

ORDINANCE NO. 2025-24

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 70, TRAFFIC AND VEHICLES, BY ADDING SECTION 70-10, SCHOOL ZONE SPEED INFRACTIONS; ADOPTING FINDINGS; AUTHORIZING THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON SPECIFIED ROADWAYS MAINTAINED AS SCHOOL ZONES THAT CONSTITUTE A HEIGHTENED RISK; ESTABLISHING TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED ZONE DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS; CREATING HEARING PROCEDURES BEFORE THE LOCAL SPECIAL MAGISTRATE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on July 1, 2023, Chapter 2023-174, Laws of Florida, took effect, which authorizes the use of automated speed detection systems in school zones; and

WHEREAS, a speed detection system is defined at Section 316.003, 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, speeding in school zones presents a threat to the health and safety of the public and in particular the children in the City of Venice (hereinafter the "City"); and

WHEREAS, prior to installing and utilizing speed detecting systems to enforce eligible school zone speeding violations, counties and municipalities are required to adopt an ordinance authorizing the placement and installation of speed detecting systems and to create traffic enforcement procedures relating to the enforcement of school zone speed limits through the use of speed detecting systems; and

WHEREAS, consistent with Section 316.008(9), Florida Statutes, the City 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, the City wishes to implement a school zone speed detection system program in order to reduce speeding and benefit public safety.

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

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 70, Traffic and Vehicles, of the Code of Ordinances, City of Venice, Florida, is hereby amended by adding Section 70-10, which section shall read as follows:

Sec. 70-10. – School Zone Speed Infractions.

(a) Purpose and Intent. The City desires to protect the public health, safety, and welfare of

individuals travelling to and from schools in the City, especially students, their parents and/or legal guardians, and school employees, by authorizing the placement and use of automated speed detection systems (SDS) on roadways within the jurisdiction of the City to promote compliance with speed limits in school zones pursuant to F.S. § 316.008(9), as such may be amended from time to time.

(b) Use of Speed Detection Systems. The City hereby elects to commence the use of automated SDS in school zones within its jurisdiction in accordance with the provisions of Florida law, including F.S. Ch. 316. The use of SDS shall be deemed a supplemental means of enforcing the Florida Uniform Traffic Control Law and nothing herein shall be construed or operate to preclude the enforcement of the Florida Uniform Traffic Control Law by any other means provided by law.

(c) Determination of Heightened Safety Risk. The City Council finds that SDS are authorized for use at the following locations, based upon a review of data and evidence at a public hearing demonstrating that the school zones associated with these schools constitute a heightened safety risk that warrants additional enforcement measures:

(1) Venice High School: 1 Indian Ave, Venice, Florida 34285

(2) Epiphany Cathedral: 316 Sarasota St, Venice, Florida 34285

(d) Signage and Public Awareness. Upon the installation of a SDS as authorized by F.S. § 316.008(9), the City shall notify the public by posting signage indicating photographic or video enforcement of the school zone speed limits which clearly designates the time period during which the school zone speed limits are enforced using a SDS and which meets the placement and installation specifications established by the Department of Transportation. At least thirty (30) days before commencing enforcement under the SDS program, the City shall notify the public of the specific date on which the program will commence. During the 30-day public awareness campaign, only a warning will be issued to the registered owner of a motor vehicle for a violation of F.S. § 316.1895 or § 316.183 and liability will not be imposed for the civil penalty under F.S. § 318.18(3)(d).

(e) Program Administration

(1) The City may contract with one or more vendors to place or install SDS. Any such contract or contract renewal must be approved at a regular or special meeting of the Council, and may not be placed on a consent agenda.

(2) A traffic enforcement officer, as defined under F.S. § 316.640, is authorized to issue a uniform traffic citation for a violation of F.S. § 316.1895 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. The procedures contained in F.S. § 316.1896 shall be followed.

(3) The City's Special Magistrate is designated as the local hearing officer to conduct hearings requested by alleged violators wishing to contest notices of violation issued pursuant to this section. Local hearing costs are hereby set at Fifty Dollars (\$50.00). This amount shall be assessed against a Petitioner in addition to the One Hundred Dollar (\$100.00) penalty provided by statute,

if the Special Magistrate finds a violation occurred and upholds the notice of violation.

(4) The City shall annually report the results of all SDS by placing a report on the agenda of a regular or special meeting of the Council. The report may not be considered as part of a consent agenda. The report must include a written summary, which must be read aloud at the regular or special meeting, and the summary must contain, for the same time period pertaining to the annual report to the department under F.S. § 316.1896(16)(a), the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts.

(5) The City must report to the Department of Highway Safety and Motor Vehicles (Department) that the City's annual report was considered in accordance with F.S. § 316.0776, including the date of the meeting at which the annual report was considered. The City must also submit a report to the Department by October 1, 2025, and annually thereafter, which identifies the public safety objectives used to identify a school zone for enforcement, reports compliance with F.S. § 316.0776(3)(c), and details the results of the SDS in the school zone and the procedures for enforcement. The report shall be submitted in a form and manner determined by the Department.

(f) Remittance of collected fines and costs. Pursuant to F.S. § 316.1896(5), penalties assessed and collected shall be remitted as follows:

(1) Twenty dollars must be remitted to the Department of Revenue for deposit into the General Revenue Fund;

(2) Sixty dollars must be retained by the City to administer SDS in school zones and other public safety initiatives;

(3) 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;

(4) Twelve dollars must be remitted to the Sarasota County School District; and

(5) Five dollars must be retained by the City for the School Crossing Guard Recruitment and Retention Program pursuant to F.S. § 316.1894.

(g) Collection or Use of Incidental Video. In order to provide fair and even enforcement of school zone speed, the City prefers video-based enforcement over "still-photograph" enforcement for the dual purposes of reducing camera obstructions and for the benefit of having lane-specific video, which may be used for determining civil or criminal liability for incidents captured incidental to speed enforcement, in accordance with F.S. § 316.1896(15)(a).

SECTION 4. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 5. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 6. This ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 24TH DAY OF JUNE 2025.

First Reading: June 10, 2025

Second Reading: June 24, 2025

Adoption: June 24, 2025

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 24th day of June 2025, a quorum being present.

WITNESS my hand and the official seal of said City this 24th day of June 2025.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney