school zone speed limits posted for Hungerford Elementary School; and

**WHEREAS**, based on the traffic data and evidence presented, the Town Council hereby finds the school zone for Hungerford Elementary constitutes a heightened safety risk warranting the placement or installation of a speed detection system to enforce unlawful speed violations, pursuant to Fla. Stat. § 316.008; and

**WHEREAS**, the Town Council thus finds that implementing a school zone speed detection program in accordance with HB 657 and other applicable state law, as set forth herein, will promote, protect, and improve the health, safety, and welfare of the citizens of Eatonville.

**NOW, THEREFORE**, be it ordained by the Town Council of the Town of Eatonville, Florida, as follows:

[Words in ~~strike through~~ type are deletions; words in underscore type are additions; asterisks ( \* \* \* \*) indicate an omission from the existing text which is intended to remain unchanged.]

**SECTION 1. Recitals.** The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

**SECTION 2. Amendment.** Chapter 38, Article VIII – *School Zone Speed Enforcement*, of the Town Code is hereby created as follows:

## **CHAPTER 38 – TRAFFIC AND VEHICLES**

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### **ARTICLE VIII. – SCHOOL ZONE SPEED ENFORCEMENT**

#### **Sec. 38-276. - Purpose and Intent.**

The purpose and intent of this Article is to protect the health, safety, and welfare of the citizens of the Town of Eatonville by authorizing the implementation of speed detection systems on roadways maintained as school zones within the jurisdiction of the Town, to promote compliance with speed limits in school zones, and to adopt a quasi-judicial system to enforce violations. This Article 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.

#### **Sec. 38-277. - Definitions.**

When used in this Article, the following terms shall have the following meanings, unless the context clearly requires otherwise:

*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 Town Code Enforcement Board/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 authorized personnel. A notice of violation must be in the form and include the contents prescribed by F.S. § 316.1896, as may be amended.

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

School zone speed enforcement program means the Town's program for monitoring, detecting, and enforcing violations of posted speed limits in designated school zones through the use of speed detection systems, in accordance with state law and as set forth in this Article.

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 Article.

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(82).

Traffic infraction enforcement officer means a person who meets the qualifications established by F.S. § 316.640.

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.

### **Sec. 38-278. - Use of Speed Detection Systems.**

Pursuant to the authority granted under F.S. § 316.008(9), the Town hereby elects to use speed detection systems to enforce speed limits on roadways maintained as school zones within the Town's jurisdiction. The Town may utilize speed detection systems as a supplemental means of assisting law enforcement personnel in the enforcement of state law related to unlawful speeding in school zones, in accordance with F.S. ch. 316.

**Sec. 38-279. - Program Administration.**

- (a) Generally. The Town Administrator, or the Administrator's designee, in cooperation with the Eatonville Police Department and any necessary Town staff as determined by the Town Administrator or designee, is authorized to administer and assist with the school zone speed enforcement program.
- (b) Local Hearing Officer. The Town may utilize its Code Enforcement Board and/or Special Magistrate as its Local Hearing Officer, who shall have jurisdiction to conduct proceedings challenging the issuance of a notice of violation.
- (c) Deployment of Speed Detection Systems. The installation and operation of speed detection systems, including required signage, shall be in accordance with F.S. ch. 316, all applicable regulations of the Florida Department of Transportation and the Florida Department of Highway Safety and Motor Vehicles, and the terms of any written agreement that may be entered into between the Town and another entity.
- (d) Authorized Use of Recorded Evidence. Recorded videos or photographs collected as part of a speed detection system in a school zone shall be used solely for the purposes of enforcing F.S. §§ 316.183 and 316.1895 relating to unlawful speed in designated school zones, and for determining criminal or civil liability for incidents captured by the speed detection system incidental to the permissible use of the speed detection system.
- (e) Prohibition of Remote Surveillance. Speed detection systems installed and operated under this Article shall 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, shall not constitute remote surveillance.
- (f) Destruction of Records. Any recorded video or photograph obtained via a speed detection system shall be destroyed within 90 days after the final disposition of the recorded event, in accordance with F.S. § 316.1896. The speed detection system vendor shall provide the Town with written certification that such records have been destroyed no later than December 31 of each year.
- (g) Annual Report; Retention. The Town shall submit an annual report on the school zone speed enforcement program to the Florida Department of Highway Safety and Motor Vehicles, in accordance with F.S. §§ 316.0776 and 316.1896, and shall thereafter maintain all data necessary to support the required report for at least 2 years after submission.
- (h) Revenue Collection and Use. All revenue collected pursuant to this Article shall be remitted in accordance with F.S. §§ 316.1896 and 318.18 and any other applicable state law.

## **Sec. 38-280. - Enforcement Procedures.**

- (a) General Powers. The Eatonville Police Department shall be authorized to enforce the applicable speed limit on a roadway maintained as a school zone 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 10 miles per hour over the speed limit in force at the time of the violation.
- (b) Review of Speed Detection System Information. Pursuant to F.S. § 316.1896, information captured by a speed detection system shall be reviewed by a traffic infraction enforcement officer, law enforcement officer, or an authorized employee or agent of the Town.
- (c) School Zone Speed Detection System Violations. The applicable speed limit on a roadway maintained as a school zone shall be enforced through the capturing of a violation by a speed detection system as follows:
  - (1) For a violation of F.S. § 316.1895, in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program.
  - (2) For a violation of F.S. § 316.1895, in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled school session.
  - (3) For a violation of F.S. § 316.183, in excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.
  - (4) For a violation of F.S. § 316.1895, in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the end of a regularly scheduled school session.
- (d) Notice of Violation. A notice of violation shall be sent to the registered owner of the motor vehicle within 30 days of the violation. The form, content, and manner of issuance shall conform to the requirements established in F.S. § 316.1896.
- (e) Response to Notice of Violation. A person who receives a notice of violation shall, within 30 days after the date of the notice:
  - (1) Pay the \$100.00 civil penalty, as set forth in F.S. § 318.18(3)(d); or
  - (2) Submit an affidavit establishing an exception to liability pursuant to F.S. § 316.1896(8); or
  - (3) Request a hearing to contest the violation.

(f) Uniform Traffic Citation Issuance.

- (1) The Town authorizes both traffic infraction enforcement officers and law enforcement officers within the jurisdiction of the Town to issue uniform traffic citations for violations of F.S. §§ 316.183 and/or 316.1895 when such violations are detected by an authorized speed detection system operating within a designated school zone. The form, content, and manner of issuance shall conform to the requirements established in F.S. § 316.1896.
- (2) If the registered owner of the vehicle does not timely submit payment or otherwise contest the notice of violation in accordance with this Section, a uniform traffic citation shall be issued and transmitted to the Orange County Clerk of the Court for disposition by the county court.

- (g) Hearing and Appeal. A person who requests a hearing to contest a notice of violation shall be scheduled to appear before a Local Hearing Officer. The hearing shall be conducted in accordance with the procedures set forth in F.S. § 316.1896(14). The Local Hearing Officer shall issue a final administrative order determining whether a violation occurred. If the violation is upheld, the order shall require payment of the civil penalty and may impose an additional fine not exceeding the amount authorized in F.S. § 316.0083(5)(e) for municipal costs. An aggrieved party may appeal a final administrative order of the Local Hearing Officer in accordance with F.S. § 162.11.

**Sec. 38-281. - School Crossing Guard Recruitment and Retention Program.**

In accordance with F.S. § 316.1894, the Eatonville Police Department shall use revenues received from violations detected by school zone speed detection systems, as allocated under F.S. § 316.1896(5)(e), to administer a School Crossing Guard Recruitment and Retention Program. Such program may provide recruitment and retention stipends to crossing guards at K-12 public schools, including charter schools, or stipends to third parties for the recruitment of new crossing guards. The design and management of the program shall be at the discretion of the Eatonville Police Department.

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**SECTION 3. Public Awareness Campaign.** Pursuant to F.S. § 316.0776(3), before notices of violation for school zone speed infractions are issued, the Town shall make a public announcement and conduct a 30-day public awareness campaign of the proposed use of speed detection systems. During the 30-day public awareness campaign, only warnings shall be issued to the registered owners of motor vehicles for violations of F.S. §§ 316.183 or 316.1895 that are enforced by a speed detection system as set forth herein, and liability shall not be imposed for the civil penalty under F.S. § 318.18(3)(d).

**SECTION 4. Codification.** It is the intent of the Town Council of the Town of Eatonville that the provisions of this Ordinance be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

**SECTION 5. Conflicts.** After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to conflict with any provision of any other ordinance of the Town of Eatonville, to the extent of such conflict, all such ordinances are hereby repealed.

**SECTION 6. Severability.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance.

**SECTION 7. Effective Date.** This Ordinance shall become effective upon adoption.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed and transmitted upon the first reading on the \_\_\_\_ day of \_\_\_\_\_, 2025.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the second reading on the \_\_\_\_ day of \_\_\_\_\_, 2025.

**Attest:**

**TOWN OF EATONVILLE**

\_\_\_\_\_  
Veronica King, Town Clerk

\_\_\_\_\_  
Angie Gardner, Mayor

**Approved as to Form:**

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Clifford B. Shepard, Town Attorney