

ORDINANCE NO. ____

PROPOSED ORDINANCE NO. 25-011

AN ORDINANCE OF THE CITY OF LAKELAND, FLORIDA, AMENDING CHAPTER 98 "TRAFFIC AND VEHICLES" OF THE CITY CODE BY CREATING ARTICLE IV ENTITLED "SCHOOL ZONE SPEED SAFETY ENFORCEMENT"; AUTHORIZING THE PLACEMENT, INSTALLATION AND OPERATION OF SPEED DETECTION SYSTEMS ON SPECIFIED ROADWAYS WITHIN THE JURISDICTION OF THE CITY OF LAKELAND MAINTAINED AS SCHOOL ZONES THAT CONSTITUTE A HEIGHTENED SAFETY RISK; ESTABLISHING TRAFFIC ENFORCEMENT AND ADMINISTRATIVE PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR HEARING PROCEDURES AND APPEALS; ESTABLISHING DEFENSES, PENALTIES AND ADMINISTRATIVE COSTS; SETTING FORTH PROVISIONS RELATED TO THE COLLECTION OF EVIDENCE, PUBLIC RECORDS, RETENTION REQUIREMENTS, AND REMITTANCE OF FINES PURSUANT TO STATE STATUTE; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 1, 2023, Chapter 2023-174 of the Laws of Florida went into effect authorizing counties and municipalities to enforce school zone speeding violations in excess of ten (10) miles over the posted speed limit during specified times and days through the use of speed detection systems; and

WHEREAS, speed detection systems are defined by Florida Statute §316.003, and prior to installing and utilizing such speed detection systems to enforce school zone speeding violations, counties and municipalities are required to adopt an ordinance to create traffic enforcement procedures, adopt specified notice requirements, and determine whether a school zone constitutes a heightened safety risk warranting additional traffic enforcement measures based on traffic data and/or other evidence relating to the enforcement of school speed zone limits through the use of speed detection systems; and

WHEREAS, Chapter 2023-174 of the Laws of Florida authorizes counties and municipalities to place or install, or contract with a vendor to place or install, speed detection systems within a roadway maintained as a school zone as set forth in Florida Statute § 316.1895 to enforce unlawful speed violations; and

WHEREAS, the City Commission of the City of Lakeland finds that speed violations in school zones present a real hazard not only to the general public's health and safety, but also to students arriving at or departing from school; and

WHEREAS, the City Commission of the City of Lakeland seeks to deter drivers from speeding through school zones and provide a supplemental method for the enforcement of unlawful speed violations by enacting an ordinance to implement a school zone speed safety enforcement program; and

WHEREAS, in accordance with and pursuant to the provisions of Florida Statute § 316.008(c), the City Commission of the City of Lakeland has considered relevant traffic data and other evidence supporting the installation and operation of each proposed school zone speed 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 of the City of Lakeland finds that motor vehicles speeding in school zones create a detrimental hazard that threatens the health, safety and welfare of students and pedestrians in the City of Lakeland and that the enforcement of applicable speed limits in school zones during school hours through the use of a speed detection system may reduce instances of speeding in school zones on roadways within the jurisdiction of the City of Lakeland; and

WHEREAS, the City Commission of the City of Lakeland finds it to be in the best interest of the health, safety and welfare of the traveling public in the City of Lakeland to adopt the use of school zone safety speed detection systems to enforce the speed limits by establishing rules and regulations governing them pursuant to state law and this Chapter.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. Recitals Adopted. The foregoing findings are true and correct and are made a part hereof and incorporated herein by reference.

SECTION 2. Use of Speed Detection Systems Pursuant to State Law. The City of Lakeland seeks to utilize Speed Detection Systems for enforcement of school zone speed limits within its jurisdiction in accordance with the provisions set forth in State law, including Chapter 2023-174, Laws of Florida and this Chapter.

SECTION 3. Amendment of City Code. City of Lakeland Code of Ordinances Chapter 98 - "Traffic and Vehicles" is hereby amended to create Article IV, "School Zone Speed Safety Enforcement" and shall include the following:

Article IV. - SCHOOL ZONE SPEED SAFETY ENFORCEMENT

Sec. 98-116. – Speed Detection Systems for enforcement of school zone speed limits.

a. **Intent.** The City seeks to protect the public health, safety, and welfare of persons traveling to and from schools in the City of Lakeland. The City seeks to enforce School Zone speed limits by authorizing the installation, implementation, and operation of Speed Detection Systems on those roadways maintained as School Zones that constitute a heightened safety risk warranting additional enforcement measures pursuant to Florida Statute § 316.003(84), in accordance with Chapter 2023-174, Laws of Florida, as such may be amended from time to time. School zone speed safety enforcement pursuant to 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 Florida Statute Chapter 316.

b. **Definitions.** The following words, terms, and phrases, when used in this Article, shall have the meanings provided below.

Clerk shall mean City staff, designated by resolution of the City Commission, who shall serve as the clerk to the Local Hearing Officer.

Law Enforcement Officer means, as defined by Florida Statute § 943.10(1), as may be amended.

Local Hearing Officer shall mean a Special Magistrate, or such other qualified person, as set forth in City of Lakeland Code Sec. 98-91, who is authorized to conduct hearings related to a notice of violation issued pursuant to Florida Statute § 316.1896 and § 316.0083, as may be amended.

Notice of Violation means the written notification sent to the registered owner of a motor vehicle after a School Zone speed infraction by that vehicle has been captured by a Speed Detection System and thereafter reviewed and approved by a Law Enforcement Officer or Traffic Infraction Enforcement Officer. A notice of violation must in the form and include the contents prescribed by Florida Statute § 316.1896. as may be amended.

Person means 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.

School Zone means a roadway located within the City of Lakeland and maintained as a School Zone pursuant to § 316.1895, as may be amended, which constitutes a heightened safety risk that warrants additional enforcement measures, as determined by the City Commission after consideration of traffic data and/or other relevant evidence.

Speed Detection System(s) 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 Florida Statute § 316.003(83), as may be amended.

Traffic Infraction Enforcement Officer means a person designated by the City who meets the qualifications set forth in Florida Statute § 316.640, and/or any other applicable statute as may be amended.

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 Florida Statute § 316.1896, as may be amended.

Sec. 98-117. – Use of Speed Detection Systems

Consistent with and pursuant to Florida Statute Chapter 316 and Chapter 2023-174, Laws of Florida, as may be amended, the City Commission hereby authorizes the placement or installation of Speed Detection Systems to enforce applicable speed limits on roadways maintained as School Zones within the jurisdictional limits of the City consistent with the placement and installation specifications established by the Florida Department of Transportation, as such may be amended from time to time, to enforce unlawful speed violations, as set forth in Florida Statute § 316.1895 and § 316.183.

Sec. 98-118. – Administration and Implementation of School Zone Speed Safety Enforcement Program

a. **Program Administration.** The City of Lakeland Police Department, in conjunction with any necessary City staff and approved vendor and its employees and agents, shall be authorized pursuant to this section, to engage in the administration of the City's School Zone Speed Safety Enforcement Program. This section shall enable the City to enter into agreements with one or more vendors to place or install speed detection systems and carry out the services consistent with the implementation and enforcement of the provisions set forth in Chapter 2023-174 of the Laws of Florida, subject to any other applicable state or local legal requirements. The City may utilize a Local Hearing Officer and Clerk for the hearings as defined in Sec. 98-116 of this ordinance.

b. **Program Implementation.**

i. *Vendor Contract.* The City Commission shall approve any contract for placement or installation of a Speed Detection System in a school zone in accordance with Florida Statute § 316.0776.

ii. *Installation and Operation of Speed Detection Systems.* Pursuant to Florida Statute § 316.008 and § 316.0776, Speed Detection Systems may only be installed and operated in the School Zones designated by this ordinance and/or any subsequent amendments thereto.

iii. *Signage Requirements.* Pursuant to Florida Statute § 316.0776, upon installation of a School Zone Speed Detection System, the City shall notify the public by posting signage indicating photographic or video enforcement of the

School Zone speed limits which clearly designates the time period during which the School Zone speed limits are enforced using a Speed Detection System and which meets the placement and installation specifications established by the Florida Department of Transportation.

iv. Public Awareness. At least thirty (30) days before commencing enforcement under the Speed Detection System program, the City shall notify the public of the specific date on which the program will commence. During the thirty (30) day public awareness campaign, only a warning will be issued to the registered owner of a motor vehicle for a violation of Florida Statute § 316.1895 and § 316.183 and liability will not be imposed for the civil penalty under Florida Statute § 318.18(3)(d).

Sec. 98-119. – Designation of School Zones.

Having considered traffic data and evidence at a public hearing supporting the installation and operation of Speed Detection Systems on specified roadways maintained as school zones within the jurisdiction of the City of Lakeland, the City Commission determines that the following School Zones where a Speed Detection System is to be placed or installed constitute a heightened safety risk that warrants additional enforcement measures pursuant to Florida Statute § 316.008(9):

School	Direction	Block
Lincoln Academy	Eastbound	900 W. 10 th St.
Lincoln Academy	Westbound	712 W. 10 th St.
Crystal Lake Elementary/ Crystal Lake Middle	Eastbound	2237 N. Crystal Lake Dr.
Crystal Lake Elementary/ Crystal Lake Middle	Westbound	2272 N. Crystal Lake Dr.
Crystal Lake Elementary/ Crystal Lake Middle	Eastbound	2236 S. Crystal Lake Dr.
Crystal Lake Elementary/ Crystal Lake Middle	Westbound	2238 S. Crystal Lake Dr.
Philip O'Brien Elementary	Northbound	508 Bartow Rd./US 98
Philip O'Brien Elementary	Southbound	337 Bartow Rd./US 98

Southwest Middle	Southbound	2417 S. Lincoln Ave.
North Lakeland Elementary	Westbound	225 W. Robson St.
North Lakeland Elementary	Eastbound	510 W. Robson St.
Lakeland High School	Northbound	821 Hollingsworth Rd.
Lakeland Highlands Middle	Eastbound	868 Lake Miriam Dr.
Sleepy Hill Elementary	Westbound	2315 Sleepy Hill Rd.

The above specified list of School Zones may be amended from time to time to provide for the deletion or addition of School Zones upon adoption of an ordinance by the City Commission.

Sec. 98-120. – Enforcement Procedures.

The City of Lakeland Police Department shall be authorized to enforce the applicable speed limit on a roadway properly maintained as a School Zone pursuant to Chapter 2023-174 of the Laws of Florida for violations of Florida Statute § 316.183 and § 316.1895, as may be amended, through the use of Speed Detection Systems for violations in excess of ten (10) miles per hour over the speed limit in force at the time of violation as specifically set forth in this ordinance. The City of Lakeland Police Department or authorized City designee is responsible for establishing the business rules of procedure between the vendor and the City necessary for implementing this section.

Sec. 98-121. – School Zone Speed Detection System Violations.

The applicable speed limit on a roadway properly maintained as a School Zone may be enforced through the capturing of a violation by a Speed Detection System for those violations which occur as follows:

- a. In excess of ten (10) miles per hour over the School Zone speed limit which occurs within thirty (30) minutes before through thirty (30) minutes after the start of a regularly scheduled school session in violation of Florida Statute § 316.1895.
- b. In excess of ten (10) miles per hour over the School Zone speed limit which occurs within thirty (30) minutes before through thirty (30) minutes after the end of a regularly scheduled school session in violation of Florida Statute § 316.1895.

Sec. 98-122. – Review of recorded images.

- a. The registered owner of the vehicle observed by recorded images committing a Violation shall be issued a Notice of Violation no later than thirty (30) days after the Violation occurs. The recorded image shall be sufficient grounds to issue a notice of violation.
- b. The City shall designate one or more Traffic Infraction Enforcement Officers who shall meet the qualifications set forth in Florida Statute § 316.640, or any other applicable statute. The Traffic Infraction Enforcement Officer shall review recorded images prior to the issuance of a notice of violation to ensure accuracy and the integrity of the recorded images. Once the Traffic Infraction Enforcement Officer has verified the accuracy of the recorded images, a notice of violation shall be sent to the vehicle owner at the address on record with the Florida Department of Highway Safety and Motor Vehicles or with the appropriate agency having such information in another state.
- c. If a vehicle owner receiving a notice of violation fails to pay the penalty for the violation of Florida Statute § 316.1895(10) or § 316.183 imposed by Florida Statute § 318(3)(d)1 or provide an affidavit that complies with the provisions of Florida Statute § 316.1896(8), or request a hearing within thirty (30) days of the date of the notice of violation, then a Uniform Traffic Citation shall be issued to the vehicle owner as provided by general law.

Sec. 98-123 – Notice of Violation.

The Notice of Violation shall be sent to the registered owner of the motor vehicle involved in the violation as provided under Florida Statute § 316.1896, specifying the remedies available pursuant to Florida Statute § 318.14 and the violator must pay the penalty under § 318.18(3)(d) to the City or furnish an affidavit in accordance with Florida Statute § 316.1896(8), within thirty (30) days after the date of the Notice of Violation in order to avoid court fees, costs and the issuance of a Uniform Traffic Citation. The Notice of Violation must:

- a. Be sent via first class mail.
- b. Include a photograph or other recorded image showing the license plate of the motor vehicle; the date, time, and location of the Violation; the maximum speed at which the motor vehicle was traveling within the School Zone; and the speed limit within the School Zone at the time of the violation.
- c. Include a notice that the owner has the right to review, in person or remotely, the photograph or video captured by the Speed

Detection System and the evidence of the speed of the motor vehicle detected by the Speed Detection System which constitute a rebuttable presumption that the motor vehicle was used in violation of Florida Statute § 316.1895 or § 316.183.

- d. State the time when, and the place or website at which, the photograph or video capture and evidence of speed detected may be examined and observed.

Sec. 98-124 – Hearing Procedures and Appeals.

Hearings to contest notices of violations pursuant to this section shall be held in accordance with the requirements set forth in Chapter 2023-174, Laws of Florida and Florida Statute § 316.0083(5) and § 316.1896, as may be amended. A Person may appeal a final administrative order of the Local Hearing Officer in accordance with the process set forth in Florida Statute § 162.11.

Sec. 98-125 – Defenses, Penalties and Administrative Costs.

- a. The enforcement of school zone speed infractions, including the issuance of notices of violations and Uniform Traffic Citations, the processing of affidavits to assert an exception to liability, and the assessment of fines pursuant to this ordinance shall comply with Florida Statute § 316.1896. A registered owner who receives a notice of violation may, within thirty (30) days:
 - i. Pay the fine of \$100.00, as set forth by Florida Statute § 318.18(3)(d), as may be amended, or
 - ii. Submit an affidavit establishing an exception to liability pursuant to Florida Statute § 316.1896(8), as may be amended, or
 - iii. Request a hearing.
- b. 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 within the time prescribed herein, then a Uniform Traffic Citation shall be issued to the registered owner and transmitted to the Polk County Clerk of the Court for disposition by the county court.
- c. A Person canceling an appearance before the Local Hearing Officer prior to the start of a hearing shall be subject to a penalty of \$50.00 as set forth in Florida Statute § 316.0083(5)(c), as may be amended.
- d. If the notice of violation is upheld, the Local Hearing Officer may also require payment of City administrative costs in a not to exceed amount of

\$250.00 as set forth in Florida Statute § 316.0083(5)(e), as may be amended.

Sec. 98-126 – Collection of evidence, public records and retention requirements.

In accordance with Florida Statute § 316.1896, 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 ninety (90) days after the final disposition of the recorded event, pursuant to Florida Statute § 316.1896. 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 section must be maintained in accordance with Florida law and all requests for such records must be addressed in accordance with Florida Statute Chapter 119 and any other applicable state law.

Sec. 98-127 – Annual reporting requirements.

The City, with the assistance of its Police Department and/or the vendor, will annually report on the City's School Zone Speed Safety Enforcement Program to the public and to the Florida Department of Highway Safety and Motor Vehicles in accordance with Florida Statute § 316.0776 and § 316.1896, as may be amended. Pursuant to Florida Statute § 316.0776(3)(c), the compliance or sufficiency of compliance with this subsection may not be raised in a proceeding challenging a notice of violation for a School Zone speed infraction.

Sec. 98-128 – Remittance of Collected Fines and Costs.

All fines and costs collected pursuant to this section must be remitted in Accordance with Florida Statute § 316.1896 and § 318.18, and any other applicable law.

SECTION 4. Severability. If any word, sentence, clause, phrase, or provision of this Ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 2nd day of June, A.D. 2025.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY