

MEMORANDUM

Agenda Item No. 11(A)(13)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing Board policy that funds generated from the assessment and collection of penalties for the enforcement of speed limits in school zones that are retained by the County pursuant to section 316.1896(5)(b), Florida Statutes, after the deduction of expenses for administering school zone speed detection systems, be divided proportionately among all County Commission Districts based on the amount of Unincorporated Municipal Services Area (UMSA) population and UMSA square miles in each district, to be used, subject to prior Board approval, for public safety initiatives; directing County Mayor to prepare the mid-year or end-of-year budget amendment to be consistent with this policy; and designating existing staff to serve as the clerk to the local hearing officer pursuant to section 316.1896, Florida Statutes

Resolution No. R-1099-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Anthony Rodríguez.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: December 3, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(13)

Please note any items checked.

- _____ **"3-Day Rule" for committees applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **Statement of social equity required**
- _____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**
- _____ **No committee review**
- _____ **Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve**
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(13)
12-3-24

RESOLUTION NO. R-1099-24

RESOLUTION ESTABLISHING BOARD POLICY THAT FUNDS GENERATED FROM THE ASSESSMENT AND COLLECTION OF PENALTIES FOR THE ENFORCEMENT OF SPEED LIMITS IN SCHOOL ZONES THAT ARE RETAINED BY THE COUNTY PURSUANT TO SECTION 316.1896(5)(B), FLORIDA STATUTES, AFTER THE DEDUCTION OF EXPENSES FOR ADMINISTERING SCHOOL ZONE SPEED DETECTION SYSTEMS, BE DIVIDED PROPORTIONATELY AMONG ALL COUNTY COMMISSION DISTRICTS BASED ON THE AMOUNT OF UNINCORPORATED MUNICIPAL SERVICES AREA (UMSA) POPULATION AND UMSA SQUARE MILES IN EACH DISTRICT, TO BE USED, SUBJECT TO PRIOR BOARD APPROVAL, FOR PUBLIC SAFETY INITIATIVES; DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE THE MID-YEAR OR END-OF-YEAR BUDGET AMENDMENT TO BE CONSISTENT WITH THIS POLICY; AND DESIGNATING EXISTING STAFF TO SERVE AS THE CLERK TO THE LOCAL HEARING OFFICER PURSUANT TO SECTION 316.1896, FLORIDA STATUTES

WHEREAS, during the 2023 state legislative session, the Florida Legislature passed House Bill ("HB") 657, providing that a county 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 at sections 316.003, 316.008, 316.0776 and 316.1896 *et seq.*, Florida Statutes; and

WHEREAS, HB 657 authorizes counties 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, HB 657 further authorizes counties 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 to enforce unlawful speed violations"; and

WHEREAS, HB 657 created section 316.1896, Florida Statutes, establishing, among other things, how the penalties assessed and collected by counties for violations of the applicable speed limits in school zones during school sessions are to be remitted and allocated; and

WHEREAS, specifically, section 316.1896(5) provides that the penalties to be assessed and collected by the county must be remitted or retained as follows: (a) Twenty dollars (\$20.00) must be remitted to the Department of Revenue for deposit into the General Revenue Fund; (b) Sixty dollars (\$60.00) must be retained by the county and must be used to administer speed detection systems in school zones and other public safety initiatives; (c) Three dollars (\$3.00) must be remitted to the Department of Revenue for deposit into the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund; (d) Twelve dollars (\$12.00) must be remitted to the county school district in which the violation occurred and must be used for school security initiatives, for student transportation, or to improve the safety of student walking conditions; and (e) Five dollars (\$5.00) must be retained by the county or municipality for the School Crossing Guard Recruitment and Retention Program pursuant to section 316.1894; and

WHEREAS, on November 7, 2023, this Board, pursuant to the statutory authority provided under HB 657, adopted Ordinance No. 23-99 to authorize the placement or installation of speed detection systems to enforce applicable speed limits on roadways maintained as school zones within the unincorporated areas of Miami-Dade County (the “County”); and

WHEREAS, on January 17, 2024, this Board adopted Resolution No. R-40-24 authorizing a County contract with a vendor, RedSpeed Georgia, LLC (“RedSpeed”), for the installation and operation of an automated speed detection and enforcement system at school zones within the unincorporated areas of the County; and

WHEREAS, the County's contract with RedSpeed is exclusively violator-funded; RedSpeed shall retain up to \$33.00 for every \$100.00 in speeding penalties collected to fund RedSpeed's installation and operation of an automated speed detection and enforcement system at school zones within the unincorporated areas of the County; and

WHEREAS, after accounting for the percentage of penalty funds that the County shall use to install and administer the speed detection systems in school zones, including the \$33.00 for every \$100.00 in speeding penalties RedSpeed is retaining, the County shall remain with a percentage of penalty funds that, pursuant to section 316.1896(5)(b), Florida Statutes, "must be used" for other public safety initiatives; and

WHEREAS, section 316.1896(1) further provides that, for purposes of administering the section, a county or municipality may authorize a traffic infraction enforcement officer under section 316.640 to issue uniform traffic citations for violations of sections 316.1895 and 316.183; and

WHEREAS, section 316.003(38) defines the local hearing officer as the person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under sections 316.0083(1)(a) and 316.1896(1), who is authorized to conduct hearings related to a notice of violation issued pursuant to section 316.0083 or section 316.1896; and

WHEREAS, section 316.1896(14)(b) directs that a county or municipality electing to authorize traffic infraction enforcement officers to issue uniform traffic citations under section 316.1896(6) must designate by resolution existing staff to serve as the clerk to the local hearing officer; and

WHEREAS, this Board desires that the school zone speed enforcement penalty funds that are retained by the County, per section 316.1896(5)(b), Florida Statutes, and remain with the County after deducting expenses to install and administer the school zone speed detection

systems, be divided proportionately among all County Commission Districts based on the amount of Unincorporated Municipal Services Area (UMSA) population and UMSA square miles in each district, to be used, subject to prior Board approval, for public safety initiatives, as allocated by each District County Commissioner; and to direct the County Mayor or County Mayor's designee to prepare the mid-year or the end-of-year budget amendment to be consistent with this policy; and

WHEREAS, this Board, pursuant to section 316.1896(14)(b), further wishes to designate existing staff to serve as the clerk to the local hearing officer,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. It is the policy of this Board that the school zone speed enforcement penalty funds retained by the County, per section 316.1896(5)(b), Florida Statutes, that remain after deducting the County's expenses for installing and administering the school zone speed detection systems, be divided proportionately among all County Commission Districts based on the amount of UMSA population and UMSA square miles in each district, to be used, subject to prior Board approval, for public safety initiatives, including but not limited to funding public safety improvements to school crossings and traffic intersections or public safety education campaigns promoting traffic safety at or near school zones, as allocated by each District County Commissioner. The proportionate percentage of school zone speed enforcement penalty funds allotted to each County Commission District to be used for public safety initiatives shall mirror the percentage each County Commission District is allotted in Quality Neighborhood Improvement Program (QNIP) funds for the applicable fiscal year.

Section 3. This Board directs the County Mayor or County Mayor's designee to prepare the mid-year or the end-of-year budget amendment to be consistent with the Board policy set forth in section 2 of this resolution.

Section 4. This Board designates the Division Chief of the Passenger Transportation Regulatory Division within the Department of Transportation and Public Works, or any successor position, to serve as the clerk to the local hearing officer pursuant to section 316.1896(14)(b), Florida Statutes.

The Prime Sponsor of the foregoing resolution is Chairman Anthony Rodríguez. It was offered by Commissioner **Kionne L. McGhee**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Anthony Rodríguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Oliver G. Gilbert, III	aye	Roberto J. Gonzalez	aye
Keon Hardemon	absent	Danielle Cohen Higgins	aye
Eileen Higgins	nay	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of December, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "E. W. Gonzalez", written over a horizontal line.

Eduardo W. Gonzalez
Anita Viciano Zapata