

**ORDINANCE
NUMBER 2024 - 09**

**AN ORDINANCE OF THE CITY OF LABELLE,
FLORIDA; RELATING TO SCHOOL ZONE
ENFORCEMENT WITHIN THE CITY OF LABELLE;
AMENDING THE CITY OF LABELLE CODE,
CHAPTER 12, CREATING A NEW ARTICLE IV,
SCHOOL ZONES; PROVIDING FOR
ENFORCEMENT; PROVIDING FOR
CODIFICATION, SEVERABILITY, CONFLICTS
AND AN EFFECTIVE DATE.**

RECITALS

WHEREAS, the City of LaBelle, Florida has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 166, Florida Statutes; and

WHEREAS, the on July 23, 2024 Hendry County adopted an ordinance enhancing school zone enforcement in unincorporated Hendry County following evidence provided by the Hendry County Sheriff's Office ("HCSO") that motor vehicles routinely exceed applicable school zone speed limits in excess of 11 miles per hour in certain school zones, and this data being incorporated by reference as backup to this Ordinance at the time of adoption; and

WHEREAS, the City of LaBelle desires to adopt regulations to ensure the protection of public health, safety and welfare; and

WHEREAS, the City Commission similarly desires 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, Section 316.0776, Florida Statutes, authorizes a municipality to place or install, or contract with a vendor to place or install, speed detection systems in accordance with certain technical specifications established by the Florida Department of Transportation; and

WHEREAS, Chapter 316, Florida Statutes, provides that a City may issue notices of violation and may authorize a law enforcement officer or traffic infraction enforcement officer to issue uniform traffic citations for violations of Sections 316.1895 and 316.183, Florida Statutes, 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, Section 316.0776, Florida Statutes, restricts the location and use of speed detection systems to school zones that the City determines constitute a heightened safety risk

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

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

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

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

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

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

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

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

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

DIVISION 1. GENERALLY.

Sec. 12-60. – Scope and Applicability

The intent of this Article is to protect the health, safety, and welfare of the citizens of LaBelle by authorizing the placement or installation, use, and implementation of a school zone speed limit detection system on roadways maintained as school zones within City and to promote compliance with speed limits in school zones, as permitted by Chapter 316, Florida Statutes.

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

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

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101 *Hearing procedures* means the procedures set forth in a corresponding resolution
102 governing noticing, scheduling, and conducting hearings before a local hearing officer.
103

104 *Law enforcement officer* means, as defined by F.S. § 943.10(1), any person who is
105 elected, appointed, or employed full time by a municipality or the State or any political subdivision
106 thereof; who is vested with authority to bear arms and make arrests; and whose primary
107 responsibility is the prevention and detection of crime or the enforcement of the penal, criminal,
108 traffic, or highway laws of the State.
109

110 *Local hearing officer* means the City's Code Enforcement Special Magistrate.
111

112 *Motor vehicle* means, as defined by F.S. § 316.003, a self-propelled vehicle not
113 operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter,
114 electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy,
115 or moped.
116

117 *Notice of violation* means the written notification sent to the registered owner of a
118 vehicle after a school zone speed infraction by that vehicle has been captured by a speed detection
119 system and thereafter reviewed and approved by a law enforcement officer or traffic infraction
120 enforcement officer. A notice of violation must be in the form and include the contents prescribed
121 by § 316.1896, Florida Statutes, as it may be amended.
122

123 *School zone* means that portion of a street or highway established as a school zone
124 pursuant to § 316.1895, Florida Statutes, as it may be amended.
125

126 *School zone speed enforcement program* means the regulations and procedures
127 governing the use of speed detection systems in school zones within the jurisdiction of the City,
128 as provided for by applicable law and established by this Ordinance.
129

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

137 *Speed detection system* means a portable or fixed automated system used to detect
138 a motor vehicle's speed using radar or LiDAR and to capture a photograph or video of the rear of
139 a motor vehicle that exceeds the speed limit in force at the time of the violation. This term is
140 synonymous with the term "speed detection system" defined in F.S. § 316.003(83), as it may be
141 amended.

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143 *Traffic infraction enforcement officer* means a person who meets the qualifications
144 established by §316.640, Florida Statutes, as it may be amended.

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146 *Uniform traffic citation means* the citation issued to the registered owner of a
147 vehicle for a school zone speed infraction, in the form and including the contents prescribed by
148 §316.1896, Florida Statutes, as it may be amended.

149
150 Sec. 12-62. – Authorizing Use of School Zone Speed Limit Detection Systems

151
152 Pursuant to §316.008(9), Florida Statutes, the City hereby elects to use speed detection
153 systems to enforce school zone speed limits on roadways maintained as school zones within the
154 City limits. The City may utilize a speed limit detection system as a supplemental means of
155 monitoring the speed of vehicles and assisting law enforcement personnel in the enforcement of
156 compliance with laws related to speed limits within school zones as permitted and provided for in
157 accordance with F.S. Ch. 316, which are designed to protect and improve the public health, safety,
158 and welfare of the community and thereby reduce accidents, injuries, and disruption of traffic
159 associated with such violations.

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161 Sec. 12-63. – Program Administration

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163 The Hendry County Sheriff's Office (HCSO), in cooperation with City staff and the School
164 District of Hendry County, shall be enabled and empowered by this ordinance to assist with the
165 County's school zone speed enforcement program. This article shall further enable the Hendry
166 County Sherriff's Office to enter into agreements with one (1) or more vendors to place or install
167 speed detection systems and carry out services consistent with the implementation and
168 enforcement of the provisions of Chapter 316.0776, Florida Statutes, subject to any other
169 applicable State law requirements and this ordinance.

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

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173 As permitted and defined by applicable law and referenced in this ordinance, the City
174 designates its currently appointed code enforcement special magistrate, or any other special
175 magistrate appointed by the City Commission, as its local hearing officer, who shall have
176 jurisdiction to conduct proceedings in accordance with F.S. § 316.1896, as such may be amended
177 from time to time.

178
179 Sec. 12-64. – Program Implementation Requirements

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181 (a) The City authorizes the implementation of the provisions and requirements
182 of F.S. §§ 316.008 and 316.1896.

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

(c) Signage requirements. 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 ("FDOT") 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 and/or HCSO and its vendor(s).

(d) Public awareness. Pursuant to F.S. § 316.0776, 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 section 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

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 F.S. § 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 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 F.S. § 316.1896, 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:

(1) For a violation of F.S. § 316.1895, in excess of ten 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 ten 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 ten 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 ten 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.

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

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

(1) Pay the fine of \$100.00, as fixed by F.S. § 318.18(3)(d), as it may be amended; or

(2) Submit an affidavit establishing an exception to liability pursuant to F.S. § 316.1896(8), as it may be amended; or

(3) Request a hearing.

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

Sec. 12-66. – Record Retention

In accordance with section 316.1896, Florida Statutes, a speed detection system in a school zone may 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, do not constitute remote surveillance. Recorded video or photographs collected as part of a speed detection system in a school zone may only be used to document school zone speed infractions and for purposes of determining criminal or civil liability for incidents captured by the speed detection system incidental to the permissible use of the speed detection system. Any recorded video or photograph obtained via a speed detection system must be destroyed within 90 days after the final disposition of the recorded event, pursuant to section

316.1896, Florida Statutes. Written notice that such records have been destroyed must be provided by December 31st of each year. All public records related to the administration of this ordinance must be maintained in accordance with Florida law and all requests for such records must be addressed in accordance with Chapter 119, Florida Statutes, and any other applicable state law.

SECTION 12. ANNUAL REPORTING REQUIREMENTS:

The City, with the assistance of Hendry County Sheriff and/or Hendry County Sheriff's Office vendor, will annually report on the City's school zone speed enforcement program to the public and to the FLHSMV in accordance with sections 316.0776 and 316.1896, Florida Statutes, as they may be amended. Pursuant to section 316.0776(3)(c), the compliance or sufficiency of compliance with this section of the ordinance may not be raised in a proceeding challenging a notice of violation for a school zone speed infraction.

SECTION 13. REMITTANCE OF COLLECTED FINES AND COSTS:

All fines and costs collected pursuant to this ordinance and corresponding City resolution must be remitted in accordance with sections 316.1896 and 318.18, Florida Statutes, and any other relevant state law.

Section 3. Codification. This ordinance shall be incorporated into the City of LaBelle Code. The sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and typographical errors, as well as clarifications of ambiguous wording that do not affect the intent of this Ordinance, may be authorized by the Mayor without need for a public hearing.

Section 4. Severability. In the event that any 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 of this Ordinance.

Section 5. Conflicts. The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith to the extent of said conflict.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Commission.

WHEREAS, Florida Statute Section 316.0776 requires counties 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

319 **PASSED AND DULY ADOPTED** this ____ day of _____, 2024.

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CITY COMMISSION OF THE CITY OF LABELLE,
FLORIDA

By: _____
Julie C. Wilkins, Mayor

ATTEST:

By: _____
Tijauna Warner, Deputy City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Derek Rooney, City Attorney

Vote:	AYE	NAY
Mayor Wilkins	_____	_____
Commissioner Vargas	_____	_____
Commissioner Ratica	_____	_____
Commissioner Akin	_____	_____
Commissioner Spratt	_____	_____