

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2024-14

AN ORDINANCE AMENDING CHAPTER 74” TRAFFIC AND VEHICLES” TO CREATE ARTICLE IX “SCHOOL ZONE SAFETY” AUTHORIZING THE ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS BY AND THROUGH THE INSTALLATION OF SPEED DETECTION SYSTEMS ON SCHOOL ZONE ROADWAYS; PROVIDING FOR SEVERABILITY, REPEALER PROVISION, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature adopted House Bill (“HB”) 657 during the 2023 legislative session; and

WHEREAS, Governor Ron DeSantis signed HB 657 into law, codified as chapter 2023-174, Laws of Florida; and

WHEREAS, HB 657 provides that a municipality may 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 ten miles per hour over the speed limit in force at the time of the violation”; and

WHEREAS, after having considered traffic data and other evidence supporting the installation and operation of each proposed school zone speed detection system, the City Commission, based on the findings of the Coral Gables Police Department, finds that certain school zones constitute a heightened safety risk that warrants additional enforcement measures, including the placement or installation of a speed detection system; and

WHEREAS, the City Commission finds that, based on data collected by the Coral Gables Police Department, the following schools meet the criteria for a speed detection system: Coral Gables Senior High School, Coral Gables Preparatory Academy, and George Washington Carver Elementary School; and

WHEREAS, the City shall make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least thirty (30) days before commencing the enforcement program; and

WHEREAS, the City Commission wishes to eliminate the safety hazards associated with speeding in school zones that affect every citizen and traveler in the City of Coral Gables;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA THAT:

SECTION 1. That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Code Amendment. That Chapter 74 “TRAFFIC AND VEHICLES” of the City of Coral Gables City Code is hereby amended to create Article IX ‘SCHOOL ZONE SAFETY’ as follows:

ARTICLE IX.- SCHOOL ZONE SAFETY

Sec. 74-383. Intent.

The purpose of this article 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 2023-174, Laws of Florida, as such may be amended from time to time, in order to promote traffic safety and student welfare. This article shall not prohibit law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers from issuing a citation for speeding in accordance with other routine statutory traffic enforcement techniques.

Sec. 74-384. Use of Speed Detection Systems

In accordance with Chapter 2023-174, Laws of Florida, the City of Coral Gables exercises its authority to authorize placement or installation of speed detection systems to enforce applicable speed limits on roadways maintained as school zones within its jurisdiction. The City is hereby authorized to implement speed detection systems within the unincorporated areas of the City consistent with the placement and installation specifications established by the Florida Department of Transportation, as such may be amended from time to time, to enforce unlawful speed violations, as specified in sections 316.1895 and 316.183 of the Florida Statutes, on roadways maintained as school zones. This section shall not supersede, infringe, curtail, or impinge upon state or county laws regarding speed detection systems or conflict with such laws. Nothing herein shall conflict with the primary jurisdiction of Miami-Dade County to install and maintain traffic signal devices.

Sec. 74-385. Definitions

A speed detection system as defined by F.S. § 316.003.

A traffic infraction enforcement officer as defined by F.S. § 316.1906. Pursuant to section 316.1896, Florida Statutes, a traffic infraction enforcement officer under section 316.640, Florida Statutes, is authorized to issue uniform traffic citations for violations of sections 316.1895 and 316.183 as authorized by 316.008(9).

Law enforcement officer, part-time law enforcement officer, and auxiliary law enforcement officer are defined as amended by F.S. § 316.1906.

A local hearing officer is defined as amended by F.S. § 316.003.

Sec. 74-386. 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 Coral Gables determines that the school zones surrounding the following schools where a speed detection system may be placed or installed constitute a heightened safety risk that warrants additional enforcement measures pursuant to section 316.008(9), Florida Statutes:

- i. CORAL GABLES SENIOR HIGH SCHOOL
450 BIRD ROAD
CORAL GABLES, FL 33146
- ii. CORAL GABLES PREPARATORY ACADEMY
105 MINORCA AVENUE
CORAL GABLES, FL 33134
- iii. GEORGE WASHINGTON CARVER ELEMENTARY SCHOOL
238 GRAND AVENUE
CORAL GABLES, FL 33133

Sec. 74-387. Violation.

A violation of this article, known as a school zone speeding infraction, shall occur when a motor vehicle violates Florida Statutes §§ 316.1895 and 316.183 as detailed in § 316.1896. Violations shall be enforced pursuant to Florida Statutes § 316.008(9) and this chapter. In the event of a conflict between state law and this chapter, state law shall be enforced.

Sec. 74-388. Notices, Penalties, and Appeals.

The City Manager or designee shall provide notices of violation, assess penalties, remit applicable portions of assessed penalties, and provide for appeals consistent with the requirements of Chapter 2023-174, Laws of Florida, as such may be amended from time to time.

Sec. 74-389. Signage and Public Awareness Campaign.

The City Manager 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 Florida Statutes § 316.1896, Laws of Florida, as such may be amended from time to time.

Sec. 74-390. Reporting.

The City Manager or designee shall comply with the reporting requirements of Florida Statutes § 316.1896, as such may be amended from time to time.

Sec. 74-391. Local hearing officer; fees.

- (a) The city commission designates the city's code enforcement special magistrates, pursuant to section 101-135 to serve as local hearing officers who shall preside over notice of violation hearings, as established by F.S. § 316.1896 Laws of Florida.
- (b) The city manager, or designee, shall designate code enforcement staff to implement the authorizations contained in F.S. § 316.1896, Laws of Florida, and to have the code enforcement staff serve as the clerk to the local hearing officer.
- (c) A hearing fee, pursuant to F.S. § 316.1896(14)(e), in the amount established in section 1-8 is hereby imposed. Such fee shall be assessed to reimburse the city for its expense in providing the local hearing in accordance with F.S. § 316.1896, Laws of Florida.

SECTION 3. Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

SECTION 4. Repealer.

All ordinances in conflict herewith, be and the same, are hereby repealed.

SECTION 5. Codification.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. Effective Date.

That this Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS SEVENTH DAY OF MAY, A.D., 2024.

(Moved: Anderson / Seconded: Fernandez)

(Yeas: Fernandez, Menendez, Anderson, Castro, Lago)

(Unanimous: 5-0 Vote)

(Agenda Item: E-2)

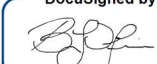
APPROVED:

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VINCE LAGO
MAYOR

ATTEST:

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BILLY Y. URQUIA
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

DocuSigned by:

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CRISTINA M. SUÀREZ
CITY ATTORNEY