



## **BUSINESS IMPACT ESTIMATE<sup>1</sup>**

Meeting Date: April 9, 2025

Agenda Item No. 8.1

### **Summary of Proposed Ordinance and Statement of Public Purpose to be Served**

The attached Ordinance authorizes Town of Pembroke Park to utilize speed detection systems to enforce certain school zone speeding violations pursuant to Chapter 316 of the Laws of Florida, and accordingly, is necessary to comply with State Statute under Chapter 316 of the Laws of Florida. The Ordinance will protect members of the public, especially school children, parents, and teachers commuting to the Lake Forest Elementary School and Watkins Elementary, which is located within a school zone that has been determined to constitute a heightened safety risk that warrants additional traffic enforcement measures pursuant to Section 316.008(9), Florida Statutes.

### **Estimate of Direct Economic Impact on Private/For Profit Businesses**

a. Estimate of Direct Business Compliance Costs:

Direct business compliance costs are not applicable as this is a general ordinance and all businesses are required to comply with traffic laws.

b. New Charges/Fees on Businesses Impacted:

Not applicable as there are no new charges being imposed on businesses who comply with existing traffic laws.

c. Estimate of Regulatory Costs:

There are no new regulatory costs associated with this Ordinance as businesses are already required to comply with traffic laws.

**Good Faith Estimate of Number of Businesses Likely Impacted:** Not applicable.

### **Any Additional Information:**

This Business Impact Estimate statement is provided as a courtesy. This Ordinance is exempt from the Business Impact Estimate statement requirements under Florida Law as an ordinance required for compliance with federal or state law or regulation under Section 166.041(4)(c)(1), Florida Statutes.

<sup>1</sup> Business Impact Estimate does not apply to the following:

1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances related to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract/agreement;
5. Emergency ordinances;
6. Ordinances relating to procurement;
7. Ordinances enacted to implement the following:
  - a. Part II of Chapter 163, F.S.;
  - b. Sec. 190.005, F.S. and Sec. 190.046, F.S.;
  - c. Sec. 553.73, F.S. (Fla. Building Code);
  - d. Sec. 633.202, F.S. (Fla. Fire Prevention Code).

**ORDINANCE NO. 2025-002**

**AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA RELATED TO POWERS OF LOCAL AUTHORITIES; AMENDING CHAPTER 22 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACE;" BY SPECIFICALLY AMENDING ARTICLE II, ENTITLED "STREETS, SIDEWALKS, AND ROADWAYS," DIVISION 5, ENTITLED, "ROADWAYS;" CREATING SECTION 22-100, TO BE ENTITLED "SPEED DETECTION SYSTEMS; SCHOOL ZONES;" PROVIDING FOR SPEED DETECTION SYSTEM PLACEMENT AND INSTALLATION; PROVIDING FOR SCHOOL CROSSING GUARD RECRUITMENT AND RETENTION PROGRAM; PROVIDING FOR SPEED DETECTION SYSTEMS IN SCHOOL ZONES; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Sec. 316.008(9)(A), F.S., permits a city or municipality to enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to Florida Statutes section 316.1895 during specified times 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 (10) miles per hour over the speed limit in force at the time of the violation; and

**WHEREAS**, Florida Statutes section 316.008(9)(B) permits a county or municipality to install, or contract with a vendor to place or install, a speed detection system within a roadway maintained as a school zone as provided in Florida Statutes section 316.1895 to enforce unlawful speed violations, as specified in Florida Statutes sections 316.1895(10) or 316.183 on that roadway; and

**WHEREAS**, Florida Statutes section 316.008(9)(C) requires a county or municipality to enact an ordinance to authorize the placement or installation of a speed enforcement system on a roadway maintained as a school zone after a public hearing on such proposed ordinance in which

the county or municipality considers traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and the county or municipality determines that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures;

**WHEREAS**, the Town Commission of the Town of Pembroke Park (the “Town”) has held a public hearing in which it considered traffic data and other evidence and has found that school zones within the municipality constitute heightened safety risks that warrant additional enforcement measures;

**WHEREAS**, the Town, having never before conducted a school zone speed detection program, has made a public announcement, conducted a public awareness campaign of the proposed use of speed detection systems at least thirty (30) days before commencing enforcement under the speed detection system, and has notified the public of the specific date on which the program will commence; and

**WHEREAS**, the Town Commission finds that the regulations proposed in this Ordinance promote and enhance the health, safety, and welfare of its citizens.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, AS FOLLOWS:**

**Section 1.** Adoption of Representations. The foregoing “whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

**Section 2.** Article II, entitled “Streets, Sidewalks and Roadways,” of Chapter 22 of the Town’s Code of Ordinances, entitled “Streets, Sidewalks and Other Public Places,” is hereby amended by the creation of Sec. 22-100, to be entitled “Speed Detection System; School Zones,” as follows:

Sec. 22-100 Speed Detection System, School Zones

(A) Definitions. The following words and phrases, when used in this Ordinance, shall have the meanings inscribed to them in Sec. 316.003, F.S., Sec. 316.1906, F.S., and Sec. 316.1895, F.S.:

- (1) *Local Hearing Officer* means the person designated by the Town that elects to authorize traffic infraction enforcement officers to issue traffic citations under Sec. 316.0083(1)(A), F.S., and Sec. 316.1896(1), F.S. who is authorized to conduct hearings related to a notice of violation issued pursuant to Sec. 316.0083, F.S. or Sec. 316.1896, F.S. The Town may use its currently appointed special magistrate to serve as the local hearing officer.
- (2) *School Speed Zone* means a school speed zone established pursuant to and in conformance with Sec. 316.1895, F.S.
- (3) *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.
- (4) *Traffic Infraction Enforcement Officer* means a person who is employed or appointed, with or without compensation, and satisfies the requirements of Sec. 316.640(5), F.S., and is vested with authority to enforce violations of Sec. 316.1895, F.S., and Sec. 316.183, F.S. pursuant to Sec. 316.1896, F.S.

(B) Powers of Local Authorities.

(1) Pursuant to Sec. 316.008(9), F.S. the Town is authorized to enforce the applicable speed limit on a roadway properly maintained as a school zone, through the use of a speed detection system for the detection of speed and capturing of photographs or videos for speeding violations in excess of ten (10) miles per hour over the speed limit in force at the time of the violation during the following times:

- (a) Within thirty (30) minutes before through thirty (30) minutes after the start of a regularly scheduled breakfast program;
- (b) Within thirty (30) minutes before through thirty (30) minutes after the start of a regularly scheduled school session.
- (c) During the entirety of a regularly scheduled school session; and
- (d) Within thirty (30) minutes before through thirty (30) minutes after the end of a regularly scheduled school session.

(2) A school zone's compliance with Section 316.1895, F.S. relating to the establishment of school speed zones, creates a rebuttable presumption that the school zone is properly maintained.

(C) Speed Detection System Placement and Installation; Annual Report

- (1) The Town is authorized to install a speed detection system authorized by Sec. 316.008(9), F.S. in a school zone on a state road when permitted by the State Department of Transportation and in accordance with placement and installation specifications developed by the Department of Transportation. The Town may place or install a speed detection system in a school zone on a street or highway under the jurisdiction of a county or a municipality in accordance with placement and installation specifications established by the Department of Transportation. The Department of Transportation must establish such placement and installation specifications by December 31, 2023.
- (2) In all locations where the Town places or installs a speed detection system, as authorized by Sec. 316.008(9), F.S., the Town shall notify the public that a speed detection system may be in use by posting signage indicating photographic or video enforcement of the school zone speed limits. Such signage shall clearly designate the time period during which the school zone speed limits are enforced using a speed detection system and must meet the placement and installation specifications established by the Department of Transportation. For a speed detection system enforcing violations of Sec. 316.1895, F.S. or Sec. 316.183, F.S., on a roadway maintained as a school zone, this paragraph governs the signage notifying the public of the use of a speed detection system.
- (3) As the Town has never before conducted a school speed zone program, the Town shall make a public announcement and conduct a public awareness campaign of the proposed use of speed detection systems at least thirty (30) days before commencing enforcement under the speed detection system program and shall notify the public of the specific date on which the program will commence. During the thirty-day public awareness campaign, only a warning may be issued to the registered owner of a motor vehicle for a violation of Sec. 316.1895, F.S., or Sec. 316.183, F.S., enforced by a speed detection system, and liability may not be imposed for the civil penalty under Sec. 318.18(3)(d), F.S.
- (4) So long as the Town operates one or more school zone speed detection systems, the Town shall annually report the results of all systems within its jurisdiction to the Florida Department of Highway Safety and Motor Vehicles by placing the report required under Sec. 316.1896(16)(a), F.S., as a single reporting item on the agenda of a regular or special meeting of the Town Commission.
  - (a) Before the Town contracts or renews a contract to place or install a speed detection system in a school zone pursuant to Sec. 316.008(9), F.S. the Town shall approve the contract or contract renewal at a regular or special meeting of the Town Commission. Interested members of the public shall be allowed to comment regarding the report, contract, or contract renewal

under the Town's public comment policies or formats. The report, contract, or contract renewal may not be considered as part of a consent agenda.

- (b) The report required under this paragraph shall include a written summary, which shall be read aloud at the regular or special meeting, and the summary shall contain, for the same time period pertaining to the annual report to the department under Sec. 316.1896(16)(a), F.S., the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts. The Town must report to the Florida Department of Highway Safety and Motor Vehicles that the Town's annual report was considered in accordance with this paragraph, including the date of the regular or special meeting at which the annual report was considered.
- (c) The compliance or sufficiency of compliance with this paragraph may not be raised in a proceeding challenging a violation of Sec. 316.1895, F.S., or Sec. 316.183, F.S., enforced by a speed detection system in a school zone.

(D) School Crossing Guard Recruitment and Retention Program

The Town's Police Department must use funds generated from the school zone speed detection system program pursuant to Sec. 316.1896(5)(e), F.S., to administer the School Crossing Guard Recruitment and Retention Program. Such program may provide recruitment and retention stipends to crossing guards at k-12 public schools, including charter schools, or stipends to third parties for the recruitment of new crossing guards. The school crossing guard recruitment and retention program must be designed and managed at the discretion of the police department.

(E) Roadways Maintained as School Zones; Speed Detection System Enforcement; Penalties; Appeal, Procedure; Privacy; Reports

- (1) For purposes of administering this Section, the Town may authorize a traffic infraction enforcement officer under Sec. 316.640, F.S., to issue uniform traffic citations for violations of Sec. 316.1895, F.S., and Sec. 316.183, F.S., as authorized by Sec. 316.008(9), F.S. as follows:
  - (a) For a violation of Sec. 316.1895, F.S., 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 breakfast program.
  - (b) For a violation of Sec. 316.1895, F.S. 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.

- (c) For a violation of Sec. 316.183, F.S., in excess of ten (10) miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.
- (d) For a violation of Sec. 316.1895, F.S., 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.

(2) Violations must be evidenced by a speed detection system described in Sec.316.008(9), F.S., and Sec. 316.0776(3), F.S. This subsection does not prohibit a review of information from a speed detection system by an authorized employee or agent of the Town before issuance of the uniform traffic citation by the traffic infraction enforcement officer. This subsection does not prohibit the Town from issuing notices as provided in subsection (3) below to the registered owner of the motor vehicle for a violation of Sec. 316.1895, F.S., or Sec. 316.183, F.S.

(3) Within thirty (30) days after a violation, notice must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under Sec. 318.14, F.S., and that the violator must pay the penalty under Sec. 318.18(3)(d), F.S., to the Town, or furnish an affidavit in accordance with subsection (I) below, 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 by 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 Sec. 316.1895, F.S., or Sec. 316.183, F.S.; and
- (d) State the time when, and the place or website at which, the photograph or video captured and evidence of speed detected may be examined and observed.

(4) Notwithstanding any other law, a person who receives a notice of violation under this Section may request a hearing within thirty (30) days after the notice of violation or may pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to

request a hearing and on all costs related thereto and a form used for requesting a hearing. As used in this subsection, the term "person" includes 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 the violation.

- (5) If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or an authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the notice of violation.
- (6) Penalties assessed and collected by the Town, less the amount retained by the Town pursuant to subsections (b) and (e) below, and the amount remitted to the county school district pursuant to subsection (d), shall be paid to the State Department of Revenue weekly. Such payment shall be made by means of electronic funds transfer. In addition to the payment, a detailed summary of the penalties remitted shall be reported to the Department of Revenue. Penalties to be assessed and collected by the county or municipality as established in Sec. 318.18(3)(d), F.S. shall be remitted as follows:
  - (a) Twenty dollars (\$20.00) shall be remitted to the Department of Revenue for deposit into the General Revenue Fund;
  - (b) Sixty dollars (\$60.00) shall be retained by the Town and shall be used to administer speed detection systems in school zones and other public safety initiatives;
  - (c) Three dollars (\$3.00) shall be remitted to the Department of Revenue for deposit into the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund;
  - (d) Twelve dollars (\$12.00) shall be remitted to the county school district in which the violation occurred and must be used for school security initiatives, for student transportation, or to improve the safety of student walking conditions. These funds shall be shared with charter schools in the district based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment and must be used for school security initiatives or to improve the safety of student walking conditions; and
  - (e) Five dollars (\$5.00) shall be retained by the Town for the school crossing guard recruitment and retention program pursuant to Sec. 316.1894, F.S.

(7) A uniform traffic citation shall be issued by mailing the uniform traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within thirty (30) days after notification pursuant to subsection (3) above, if the registered owner has not requested a hearing as authorized under subsection (4), and if the registered owner has not submitted an affidavit in accordance with this Subsection (9).

(a) Delivery of the uniform traffic citation constitutes notification of a violation under this subsection. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation pursuant to this section, such person waives any challenge or dispute as to the delivery of the uniform traffic citation.

(b) In the case of joint ownership of a motor vehicle, the uniform traffic citation shall be mailed to the first name appearing on the motor vehicle registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

(c) The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the infraction shall be accompanied by the information described in subsections (3)(b), (3)(c), and (3)(d).

(8) The registered owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of Sec. 316.1895, F.S., or Sec. 316.183, F.S., unless the owner can establish that:

(a) The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;

(b) A uniform traffic citation was issued by law enforcement to the driver of the motor vehicle for the alleged violation of Florida Statutes sections 316.1895 or 316.183; or

(c) The motor vehicle's owner was deceased on or before the date of the alleged violation, as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other identified person or family member.

(9) To establish such facts under subsection (8), the registered owner of the motor vehicle must, within thirty (30) days after the date of issuance of the notice of violation or the uniform traffic citation, furnish to the appropriate

governmental entity an affidavit setting forth the following information supporting an exception under subsection (8):

- (a) An affidavit supporting the exception under subsection (8)(a) must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the motor vehicle was stolen at the time of the alleged violation, the affidavit must include the police report indicating that the motor vehicle was stolen.
- (b) If a uniform traffic citation for a violation of Sec. 316.1895, F.S., or Sec. 316.183, F.S., was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.
- (c) If the motor vehicle's owner to whom a notice of violation or a uniform traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the date of the alleged violation and one of the following:
  - (i) A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation;
  - (ii) Documented proof that the registered license plate belonging to the deceased owner's motor vehicle was returned to the department or any branch office or authorized agent of the department after his or her death but on or before the date of the alleged violation; or
  - (iii) A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.
- (d) Upon receipt of the required affidavit and documentation specified above related to the issuance of a uniform traffic citation or a deceased owner, or thirty (30) days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation pursuant to subsection (9)(a) above, the Town shall dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within thirty (30) days after the date a notice of violation was sent to a person, the Town receives an affidavit from the person sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the Town shall notify

the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.

- (10) Upon receipt of an affidavit identifying another person as having care, custody, or control of the vehicle, the person identified may be issued a notice of violation for a violation of Sec. 316.1895, F.S., or Sec. 316.183, F.S. The affidavit is admissible in a proceeding for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased motor vehicle for which a uniform traffic citation is issued for a violation of Sec. 316.1895, F.S., is not responsible for paying the uniform traffic citation and is not required to submit an affidavit if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.
- (11) If the Town receives an affidavit identifying another person as having care, custody, or control of the vehicle, the required notice of violation shall be sent to the person identified in the affidavit within thirty (30) days after receipt of the affidavit. The person identified in the affidavit and who received a notice of violation may also affirm that he or she did not have care, custody, or control of the motor vehicle at the time of the violation by furnishing to the appropriate governmental entity within thirty (30) days after the date of the notice of violation an affidavit stating such.
- (12) The photograph or video captured by a speed detection system and the evidence of the speed of the motor vehicle detected by a speed detection system which are attached to or referenced in the uniform traffic citation are evidence of a violation of Sec. 316.1895, F.S., or Sec. 316.183, F.S., and are admissible in any proceeding to enforce the violation. The photograph or video and the evidence of speed detected raise a rebuttable presumption that the motor vehicle named in the report or shown in the photograph or video was used in violation of Sec. 316.1895, F.S., or Sec. 316.183, F.S.
- (13) This ordinance supplements the enforcement of Sec. 316.1895, F.S., and Sec. 316.183, F.S., by a law enforcement officer and does not prohibit a law enforcement officer from issuing a uniform traffic citation for a violation of Sec. 316.1895, F.S., or Sec. 316.183, F.S.
- (14) A hearing related to the violation shall be conducted under the procedures established in Sec. 316.0083(5), F.S., as follows:
  - (a) The Town Clerk, or his/her designee, shall serve as the clerk to the local hearing officer.
  - (b) A person who elects to request a hearing (i.e., the petitioner) shall be scheduled for a hearing by the clerk to the local hearing officer. The clerk

shall furnish the petitioner with notice sent by first-class mail. Upon receipt of the notice, the petitioner may reschedule the hearing up to two times by submitting a written request to reschedule to the clerk at least five (5) calendar days before the day of the scheduled hearing. The petitioner may cancel his or her appearance before the local hearing officer by paying the assessed penalty plus the administrative costs of fifty dollars and twenty-six cents (\$50.26) before the start of the hearing.

- (c) At the conclusion of the hearing, the local hearing officer shall determine whether a violation occurred and shall uphold or dismiss the violation. The local hearing officer shall issue a final administrative order including the determination and, if the notice of violation is upheld, shall require the petitioner to pay the one-hundred dollars (\$100.00) penalty previously assessed, and may also require the petitioner to pay county or municipal costs not to exceed two-hundred and fifty dollars and twenty-seven cents (\$250.27). The final administrative order must be mailed to the petitioner by first-class mail.
- (d) An aggrieved party may appeal a final administrative order consistent with the process provided in Florida Statutes section 162.11 relating to appeals of an order of the code enforcement board.

(15) A speed detection system in a school zone may not be used for remote surveillance.

- (a) The collection of evidence by a speed detection system to enforce violations of Sec. 316.1895, F.S., and Sec. 316.183, F.S., or user-controlled pan or tilt adjustments of speed detection system components, do not constitute remote surveillance. Recorded video or photographs collected may only be used to document violations of Sec. 316.1895, F.S., and Sec. 316.183, F.S., and for purposes of determining civil or criminal liability for incidents captured by the speed detection system incidental to the permissible use of the speed detection system.
- (b) Any recorded video or photograph obtained through the use of a speed detection system shall be destroyed within ninety (90) days after the final disposition of the recorded event. The vendor of the speed detection system shall provide the Town with written notice by December 31 of each year that such records have been destroyed. Registered motor vehicle owner information obtained as a result of the operation of a speed detection system in a school zone is not the property of the manufacturer or vendor of the speed detection system and may be used only for the purposes specified.

(16) Notice to Florida Department of Highway Safety and Motor Vehicles

(a) The Town shall annually to the Florida Department of Highway Safety and Motor Vehicles, on October 1 of each year which identifies the public safety objectives used to identify a school zone for enforcement; reports compliance with Florida Statutes section 316.0776(3)(c); and details the results of the speed detection system in the school zone and the procedures for enforcement. The Town shall submit the information described herein in a form and manner determined by the Florida Department of Highway Safety and Motor Vehicles, The report must include at least the following:

(i) Information related to the location of each speed detection system, including the geocoordinates of the school zone; the directional approach of the speed detection system; the school name; the school level; the times the speed detection system was active; the restricted school zone speed limit enforced pursuant to Sec. 316.1895(5), F.S.; the posted speed limit enforced at times other than those authorized by Sec. 316.1895(5), F.S.; the date the systems were activated to enforce violations of Sec. 316.1895, F.S., and Sec. 316.183, F.S.; and, if applicable, the date the systems were deactivated.

(ii) The number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic infractions, and the number that were paid.

(iii) Any other statistical data and information related to the procedures for enforcement which is required by the Florida Department of Highway Safety and Motor Vehicles to complete the report required below.

(b) The Town shall maintain its respective data for reporting purposes for at least two (2) years after such data is reported to the Florida Department of Highway Safety and Motor Vehicles.

(F) Speed Detection Systems. Pursuant to Sec. 316.1906(3), F.S., speed detection systems are exempt from the Florida Department of Highway Safety and Motor Vehicles' requirements for radar and LiDAR units. A speed detection system must have the ability to perform self-tests as to its detection accuracy. The system must perform a self-test at least once every thirty (30) days. The law enforcement agency, or an agent acting on behalf of the law enforcement agency, operating a speed detection system must maintain a log of the results of the system's self-tests. The law enforcement agency, or an agent acting on behalf of the law enforcement agency, operating a speed detection system must also perform an independent calibration test on the speed detection system at least once every twelve (12) months. The self-test logs, as well as the results of the annual calibration test, are admissible in any court proceeding for a uniform traffic citation issued for a violation

of Sec. 316.1895, F.S., or Sec. 316.183, F.S., enforced pursuant to Sec. 316.1896, F.S. Evidence of the speed of a motor vehicle detected by a compliant speed detection system and the determination by a traffic enforcement officer that a motor vehicle is operating in excess of the applicable speed limit is admissible in any proceeding with respect to an alleged violation of law regulating the speed of motor vehicles in school zones.

(G) Penalties.

- (1) A person cited for a violation of Sec. 316.1985(10), F.S., or Sec. 316.183, F.S., for exceeding the speed limit in force at the time of the violation on a roadway maintained as a school zone, when enforced by a traffic infraction enforcement officer pursuant to Sec. 316.1896, F.S., must pay a fine of one-hundred dollars (\$100.00). Fines collected under this provision shall be distributed as follows:
  - (a) Twenty dollars (\$20.00) shall be remitted to the State Department of Revenue for deposit into the General Revenue Fund;
  - (b) Seventy-seven dollars (\$77.00) is distributed to the Town for any violations occurring in the incorporated boundaries of the Town in which the infraction occurred, to be used as provided in Florida Statutes section 316.1896(5).
  - (c) Three dollars (\$3.00) is remitted to the Department of Revenue for deposit into the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund to be used as provided in Florida Statutes section 943.25, relating to the source and use of funds in criminal justice trust funds.
- (2) If a person who is mailed a notice of violation or a uniform traffic citation for a violation of Sec. 316.1895(10), F.S. or Sec. 316.183, F.S., as enforced by a traffic infraction enforcement officer under Sec. 316.1896, F.S., presents documentation from the appropriate governmental entity that the notice of violation or uniform traffic citation was in error, the clerk of court or clerk of the local hearing officer may dismiss the case. The clerk of court or clerk to the local hearing officer may not charge for this service.

(H) Conforming Changes. Pursuant to Sec. 316.640, F.S., traffic enforcement officers may issue traffic citations to enforce school zone speed limits. Pursuant to Sec. 316.650, F.S., the traffic infraction enforcement officer shall provide traffic citation data to the court within five (5) business days after the date of issuance of the citation to the violator. Pursuant to Sec. 318.14, F.S., traffic citations issued pursuant to this Ordinance are excepted from the requirement that certain traffic violations be signed.

**Section 3.** Conflicts. All ordinances or Code provisions in conflict herewith are hereby repealed.

**Section 4.** Severability. If any section, subsection, sentence, clause, phrase or 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.**    **Inclusion in Code.** It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the Town of Pembroke Park and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that

Section 1 hereof or the provisions contemplated thereby shall not be codified.

**Section 6.**    **Effective Date.** This Ordinance shall become effective upon passage and adoption.

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P1ASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS 13TH DAY OF MARCH, 2025.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS 9TH DAY OF APRIL, 2025.

ATTEST:

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MAYOR

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Cynthia Garcia-Lima  
Town Clerk

Approved as to form and legal sufficiency:

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Jacob G. Horowitz  
Town Attorney

VOTE

ASHIRA MOHAMMED \_\_\_\_\_

GEOFFREY JACOBS \_\_\_\_\_

MUSFIKA KASHEM \_\_\_\_\_

WILLIAM R. HODGKINS \_\_\_\_\_

ERIK MORRISSETTE \_\_\_\_\_