

46 warranting additional enforcement measures based on data or other evidence presented at a public
47 hearing; and

48
49 **WHEREAS**, the City Commission finds that the HCSO is best positioned to determine the
50 appropriate speed detection system vendor and therefore desires for HCSO to procure such a
51 vendor and assist with the City’s school zone speed enforcement program in cooperation with the
52 relevant City staff, and in conformance with all requirements set forth in Section 316.0776, Florida
53 Statutes; and

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55 **WHEREAS**, the City Commission has considered the traffic data and evidence provided
56 by HCSO supporting the installation and operation of each proposed school speed zone detection
57 system and has determined that each school zone where a speed detection system is to be placed
58 or installed constitutes a heightened safety risk that warrants additional enforcement measures;
59 and

60
61 **WHEREAS**, the City Commission finds that motor vehicles speeding in school zones are
62 unacceptable hazards that threaten the health, safety, and welfare of students and pedestrians in
63 the City, and that enforcement of applicable speed limits in school zones during school sessions
64 through the use of a speed detection system may reduce instances of speeding in school zones, the
65 City Commission wishes to implement a school zone speed detection program pursuant to the
66 requirements of Section 316.0776, Florida Statutes, and other applicable state law; and

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68 **WHEREAS**, the proposed ordinance was properly advertised and has received public
69 hearings before the City Commission on September 12, 2024 and October 10, 2024; and

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71 **WHEREAS**, the City finds that this Ordinance is in the interests of the public health,
72 safety, and welfare.

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74 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of
75 LaBelle, Florida:

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77 **Section 1.** Recitals. The forgoing recitals are hereby ratified and confirmed as
78 being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

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80 **Section 2.** Amendment to the City Code. Chapter 12, Offenses, Article IV, of
81 the City of LaBelle is hereby created as set forth below:

82
83 **DIVISION 1. GENERALLY.**

84
85 **Sec. 12-60. – Scope and Applicability**

86
87 The intent of this Article is to protect the health, safety, and welfare of the citizens of
88 LaBelle by authorizing the placement or installation, use, and implementation of a school zone
89 speed limit detection system on roadways maintained as school zones within City and to promote
90 compliance with speed limits in school zones, as permitted by the Florida Uniform Traffic Control
91 Law, Chapter 316, Florida Statutes, as cited herein and as may be amended from time to time.

92 This Article shall be known and may be cited as the "School Zone Speed Enforcement
93 Ordinance" and shall apply only to those school zones designated within the city limits of the City
94 of LaBelle.

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96 Sec. 12-61. – Definitions
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98 For purposes of this Article, the following terms shall have the meanings given to them
99 below. No attempt is made to define any words which are used in accordance with their established
100 dictionary meaning, except when necessary to avoid misunderstanding.

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102 *Hearing procedures* means the procedures set forth in a corresponding resolution
103 governing noticing, scheduling, and conducting hearings before a local hearing officer.
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105 *Law enforcement officer* means, as defined by §943.10(1), Florida Statutes, as may
106 be amended, any person who is elected, appointed, or employed full time by a municipality or the
107 State or any political subdivision thereof; who is vested with authority to bear arms and make
108 arrests; and whose primary responsibility is the prevention and detection of crime or the
109 enforcement of the penal, criminal, traffic, or highway laws of the State.
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111 *Local hearing officer* means the City's Code Enforcement Special Magistrate or
112 such other local hearing officer appointed by the City Commission.
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114 *Motor vehicle* means, as defined by §316.003, Florida Statutes, a self-propelled
115 vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle,
116 motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery
117 device, swamp buggy, or moped.
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119 *Notice of violation* means the written notification sent to the registered owner of a
120 vehicle after a school zone speed infraction by that vehicle has been captured by a speed detection
121 system and thereafter reviewed and approved by a law enforcement officer or traffic infraction
122 enforcement officer. A notice of violation must be in the form and include the contents prescribed
123 by §316.1896, Florida Statutes.
124

125 *School zone* means that portion of a street or highway established as a school zone
126 pursuant to §316.1895, Florida Statutes.
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128 *School zone speed enforcement program* means the regulations and procedures
129 governing the use of speed detection systems in school zones within the jurisdiction of the City,
130 as provided for by applicable law and established by this Article.
131

132 *School zone speed infraction* means a violation of §316.183 or §316.1895, Florida
133 Statutes, captured by a speed detection system within a school zone during the hours provided for
134 by applicable law and set forth in this Article.
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136 *School zone speed limit* means the regularly posted or reduced posted speed limit
137 within a school zone pursuant to §316.1895, Florida Statutes.

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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 §316.003(83), Florida Statutes.

Traffic infraction enforcement officer means a person who meets the qualifications established by §316.640, Florida Statutes.

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 §316.1896, Florida Statutes.

Sec. 12-62. – Authorizing Use of School Zone Speed Limit Detection Systems

Pursuant to §316.008(9), Florida Statutes, as may be amended, the City hereby elects to use speed detection systems to enforce school zone speed limits on roadways maintained as school zones within the City limits. The City may utilize a speed limit detection system as a supplemental means of monitoring the speed of vehicles and assisting law enforcement personnel in the enforcement of compliance with laws related to speed limits within school zones as permitted and provided for in accordance with Chapter 316, Florida Statutes, which are designed to protect and improve the public health, safety, and welfare of the community and thereby reduce accidents, injuries, and disruption of traffic associated with such violations.

Sec. 12-63. – Program Administration

The Hendry County Sheriff's Office ("HCSO"), in cooperation with City staff and the Hendry County School District, shall be enabled and empowered by this Article to assist with the City's school zone speed enforcement program. This Article shall further enable the City, either directly, or cooperatively with Hendry County, HCSO, or the Hendry County School District to enter into agreements with one (1) or more vendors to place or install speed detection systems and carry out services consistent with the implementation and enforcement of the provisions of §316.0776, Florida Statutes, subject to any other applicable State law requirements and this Article.

Sec. 12-64. – Designation of Local Hearing Officer

As permitted and defined by applicable law and referenced in this Article, the City designates its currently appointed code enforcement special magistrate, or any other special magistrate appointed by the City Commission, as its local hearing officer, who shall have jurisdiction to conduct proceedings in accordance with §316.1896, Florida Statutes.

Sec. 12-64. – Program Implementation Requirements

(a) The City authorizes the implementation of the provisions and requirements of §316.008 and §316.1896, Florida Statutes.

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(b) Installation and operation of speed detection systems. Pursuant to §316.008, Florida Statutes, speed detection systems may be installed and operated only in the school zones designated by this Article or subsequent amendments thereto.

(c) Signage requirements. The installation and operation of speed detection systems, including required signage, shall be in accordance with Florida Uniform Traffic Control Law all applicable regulations of the Florida Department of Transportation and the Florida Department of Highway Safety and Motor Vehicles ("FLHSMV"), and the terms of any memorandum of understanding or other written agreement that may be entered into between HCSO and the City or any approved vendor(s).

(d) Public awareness. Pursuant to §316.0776, Florida Statutes, before notices of violation for school zone speed infractions may be issued, a public announcement and 30-day public awareness campaign of the proposed use of speed detection systems must be conducted. During the thirty-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.

Sec. 12-65. – Determination of Heightened Safety Risk and Designation of School Zones

Having considered evidence at a public hearing supporting the installation and operation of speed detection systems in certain school zones within the jurisdiction of the City, and having incorporated this evidence by reference into this ordinance, the City has determined that each of the following school zones where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures pursuant to §316.008, Florida Statutes. The City may authorize the placement or installation of speed detection systems in additional school zones via amendment to this ordinance in accordance with applicable law.

1. LaBelle Elementary School – 150 W Cowboy Way, LaBelle
2. Edward A. Uprove Elementary School – 280 N. LaBelle

Sec. 12-65. – Enforcement Procedures

(a) General powers. Hendry County Sheriff's Office, acting on behalf of the City, shall be authorized to enforce the applicable speed limit on a roadway properly maintained as a school zone within the City limits of LaBelle pursuant to §316.1895, Florida Statutes, as it may be amended, through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of ten miles per hour over the speed limit in force at the time of the violation.

(b) Review of speed detection system images. A law enforcement officer or traffic infraction enforcement officer shall be authorized, pursuant to §316.1896, Florida Statutes, as it may be amended, to review the photograph or video images from the speed detection system to confirm that a school zone speed infraction has occurred before issuing a notice of violation. A notice of violation may be issued for a school zone speed infraction as follows:

230 (1) For a violation of §316.1895, Florida Statutes, in excess of ten miles per
231 hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes
232 after the start of a regularly scheduled breakfast program.

233 (2) For a violation of § 316.1895, Florida Statutes, in excess of ten miles per
234 hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes
235 after the start of a regularly scheduled school session.

236 (3) For a violation of §316.183, Florida Statutes, in excess of ten miles per hour
237 over the posted speed limit during the entirety of a regularly scheduled school session.

238 (4) For a violation of § 316.1895, Florida Statutes, in excess of ten miles per
239 hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes
240 after the end of a regularly scheduled school session.

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242 (c) Hearing procedures and appeals. Hearings to contest notices of violations
243 shall be scheduled, noticed, and conducted by the City or the school zone speed enforcement
244 program vendor in accordance with §316.0083(5) and §316.1896, Florida Statutes, and the
245 procedures adopted by resolution of the City Commission. An aggrieved party may appeal a final
246 administrative order of the local hearing officer in accordance with §316.1896, Florida Statutes,
247 and the procedures adopted by resolution of the City Commission.

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249 (d) Defenses and penalties. The enforcement of school zone speed infractions,
250 including the issuance of notices of violation and uniform traffic citations, the processing of
251 affidavits to assert an exception to liability, and the assessment of fines must comply with §
252 316.1896, Florida Statutes. A registered owner who receives a notice of violation may, within 30
253 days:

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255 (1) Pay the fine of \$100.00, as fixed by §318.18(3)(d), Florida Statutes, as it
256 may be amended; or

257 (2) Submit an affidavit establishing an exception to liability pursuant to
258 §316.1896(8), Florida Statutes; or

259 (3) Request a hearing.

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261 If the registered owner of a vehicle does not timely pay the fine reflected on the
262 notice of violation, submit a sufficient affidavit, or request a hearing, a uniform traffic citation
263 must be issued to the registered owner and transmitted to the Hendry County Clerk of the Court
264 for disposition by the County court.

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266 Sec. 12-66. – Record Retention

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268 In accordance with §316.1896, Florida Statutes, a speed detection system in a school zone
269 may not be used for remote surveillance. The collection of evidence by a speed detection system
270 to enforce school zone speed infractions, or user-controlled pan or tilt adjustments of speed
271 detection components, do not constitute remote surveillance. Recorded video or photographs
272 collected as part of a speed detection system in a school zone may only be used to document school
273 zone speed infractions and for purposes of determining criminal or civil liability for incidents
274 captured by the speed detection system incidental to the permissible use of the speed detection
275 system. Any recorded video or photograph obtained via a speed detection system must be

276 destroyed within 90 days after the final disposition of the recorded event, pursuant to §316.1896,
277 Florida Statutes. Written notice that such records have been destroyed must be provided by
278 December 31st of each year. All public records related to the administration of this ordinance must
279 be maintained in accordance with Florida law and all requests for such records must be addressed
280 in accordance with Chapter 119, Florida Statutes, and any other applicable state law.

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282 Sec. 12-67. – Annual Reporting Requirements
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284 The City, with the assistance of HCSO or approved enforcement vendor(s), will annually
285 report on the City’s school zone speed enforcement program to the public and to the FLHSMV in
286 accordance with §316.0776 and §316.1896, Florida Statutes. Pursuant to §316.0776(3)(c), the
287 compliance or sufficiency of compliance with this section of this Article may not be raised in a
288 proceeding challenging a notice of violation for a school zone speed infraction.

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290 Sec. 12-68. – Remittance of Collected Fines and Costs
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292 All fines and costs collected pursuant to this Article and any corresponding City resolution
293 must be remitted in accordance with §316.1896 and §318.18, Florida Statutes, and any other
294 applicable State law.
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296 **Section 3. Codification.** This ordinance shall be incorporated into the City of
297 LaBelle Code. The sections of this Ordinance can be renumbered or re-lettered to the appropriate
298 word or phrase to accomplish codification. Omissions, grammatical, and typographical errors, as
299 well as clarifications of ambiguous wording that do not affect the intent of this Ordinance, may
300 be authorized by the Mayor without need for a public hearing.

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302 **Section 4. Severability.** In the event that any portion of this Ordinance is for any
303 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
304 be deemed a separate, distinct and independent provision, and such holding shall not affect the
305 validity of the remaining portions of this Ordinance.

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307 **Section 5. Conflicts.** The provisions of this article shall supersede any provisions
308 of existing ordinances in conflict herewith to the extent of said conflict.
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310 **Section 6. Effective Date.** This Ordinance shall take effect immediately upon its
311 adoption by the City Commission.
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