

## CHAPTER 22 – TRAFFIC AND VEHICLES

### ARTICLE VI – SPEED DETECTION IN SCHOOL ZONES

#### Sec. 22-36: Purpose and Intent

Wellington desires to protect the public health, safety, and welfare of individuals traveling to and from school in Wellington, especially students and their parents and/or legal guardians and school employees. Accordingly, Wellington seeks to enforce School Zones speed limits by authorizing the placement and installation of ~~speed~~ Speed detection Detection systems Systems on in those School Zones ~~roadways~~ that constitute a heightened safety risk warranting additional enforcement measures pursuant to ~~Section~~ section 316.008(9), Florida Statutes, as amended from time to time.

#### Sec. 22-37: Definitions

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

**Local Hearing Officer:** The Wellington Special Magistrate or such other qualified person designated by resolution of the Wellington Council to conduct hearings relating to notice of violations issued pursuant to ~~Sections~~ sections 316.1896 and 316.0083, Florida Statutes, as amended from time to time, and this article.

**Person:** 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 a Violation.

**Petitioner:** A person who elects to request a hearing before the Local Hearing Officer for the purpose of determining whether a Violation under this article and Section ~~section~~ 316.1896, Florida Statutes, as amended from time to time, has occurred.

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

**Speed Detection System:** 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.

**Traffic Infraction Enforcement Officer:** ~~the~~ A Palm Beach County Sheriff's Office employee ~~or employees designated by Wellington~~ who meets the qualifications set forth

under ~~Section~~section 316.640(5), Florida Statutes, as amended from time to time, and/or any other relevant statute, and who ~~are~~is vested with the authority to enforce Violations.

**Uniform Traffic Citation:** A formal citation issued to the registered owner of a vehicle pursuant to Chapter 316, Florida Statutes, upon failure to respond to a notice of violation within the required timeframe, and subjecting the violator to potential additional fines or legal penalties.

**Violation:** A School Zone speeding infraction occurring when a motor vehicle is detected by a Speed Detection System in violation of section 22-40 of this article. ~~A person that drives a motor vehicle on a roadway designated as a School Zone at a speed as follows:~~

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

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

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

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

## **Sec. 22-38: Findings**

After consideration of the traffic data provided in the “*School Zone Speed Report for the Village of Wellington*” prepared by RedSpeed Florida, LLC and other relevant evidence presented at the public hearing held on October 8, 2024 and ~~November 12, 2024~~January 28, 2025, the ~~Village-Wellington~~ Council hereby finds that the following School Zones where Speed Detection Systems are to be placed and installed constitute a heightened safety risk that warrants additional enforcement measures pursuant to ~~Section~~section 316.008(9), Florida Statutes, as amended from time to time:

Wellington Elementary School  
13000 Paddock Drive  
Wellington, FL 33414

New Horizons Elementary School  
13900 Greenbriar Blvd.  
Wellington, FL 33414

Panther Run Elementary School

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10775 Lake Worth Road  
Wellington, FL 33449

~~Panther Run Elementary School  
10775 Lake Worth Road  
Wellington, FL 33449~~

Equestrian Trails Elementary School  
9720 Stribling Way,  
Wellington, FL 33414

Binks Forest Elementary School  
15101 Bent Creek Road  
Wellington, FL 33414

Wellington Landings Middle School  
1100 Aero Club Drive  
Wellington, FL 33414

Emerald Cove Middle School  
9950 Stribling Way  
Wellington, FL 33414

Polo Park Middle School  
11901 Lake Worth Road  
Wellington, FL 33414

Wellington High School  
2101 Greenview Shores Blvd.  
Wellington, FL 33414

Palm Beach Central High School  
8499 W. Forest Blvd  
Wellington, FL 33414

Somerset Academy (Charter)  
1000 Wellington Trace  
Wellington, FL 33414

Renaissance Charter (Charter)  
3200 S. State Road 7  
Wellington, FL 33449

## **Sec. 22-39: Placement and Installation of Speed Detection Systems**

Consistent with and pursuant to Chapter 316, Florida Statutes, the ~~Village-Wellington~~ Council authorizes the placement, installation, and operation of ~~automated~~-Speed Detection Systems ~~on-in~~ School Zones ~~s-roadways~~, as identified herein under subsection ~~XXXXX~~22-38, to enforce Violations.

#### **Sec. 22-40: Violations Detected by Speed Detection Systems**

Pursuant to section 316.1896, Florida Statutes, as amended from time to time, a person violates this section and Florida law when such person operates a motor vehicle:

- A. In excess of 10 miles per hour over the School Zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program in violation of section 316.1895, Florida Statutes, as amended from time to time;
- B. In excess of 10 miles per hour over the School Zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled school session in violation of section 316.1895, Florida Statutes, as amended from time to time;
- C. In excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session in violation of section 316.183, Florida Statutes, as amended from time to time; or
- D. In excess of 10 miles per hour over the School Zone speed limit which occurs within 30 minutes before through 30 minutes after the end of a regularly scheduled school session in violation of section 316.1895, Florida Statutes, as amended from time to time.

Such Violation must be evidenced by a Speed Detection System.

#### **Sec. 22-41: Enforcement Procedures**

- A. Within 30 days after a Speed Detection System captures a Violation, a notice of violation must be sent to the registered owner of the motor vehicle involved in the Violation via first class mail. The contents of the notice of violation shall be as set forth in section 22-42.
- B. A person who receives a notice of violation under this article may, within 30 days after the notice of violation:
  - 1. Pay the penalty in the amount provided under section 318.18(3)(d), Florida Statutes, as amended from time to time;
  - 2. Submit an affidavit establishing an exception to liability pursuant to section 316.1896(8), Florida Statutes, as amended from time to time; or

### 3. Request a hearing.

C. If the person who receives a notice of violation under this article does not timely pay the penalty reflected on the notice of violation, submit a sufficient affidavit, or request a hearing, pursuant to section 316.1896, Florida Statutes, as amended from time to time, a Uniform Traffic Citation must be issued by a Traffic Infraction Enforcement Officer to the registered owner of the vehicle and transmitted to the Palm Beach County Clerk of Court for disposition by the County Court.

D. If the person who received a notice of violation under this article timely requests a hearing, such hearing shall proceed as set forth in section 22-43.

### **Sec. 22-40~~42~~: Notice of Violation, Designation of Local Hearing Officer, and Hearing Procedures.**

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

~~1.~~A. The name and address of the vehicle owner;

~~2.~~B. A photograph, video, or other recorded image showing the license plate of the motor vehicle;

~~3.~~C. The make, and model, ~~and year~~ of the vehicle;

~~4.~~D. The date, time, and location of the Violation;

~~5.~~E. Notice that the infraction charged is pursuant to this section and section 316.1896, Florida Statutes, as amended from time to time;

~~6.~~F. The maximum speed at which the motor vehicle was traveling within the School Zone;

~~7.~~G. The speed limit within the School Zone at the time of the Violation;

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

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

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10. ~~J.~~ Information that advises the ~~Violator-owner~~ of ~~the person's~~their right to request a hearing and of all costs related thereto and a form to be used to request a hearing, or alternatively, a web address to a website that provides such information;

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11. ~~K.~~ Instructions on all methods of payment of the penalty;

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12. ~~L.~~ A statement specifying the remedies available under ~~Section-section~~ 318.14, Florida Statutes, as amended from time to time; and

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13. ~~M.~~ A statement that the owner must, within 30 days, pay a penalty to Wellington in the amount provided under ~~Section-section~~ 318.18(3)(d), Florida Statutes, as amended from time to time, or furnish an affidavit that ~~compiles-complies~~ with ~~Section-section~~ 316.1896(8), Florida Statutes, as amended from time to time, ~~within thirty (30) days~~ in order to avoid court fees, costs, and the issuance of a uniform traffic citation ~~against the owner; and~~.

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

#### Sec. 22-43: Designation of Local Hearing Officer and Hearing Procedures

~~BA.~~ Except as may be otherwise provided by resolution of the ~~Village-Wellington~~ Council, ~~the Village-Wellington~~ shall utilize its special magistrates pursuant to Chapter 2, Article IV of ~~the Village-Wellington's~~ Code of Ordinances to serve as the Local Hearing Officer(s) who shall preside over notice of violation hearings, as established by ~~Section-section~~ 316.1896, Florida Statutes, as amended from time to time.

~~CB.~~ ~~The Village Manager or the Village Manager's designee, shall designate a Traffic Infraction Enforcement Officer(s) to implement the authorizations contained under Section 316.1896(6), Florida Statutes, and t~~The Village-Wellington Council shall, by resolution, designate a Village-Wellington staff member to serve as the clerk to the Local Hearing Officer.

~~DC.~~ Any Petitioner who elects to request a hearing shall be scheduled for a hearing by the clerk of the Local Hearing Officer, with notice of the hearing to be sent to the Petitioner by first-class mail. Upon receipt of the notice, the Petitioner may reschedule the hearing ~~once-up to two times~~ by submitting a written request to reschedule to the clerk of the Local Hearing Officer, at least five calendar days before the day of the originally scheduled hearing. The Petitioner may cancel his or her appearance before the Local Hearing Officer by paying the penalty assessed pursuant to by Section-section 316.1896(2), Florida Statutes, as

amended from time to time, plus the administrative costs established under ~~Section-section~~ 316.0083(5)(c), Florida Statutes, as amended from time to time, before the start of the hearing.

~~ED~~. All testimony at the hearing shall be under oath and shall be recorded. The Local Hearing Officer shall take testimony from a Traffic Infraction Enforcement Officer and the Petitioner, and may take testimony from others. The Local Hearing Officer must review 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. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.

~~FE~~. At the conclusion of the hearing, the Local Hearing Officer must determine whether a Violation has occurred, in which case the Local Hearing Officer shall uphold or dismiss the Violation. The Local Hearing Officer shall issue a final administrative order including the determination and, if the notice of the violation is upheld, must require the Petitioner to pay the penalty previously assessed under ~~Section-section~~ 316.18(3)(d) 96(2), Florida Statutes, as amended from time to time, and may also require the Petitioner to pay ~~the Village~~ Wellington's costs, not to exceed the amount established under ~~Section-section~~ 316.0083(5)(e), Florida Statutes, as amended from time to time. The final administrative order shall be mailed to the Petitioner by first-class mail. If the Petitioner fails to pay the penalty plus costs assessed by the Local Hearing Officer within the time prescribed by the Local Hearing Officer, a Uniform Traffic Citation shall be issued by a Traffic Infraction Enforcement Officer and transmitted to the Palm Beach County Clerk of Court for disposition by the County Court.

~~GF~~. An aggrieved party may appeal a final administrative order of the Local Hearing Officer consistent with the process provided under Chapter 162, Florida Statutes. If such an appeal is initiated, the time to pay the penalty plus costs assessed by the Local Hearing Officer shall be tolled until the conclusion of the appeal.

#### **Sec. 22-~~44~~44: Exemptions**

This ~~section-article~~ shall not apply to vehicles operated by police, fire rescue, or by any state agency, local government, or special district.

#### **Sec. 22-~~42~~45: Supplemental Authority**

The provisions of this ~~Section-article~~ supplement the enforcement of ~~Sections-sections~~ 316.1895 and 316.183, Florida Statutes, as amended from time to time, by law enforcement officers and do not prohibit law enforcement officers from issuing ~~uniform~~ Uniform traffic-Traffic citations-Citations for violations of ~~Sections-sections~~ 316.1895 or 316.183.

