

**ORDINANCE NO. 4043**

**AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, RELATING TO ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS; CREATING A NEW SECTION 50-82; AUTHORIZING THE PLACEMENT AND INSTALLATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, during the 2023 state legislative session, the Florida Legislature passed House Bill (“HB”) 657, which provides that a municipality may 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, codified in Chapter 316, Florida Statutes; and

**WHEREAS**, a speed detection system is defined at Section 316.003(82), Florida Statutes, as 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”; and

**WHEREAS**, Section 316.008(9)(a), Florida Statutes, authorizes municipalities to enforce applicable speed limits in school zones during school sessions “through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at the time of the violation”; and

**WHEREAS**, Section 316.008(9)(b), Florida Statutes, further authorizes municipalities to place or 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 Section 316.1895, Florida Statutes, to enforce unlawful speed violations”; and

**WHEREAS**, Section 316.0776(3), Florida Statutes, provides that such a speed detection system may be placed or installed in a school zone on a state road when permitted by FDOT and must be installed in accordance with placement and installation specifications established by the Florida Department of Transportation; and

**WHEREAS**, Section 316.0776(3)(a), Florida Statutes, directs municipalities to notify the public that a speed detective device may be used by posting signage “indicating photographic or video enforcement of the school zone speed limits,” which “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 Florida Department of Transportation”; and

**WHEREAS**, Section 316.0776(3)(b), Florida Statutes, further directs municipalities that begin a school zone speed detection system program to “make a public announcement and conduct

a public awareness campaign of the proposed use of speed detection systems at least 30 days before commencing enforcement under the speed detection system program” and “must notify the public of the specific date on which the program will commence;” and

**WHEREAS**, Section 316.0776(3)(c), Florida Statutes, directs that a municipality that operates school zone speed detection systems must annually report the results of all systems within the municipality’s jurisdiction by placing the required report as a single reporting item on an agenda of a regular or special meetings of the municipality’s governing body and otherwise complying with the requirements of such Section; and

**WHEREAS**, Section 316.1896(1), Florida Statutes, provides that a municipality may authorize a traffic infraction enforcement officer under section 316.640, Florida Statutes, to issue uniform traffic citations evidenced by a speed detection system for violations of Sections 316.1895 and 316.183, Florida Statutes, as authorized by Section 316.008(9), Florida Statutes, and further regulates how such notices of violation shall be sent and what information such notices must include; and

**WHEREAS**, Section 316.1896(2) and (3) Florida Statutes, directs a municipality issuing uniform traffic citations evidence by a speed detection system for violations of Sections 316.1895 and 316.183 to comply with certain notice and hearing requirements; and

**WHEREAS**, Section 316.1896(5), Florida Statutes, further provides that penalties assessed and collected by a municipality be remitted in accordance with such Section; and

**WHEREAS**, Section 316.1896(14)(b), Florida Statutes, prescribes that a municipality electing to authorize traffic infraction enforcement officers to issue uniform traffic citations “must designate by resolution existing staff to serve as the clerk to the local hearing officer”; and

**WHEREAS**, Section 316.008(9)(c), Florida Statutes, provides that a municipality implementing speed detection systems “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” and that, “as part of the public hearing on such proposed ordinance,” the municipality “must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system,” and “must determine 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”; and

**WHEREAS**, City Council finds that speed violations in school zones present a real hazard not only to the general public’s health and safety, but also specifically to children who are arriving or departing from school; and

**WHEREAS**, enforcement of speed limits in school zones with law enforcement officers alone can be difficult, as in the time a law enforcement officer has stopped and cited a speeding driver, other motorists can commit speeding violations and escape enforcement; and

**WHEREAS**, in accordance with and pursuant to the provisions of section 316.008(c), Florida Statutes, City Council has considered traffic data or 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**, given that speeding in school zones creates an unacceptable hazard for students, and that enforcement of applicable speed limits in school zones during school sessions through the use of a speed detection system may reduce instances of speeding in school zones and enhance the welfare and safety of students and pedestrians across the City of Bradenton, City Council wishes to implement a school zone speed detection system program to enforce applicable speed limits in school zones during school sessions through the use of a speed detection system as a supplemental means for the enforcement of unlawful speed violations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF BRADENTON, FLORIDA:**

**Section 1.** Findings of Fact. The foregoing whereas clauses are hereby adopted as findings of fact.

**Section 2.** Amended Code Language.

A new Chapter 50, Article IV. Section 82 shall be added as follows:

Sec. 50-82. – Speed detection systems for enforcement of school zone speed limits.

- (a) *Purpose and intent.* The purpose of this ordinance is to authorize and implement the use of speed detection systems to enforce applicable speed limits on roadways properly maintained as school zones, as authorized by and in accordance with Chapter 316.008(9)(a), Florida Statutes, as such may be amended from time to time, in order to promote traffic safety and student welfare. This ordinance 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 Chapter 316, Florida Statutes.
- (b) *Use of Speed Detection Systems.* In accordance with Chapter 316.008(9)(b), Florida Statutes, the City of Bradenton exercises its authority to authorize placement or installation of speed detection systems to enforce applicable speed limits on roadways maintained as school zones within the City of Bradenton. Any contract for the placement or installation of speed detection systems under this Section shall be approved by City Council. The City of Bradenton Chief of Police or designee is hereby authorized to implement speed detection systems with the City of Bradenton 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 specified in sections 316.1895 and 316.183, Florida Statutes, on roadways maintained as school zones.

(c) *Determination of Heightened Safety Risk.* Having considered traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, the City of Bradenton determines that the roadways located within 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 section 316.008(9), Florida Statutes:

1. MANATEE ELEMENTARY SCHOOL  
1609 SIXTH AVENUE EAST  
BRADENTON, FL 34208
2. BRADENTON CHRISTIAN SCHOOL  
3304 43<sup>RD</sup> STREET WEST  
BRADENTON, FL 34209
3. BALLARD ELEMENTARY SCHOOL  
912 18<sup>TH</sup> STREET WEST  
BRADENTON, FL 34205
4. SEA BREEZE ELEMENTARY SCHOOL  
3601 71<sup>ST</sup> STREET WEST  
BRADENTON, FL 34209
5. H.S. MOODY ELEMENTARY SCHOOL  
5425 38<sup>TH</sup> AVENUE WEST  
BRADENTON, FL 34209
6. JESSIE P. MILLER ELEMENTARY SCHOOL  
601 43<sup>RD</sup> STREET WEST  
BRADENTON, FL 34209
7. ROBERT H. PRINE ELEMENTARY SCHOOL  
3801 SOUTHERN PARKWAY WEST  
BRADENTON, FL 34205
8. G.D. ROGERS GARDEN-BULLOCK ELEMENTARY SCHOOL  
515 13<sup>TH</sup> AVENUE WEST  
BRADENTON, FL 34205
9. MANATEE HIGH SCHOOL  
902 33<sup>RD</sup> STREET COURT WEST  
BRADENTON, FL 34205

(d) *Traffic infraction enforcement officers.* Pursuant to Section 316.1896(1), Florida Statutes, a traffic infraction enforcement officer under Section 316.640, Florida Statutes, is

authorized to issue uniform traffic citations for violations of Sections 316.195 and 316.183, Florida Statutes, as authorized by Section 316.008(9), Florida Statutes.

- (e) *Notices, Penalties, and Appeals.* The City of Bradenton Chief of Police or designee shall provide notices of violation, assess penalties, remit applicable portions of assessed penalties, and provide for appeals consistent with the requirements of Sections 316.1896(2), (3) and (5), Florida Statutes, as such may be amended from time to time.
- (f) *Signage and Public Awareness Campaign.* The City of Bradenton Chief of Police or designee shall post signage and conduct a public awareness campaign regarding the placement or installation of speed detection systems consistent with the requirements of Section 316.0776(3)(b), Florida Statutes, as such may be amended from time to time.
- (g) *Reporting.* The Chief of Police or designee shall comply with the reporting requirements of Section 316.1896(16)(a)(b), and (c), Florida Statutes, as such may be amended from time to time.

**Section 3.** Codification. The City Clerk shall ensure that this Ordinance shall be submitted for codification of the language in Section 2 herein upon taking effect.

**Section 4.** Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

**Section 5.** Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 6.** Effective Date. This Ordinance shall take effect as provided by law.

PUBLICATION DATE	
FIRST READING	, 2024
PUBLICATION DATE	
SECOND READING	, 2024

PASSED AND DULY ADOPTED, BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, with a quorum present and voting, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF BRADENTON, FLORIDA

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Gene Brown, Mayor

ATTEST:

By: \_\_\_\_\_  
Tamara Melton, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Scott Rudacille, City Attorney