



Consent Section

Regular Section

Public Hearing

Subject: Conduct a Public Hearing on November 15, 2023, at 10:00 a.m. to Consider Enactment of the Proposed Draft Hillsborough County School Speed Zone Enforcement Ordinance.

Department Name: County Attorney's Office

Contact Person: Whitney Green

Contact Phone: 813-307-3181

Sign-Off Approvals

**Debora Cromartie-Mincey**

11/2/2023

Managing County Attorney

Date

**Christine Beck**

11/2/2023

County Attorney

Date

Joint Department Director

Date

**Kevin Brickey**

11/2/2023

**Whitney Green**

11/2/2023

Management and Budget – Approved  
as to Financial Impact Accuracy

Date

Assistant County Attorney

Date

Staff's Recommended Board Motion:

Conduct a public hearing to consider enactment of the proposed draft Hillsborough County School Speed Zone Enforcement Ordinance, which establishes a school zone speed enforcement program in Hillsborough County pursuant to CS/CB/HB 657 (2023) ("HB 657"), by authorizing the use of speed detection systems within the County; enabling the Hillsborough County Sheriff's Office (HCSO) to procure a speed detection system vendor and assist with the County's school zone speed enforcement program in cooperation with relevant County staff; providing for program implementation and enforcement procedures and requirements; and providing for the designation of school zones (based on data gathered by the HCSO, described in more detail below and in the attachment) and for the future designation of additional school zones. There may be a financial impact to the County to adopt the ordinance, including the cost to publish the required legal notices. The future cost of implementation is indeterminant and will be dependent on the method of implementation and the future infraction and enforcement experience.

Financial Impact Statement:

There may be a financial impact to the County to adopt the ordinance, including the cost to publish the required legal notices. The future cost of implementation is indeterminant and will be dependent on the method of implementation and the future infraction and enforcement experience.

Background:

On April 28, 2023, the Florida Legislature passed, and the Governor subsequently signed into law, CS/CS/HB 657 ("HB 657"), authorizing counties to enforce applicable speed limits in school zones by using speed detection systems. HB 657 authorizes counties to contract with a vendor to place or install speed detection systems in school zones, while setting forth numerous requirements for implementation, enforcement, and due process procedures. The location and use of speed detection systems are limited to those school zones that the County determines constitute a heightened safety risk warranting additional enforcement measures based on data or other evidence presented at a public hearing. Enforcement is further limited to motor vehicles traveling in excess of 10 miles per hour over the school zone speed limit in the hours during and shortly before and after a regularly scheduled school session.

On June 22, 2023, the BOCC directed the County Attorney's Office to work with County staff and

stakeholders, including the Hillsborough County Sheriff's Office and if need be, the School District of Hillsborough County, to analyze the criteria and procedures outlined in HB 657 that must be followed to enact a school zone speed detection program in the County; to enable the Sheriff/HCSO to oversee the program similar to the County's existing red light camera program; and to bring back a draft ordinance establishing this program at the appropriate time.

In response to the BOCC's direction and in accordance with the requirements of HB 657, the County Attorney's Office drafted the attached proposed ordinance: (1) enabling the Sheriff/HCSO to contract with vendor(s) to place or install speed detection systems within the unincorporated County, (2) providing for program implementation, enforcement, and due process requirements, and (3) designating school zones where speed detection systems may be placed or installed because they constitute a heightened safety risk that warrants additional enforcement measures. To that end, the Sheriff/HCSO collected and provided data to the County demonstrating that motor vehicles routinely exceed applicable school zone speed limits in excess of 11 miles per hour in a total of 29 school zones within the jurisdiction of the County. In the future, the BOCC can authorize enforcement in additional school zones by amending the ordinance.

As required by HB 657, specific data justifying the enforcement of the school zones identified herein is attached and additional details on HCSO's data collection efforts and speed detection needs will be addressed by representatives of the HCSO and potentially other stakeholders.

On November 1, 2023, the BOCC approved the draft ordinance and scheduling of a public hearing for November 15, 2023, at 10:00 a.m. The public hearing was advertised in accordance with applicable law. If the BOCC adopts the Ordinance, a resolution establishing the procedural rules for the County's School Speed Zone Enforcement Program will also be presented to the BOCC for approval.

Also, included in the backup and on the County's web site is the statutorily required Business Impact Estimate, which was presented to the BOCC for consideration and approval at its last regular meeting on November 1, 2023.

List Attachments:

Proposed Draft Ordinance; Hillsborough County Sheriff's Office Data/Evidence; Business Impact Estimate

ORDINANCE 23-\_\_\_\_\_

AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA TO BE CALLED “THE HILLSBOROUGH COUNTY SCHOOL ZONE SPEED ENFORCEMENT ORDINANCE”; AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR PURPOSE, INTENT, AND DEFINITIONS; ESTABLISHING A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM AND AUTHORIZING THE USE OF SPEED DETECTION SYSTEMS WITHIN THE COUNTY; AUTHORIZING THE HILLSBOROUGH COUNTY SHERIFF’S OFFICE TO CONTRACT WITH A VENDOR; PROVIDING FOR PROGRAM IMPLEMENTATION REQUIREMENTS; PROVIDING FOR DESIGNATION OF SCHOOL ZONES; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR COLLECTION OF EVIDENCE, PUBLIC RECORDS, AND RETENTION REQUIREMENTS; PROVIDING FOR ANNUAL REPORTING REQUIREMENTS; PROVIDING FOR THE REMITTANCE OF COLLECTED FINES AND COSTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICT OF LAWS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the Florida Constitution and section 125.66, Florida Statutes, authorize the Hillsborough County Board of County Commissioners (“BOCC”) to enact ordinances to protect the health, safety, and welfare of the County’s citizens; and

WHEREAS, on April 28, 2023, the Florida Legislature passed CS/CS/HB 657 (“HB 657”), authorizing counties to enforce the applicable speed limit on a roadway properly maintained as a school zone through the use of a speed detection system; and

WHEREAS, on May 31, 2023, Governor Ron DeSantis signed HB 657 into law, which was subsequently codified in Chapter 2023-174, Laws of Florida, taking effect on July 1, 2023; and

WHEREAS, HB 657 authorizes a county 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, HB 657 provides that a county 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

46           **WHEREAS**, HB 657 requires counties that elect to operate a school speed zone detection  
47 program to implement a public awareness campaign at least 30 days before commencing with the  
48 enforcement of violations and to annually report information about the program to both the public  
49 and the Florida Department of Highway Safety and Motor Vehicles; and

50  
51           **WHEREAS**, HB 657 restricts the location and use of speed detection systems to school  
52 zones that the County determines constitute a heightened safety risk warranting additional  
53 enforcement measures based on data or other evidence presented at a public hearing; and

54  
55           **WHEREAS**, the BOCC wishes to deter drivers from speeding through school zones and  
56 provide a supplemental means for the enforcement of unlawful speed violations by enacting an  
57 ordinance to implement a school zone speed enforcement program; and

58  
59           **WHEREAS**, the BOCC finds that the Hillsborough County Sheriff’s Office (“HCSO”) is  
60 best positioned to determine the appropriate speed detection system vendor and therefore desires  
61 for HCSO to procure such a vendor and assist with the County’s school zone speed enforcement  
62 program in cooperation with the relevant County staff, and in conformance with all requirements  
63 set forth in HB 657; and

64  
65           **WHEREAS**, HCSO has collected and provided data to the County demonstrating that  
66 motor vehicles routinely exceed applicable school zone speed limits in excess of 11 miles per hour  
67 in certain school zones within the jurisdiction of the County, and this data being incorporated by  
68 reference and submitted to the Hillsborough County Clerk as backup to this Ordinance at the time  
69 of adoption; and

70  
71           **WHEREAS**, the BOCC has considered the traffic data and evidence provided by HCSO  
72 supporting the installation and operation of each proposed school speed zone detection system and  
73 has determined that each school zone where a speed detection system is to be placed or installed  
74 constitutes a heightened safety risk that warrants additional enforcement measures; and

75  
76           **WHEREAS**, the BOCC finds that motor vehicles speeding in school zones are  
77 unacceptable hazards that threaten the health, safety, and welfare of students and pedestrians in  
78 Hillsborough County, and that enforcement of applicable speed limits in school zones during  
79 school sessions through the use of a speed detection system may reduce instances of speeding in  
80 school zones, the BOCC wishes to implement a school zone speed detection program pursuant to  
81 the rules and regulations of HB 657 and other applicable state law.

82  
83           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
84 **COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:**

85  
86           There is hereby created Chapter/Article/Section \_\_\_\_\_ of the  
87 Hillsborough County Code of Ordinances and Laws, which shall be included as follows:  
88  
89  
90

91           **SECTION 1: TITLE.**

92  
93           This Ordinance shall be known and may be cited as the “School Zone Speed Enforcement  
94 Ordinance.”

95  
96           **SECTION 2: PURPOSE AND INTENT.**

97  
98           The purpose and intent of this Ordinance is to protect the health, safety, and welfare of the  
99 citizens of Hillsborough County by authorizing the placement or installation and use of speed  
100 detection systems on roadways within the jurisdiction of the County, to promote compliance with  
101 speed limits in school zones, and to adopt a quasi-judicial system to enforce violations. This  
102 Ordinance provides a supplemental means of enforcing unlawful speed violations in school zones  
103 and shall not prohibit a law enforcement officer from issuing a uniform traffic citation for a traffic  
104 violation in accordance with Chapter 316, Florida Statutes.

105  
106           **SECTION 3: DEFINITIONS.**

107  
108           For purposes of this Ordinance, the following terms shall have the meanings given to them  
109 below. No attempt is made to define any words which are used in accordance with their established  
110 dictionary meaning, except when necessary to avoid misunderstanding.

111  
112           (A)    HEARING PROCEDURES shall mean the procedures set forth in a corresponding  
113 BOCC resolution governing noticing, scheduling, and conducting hearings before a Local Hearing  
114 Officer.

115  
116           (B)    LAW ENFORCEMENT OFFICER shall mean, as defined by section 943.10(1),  
117 Florida Statutes, any person who is elected appointed, or employed full time by a municipality or  
118 the state or any political subdivision thereof; who is vested with authority to bear arms and make  
119 arrests; and whose primary responsibility is the prevention and detection of crime or the  
120 enforcement of the penal, criminal, traffic, or highway laws of the state.

121  
122           (C)    LOCAL HEARING OFFICER shall mean the County Code Enforcement  
123 Board/Special Magistrate appointed by the BOCC, as permitted by law.

124  
125           (D)    MOTOR VEHICLE shall mean, as defined by section 316.003, Florida Statutes, a  
126 self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric  
127 bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal  
128 delivery device, swamp buggy, or moped.

129  
130           (E)    NOTICE OF VIOLATION shall mean the written notification sent to the registered  
131 owner of a vehicle after a school zone speed infraction by that vehicle has been captured by a speed  
132 detection system and thereafter reviewed and approved by a law enforcement officer or traffic  
133 infraction enforcement officer. A notice of violation must be in the form and include the contents  
134 prescribed by section 316.1896, Florida Statutes, as it may be amended.

136 (F) SCHOOL ZONE shall mean that portion of a street or highway established as a  
137 school zone pursuant to section 316.1895, Florida Statutes, as it may be amended.

138  
139 (G) SCHOOL ZONE SPEED ENFORCEMENT PROGRAM shall mean the  
140 regulations and procedures governing the use of speed detection systems in school zones within  
141 the jurisdiction of the County, as provided for by applicable law and established by this Ordinance  
142 and BOCC resolution.

143  
144 (H) SCHOOL ZONE SPEED INFRACTION shall mean a violation of section 316.183  
145 or 316.1895, Florida Statutes, captured by a speed detection system within a school zone during  
146 the hours provided for by applicable law and set forth in this Ordinance.

147  
148 (I) SCHOOL ZONE SPEED LIMIT shall mean the regularly posted or reduced posted  
149 speed limit within a school zone pursuant to section 316.1895, Florida Statutes.

150  
151 (J) SPEED DETECTION SYSTEM shall mean a portable or fixed automated system  
152 used to detect a motor vehicle’s speed using radar or LiDAR and to capture a photograph or video  
153 of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation. This  
154 term is synonymous with the term “Speed Detection System” defined in section 316.003(82),  
155 Florida Statutes, as it may be amended.

156  
157 (K) TRAFFIC INFRACTION ENFORCEMENT OFFICER shall mean person who  
158 meets the qualifications established by section 316.640, Florida Statutes, as it may be amended.

159  
160 (L) UNIFORM TRAFFIC CITATION shall mean the citation issued to the registered  
161 owner of a vehicle for a school zone speed infraction, in the form and including the contents  
162 prescribed by section 316.1896, Florida Statutes, as it may be amended.

163  
164 **SECTION 4: USE OF SPEED DETECTION SYSTEMS.**

165  
166 Pursuant to section 316.008(9), Florida Statutes, Hillsborough County hereby elects to use  
167 speed detection systems to enforce school zone speed limits within the County’s jurisdiction. The  
168 County may utilize speed detection systems as a supplemental means of assisting law enforcement  
169 personnel in the enforcement of compliance with state law related to unlawful speed in school  
170 zones, in accordance with Chapter 316, Florida Statutes.

171  
172 **SECTION 5: PROGRAM ADMINISTRATION.**

173  
174 (a) The Hillsborough County Sheriff’s Office (HCSO), in cooperation with any  
175 necessary County staff and the School District of Hillsborough County, shall be enabled and  
176 empowered by this Ordinance to assist with the County’s school zone speed enforcement program.  
177 This Ordinance shall further enable HCSO to enter into agreements with one or more vendors to  
178 place or install speed detection systems and carry out services consistent with the implementation  
179 and enforcement of the provisions of Chapter 2023-174, Laws of Florida, subject to any other  
180 applicable state law requirements this Ordinance, and corresponding BOCC resolution.

181 (b) As permitted and defined by applicable law and as set forth in this Ordinance and  
182 corresponding BOCC resolution, the County may utilize its Code Enforcement Special Magistrate  
183 and/or Code Enforcement Board as its Local Hearing Officer, who shall have jurisdiction to  
184 conduct proceedings challenging the issuance of a notice of violation, in accordance with state law  
185 and the hearing procedures set forth by BOCC resolution.

186 **SECTION 6: PROGRAM IMPLEMENTATION REQUIREMENTS.**

187  
188 (a) *Vendor Contract.* Pursuant to section 316.0776, Florida Statutes, before HCSO  
189 contracts or renews a contract with a vendor to place or install a speed detection system in a school  
190 zone, the contract or contract renewal must be approved by the BOCC at a regular or special  
191 meeting of the BOCC. The contract or contract renewal may not be heard on the consent agenda  
192 and the public must be allowed to comment pursuant to the County’s public comment policies.  
193

194 (b) *Installation and Operation of Speed Detection Systems.* Pursuant to section  
195 316.008, Florida Statutes, speed detection systems may be installed and operated only in the school  
196 zones designated by this Ordinance and/or subsequent amendments thereto.  
197

198 (c) *Signage Requirements.* The installation and operation of speed detection systems,  
199 including required signage, shall be in accordance with Chapter 316, Florida Statutes, all  
200 applicable regulations of the Florida Department of Transportation (“FDOT”) and the Florida  
201 Department of Highway Safety and Motor Vehicles (“FLHSMV”), and the terms of any  
202 Memorandum of Understanding or other written agreement that may be entered into between  
203 HCSO and the County and/or HCSO and its vendor(s).  
204

205 (d) *Public Awareness:* Pursuant to section 316.0776, Florida Statutes, before notices of  
206 violation for school zone speed infractions may be issued, a public announcement and 30-day  
207 public awareness campaign of the proposed use of speed detection systems must be conducted.  
208 During the 30-day public awareness campaign, only a warning may be issued to the registered  
209 owner for a school speed zone infraction and a fine shall not be imposed.  
210

211 **SECTION 7: DESIGNATION OF SCHOOL ZONES.**

212  
213 Having considered evidence at a public hearing supporting the installation and operation of speed  
214 detection systems in certain school zones within the jurisdiction of the County, and having  
215 incorporated this evidence by reference into this Ordinance, the BOCC has determined that each  
216 of the following school zones where a speed detection system is to be placed or installed constitutes  
217 a heightened safety risk that warrants additional enforcement measures pursuant to section  
218 316.008, Florida Statutes. The BOCC may authorize the placement or installation of speed  
219 detection systems in additional school zones via amendment to this Ordinance in accordance with  
220 applicable law.  
221

222 Bay Crest Elementary School  
223 4925 Webb Road  
224 Tampa, FL 33615

225 Bloomingdale High School  
226 1700 E. Bloomingdale Ave.  
227 Valrico, FL 33596  
228  
229 Buchanan Middle School  
230 1001 W. Bearss Ave.  
231 Tampa, FL 33613  
232  
233 Burnett Middle School  
234 1010 N. Kingsway Rd.  
235 Seffner, FL 33584  
236  
237 Burns Middle School  
238 615 Brooker Rd.  
239 Brandon, FL 33511  
240  
241 Citrus Park Elementary School  
242 7700 Gunn Hwy.  
243 Tampa, FL 33625  
244  
245 Clair Mel Elementary School  
246 1025 S. 78<sup>th</sup> Street  
247 Tampa, FL 33619  
248  
249 Claywell Elementary School  
250 4500 Northdale Blvd.  
251 Tampa, FL 33624  
252  
253 Deer Park Elementary School  
254 11605 Citrus Park Dr.  
255 Tampa, FL 33626  
256  
257 Frost Elementary School  
258 3950 S. Falkenburg Rd.  
259 Riverview, FL 33578  
260  
261 Giunta Middle School  
262 4202 S. Falkenburg Rd.  
263 Riverview, FL 33569  
264  
265 Jennings Middle School  
266 9325 Governors Run Dr.  
267 Seffner, FL 33584  
268  
269



270 Kingswood Elementary School  
271 3102 S. Kings Ave.  
272 Brandon, FL 33511  
273  
274 Lennard High School  
275 2342 E. Shell Point Rd.  
276 Ruskin, FL 33570  
277  
278 Lopez Elementary School  
279 200 N. Kingsway Rd.  
280 Seffner, FL 33584  
281  
282 Lopez Exceptional Center  
283 315 W. Old Hillsborough Ave.  
284 Seffner, FL 33584  
285  
286 Martinez Middle School  
287 5601 W. Lutz Lake Fern Rd.  
288 Lutz, FL 33558  
289  
290 McKitrick Elementary School  
291 5503 W. Lutz Lake Fern Rd.  
292 Lutz, FL 33558  
293  
294 Mort Elementary School  
295 1806 E. Bearss Ave.  
296 Tampa, FL 33613  
297  
298 Nelson Elementary School  
299 5413 Durant Rd.  
300 Dover, FL 33527  
301  
302 Plato Academy  
303 7705 Gunn Hwy.  
304 Tampa, FL 33625  
305  
306 Riverview High School  
307 11311 Boyette Rd.  
308 Riverview, FL 33569  
309  
310 Rodgers Middle School  
311 11910 Tucker Rd.  
312 Riverview, FL 33569  
313  
314

315 Ruskin Elementary School  
316 101 E. College Ave.  
317 Ruskin, FL 33570

318  
319 Sgt. Smith Middle School  
320 14303 Citrus Pointe Dr.  
321 Tampa, FL 33625

322  
323 Steinbrenner High School  
324 5575 W. Lutz Lake Fern Rd.  
325 Lutz, FL 33558

326  
327 Town N Country Elementary School  
328 6025 Hanley Rd.  
329 Tampa, FL 33634

330  
331 Winthrop Charter School  
332 6204 Scholars Hill Ln.  
333 Riverview, FL 33578

334  
335 Yates Elementary School  
336 301 Kingsway Rd.  
337 Brandon, FL 33510

338  
339 **SECTION 8: ENFORCEMENT PROCEDURES.**  
340

341 (a) *General Powers:* HCSO, acting on behalf of the County, shall be authorized to  
342 enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to  
343 section 316.1895, Florida Statutes, through the use of a speed detection system for the detection  
344 of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over  
345 the speed limit in force at the time of the violation.

346  
347 (b) *Review of Speed Detection System Images:* A law enforcement officer or traffic  
348 infraction enforcement officer shall be authorized, pursuant to section 316.1896, Florida Statutes,  
349 to review the photograph or video images from the speed detection system to confirm that a school  
350 zone speed infraction has occurred before issuing a notice of violation. A notice of violation may  
351 be issued for a school zone speed infraction as follows:

- 352  
353 (1) For a violation of section 316.1895, Florida Statutes, in excess of 10 miles per  
354 hour over the school zone speed limit which occurs within 30 minutes before  
355 through 30 minutes after the start of a regularly scheduled breakfast program.  
356  
357 (2) For a violation of section 316.1895, Florida Statutes, in excess of 10 miles per  
358 hour over the school zone speed limit which occurs within 30 minutes before  
359 through 30 minutes after the start of a regularly scheduled school session.

360 (3) For a violation of section 316.183, Florida Statutes, in excess of 10 miles per  
361 hour over the posted speed limit during the entirety of a regularly scheduled  
362 school session.

363  
364 (4) For a violation of section 316.1895, Florida Statutes, in excess of 10 miles per  
365 hour over the school zone speed limit which occurs within 30 minutes before  
366 through 30 minutes after the end of a regularly scheduled school session.

367  
368 (c) *Hearing Procedures and Appeals:* Hearings to contest notices of violations shall be  
369 scheduled, noticed, and conducted by the County and/or the school zone speed enforcement  
370 program vendor in accordance with sections 316.0083(5) and 316.1896, Florida Statutes, and the  
371 procedures adopted by resolution of the BOCC. An aggrieved party may appeal a final  
372 administrative order of the Local Hearing Officer in accordance with section 316.1896, Florida  
373 Statutes, and the procedures adopted by resolution of the BOCC.

374  
375 (d) *Defenses and Penalties:* The enforcement of school zone speed infractions  
376 including the issuance of notices of violation and uniform traffic citations, the processing of  
377 affidavits to assert an exception to liability, and the assessment of fines must comply with section  
378 316.1896, Florida Statutes. A registered owner who receives a notice of violation may, within 30  
379 days:

- 380  
381 (1) Pay the fine of \$100.00, as fixed by section 318.18(3)(d), Florida  
382 Statutes, as it may be amended, or  
383 (2) Submit an affidavit establishing an exception to liability pursuant to section  
384 316.1896(8), Florida Statutes, as it may be amended, or  
385 (3) Request a hearing.

386  
387 If the registered owner of a vehicle does not timely pay the fine reflected on the notice of  
388 violation, submit a sufficient affidavit, or request a hearing, a uniform traffic citation must be  
389 issued to the registered owner and transmitted to the Hillsborough County Clerk of the Court for  
390 disposition by the county court.

391  
392 **SECTION 9. COLLECTION OF EVIDENCE, PUBLIC RECORDS, AND**  
393 **RETENTION REQUIREMENTS.**  
394

395 In accordance with section 316.1896, Florida Statutes, a speed detection system in a school  
396 zone may not be used for remote surveillance. The collection of evidence by a speed detection  
397 system to enforce school zone speed infractions, or user-controlled pan or tilt adjustments of speed  
398 detection components, do not constitute remote surveillance. Recorded video or photographs  
399 collected as part of a speed detection system in a school zone may only be used to document school  
400 zone speed infractions and for purposes of determining criminal or civil liability for incidents  
401 captured by the speed detection system incidental to the permissible use of the speed detection  
402 system.

403

404 Any recorded video or photograph obtained via a speed detection system must be destroyed  
405 within 90 days after the final disposition of the recorded event, pursuant to section 316.1896,  
406 Florida Statutes. Written notice that such records have been destroyed must be provided by  
407 December 31st of each year. All public records related to the administration of this Ordinance must  
408 be maintained in accordance with Florida law and all requests for such records must be addressed  
409 in accordance with Chapter 119, Florida Statutes, and any other applicable state law.

410  
411 **SECTION 10. ANNUAL REPORTING REQUIREMENTS:**  
412

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

419  
420 **SECTION 11. REMITTANCE OF COLLECTED FINES AND COSTS:**  
421

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

425  
426 **SECTION 12: SEVERABILITY.**  
427

428 If any portion of this Ordinance is for any reason held invalid or declared to be  
429 unconstitutional, inoperative, or void by any court of competent jurisdiction, such holdings shall  
430 not affect the validity of the remainder of this Ordinance.

431  
432 **SECTION 13: RESOLUTION OF CONFLICT OF LAWS.**  
433

434 In all instances where Florida law, as evidenced by the Florida Administrative Code,  
435 Florida Statutes, applicable case law, or otherwise, mandates standards or requirements that are  
436 stricter than the provisions of this Ordinance, or where a matter is addressed by Florida law that is  
437 not addressed by this Ordinance, then said law shall govern. In situations where this Ordinance  
438 addresses a matter in a manner that is stricter than that of Florida law, the provisions of this  
439 Ordinance shall control.

440  
441 **SECTION 14: INCLUSION IN THE HILLSBOROUGH COUNTY CODE.**  
442

443 The provisions of this Ordinance shall be included and incorporated in the Hillsborough  
444 County Code, as an addition or amendment thereto, and shall be appropriately renumbered to  
445 conform to the uniform numbering system of the Hillsborough County Code, once established.



HILLSBOROUGH COUNTY  
SHERIFF'S OFFICE DATA/EVIDENCE

<b>Bay Crest Elem School</b>			
Morning: 6:55-7:55 Afternoon: 1:40-2:25 (Early release 12:40-1:25)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	102	161
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	106	123	229
9/26/2023	80	105	185
	<b>Morning Total: 186</b>	<b>Afternoon Total: 330</b>	
			<b>Weekly Total: 516</b>
<b>Bloomington High School</b>			
Morning: 8:10-8:55 Afternoon: 3:25-4:10 (Early release 2:25-3:10)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/27/2023	NA	137	137
9/28/2023	59	130	189
9/29/2023	40	116	156
9/30/2023	NA	NA	
9/31/2023	NA	NA	
10/1/2023	180	NA	180
	<b>Morning Total: 279</b>	<b>Afternoon Total: 383</b>	
			<b>Weekly Total: 662</b>
<b>Buchanan Middle School</b>			
Morning: 9:05-9:50 Afternoon: 4:15-5:00 (Early release 3:15-4:00)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	155	161
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	78	188	266
9/26/2023	55	N/A	55
	<b>Morning Total: 133</b>	<b>Afternoon Total: 343</b>	
			<b>Weekly Total: 911</b>
<b>Burnett Middle School (in-person)</b>			
Morning: 9:05-9:50 Afternoon: 4:15-5:00 (Early release 3:15-4:00)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/27/2023	29	48	77
9/28/2023	53	40	93
9/29/2023	67	35	102
	<b>Morning Total: 149</b>	<b>Afternoon Total: 123</b>	
			<b>Weekly Total: 272</b>
<b>Burns Middle School</b>			
Morning: 9:05-9:50 Afternoon: 4:15-5:00 (Early release 3:15-4:00)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	161	161
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	164	157	321
9/26/2023	144	144	288

9/27/2023	141	N/A	141
	<b>Morning Total: 449</b>	<b>Afternoon Total: 462</b>	
			<b>Weekly Total: 911</b>

### Citrus Park Elementary (in-person)

Morning: 6:55-7:55    Afternoon: 1:40-2:25 (Early release 12:40-1:25)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
8/15/2023	NA	66	66
8/16/2023	103	126	229
8/17/2023	104	105	209
8/18/2023	105	143	248
8/19/2023	NA	NA	NA
	<b>Morning Total: 312</b>	<b>Afternoon Total: 440</b>	
			<b>Weekly Total: 752</b>

### Clair Mel Elementary School (in-person)

Morning: 6:55-7:55    Afternoon: 1:40-2:25 (Early release 12:40-1:25)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	52	52
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	55	122	177
9/26/2023	67	94	161
9/27/2023	75	N/A	75
	<b>Morning Total: 195</b>	<b>Afternoon Total: 268</b>	
			<b>Weekly Total: 463</b>

### Claywell Elementary School (in-person)

Morning: 6:55-7:55    Afternoon: 1:40-2:25 (Early release 12:40-1:25)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	21	21
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	10	19	29
9/26/2023	11	33	44
9/27/2023	11	N/A	11
	<b>Morning Total: 32</b>	<b>Afternoon Total: 73</b>	
			<b>Weekly Total: 105</b>

### Deer Park Elem School

Morning: 6:55-7:55    Afternoon: 1:40-2:25 (Early release 12:40-1:25)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	37	37
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	12	29	41
9/26/2023	18	38	56
9/27/2023	38	28	66
	<b>Morning Total: 68</b>	<b>Afternoon Total: 95</b>	



**Weekly Total: 163**

## Frost Elementary School

Morning: 6:55-7:55 Afternoon: 1:40-2:25 (Early release 12:40-1:25)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
10/3/2023	47	167	214
10/4/2023	132	156	288
10/5/2023	124	164	288
	<b>Morning Total: 303</b>	<b>Afternoon Total: 487</b>	
			<b>Weekly Total: 790</b>

## Giunta Middle School

Morning: 9:05-9:50 Afternoon: 4:15-5:00 (Early release 3:15-4:00)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
10/3/2023	78	216	294
10/4/2023	102	212	314
10/5/2023	86	207	293
	<b>Morning Total: 266</b>	<b>Afternoon Total: 635</b>	
			<b>Weekly Total: 901</b>

## Jennings Middle School (in-person)

Morning: 9:05-9:50 Afternoon: 4:15-5:00 (Early release 3:15-4:00)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	65	113	178
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	62	108	170
9/26/2023	50	118	168
	<b>Morning Total: 177</b>	<b>Afternoon Total: 339</b>	
			<b>Weekly Total: 516</b>

## Kingswood Elementary School

Morning: 6:55-7:55 Afternoon: 1:40-2:25 (Early release 12:40-1:25)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/28/2023	24	105	129
9/29/2023	88	108	196
9/30/2023	NA	NA	NA
10/1/2023	NA	NA	NA
10/2/2023	112	117	229
	<b>Morning Total: 224</b>	<b>Afternoon Total: 213</b>	
			<b>Weekly Total: 437</b>

## Lennard High School

Morning: 8:10-8:55 Afternoon: 3:25-4:10 (Early release 2:25-3:10)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/28/2023	40	155	195
9/29/2023	51	167	218
9/30/2023	NA	NA	NA
10/1/2023	NA	NA	NA
10/2/2023	46	164	210

	<b>Morning Total: 137</b>	<b>Afternoon Total: 322</b>	
			<b>Weekly Total: 459</b>
<b>Lopez Elementary School</b>			
Morning: 6:55-7:55      Afternoon: 1:40-2:25 (Early release 12:40-1:25)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	56	135	191
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	102	121	223
9/26/2023	92	97	189
	<b>Morning Total: 250</b>	<b>Afternoon Total: 353</b>	
			<b>Weekly Total: 603</b>
<b>Lopez Exceptional Center</b>			
Morning: 8:45-9:30      Afternoon: 3:15-4:00 (Early release 2:15-3:00)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	227	320	547
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	208	245	453
9/26/2023	225	306	531
	<b>Morning Total: 660</b>	<b>Afternoon Total: 871</b>	
			<b>Weekly Total: 1531</b>
<b>Martinez Middle School</b>			
Morning: 9:05-9:50      Afternoon: 4:15-5:00 (Early release 3:15-4:00)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	189	189
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	51	680	731
9/26/2023	44	177	221
	<b>Morning Total: 95</b>	<b>Afternoon Total: 1046</b>	
			<b>Weekly Total: 1141</b>
<b>McKitrck Elem School</b>			
Morning: 6:55-7:55      Afternoon: 1:40-2:25 (Early release 12:40-1:25)			
Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	108	108
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	113	115	228
9/26/2023	126	109	235
	<b>Morning Total: 239</b>	<b>Afternoon Total: 224</b>	
			<b>Weekly Total: 463</b>
<b>Mort Elementary School</b>			
Morning: 6:55-7:55      Afternoon: 1:40-2:25 (Early release 12:40-1:25)			

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
8/18/2023	NA	277	277
8/19/2023	NA	NA	NA
8/20/2023	NA	NA	NA
8/21/2023	130	378	508
8/22/2023	220	267	487
8/23/2023	161	NA	
	<b>Morning Total: 511</b>	<b>Afternoon Total: 922</b>	
			<b>Weekly Total: 1433</b>

### Nelson Elementary School (in-person)

Morning: 6:55-7:55 Afternoon: 1:40-2:25 (Early release 12:40-1:25)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	41	41
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	11	31	42
9/26/2023	11	13	24
9/27/2023	26	N/A	26
	<b>Morning Total: 48</b>	<b>Afternoon Total: 85</b>	
			<b>Weekly Total: 133</b>

### Plato Academy (in-person)

Morning: 6:55-7:55

Date	Morning 11^ MPH over		
8/15/2023	NA		
8/16/2023	68		
8/17/2023	127		
8/18/2023	113		
8/19/2023	NA		
	<b>Morning Total: 308</b>		

### Riverview High School

Morning: 8:00-8:45 Afternoon: 3:15-4:00 (Early release 2:15-3:00)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/28/2023	84	169	253
9/29/2023	73	133	206
9/30/2023	N/A	N/A	NA
10/1/2023	N/A	N/A	NA
10/2/2023	68	194	68
	<b>Morning Total: 225</b>	<b>Afternoon Total: 302</b>	
			<b>Weekly Total: 527</b>

### Rodgers Middle School

Morning: 9:05-9:50 Afternoon: 4:15-5:00 (Early release 3:15-4:00)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
8/16/2023	14	51	65
8/17/2023	6	144	120
8/18/2023	244	679	923
8/19/2023	N/A	N/A	N/A
8/20/2023	N/A	N/A	N/A
	<b>Morning Total:264</b>	<b>Afternoon Total: 874</b>	

**Weekly Total: 1138**

### Ruskin Elementary School (in-person)

Morning: 6:55-7:55 Afternoon: 1:40-2:25 (Early release 12:40-1:25)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/28/2023	104	119	223
9/29/2023	98	135	233
9/30/2023	N/A	N/A	NA
10/1/2023	N/A	N/A	NA
10/2/2023	123	N/A	123

**Morning Total: 325**

**Afternoon Total: 254**

**Weekly Total: 579**

### Sgt. Smith Middle School (in-person)

Afternoon: 4:15-5:00 (Early release 3:15-4:00)

Date	Afternoon 11^ MPH over
8/15/2023	44
8/16/2023	41
8/17/2023	26
8/18/2023	31
8/19/2023	NA

**Afternoon Total: 142**

### Steinbrenner High School

Date	Afternoon 11^ MPH over
9/22/2023	86
9/23/2023	N/A
9/24/2023	N/A
9/25/2023	29
9/26/2023	79

**Afternoon Total: 194**

### Town N Country Elem School/ Webb Middle School

Morning: 6:55-7:55 Afternoon: 1:40-2:25 (Early release 12:40-1:25)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/22/2023	N/A	95	95
9/23/2023	N/A	N/A	N/A
9/24/2023	N/A	N/A	N/A
9/25/2023	106	123	229
9/26/2023	80	105	185

**Morning Total: 186**

**Afternoon Total: 323**

**Weekly Total: 911**

### Winthrop Charter School

Morning: 7:30-0845 Afternoon: 2:45-4:00 (Early release 1:45-3:00)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
9/25/2023	94	86	180
9/26/2023	71	203	274
9/27/2023	88	97	185

**Morning Total: 253**

**Afternoon Total: 386**

Weekly Total: 639

### Yates Elementary Kingsway Rd. (north side of zone)

Morning: 6:55-7:55 Afternoon: 1:40-2:25 (Early release 12:40-1:25)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
8/16/2023	70	51	121
8/17/2023	44	9	53
8/18/2023	32	33	65
8/19/2023	NA	NA	NA
8/20/2023	NA	NA	NA
8/21/2023	44	35	79
8/22/2023	59	NA	59
	<b>Morning Total: 249</b>	<b>Afternoon Total: 128</b>	

Weekly Total: 377

### Yates Elementary Kingsway Rd. (south side of zone)

Morning: 6:55-7:55 Afternoon: 1:40-2:25 (Early release 12:40-1:25)

Date	Morning 11^ MPH over	Afternoon 11^ MPH over	Total Per Day
8/16/2023	94	205	299
8/17/2023	86	27	113
8/18/2023	94	72	166
8/19/2023	NA	NA	NA
8/20/2023	NA	NA	NA
8/21/2023	47	115	162
8/22/2023			
	<b>Morning Total: 321</b>	<b>Afternoon Total: 419</b>	

Weekly Total: 740



## **Business Impact Estimate**

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Hillsborough County's website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.69, F.S., is ten (10) days before the Public Hearing).

### **Proposed Ordinance Title/Reference:**

**AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA TO BE CALLED "THE HILLSBOROUGH COUNTY SCHOOL ZONE SPEED ENFORCEMENT ORDINANCE"; AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR PURPOSE, INTENT, AND DEFINITIONS; ESTABLISHING A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM AND AUTHORIZING THE USE OF SPEED DETECTION SYSTEMS WITHIN THE COUNTY; AUTHORIZING THE HILLSBOROUGH COUNTY SHERIFF'S OFFICE TO CONTRACT WITH A VENDOR; PROVIDING FOR PROGRAM IMPLEMENTATION REQUIREMENTS; PROVIDING FOR DESIGNATION OF SCHOOL ZONES; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR COLLECTION OF EVIDENCE, PUBLIC RECORDS, AND RETENTION REQUIREMENTS; PROVIDING FOR ANNUAL REPORTING REQUIREMENTS; PROVIDING FOR THE REMITTANCE OF COLLECTED FINES AND COSTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICT OF LAWS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

The following types of ordinances are exempt from the BIE requirement under Section 125.66(3)(c), F.S. As such, if one or more boxes are checked below, Hillsborough County believes that a BIE is not required by state law for the proposed ordinance referenced above. Hillsborough County reserves the right to revise this BIE following an initial posting.

Notwithstanding, Hillsborough County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Hillsborough County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation.
- The proposed ordinance relates to the issuance or refinancing of debt.
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the local government.

- The proposed ordinance is an emergency ordinance.
- The ordinance relates to procurement.
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this \_\_\_\_\_ day of \_\_\_\_\_, 2023:

**1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):**

The Hillsborough County School Zone Speed Enforcement Ordinance (“the Ordinance”) establishes a school zone speed enforcement program in Hillsborough County pursuant to CS/CS/HB 657 (2023) (“HB 657”), by authorizing the use of speed detection systems within Hillsborough County, enables the Hillsborough County Sheriff’s Office (“HCSO”) to procure a speed detection system vendor and assist with the County’s school zone speed enforcement program in cooperation with the relevant County staff, provides for program implementation and enforcement procedures and requirements, and provides for the designation of school zones and for the future designation of additional school zones.

The purpose and intent of the Ordinance is to protect the health, safety, and welfare of the citizens of Hillsborough County by authorizing the placement or installation and use of speed detection systems on roadways within the jurisdiction of the County, to promote compliance with speed limits in school zones, and to adopt a quasi-judicial system to enforce violations.

**2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the County, including the following, if any:**

**(a) An estimate of direct compliance costs that businesses may reasonably incur;**

Zero direct compliance costs.

A business will be subject to a fine under this Ordinance only if a motor vehicle registered to the business commits a school zone speed infraction and the business either fails to timely submit an affidavit establishing an exception to liability or does not prevail after a hearing to challenge the violation. Pursuant to the Ordinance and section 316.1896, Florida Statutes, the registered owner of the violating vehicle is responsible and liable for paying the applicable fine unless the owner can establish an enumerated exception. One of the exceptions is that the motor vehicle was, at the time of the violation, in the care, custody, or control of another person; this could be an individual employee/driver of the business’s vehicle.

Pursuant to section 318.18(3)(d), Florida Statutes, the penalty/fine for a school zone speed infraction is \$100.00. If the registered owner of the violating vehicle elects to contest a notice of violation at a hearing and the violation is upheld by a local hearing officer, the local hearing officer, in addition to the mandatory \$100 fine, may impose up to \$250.00 in administrative costs owed to the County pursuant to sections 316.1896 and 316.0083(5)(e), Florida Statutes. If the registered owner fails to pay the fine on the notice of violation, elect a hearing, or timely submit an affidavit establishing a statutory defense to liability, a uniform traffic citation is issued and sent to the County Court. Uniform traffic citations remain subject to the \$100.00 fine, plus court costs as established by state law pertinent to traffic infractions disposed of by the County Court.

**(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and**

A business will be subject to a fine under this Ordinance only if a motor vehicle registered to the business commits a school zone speed infraction and the business either fails to timely submit an affidavit establishing an exception to liability or does not prevail after a hearing to challenge the violation. Pursuant to the Ordinance and section 316.1896, Florida Statutes, the registered owner of the violating vehicle is responsible and liable for paying the applicable fine unless the owner can establish an enumerated exception. One of the exceptions is that the motor vehicle was, at the time of the violation, in the care, custody, or control of another person; this could be an individual employee/driver of the business's vehicle.

Pursuant to section 318.18(3)(d), Florida Statutes, the penalty/fine for a school zone speed infraction is \$100.00. If the registered owner of the violating vehicle elects to contest a notice of violation at a hearing and the violation is upheld by a local hearing officer, the local hearing officer, in addition to the mandatory \$100 fine, may impose up to \$250.00 in administrative costs owed to the County pursuant to sections 316.1896 and 316.0083(5)(e), Florida Statutes. If the registered owner fails to pay the fine on the notice of violation, elect a hearing, or timely submit an affidavit establishing a statutory defense to liability, a uniform traffic citation is issued and sent to the County Court. Uniform traffic citations remain subject to the \$100.00 fine, plus court costs as established by state law pertinent to traffic infractions disposed of by the County Court.

**(c) An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

Per the Ordinance, HCSO will be responsible for procuring a vendor contract to place/install speed detection systems, reviewing potential violations, and providing law enforcement testimony at hearings on such violations. County staff will be responsible for administering the quasi-judicial hearing process via the Code Enforcement Board or Code Enforcement Special Magistrate to address hearings for persons who contest the issuance of a notice of violation.

There will be an indeterminate impact on HCSO and the County with respect to the staff and resources necessary to administer this program. The financial impact will vary depending on the terms of HCSO's vendor agreement(s), the number of violations captured by the speed detection systems, and the number of hearings requested.

Per the Ordinance and section 316.1896, Florida Statutes, the \$100 fine collected by the County for each school zone speed infraction must be remitted as follows:

- (a) Twenty dollars must be remitted to the Department of Revenue for deposit into the General Revenue Fund.
- (b) Sixty dollars must be retained by the County and must be used to administer speed detection systems in school zones and other public safety initiatives.
- (c) Three dollars must 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 must be remitted to the 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. Funds remitted under this paragraph must 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.

(e) Five dollars must be retained by the County for the School Crossing Guard Recruitment and Retention Program pursuant to section 316.1894, Florida Statutes.

If the registered owner of the violating vehicle elects to contest a notice of violation at a hearing and the violation is upheld by a local hearing officer, the local hearing officer may impose up to \$250.00 in administrative costs, which are retained by the County pursuant to sections 316.1896 and 316.0083(5)(e), Florida Statutes. If the registered owner fails to pay the fine on the notice of violation, elect a hearing, or timely submit an affidavit establishing a statutory defense to liability, a uniform traffic citation is issued and sent to the County Court. Uniform traffic citations remain subject to the \$100.00 fine, plus court costs as established by state law pertinent to traffic infractions disposed of by the County Court.

**3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

Indeterminate.

A business will be impacted by this Ordinance only if a motor vehicle registered to the business commits a school zone speed infraction.

**4. Additional information the governing body deems useful (if any):**

As indicated on page 1 of this BIE, this Ordinance may be exempt from the BIE requirement on two grounds.

First, the Ordinance is "required for compliance with Federal or State law or regulation," per section 125.66(3)(c)1., Florida Statutes. Section 316.008(9)(c), Florida Statutes, provides that "A county or municipality must enact an ordinance in order to authorize the placement or installation of a speed detection system on a roadway maintained as a school zone as authorized by this subsection."

Second, the Ordinance "is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the local government," per section 125.66(3)(c)4., Florida Statutes. Section 316.008(9)(b), Florida Statutes, authorizes a county to contract with a vendor to place or install a speed detection system within a school zone, and such systems must be authorized by ordinance pursuant to section 316.008(9)(c), Florida Statutes.

This BIE has nevertheless been prepared for the benefit of the BOCC and the public, in a good faith effort to comply with state law.