

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

ORDINANCE NO. 2024-14

AN ORDINANCE OF THE VILLAGE OF WELLINGTON, FLORIDA, CREATING ARTICLE VI OF CHAPTER 22 OF THE VILLAGE’S CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS, AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS, PROVIDING FOR IMPLEMENTATION, PROVIDING; FOR PROVIDING FOR CODIFICATION; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 1, 2023, House Bill 657 (the “Bill”), as codified under Chapter 2023-174, Laws of Florida, went into effect, authorizing municipalities to use speed detection systems to enforce school zone speeding violations in excess of 10 miles over the posted speed limit (among other things) during certain times and days (the “SDS Systems”); and

WHEREAS, under the Bill, prior to utilizing SDS Systems to enforce eligible school zone speeding violations, municipalities are required to adopt an ordinance authorizing the placement and installation of SDS Systems and creating traffic enforcement procedures relating to the enforcement of school zone speed limits through the use of SDS Systems; and

WHEREAS, the Bill also requires the governing body of the municipality to first determine whether a school zone constitutes a heightened safety risk that warrants additional traffic enforcement measures based on traffic data collected (“Traffic Report Services”) prior to utilization of the SDS Systems in any particular school zone; and

WHEREAS, Wellington’s Council has approved an agreement with RedSpeed Florida, LLC (“RedSpeed”) to provide the Traffic Report Services for the Village’s school zones, and, contingent upon full compliance with the requirements of the Bill by the Village and RedSpeed, to install and operate the SDS Systems on behalf of the Village to enforce school zone speeding violations as authorized under the Bill; and

WHEREAS, RedSpeed has completed its Traffic Report Services and provided the “School Zone Speed Report for the Village of Wellington (the “Report”) for consideration by the Village Council, which report is attached as **Exhibit A**; and

1 The following words, terms and phrases, when used in this section, shall have the
2 meanings ascribed to them in this Section, except where the context clearly indicates a
3 different meaning:

4
5 *Local Hearing Officer:* The Wellington Special Magistrate or such other qualified
6 person designated by resolution of the Wellington Council to conduct hearings relating to
7 notice of violations issued pursuant to Sections 316.1896 and 316.0083, Florida Statutes.

8
9 *Person:* A natural person, the registered owner or co-owner of a motor vehicle, or
10 the person identified in an affidavit as having actual care, custody, or control of the motor
11 vehicle at the time of a Violation.

12
13 *Petitioner:* A person who elects to request a hearing before the Local Hearing
14 Officer for the purpose of determining whether a Violation under Section 316.1896,
15 Florida Statutes, has occurred.

16
17 *School Zone:* A roadway located within Wellington and maintained as a School
18 Zone pursuant to Section 316.1895, Florida Statutes, that constitutes a heightened safety
19 risk that warrants additional enforcement measures, as determined by the Village Council
20 after consideration of traffic data and other relevant evidence.

21
22 *Speed Detection System:* A portable or fixed automated system used to detect a
23 motor vehicle's speed using radar or LiDAR, and to capture a photograph or video of the
24 rear of a motor vehicle that exceeds the speed limit in force at the time of the Violation.

25
26 *Traffic Infraction Enforcement Officer:* the Palm Beach County Sheriff's Office
27 employee or employees designated by Wellington who meet the qualifications set forth
28 under Section 316.640(5), and/or any other relevant statute, and who are vested with the
29 authority to enforce Violations.

30
31 *Violation:* A person that drives a motor vehicle on a roadway designated as a
32 School Zone at a speed as follows:

33
34 (A) In excess of 10 miles per hour over the School Zone speed limit which occurs
35 within 30 minutes before through 30 minutes after the start of a regularly scheduled
36 breakfast program in violation of Section 316.1895, Florida Statutes.

37
38 (B) In excess of 10 miles per hour over the School Zone speed limit which occurs
39 within 30 minutes before through 30 minutes after the start of a regularly scheduled
40 school session in violation of Section 316.1895, Florida Statutes.

41
42 (C) In excess of 10 miles per hour over the posted speed limit during the entirety
43 of a regularly scheduled school session in violation of Section 316.183, Florida
44 Statutes.

45
46 (D) In excess of 10 miles per hour over the School Zone speed limit which occurs

1 within 30 minutes before through 30 minutes after the end of a regularly scheduled
2 school session in violation of Section 316.1895, Florida Statutes.

3
4 Section 22-38. Findings.

5
6 After consideration of the traffic data provided in the “School Zone Speed Report for the
7 Village of Wellington” prepared by RedSpeed Florida, LLC and other relevant evidence
8 presented at the public hearing held on October 8, 2024 and November 12, 2024, the
9 Village Council hereby finds that the following School Zones where Speed Detection
10 Systems are to be placed and installed constitute a heightened safety risk that warrants
11 additional enforcement measures pursuant to Section 316.008(9), Florida Statutes:

12
13 Wellington Elementary School
14 13000 Paddock Drive
15 Wellington, FL 33414

16
17 New Horizons Elementary School
18 13900 Greenbriar Blvd.
19 Wellington, FL 33414

20
21 Panther Run Elementary School
22 10775 Lake Worth Road
23 Wellington, FL 33449

24
25 Panther Run Elementary School
26 10775 Lake Worth Road
27 Wellington, FL 33449

28
29 Equestrian Trails Elementary School
30 9720 Stribling Way,
31 Wellington, FL 33414

32
33 Binks Forest Elementary School
34 15101 Bent Creek Road
35 Wellington, FL 33414

36
37 Wellington Landings Middle School
38 1100 Aero Club Drive
39 Wellington, FL 33414

40
41 Emerald Cove Middle School
42 9950 Stribling Way
43 Wellington, FL 33414

44
45 Polo Park Middle School
46 11901 Lake Worth Road

1 Wellington, FL 33414

2
3 Wellington High School
4 2101 Greenview Shores Blvd.
5 Wellington, FL 33414

6
7 Palm Beach Central High School
8 8499 W. Forest Blvd
9 Wellington, FL 33414

10
11 Somerset Academy (Charter)
12 1000 Wellington Trace
13 Wellington, FL 33414

14
15 Renaissance Charter (Charter)
16 3200 S. State Road 7
17 Wellington, FL 33449

18
19 Section 22-39. Placement and Installation of Speed Detection Systems.

20
21 Consistent with and pursuant to Chapter 316, Florida Statutes, the Village Council
22 authorizes the placement, installation, and operation of automated Speed Detection
23 Systems on School Zone roadways, as identified herein under subsection XXXXX, to
24 enforce Violations.

25
26 Section 22-40. Notice of Violation, Designation of Local Hearing Officer, and Hearing
27 Procedures.

28
29 A. Within thirty (30) days after a Violation, a notice of violation shall be sent by
30 first class mail to the registered owner of the motor vehicle involved in the
31 Violation. The notice of violation must include:

32
33 1. The name and address of the vehicle owner;

34
35 2. A photograph, video, or other recorded image showing the license plate of
36 the motor vehicle;

37
38 3. The make, model, and year of the vehicle;

39
40 4. The date, time, and location of the Violation;

41
42 5. Notice that the infraction charged is pursuant to this section;

43
44 6. The maximum speed at which the motor vehicle was traveling within the
45 School Zone;

46

1 7. The speed limit within the School Zone at the time of the Violation;
2

3 8. A statement that the owner has a right to review, in person or remotely,
4 the photograph or video captured by the Speed Detection System(s) and
5 the evidence of the speed of the motor vehicle detected by the Speed
6 Detection System(s) that constitutes a rebuttable presumption that the
7 motor vehicle was used in a Violation;
8

9 9. Instructions as to the time and place or website at which the photograph
10 or video and evidence of speed detected captured by the Speed Detection
11 System(s) may be examined and observed;
12

13 10. Information that advises the Violator of the person's right to request a
14 hearing and of all costs related thereto and a form to be used to request
15 a hearing, or alternatively, a web address to a website that provides such
16 information;
17

18 11. Instructions on all methods of payment of the penalty;
19

20 12. A statement specifying the remedies available under Section 318.14,
21 Florida Statutes;
22

23 13. A statement that the owner must pay a penalty in the amount provided
24 under Section 318.18(3)(d), Florida Statutes, or furnish an affidavit that
25 compiles with Section 316.1896(8), Florida Statutes, within thirty (30) days
26 in order to avoid court fees, costs, and the issuance of a uniform traffic
27 citation against the owner; and
28

29 14. A signed statement by the Traffic Infraction Enforcement Officer that,
30 based on inspection of recorded photographs or video captured by the
31 Speed Detection System(s), the vehicle was involved in and was utilized
32 to commit a Violation.
33

34 B. Except as may be otherwise provided by resolution of the Village Council,
35 the Village shall utilize its special magistrates pursuant to Chapter 2, Article
36 IV of the Village's Code of Ordinances to serve as the Local Hearing
37 Officer(s) who shall preside over notice of violation hearings, as established
38 by Section 316.1896, Florida Statutes, as amended.
39

40 C. The Village Manager or the Village Manager's designee, shall designate a
41 Traffic Infraction Enforcement Officer(s) to implement the authorizations
42 contained under Section 316.1896(6), Florida Statutes, and the Village
43 Council shall, by resolution, designate a Village staff member to serve as
44 the clerk to the Local Hearing Officer.
45

46 D. Any Petitioner who elects to request a hearing shall be scheduled for a

1 hearing by the clerk of the Local Hearing Officer, with notice of the hearing
2 to be sent to the Petitioner by first-class mail. Upon receipt of the notice,
3 the Petitioner may reschedule the hearing once by submitting a written
4 request to reschedule to the clerk of the Local Hearing Officer, at least five
5 calendar days before the day of the originally scheduled hearing. The
6 Petitioner may cancel his or her appearance before the Local Hearing
7 Officer by paying the penalty assessed by Section 316.1896(2), Florida
8 Statutes, as amended, plus the administrative costs established under
9 Section 316.0083(5)(c), Florida Statutes, before the start of the hearing.

10
11 E. All testimony at the hearing shall be under oath and shall be recorded. The
12 Local Hearing Officer shall take testimony from a Traffic Infraction
13 Enforcement Officer and the Petitioner, and may take testimony from
14 others. The Local Hearing Officer must review the photograph or video
15 captured by the Speed Detection System and the evidence of the speed of
16 the motor vehicle detected by the Speed Detection System. Formal rules
17 of evidence do not apply, but due process shall be observed and govern the
18 proceedings.

19
20 F. At the conclusion of the hearing, the Local Hearing Officer must determine
21 whether a Violation has occurred, in which case the Local Hearing Officer
22 shall uphold or dismiss the Violation. The Local Hearing Officer shall issue
23 a final administrative order including the determination and, if the notice of
24 the violation is upheld, must require the Petitioner to pay the penalty
25 assessed under Section 316.18(3)(d), Florida Statutes, as amended, and
26 may also require the Petitioner to pay the Village's costs, not to exceed the
27 amount established under Section 316.0083(5)(e), Florida Statutes. The
28 final administrative order shall be mailed to the Petitioner by first-class mail.

29
30 G. An aggrieved party may appeal a final administrative order consistent with
31 the process provided under Chapter 162, Florida Statutes.

32
33 Section 22-41. Exemptions.

34
35 This section shall not apply to vehicles operated by police, fire rescue, or by any state
36 agency, local government, or special district.

37
38 Section 22-42. Supplemental Authority.

39
40 The provisions of this Section supplement the enforcement of Sections 316.1895 and
41 316.183, Florida Statutes, by law enforcement officers and do not prohibit law
42 enforcement officers from issuing uniform traffic citations for violations of Sections
43 316.1895 or 316.183.

44
45 **SECTION 3.** The Village Council hereby authorizes the Village Manager to create
46 and implement any procedures necessary to implement the purposes and intent of this

1 Ordinance and the Bill, subject to approval by the Village Attorney as to form and legal
2 sufficiency, and to take any action which is reasonably necessary to implement the
3 purpose of this Ordinance.
4

5 **SECTION 4.** Should any section, paragraph, sentence, clause, or phrase of this
6 Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington
7 Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of
8 this Ordinance shall prevail to the extent of such conflict.
9

10 **SECTION 5:** Should any section, paragraph, sentence, clause, or phrase of this
11 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision
12 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part
13 thereof, other than the part so declared to be invalid.
14

15 **SECTION 6:** This Ordinance shall become effective immediately upon adoption of
16 the Wellington Council following second reading.
17

18 **PASSED** this _____ day of _____, 2024 upon first reading.
19

20 **PASSED AND ADOPTED** this _____ day of _____, 2024 on second and
21 final reading.
22

23 **WELLINGTON**

	FOR	AGAINST
24 BY: _____	_____	_____
25 Michael Napoleone, Mayor		
26 _____	_____	_____
27 John McGovern, Vice Mayor		
28 _____	_____	_____
29 Tanya Siskind, Councilwoman		
30 _____	_____	_____
31 Maria Antuna, Councilwoman		
32 _____	_____	_____
33 Amanda Silvestri, Councilwoman		

34 **ATTEST:**

35 BY: _____
36 Chevelle D. Hall, CMC Village Clerk
37
38
39
40
41
42
43
44
45
46

1
2
3
4
5
6

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie S. Cohen, Village Attorney