

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 October 6, 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: Seminole Ridge Community High School (collectively, the “School Zones”), which School Zones are identified in further detail in the Report; and

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

11
12 **Whereas**, the City Council has determined that adoption of this Ordinance is in the
13 best interest of the public health, safety, and general welfare of the City of Westlake, Florida.

14
15 **NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY FOR THE**
16 **CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:**

17
18 **SECTION 1. Recitals.** The foregoing recitals are confirmed, adopted and incorporated
19 herein and made a part hereof by this reference.

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

25
26 **CHAPTER 24 – TRAFFIC AND VEHICLES**

27
28 * * *

29
30 **ARTICLE III – TRAFFIC ENFORCEMENT**

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

33
34 **(a) Purpose and intent.** The City desires to protect the public health, safety, and welfare of
35 individuals traveling to and from school in the City, especially students and their parents and/or
36 legal guardians and school employees. Accordingly, the City seeks to enforce school zone
37 speed limits by authorizing the placement and installation of speed detection systems on those
38 school zone roadways that constitute a heightened safety risk warranting additional
39 enforcement measures pursuant to F.S. § 316.008(9).

40
41 **(b) Definitions.** The following words, terms and phrases, when used in this section, shall have
42 the meanings ascribed to them in this Section, except where the context clearly indicates a
43 different meaning:

44
45 **(1) Local hearing officer** means the City Special Magistrate, appointed pursuant to
46 Section 1-43 of the City Code, or such other qualified person designated by resolution

1 of the City Council to conduct hearings relating to notice of violations issued pursuant
2 to F.S. §§ 316.1896 and 316.0083.

3
4 (2) *Person* means a natural person, the registered owner or co-owner of a motor vehicle,
5 or the person identified in an affidavit as having actual care, custody, or control of the
6 motor vehicle at the time of a violation.

7
8 (3) *Petitioner* means a person who elects to request a hearing before the local hearing
9 officer for the purpose of determining whether a violation under F.S. § 316.1896, has
10 occurred.

11
12 (4) *School zone* means a roadway located within the City and maintained as a school
13 zone pursuant to F.S. § 316.1895, that constitutes a heightened safety risk that warrants
14 additional enforcement measures, as determined by the City Council after
15 consideration of traffic data and other relevant evidence.

16
17 (5) *Speed detection system* means a portable or fixed automated system used to detect
18 a motor vehicle's speed using radar or LiDAR, and to capture a photograph or video of
19 the rear of a motor vehicle that exceeds the speed limit in force at the time of the
20 violation.

21
22 (6) *Traffic infraction enforcement officer* means the police department employee or
23 employees designated by the City who meets the qualifications set forth under F.S. §
24 316.640(5), and/or any other relevant statute, and is vested with the authority to enforce
25 violations.

26
27 (7) *Violation* means a person that drives a motor vehicle on a roadway designated as a
28 school zone at a speed as follows:

29
30 a. In excess of ten miles per hour over the school zone speed limit which occurs
31 within 30 minutes before through 30 minutes after the start of a regularly
32 scheduled breakfast program in violation of F.S. § 316.1895.

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

37
38 c. In excess of ten miles per hour over the posted speed limit during the entirety
39 of a regularly scheduled school session in violation of F.S. § 316.183.

40
41 d. In excess of ten miles per hour over the school zone speed limit which occurs
42 within 30 minutes before through 30 minutes after the end of a regularly
43 scheduled school session in violation of F.S. § 316.1895.

44
45 (c) *Findings.* After consideration of the traffic data provided in the "School Zone Speed Report
46 for the City of Westlake" prepared by RedSpeed Florida, LLC and other relevant evidence

1 presented at the public hearing held on October 6, 2026, the City Council hereby finds that the
2 following school zones for the following schools where speed detection systems are to be
3 placed and installed constitute a heightened safety risk that warrant additional enforcement
4 measures pursuant to F.S. § 316.008(9):

5
6 (1) Seminole Ridge Community High School
7 4601 Seminole Pratt Whitney Road
8 Westlake, FL 33470
9

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

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

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

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

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

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

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

31 d. The date, time, and location of the violation;
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33 e. Notice that the infraction charged is pursuant to this section;
34

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

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

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

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

4
5 j. Information that advises the violator on the person's right to request a hearing
6 and on all costs related thereto and a form used to request a hearing, or
7 alternatively, a web address to a website that provides such information;

8
9 k. Instructions on all methods of payment of the penalty;

10
11 l. A statement specifying the remedies available under F.S. § 318.14;

12
13 m. A statement that the owner must pay a penalty in the amount provided under
14 F.S. § 318.18(3)(d), or furnish an affidavit that complies with F.S. §
15 316.1896(8), within 30 days in order to avoid court fees, costs, and the issuance
16 of a uniform traffic citation against the owner; and

17
18 n. A signed statement by the traffic infraction enforcement officer that, based
19 on inspection of recorded photographs or video captured by the speed detection
20 system(s), the vehicle was involved in and was utilized to commit a violation.

21
22 (2) Except as may be otherwise provided by resolution of the City Council, the City
23 shall utilize its special magistrate pursuant to Section 1-43 of the City Code to serve as
24 the local hearing officer(s) who shall preside over notice of violation hearings, as
25 established by F.S. § 316.1896, as amended.

26
27 (3) The City manager or the City manager's designee, shall designate a traffic infraction
28 enforcement officer(s) to implement the authorizations contained under F.S. §
29 316.1896(6), and, the City Council shall, by resolution, designate a City staff member
30 to serve as the clerk to the local hearing officer.

31
32 (4) Any petitioner that elects to request a hearing shall be scheduled for a hearing by
33 the clerk of the local hearing officer, with notice of the hearing to be sent to the
34 petitioner by first-class mail. Upon receipt of the notice, the petitioner may reschedule
35 the hearing once by submitting a written request to reschedule to the clerk of the local
36 hearing officer, at least five calendar days before the day of the originally scheduled
37 hearing. The petitioner may cancel his or her appearance before the local hearing
38 officer by paying the penalty assessed by F.S. § 316.1896(2), as amended, plus the
39 administrative costs established under F.S. § 316.0083(5)(c), before the start of the
40 hearing.

41
42 (5) All testimony at the hearing shall be under oath and shall be recorded. The local
43 hearing officer shall take testimony from a traffic infraction enforcement officer and
44 the petitioner, and may take testimony from others. The local hearing officer must
45 review the photograph or video captured by the speed detection system and the
46 evidence of the speed of the motor vehicle detected by the speed detection system.

1 Formal rules of evidence do not apply, but due process shall be observed and govern
2 the proceedings.

3
4 (6) At the conclusion of the hearing, the local hearing officer must determine whether
5 a violation has occurred, in which case the local hearing officer shall uphold or dismiss
6 the violation. The local hearing officer shall issue a final administrative order including
7 the determination and, if the notice of the violation is upheld, must require the petitioner
8 to pay the penalty assessed under F.S. § 318.18(3)(d), as amended, and may also require
9 the petitioner to pay the City's costs, not to exceed the amount established under F.S. §
10 316.0083(5)(e). The final administrative order shall be mailed to the petitioner by first-
11 class mail.

12
13 (7) An aggrieved party may appeal a final administrative order consistent with the
14 process provided under F.S. ch. 162.

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

19
20 **SECTION 3. Implementation.** The City Council hereby authorizes the City Manager
21 to create and implement any procedures necessary to implement the purposes and intent of this
22 Ordinance, subject to approval by the City Attorney as to form and legality, and to take any
23 other action which is reasonably necessary to implement the purpose of this Ordinance.

24
25 **SECTION 4. Codification.** It is the intention of the City Council of the City of
26 Westlake that the provisions of this Ordinance shall become and be made a part of the Code of
27 Ordinances of the City of Westlake, Florida, and that the Sections of this Ordinance may be
28 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or
29 such other word or phrase in order to accomplish such intention.

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31 **SECTION 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of
32 resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

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34 **SECTION 6. Severability.** Should the provisions of this ordinance be declared to be
35 severable and if any section, sentence, clause or phrase of this ordinance shall for any reason
36 be held to be invalid or unconstitutional, such decision shall not affect the validity of the
37 remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in
38 effect, it being the legislative intent that this ordinance shall remain notwithstanding the
39 invalidity of any part.

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41 **SECTION 7. Effective Date.** This ordinance shall be effective upon adoption on
42 second reading.

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44 **PASSED** this ____ day of _____, 2026, on first reading.

45 **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, City Clerk

APPROVED AS TO LEGAL FORM:

CITY ATTORNEY