

ORDINANCE NO. 2026-10

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AMENDING CHAPTER 24 ENTITLED “TRAFFIC AND VEHICLES,” OF THE CODE OF ORDINANCES BY SPECIFICALLY CREATING SECTION 24-30 ENTITLED “SCHOOL ZONE SPEED DETECTION SYSTEMS” OF ARTICLE II ENTITLED “TRAFFIC ENFORCEMENT,” TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS, AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Whereas, pursuant to Chapter 316, Florida Statutes, the Florida Legislature has authorized municipalities to use speed detection systems (“SDS”) to enforce school zone speeding violations in excess of 10 miles over the posted speed limit (among other things) during certain times and days; and

Whereas, Section 316.008(9), Florida Statutes, provides that prior to utilizing a SDS to enforce eligible school zone speeding violations, municipalities are required to adopt an ordinance authorizing the placement and installation of SDS and creating traffic enforcement procedures relating to the enforcement of school zone speed limits through the use of SDS; and

Whereas, Section 316.008(9)(c), Florida Statutes, specifically requires the governing body of the municipality to consider traffic data or other evidence supporting the installation and operation of SDS at each proposed school zone and determine whether the school zone(s) where a SDS is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures; and

Whereas, Redspeed has completed a traffic study and provided the “School Zone Speed Report for the City of Westlake” (the “Report”) for consideration by the City Council, which Report is attached hereto as Exhibit “A”; and

Whereas, after consideration of the traffic data provided in the Report and other relevant evidence presented at the public hearing held on _____, 2026, the City Council has determined that the school zones for the following schools constitute a heightened safety risk that warrant additional enforcement measures pursuant to Section 316.008(9), Florida Statutes: _____

(collectively, the “School Zones”), which School Zones are identified in further detail in the Report; and

1
2 **Whereas**, in order to mitigate the heightened safety risks at the School Zones, the City
3 Council desires to adopt this Ordinance to, among other things, make findings that the School
4 Zones constitute heightened safety risks that warrant additional enforcement measures
5 pursuant to Section 316.008(9), Florida Statutes, based on the Report and other relevant
6 evidence presented at the _____, 2026, public hearing; authorize the placement,
7 installation, and operation of SDS at the School Zones; create procedures for the issuance of
8 notice of violations for school zone speeding violations by duly qualified traffic infraction
9 officers pursuant to Section 316.1896, Florida Statutes; and establish a hearing framework
10 whereby a local hearing officer will determine whether school zone speeding violations have
11 occurred; and
12

13 **Whereas**, the City Council has determined that adoption of this Ordinance is in the
14 best interest of the public health, safety, and general welfare of the City of Westlake, Florida.
15

16 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE**
17 **CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:**
18

19 **SECTION 1. Recitals.** The foregoing recitals are confirmed, adopted and incorporated
20 herein and made a part hereof by this reference.
21

22 **SECTION 2. Amendment to Code of Ordinances.** The City Council hereby amends
23 the City's Code of Ordinances by amending Chapter 24 by creating Section 24-30, "School
24 Zone Speed Detection Systems," of a new Article III entitled "Traffic Enforcement," to read
25 as follows:
26

27 **CHAPTER 24 – TRAFFIC AND VEHICLES**

28 * * *

29 ARTICLE III – TRAFFIC ENFORCEMENT

30
31
32 Sec. 24-30. – School Zone Speed Detection Systems.
33

34
35 (a) *Purpose and intent.* The City desires to protect the public health, safety, and welfare of
36 individuals traveling to and from school in the City, especially students and their parents and/or
37 legal guardians and school employees. Accordingly, the City seeks to enforce school zone
38 speed limits by authorizing the placement and installation of speed detection systems on those
39 school zone roadways that constitute a heightened safety risk warranting additional
40 enforcement measures pursuant to F.S. § 316.008(9).
41

42 (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have
43 the meanings ascribed to them in this Section, except where the context clearly indicates a
44 different meaning:
45

1 (1) Local hearing officer means the City Special Magistrate, appointed pursuant to
2 Section 1-43 of the City Code, or such other qualified person designated by resolution
3 of the City Council to conduct hearings relating to notice of violations issued pursuant
4 to F.S. §§ 316.1896 and 316.0083.

5
6 (2) Person means a natural person, the registered owner or co-owner of a motor vehicle,
7 or the person identified in an affidavit as having actual care, custody, or control of the
8 motor vehicle at the time of a violation.

9
10 (3) Petitioner means a person who elects to request a hearing before the local hearing
11 officer for the purpose of determining whether a violation under F.S. § 316.1896, has
12 occurred.

13
14 (4) School zone means a roadway located within the City and maintained as a school
15 zone pursuant to F.S. § 316.1895, that constitutes a heightened safety risk that warrants
16 additional enforcement measures, as determined by the City Council after
17 consideration of traffic data and other relevant evidence.

18
19 (5) Speed detection system means a portable or fixed automated system used to detect
20 a motor vehicle's speed using radar or LiDAR, and to capture a photograph or video of
21 the rear of a motor vehicle that exceeds the speed limit in force at the time of the
22 violation.

23
24 (6) Traffic infraction enforcement officer means the ~~Palm Beach County Sheriff's~~
25 ~~Officer~~police department employee or employees designated by the City who meets
26 the qualifications set forth under F.S. § 316.640(5), and/or any other relevant statute,
27 and is vested with the authority to enforce violations.

28
29 (7) Violation means a person that drives a motor vehicle on a roadway designated as a
30 school zone at a speed as follows:

31
32 a. In excess of ten miles per hour over the school zone speed limit which occurs
33 within 30 minutes before through 30 minutes after the start of a regularly
34 scheduled breakfast program in violation of F.S. § 316.1895.

35
36 b. In excess of ten miles per hour over the school zone speed limit which occurs
37 within 30 minutes before through 30 minutes after the start of a regularly
38 scheduled school session in violation of F.S. § 316.1895.

39
40 c. In excess of ten miles per hour over the posted speed limit during the entirety
41 of a regularly scheduled school session in violation of F.S. § 316.183.

42
43 d. In excess of ten miles per hour over the school zone speed limit which occurs
44 within 30 minutes before through 30 minutes after the end of a regularly
45 scheduled school session in violation of F.S. § 316.1895.
46

1 (c) Findings. After consideration of the traffic data provided in the "School Zone Speed Report
2 for the City of Westlake" prepared by RedSpeed Florida, LLC and other relevant evidence
3 presented at the public hearing held on INSERT DATE, 2026, the City Council hereby finds
4 that the following school zones for the following schools where speed detection systems are to
5 be placed and installed constitute a heightened safety risk that warrant additional enforcement
6 measures pursuant to F.S. § 316.008(9):

7
8 (1) Seminole Ridge Community High School
9 5959 140th Ave N
10 Westlake, FL 33411

11
12 a. Seminole Pratt Whitney Road from approximately 400 feet north of
13 Waters Edge Drive to 1300 feet south of Persimmon Boulevard

14
15 (d) Placement and installation of speed detection systems. Consistent with and pursuant to F.S.
16 ch. 316, the City Council authorizes the placement, installation, and operation of automated
17 speed detection systems on school zone roadways, as identified herein under subsection 24-
18 30(c), to enforce violations.

19
20 (e) Notice of violation, designation of local hearing officer, and hearing procedures.

21
22 (1) Within 30 days after a violation, a notice of violation shall be sent by first class mail
23 to the registered owner of the motor vehicle involved in the violation. The notice of
24 violation must include:

25
26 a. The name and address of the vehicle owner;

27
28 b. A photograph, video, or other recorded image showing the license plate of
29 the motor vehicle;

30
31 c. The make, model, and year of the vehicle;

32
33 d. The date, time, and location of the violation;

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35 e. Notice that the infraction charged is pursuant to this section;

36
37 f. The maximum speed at which the motor vehicle was traveling within the
38 school zone;

39
40 g. The speed limit within the school zone at the time of the violation;

41
42 h. A statement that the owner has a right to review, in person or remotely, the
43 photograph or video captured by the speed detection system(s) and the evidence
44 of the speed of the motor vehicle detected by the speed detection system(s) that
45 constitutes a rebuttable presumption that the motor vehicle was used in a
46 violation;

1
2 i. Instructions as to the time and the place or website at which the photograph
3 or video and evidence of speed detected captured by the speed detection
4 system(s) may be examined and observed;

5
6 j. Information that advises the violator on the person's right to request a hearing
7 and on all costs related thereto and a form used to request a hearing, or
8 alternatively, a web address to a website that provides such information;

9
10 k. Instructions on all methods of payment of the penalty;

11
12 l. A statement specifying the remedies available under F.S. § 318.14;

13
14 m. A statement that the owner must pay a penalty in the amount provided under
15 F.S. § 318.18(3)(d), or furnish an affidavit that compiles with F.S. §
16 316.1896(8), within 30 days in order to avoid court fees, costs, and the issuance
17 of a uniform traffic citation against the owner; and

18
19 n. A signed statement by the traffic infraction enforcement officer that, based
20 on inspection of recorded photographs or video captured by the speed detection
21 system(s), the vehicle was involved in and was utilized to commit a violation.

22
23 (2) Except as may be otherwise provided by resolution of the City Council, the City
24 shall utilize its special magistrate pursuant to Section 1-43 of the City Code to serve as
25 the local hearing officer(s) who shall preside over notice of violation hearings, as
26 established by F.S. § 316.1896, as amended.

27
28 (3) The City manager or the City manager's designee, shall designate a traffic infraction
29 enforcement officer(s) to implement the authorizations contained under F.S. §
30 316.1896(6), and, the City Council shall, by resolution, designate a City staff member
31 to serve as the clerk to the local hearing officer.

32
33 (4) Any petitioner that elects to request a hearing shall be scheduled for a hearing by
34 the clerk of the local hearing officer, with notice of the hearing to be sent to the
35 petitioner by first-class mail. Upon receipt of the notice, the petitioner may reschedule
36 the hearing once by submitting a written request to reschedule to the clerk of the local
37 hearing officer, at least five calendar days before the day of the originally scheduled
38 hearing. The petitioner may cancel his or her appearance before the local hearing
39 officer by paying the penalty assessed by F.S. § 316.1896(2), as amended, plus the
40 administrative costs established under F.S. § 316.0083(5)(c), before the start of the
41 hearing.

42
43 (5) All testimony at the hearing shall be under oath and shall be recorded. The local
44 hearing officer shall take testimony from a traffic infraction enforcement officer and
45 the petitioner, and may take testimony from others. The local hearing officer must
46 review the photograph or video captured by the speed detection system and the

1 evidence of the speed of the motor vehicle detected by the speed detection system.
2 Formal rules of evidence do not apply, but due process shall be observed and govern
3 the proceedings.

4
5 (6) At the conclusion of the hearing, the local hearing officer must determine whether
6 a violation has occurred, in which case the local hearing officer shall uphold or dismiss
7 the violation. The local hearing officer shall issue a final administrative order including
8 the determination and, if the notice of the violation is upheld, must require the petitioner
9 to pay the penalty assessed under F.S. § 316.18(3)(d), as amended, and may also require
10 the petitioner to pay the City's costs, not to exceed the amount established under F.S. §
11 316.0083(5)(e). The final administrative order shall be mailed to the petitioner by first-
12 class mail.

13
14 (7) An aggrieved party may appeal a final administrative order consistent with the
15 process provided under F.S. ch. 162.

16
17 (f) *Supplemental authority.* The provisions of this section supplement the enforcement of F.S.
18 §§ 316.1895 and 316.183, by law enforcement officers and does not prohibit law enforcement
19 officers from issuing uniform traffic citations for violations of F.S. §§ 316.1895 or 316.183.
20

21 **SECTION 3. Implementation.** The City Council hereby authorizes the City Manager
22 to create and implement any procedures necessary to implement the purposes and intent of this
23 Ordinance, subject to approval by the City Attorney as to form and legality, and to take any
24 other action which is reasonably necessary to implement the purpose of this Ordinance.
25

26 **SECTION 4. Codification.** It is the intention of the City Council of the City of
27 Westlake that the provisions of this Ordinance shall become and be made a part of the Code of
28 Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be
29 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or
30 such other word or phrase in order to accomplish such intention.
31

32 **SECTION 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of
33 resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.
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35 **SECTION 6. Severability.** Should the provisions of this ordinance be declared to be
36 severable and if any section, sentence, clause or phrase of this ordinance shall for any reason
37 be held to be invalid or unconstitutional, such decision shall not affect the validity of the
38 remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in
39 effect, it being the legislative intent that this ordinance shall remain notwithstanding the
40 invalidity of any part.
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42 **SECTION 7. Effective Date.** This ordinance shall be effective upon adoption on
43 second reading.
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45 **PASSED** this ____ day of _____, 2026, on first reading.

46 **PASSED AND ADOPTED** this ____ day of _____, 2026, on second reading.

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City of Westlake

JohnPaul O’Connor, Mayor

ATTEST:

Zoie P. Burgess,CMC City Clerk

APPROVED AS TO LEGAL FORM:

CITY ATTORNEY