

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE CITY OF GREENACRES, FLORIDA AMENDING CHAPTER 9, ARTICLE I, DIVISION 1, OF THE CODE OF ORDINANCES BY ADDING SECTION 9-12, DECLARING PURPOSE AND INTENT, AUTHORIZING PLACEMENT AND INSTALLATION OF A SCHOOL ZONE SPEED DETECTION SYSTEM, PROVIDING FOR ADMINISTRATION AND IMPLEMENTATION OF SUCH A SYSTEM, DESIGNATING A LOCAL HEARING OFFICER AND CLERK, MAKING FINDINGS REGARDING RELEVANT TRAFFIC DATA AND EVIDENCE WARRANTING ADDITIONAL ENFORCEMENT PROCEDURES, DESIGNATING SCHOOL ZONE SPEED DETECTION SYSTEM LOCATIONS WHICH CONSTITUTE A HEIGHTENED SAFETY RISK, ADOPTING ENFORCEMENT PROCEDURES AND FINES, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres, Florida (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, effective July 1, 2023, the Florida Legislature amended Chapter 316, Florida Statutes, to authorize municipalities to install speed detection systems to assist in the enforcement of speed limits within school zones; and

WHEREAS, in 2023, the Palm Beach County Sheriff’s Office (“PBSO”) issued a countywide total of 1,552 Florida Uniform Traffic Citations for Speeding in a School Zone and a countywide total of 1,068 Written Warnings for Speeding in a School Zone; and

WHEREAS, of the aforementioned 1,552 Florida Uniform Traffic Citations, 707 were issued within the City of Greenacres; and

WHEREAS, of the aforementioned 1,068 Written Warnings, 247 were issued within the City of Greenacres; and

WHEREAS, the City Council finds that the use of a school zone speed detection system is a deterrent to speeding in school zones, and that the use of such a system is an important means of protecting children and promoting safety in school zones within the City; and

WHEREAS, the City Council has considered the relevant traffic data and other evidence supporting the need for installation of school zone speed limit detection systems within the City; and

WHEREAS, the City Council has determined, based upon the evidence considered, the specific school zones in this jurisdiction which constitute a heightened safety risk that warrant additional enforcement procedures; and

WHEREAS, the City Council has determined that it is efficient to utilize the City's existing special magistrate appointed under Section 2-288 of the Code of Ordinances to conduct hearings pursuant to this ordinance and section 316.1896, Florida Statutes, as may be amended; and

WHEREAS, the City Council has reviewed this proposed ordinance and has determined that this Ordinance serves a valid public purpose and is in the best interest of the public health, safety and welfare of the City.

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

SECTION 1. The foregoing recitals are hereby fully incorporated herein by reference as true and correct legislative findings of the City Council of the City of Greenacres.

SECTION 2. The City of Greenacres Code of Ordinances, Chapter 9 "Miscellaneous Offenses," Article I "In General," Division 1 "Generally," Section 9-12, is hereby added to read as follows:

Section 9-12 – School Zone Speed Enforcement Program.

- (a) Purpose and intent. The City desires to protect the health, safety, and welfare of individuals traveling to and from school in the City. Accordingly, the City seeks to enforce school zone speed limits by authorizing the placement or installation and use of speed detection systems on roadways that constitute a

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heightened safety risk warranting additional enforcement measures pursuant to F.S. § 316.008 and to adopt a system to enforce violations in accordance with all applicable laws.

(b) Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Local Hearing Officer: The Greenacres Special Magistrate or such other qualified person designated by resolution of the Greenacres Council to conduct hearings relating to notice of violations issued pursuant to Sections 316.1896 and 316.0083, Florida Statutes.

Person: A natural person, the registered owner or co-owner of a motor vehicle, or the person identified in an affidavit as having actual care, custody, or control of the motor vehicle at the time of a Violation.

Petitioner: A person who elects to request a hearing before the Local Hearing Officer for the purpose of determining whether a Violation under Section 316.1896, Florida Statutes, has occurred.

School Zone: A roadway located within Greenacres and maintained as a School Zone pursuant to Section 316.1895, Florida Statutes, that constitutes a heightened safety risk that warrants additional enforcement measures, as determined by the City Council after consideration of traffic data and other relevant evidence.

Speed Detection System: 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.

Traffic Infraction Enforcement Officer: The Palm Beach County Sheriff's Office employee or employees designated by Greenacres who meet the qualifications set forth under Section 316.640(5), and/or any other relevant statute, and who are vested with the authority to enforce Violations.

Vendor: The entity or entities selected by the City pursuant to subsection 9-12(f) of this Code.

Violation: Driving a motor vehicle on a roadway designated as a School Zone at a speed as follows:

(A) 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 in violation of Section 316.1895, Florida Statutes.

(B) 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 in violation of Section 316.1895, Florida Statutes.

(C) In excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session in violation of Section 316.183, Florida Statutes.

(D) 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 in violation of Section 316.1895, Florida Statutes.

(c) *Statutory References.* Any statutory reference made in this section shall include the most recent version of such statute, as amended from time to time.

(d) *Supplemental Authority.* 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 Chapter 316, Florida Statutes.

(e) *Use of School Zone Speed Limit Detection System Authorized.* In accordance with Chapter 316, Florida Statutes, the City exercises its authority to authorize placement or installation of speed detection systems to enforce applicable speed limits on roadways maintained as school zones within the jurisdiction of the City of Greenacres. Use of such systems shall comply with all applicable laws, including but not limited to Chapter 316, Florida Statutes, including but not limited to the requirements and procedures for the collection of evidence, public records and retention, enforcement powers and procedures, review of the photograph or video images from the speed detection system, notice of violation issuance, hearing procedures, appeals, defenses, and penalties.

(f) *Program Administration.*

(1) *Administrator.* The City Manager or designee, in cooperation with the Palm Beach County Sheriff's Office and any necessary City staff, as determined by the City Manager or designee, and any approved vendor and its employees and agents, are empowered to administer and assist with the City's school zone speed enforcement program, consistent with Chapter 316, Florida Statutes, subject to any other applicable statute (including but not limited to Chapter 318), this section, and all corresponding City Council resolutions. The City Manager or designee, in coordination with the City's law

enforcement agency, is responsible for establishing any other procedures, policies, and forms necessary for implementing this section. The City is authorized to enter into agreements with one or more vendors to place or install speed detection systems and conduct services consistent with the implementation and enforcement of this section.

(2) *Local hearing officer.* The City shall utilize its special magistrate(s) appointed pursuant to Section 2-288 of this Code to serve as the local hearing officer(s) who shall preside over violation hearings in accordance with this section.

(3) *Clerk.* The City Council shall designate by resolution existing City staff to serve as the clerk to the local hearing officer.

(4) *Traffic infraction enforcement officer.* The City Manager or designee, in coordination with the City's law enforcement agency, shall designate traffic infraction enforcement officers to enforce school zone speed limit violations pursuant to this section.

(g) *Program Implementation.*

(1) *Vendor contract.* Pursuant to F.S. § 316.0776, before the City contracts or renews a contract with a vendor to place or install a speed detection system in a school zone, the contract or contract renewal must be approved by the City Council at a regular or special City Council meeting. The contract or contract renewal may not be heard on the consent agenda and the public must be allowed to comment pursuant to the City's public comment policies.

(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, as amended from time to time.

(3) *Signage requirements.* The installation and operation of speed detection systems, including required signage, shall be in accordance with F.S. §316.0776, any other applicable section(s) of Chapter 316, Florida Statutes, all applicable regulations of the Florida Department of Transportation and the

Florida Department of Highway Safety and Motor Vehicles

(4) *Public awareness.* Pursuant to F.S. § 316.0776, before notices of violation for school zone speed infractions may be issued, the City or the vendor must make a public announcement and conduct a public awareness campaign of the proposed use of speed detection systems at least thirty (30) days before commencing enforcement under the speed detection system program and must notify the public of the specific date on which the program will commence. During the 30-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.

(5) *Annual reporting requirements.* The City, with the assistance of the City's law enforcement agency and/or the vendor, will annually report on the City's school zone speed enforcement program in accordance with F.S. §§ 316.0776(3)(c) and 316.1896. Pursuant to F.S. § 316.0776 (3)(c), the compliance or sufficiency of compliance with this requirement may not be raised in a proceeding challenging a notice of violation for a school zone speed infraction.

(6) *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.

(h) *Designation of Heightened Safety Risk School Zones which necessitate use of school zone speed limit detection system.* The City Council has 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. Based on this evidence, the City Council found that the school zones for 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. Subsequent speed detection systems may be approved for inclusion or removal via amendment to this section in accordance with applicable law.

- (1) John I Leonard High School, 4701 10th Ave North
- (2) Heritage Elementary, 5100 Melaleuca Lane
- (3) Diamond View Elementary, 5300 Haverhill Road
- (4) Tradewinds Middle School, 5090 Haverhill Road
- (5) Cholee Lake Elementary, 6680 Dillman Road
- (6) Liberty Park Elementary, 6601 Constitution Way
- (7) Okeeheelee Middle School, 2200 Pinehurst Drive
- (8) Greenacres Elementary, 405 Jackson Avenue
- (9) LC Swain Middle School, 5332 Lake Worth Road
- (10) Potentia Academy, 4784 Melaleuca Lane
- (11) Montessori Academy of Early Enrichment, 6300 Lake Worth Road
- (12) Greenacres Christian Academy, 4982 Cambridge Street

(i) *Enforcement procedure.* The City, Palm Beach County Sheriff's Office, and any applicable vendor shall be authorized to enforce violations of school zone speed limits pursuant to this section. Such enforcement shall follow the procedures set forth in F.S. § 316.1896.

(j) *Fines.* Fines for the violation of a school zone speed limit enforced pursuant to this section shall be fixed by F.S. § 318.18(3)(d).

SECTION 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. Codification. The sections of the Ordinance may be made a part of the City Code of Laws and Ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

SECTION 6. Effective Date. The provisions of this Ordinance shall become effective immediately upon adoption.

[Signatures follow on the next page].

Passed on the first reading this 5th day of May 2025.

PASSED AND ADOPTED on the second reading this 19th day of May 2025.

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Susy Diaz, Deputy Mayor, *District IV*

Voted:
John Tharp, Council Member, *District I*

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney