



CODE ENFORCEMENT - CITATION HEARING AGENDA

Thursday, January 22, 2026 at 9:30 AM

Historic City Hall, Commission Chambers – 225 East Main Street, Suite 105

www.cityofwauchula.gov

CALL TO ORDER

ADMINISTER OATH

NEW CASES

1. Leterika Faniel

Violation # BL 1116WU6YCP

PUBLIC COMMENT / NON-AGENDA ITEMS

ADJOURNMENT

**CITY OF WAUCHULA, FL
ADMINISTRATIVE HEARING
DOCKET**

L-Liable
NL-Not Liable
D-Dismissed
FTA-Failure to Appear

CITATION #	NAME	OFFICER	L	NL	D	FTA	Warning & Priors	COMMENTS
1	1116WU6YCP FANIEL, LETERIKA	Ehrenkaufner, Robert					W 0 & P 0	
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**CITY OF WAUCHULA, FL
POLICE DEPARTMENT
C/O PHOTO SPEED
PROCESSING CENTER
4411 OAKWOOD DRIVE
CHATTANOOGA, TN 37416**

7:00AM - 9:00AM
1:35 PM - 2:35 PM

NOTICE OF VIOLATION

Item # 1.

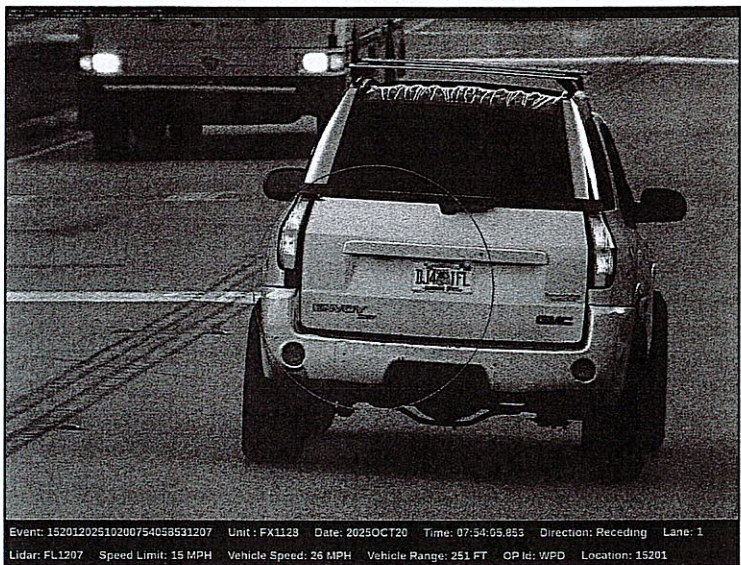
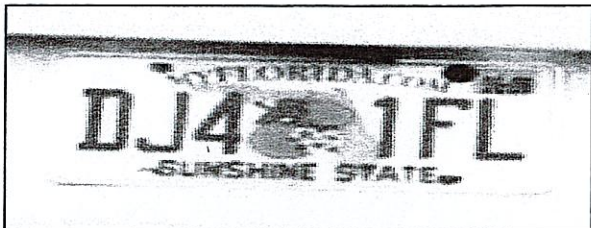
Registered Owner:

LETERIKA FANIEL
1919 SOUTH FL AVE #109
WAUCHULA, FL 33873

Notice Number	BL-1116WU6YCP
Notice PIN	
Notice of Violation Information	
Due Date: 11/26/2025	Amount Due >> \$100.00

The vehicle described and pictured herein was photographed violating public safety by exceeding the speed limit in a school zone, in violation of Fla. Stat. § 316.1895(10). As the registered owner(s), you are liable for the \$100 Civil Monetary Penalty. You must either: (1) pay this citation within 30 days after the date this citation was issued; or (2) appear before the official designated in this citation for a hearing as to whether an infraction has been committed.

ON (DATE) 10/20/2025	AT TIME 7:54:05 AM	LOCATION OF VIOLATION AND SYSTEM Florida Ave	
ISSUE DATE 10/27/2025	DUE DATE 11/26/2025	DIRECTION OF TRAVEL North	LASER SERIAL FX1128
NAME LETERIKA FANIEL			
STREET ADDRESS			
CITY		STATE FL	ZIP CODE 33873-8420
VEHICLE YEAR 2004		VEHICLE MAKE GMC	
VEHICLE LICENSE PLATE NUMBER DJ41FL		STATE FL	
Based upon inspection of photographically recorded images, the owner's motor vehicle was operated in disregard or disobedience of the speed limit in the marked school zone and that such disregard or disobedience was not otherwise authorized by law.			
IN VIOLATION OF: Fla. Stat. § 316.1895(10)		POSTED SPEED 15	DETECTED SPEED 26
I am a traffic infraction enforcement officer authorized to enforce the speed limit of the school zone. Based upon inspection of photographically recorded images, produced by a photo speed monitoring device, the owner's motor vehicle was found to have violated Fla. Stat. § 316.1895(10)			
SWORN TO OR AFFIRMED BY REVIEWING OFFICER Ehrenkauf, Robert	SIGNATURE 	DATE 10/27/2025	BADGE # 603



* Please return this portion with your payment *

LETERIKA FANIFI

Please check box if address is incorrect or has changed, and indicate change(s) above.

**CITY OF WAUCHULA, FL
POLICE DEPARTMENT
C/O PHOTO SPEED
PROCESSING CENTER
4411 OAKWOOD DRIVE
CHATTANOOGA, TN 37416**

For frequently asked questions and/or to make a payment, please visit:
WWW.VIOLATIONPAYMENT.NET
Use your Notice Number and Pin Number to logon

ACCEPTED CREDIT/DEBIT CARDS

IF PAYING BY PHONE
Please call: **1-855-252-0086** **TOLL FREE**
\$5.90 CHARGE ADDED TO ALL CREDIT/DEBIT CARD PAYMENTS

If paying by check, please make check or money order payable to the
CITY OF WAUCHULA, FL
Do not mail cash or credit/debit card information.
Enclose remittance slip and check.

Notice DATE 10/27/2025	PAY THIS AMOUNT \$100.00	Notice # 1116WU6YCP
PAY BY: 11/26/2025		AMOUNT PAID \$

Failure to pay the \$100 Civil Monetary Penalty within 30 days of the issue date listed on the front of this notice, contest the violation, or furnish an affidavit in accordance with Fla. Stat. § 316.1896(8) will result in the issuance of a Uniform Traffic Citation (UTC). Issuance of a UTC may result in additional court costs and fees bringing the total amount due to \$350.00. Please note UTC's are handled by the Hardee County Court.

If you elect to pay the civil penalty, you must pay the civil penalty and delinquent fee, if applicable, either by mail or in person to the address provided. If you elect to pay the citation you will be deemed to have admitted that you committed the infraction and will have waived your right to a hearing pursuant to Fla. Stat. § 318.14. Your admission to the infraction will not be used as evidence in any other proceeding.

If you elect to appear before the designated hearing officer, the hearing officer shall make a determination as to whether an infraction has been committed. By electing to appear in front of the designated hearing officer, you will be deemed to have waived your right to the limitations on civil penalty provisions set forth in Fla. Stat. § 318.18. If the designated hearing officer determines beyond a reasonable doubt that an infraction was committed, you may be subject to a civil penalty and court costs not to exceed \$350. If the designated hearing officer determines that no infraction was committed, no costs or penalties shall be imposed, and any costs or penalties that you have already paid shall be returned.

A. ACCESSING YOUR RECORDS: Fla. Stat. § 316.1896(2)(c) You have the right to review images and videos captured by the speed detection device, as well as any evidence of the speed of the motor vehicle detected by the detection device, in-person at 128 S 7th Avenue, Wauchula, FL 33873 or remotely at www.violationpayment.net. The evidence captured by the speed detection device constitutes a rebuttable presumption that the motor vehicle was used in violation of the statute listed on page 1 of the notice of violation. Payments, viewing images, contesting, and filing affidavits can be done by visiting www.violationpayment.net. You will need your Notice Number and Notice PIN (found on the front of this notice) Note - If you do not have access to printing and/or email and fax, please call our processing center at 1-855-252-0086.

B. PAYMENT OPTIONS: All payments made by using a credit/debit card will incur a \$5.90 transaction fee. All returned checks will incur a \$25 NSF fee, plus an additional \$11.81 bank fee.

1. Online Payments: Visit www.violationpayment.net or scan the QR code on the front of this notice. Log in using the Notice Number and Notice PIN (found on the front of this notice). Click Pay

2. Pay by Phone: Available Monday through Friday, 9:00 a.m. to 5:00 p.m. EST. Call 1-855-252-0086

3. Pay by Mail: Check or Money Order only, made payable to the City of Wauchula, FL. Mail your check with the payment slip on the front of this notice to:

City of Wauchula, FL
Police Department
C/O Photo Speed Payment Processing Center
4411 Oakwood Drive
Chattanooga, TN 37416

C. CONTESTING: You have the right to contest this notice within 30 days of the issue date listed on the front of this notice, per Fla. Stat. § 316.1896(3).

1. Visit www.violationpayment.net

2. Click **Contest Your Citation**

3. Select **Wauchula, FL**

4. Complete the Hearing Request Form, mail, email, or fax the form to:

City of Wauchula, FL
Police Department
C/O Photo Speed Payment Processing Center
4411 Oakwood Drive
Chattanooga, TN 37416
Fax: (423) 702-4404
Email: hearings@violationpayment.net

D. NOT DRIVING VEHICLE: Submit an affidavit stating one of the outlined exceptions and provide the appropriate information and supporting documentation within 30 days of the issue date listed on the front of this notice, per Fla. Stat. § 316.1896(7).

1. Visit www.violationpayment.net

2. Click **Transfer**

3. Select **Wauchula, FL**

4. Complete the form identifying the name and address of the person who was operating the vehicle at the time of the alleged violation. This form MUST be notarized, and all the fields on the form must be complete. Send by mail, email, or fax to the location specified on the form.

To avoid this notice converting to a UTC and additional fees, you must pay the Civil Monetary Penalty of \$100 before the due date listed on the front of this notice. This violation is deemed NON-CRIMINAL and will not be made part of your driving record.

Vehicle Identification Confirmation for 1116WU6YCP

WAUCHULA

Your License Plate
DJ41FL

Violation Time
7:54:05 AM

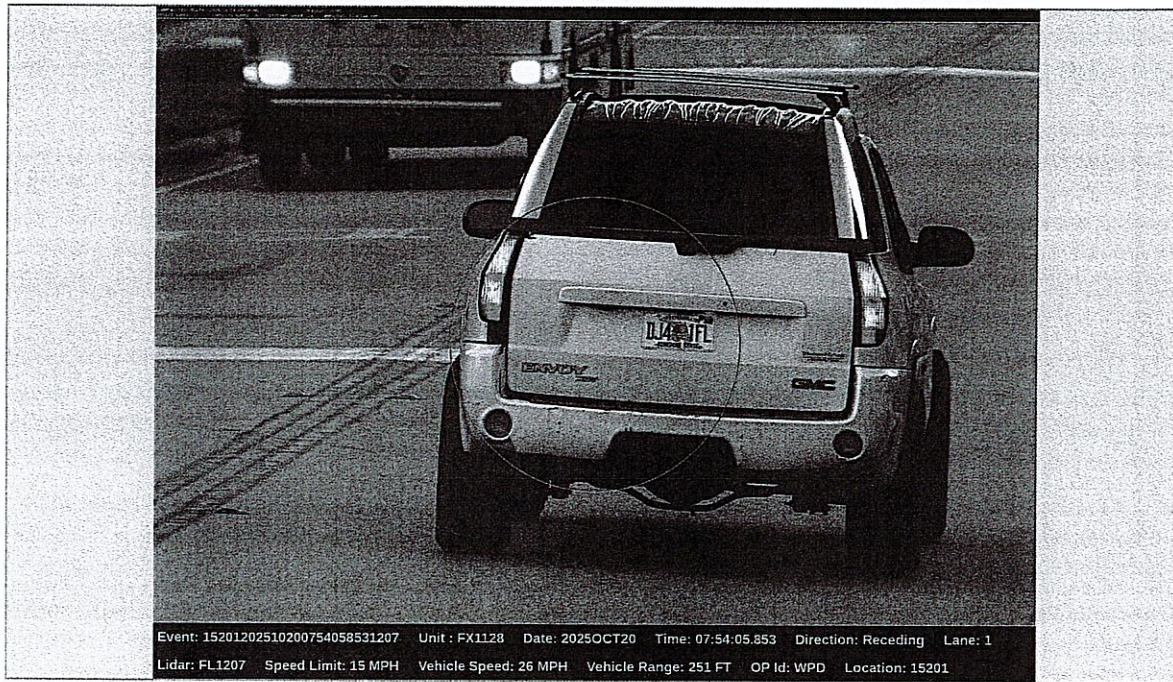
Your Trip Speed
26 MPH

Violation Date
10/20/2025

Posted Speed Limit
15 MPH

Device Serial Number
FX1128

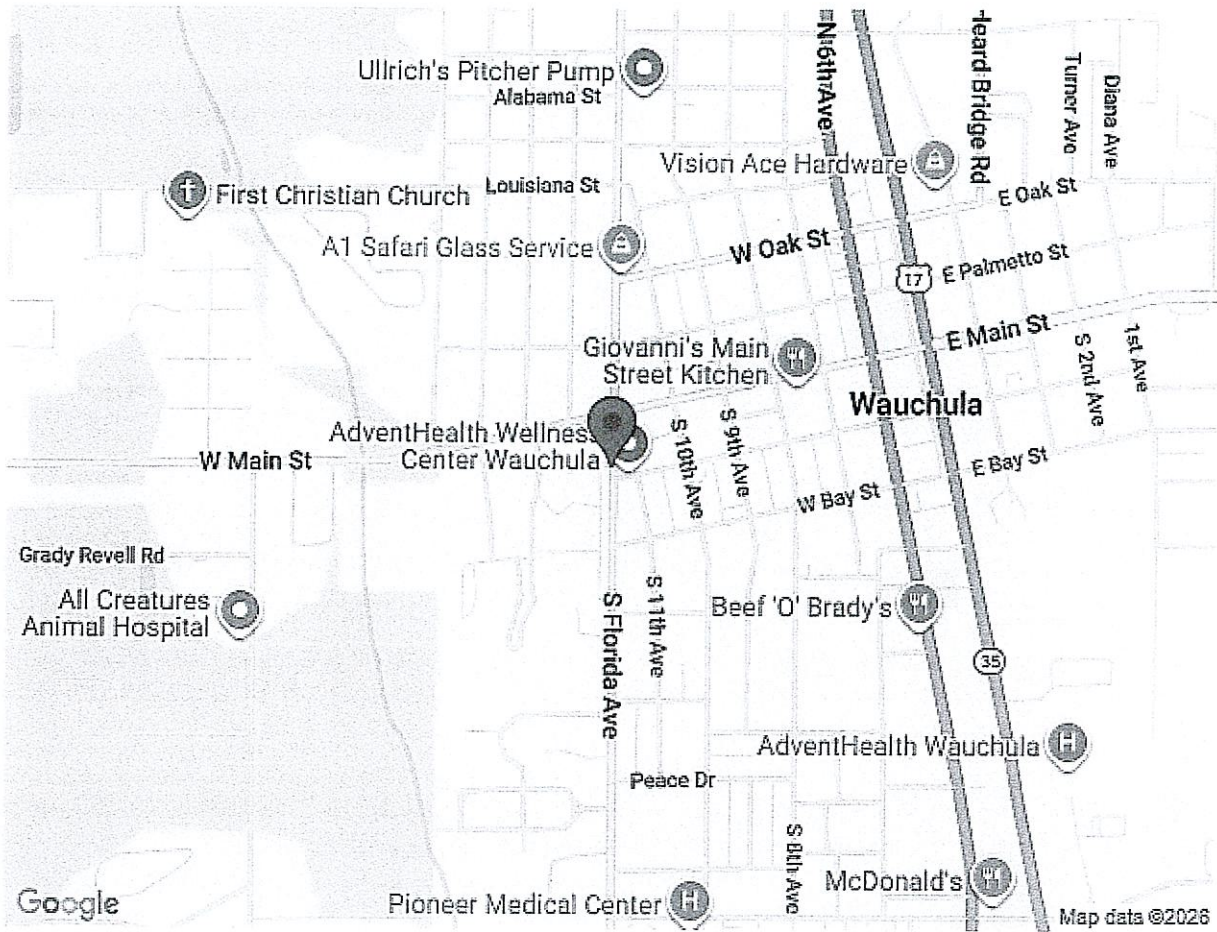
The speed of the vehicle was calculated using LiDAR technology



Information provided by



Approximate location of speed device when your violation was identified



Information provided by





**CITY OF WAUCHULA, FL
 POLICE DEPARTMENT
 C/O PHOTO SPEED PROCESSING CENTER
 4411 OAKWOOD DRIVE
 CHATTANOOGA, TN 37416**

Item # 1.

Registered Owner:

LETERIKA FANIEL

January 01, 2026

**RE: Confirmation for Administrative Hearing Scheduled
 Notice Number: BL-WU6YCP \$100.00**

Dear LETERIKA FANIEL:

This office received a request for an Administrative Hearing regarding the above listed citation. An Administrative Hearing date has been scheduled on **2026-01-22 at 09:30**. The hearing will take place at **Historic City Hall: 225 E Main St Suite 105 , Wauchula FL, 33873**

Pursuant to Fla. Stat. § 316.0083 (5)(e), additional administrative costs may be assessed at the time of the hearing.

You may cancel your appearance before the local hearing officer by paying the penalty assessed, plus the administrative costs established in Fla. Stat. § 316.0083(5)(c).

If you wish to reschedule your administrative hearing, you must contact the Wauchula Police Department Photo Speed Processing Center at least 5 DAYS before your hearing date by submitting a request in writing to the Wauchula Police Department Photo Speed Processing Center. Please be advised that you may only reschedule your hearing two (2) times. To request a reschedule, please call, fax, email or mail your request to:

Call: (855) 252-0086
Fax: (423) 702-4404
Email: hearings@violationpayment.net
Mail: City of Wauchula, FL
 Police Department
 C/O Photo Speed Processing Center
 4411 Oakwood Drive
 Chattanooga, TN 37416

We encourage you to arrive at least 30 minutes prior to the hearing's scheduled time if you would like to view your photos and video prior to the start of the hearing.

If you have any questions, please contact the Wauchula Police Department Photo Speed Processing Center at 1-855-252-0086.

Thank you,

**WAUCHULA, FL POLICE DEPARTMENT
 PHOTO SPEED PROCESSING CENTER**



CITY OF WAUCHULA HEARING REQUEST FORM

The registered owner of the vehicle speeding in a school zone as defined by Fla. Stat. § 316.1896(3), has the right to contest by requesting an Administrative Hearing. The request for hearing must be submitted prior to the payment due date on the Notice of Violation.

Please complete the section below and follow the instructions for returning this form. Once the request has been received and approved, you will be notified by first class mail of your hearing date, location and time.

All fields are required. Failure to complete this form in its entirety will result in your request being denied.

Person Requesting Hearing: Leterika Faniel		Notice #: (Top Right-Hand Corner of Violation) BL-1116WU6YCP	
Street Number:	Street Name:	Apt/Unit/Lot #:	
City: Wauchula	State: FL	Zip: 33873	
Phone#:	Email: (only used in case of emergency notification)		

Mail, Email or Fax This Form To:

City of Wauchula
 State of Florida
 C/O Court Hearing Department
 4411 Oakwood Dr
 Chattanooga, TN 37416
 Fax: (423) 702-4404
 Email: hearings@violationpayment.net

For any questions, Contact us:
 By Phone: 1-855-252-0086
 By Email: hearings@violationpayment.net

Pursuant to Fla. Stat. § 316.0083 (5)(e), additional administrative costs may be assessed at the time of the hearing

For Departmental Use Only (Do Not Write Below the Line Above)

Date Received: _____

Received by: _____

Hearing Date Scheduled: _____

Date Notice Sent to Above Named Party: _____

term “person” includes 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 the violation.

(4) If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or an authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the notice of violation.

(5) Penalties assessed and collected by the county or municipality authorized to collect the funds provided for in this section, less the amount retained by the county or municipality pursuant to paragraph (b) and paragraph (e) and the amount remitted to the county school district pursuant to paragraph (d), must be paid to the Department of Revenue weekly. Such payment must be made by means of electronic funds transfer. In addition to the payment, a detailed summary of the penalties remitted must be reported to the Department of Revenue. Penalties to be assessed and collected by the county or municipality as established in s. 318.18(3)(d) must be remitted as follows:

- (a) Twenty dollars must be remitted to the Department of Revenue for deposit into the General Revenue Fund.
- (b) Sixty dollars must be retained by the county or municipality and must be used to administer speed detection systems in school zones and other public safety initiatives.
- (c) 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.
- (d) Twelve dollars 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. Funds remitted under this paragraph must be shared with charter schools in the district based on each charter school’s proportionate share of the district’s total unweighted full-time equivalent student enrollment and must be used for school security initiatives or to improve the safety of student walking conditions.
- (e) Five dollars must be retained by the county or municipality for the School Crossing Guard Recruitment and Retention Program pursuant to s. 316.1894.

(6) A uniform traffic citation must be issued by mailing the uniform traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 30 days after notification under subsection (2), if the registered owner has not requested a hearing as authorized under subsection (3), and if the registered owner has not submitted an affidavit in accordance with subsection (8).

(a) Delivery of the uniform traffic citation constitutes notification of a violation under this subsection. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation pursuant to this section, such person waives any challenge or dispute as to the delivery of the uniform traffic citation.

(b) In the case of joint ownership of a motor vehicle, the uniform traffic citation must be mailed to the first name appearing on the motor vehicle registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

(c) The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the infraction must be accompanied by the information described in paragraphs (2)(b)-(d).

(7) The registered owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.1895 or s. 316.183 unless the owner can establish that:

- (a) The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;
- (b) A uniform traffic citation was issued by law enforcement to the driver of the motor vehicle for the alleged violation of s. 316.1895 or s. 316.183; or

(c) The motor vehicle’s owner was deceased on or before the date of the alleged violation, as established by an affidavit submitted by the representative of the motor vehicle owner’s estate or other identified person or family member.

(8) To establish such facts under subsection (7), the registered owner of the motor vehicle must, within 30 days after the date of issuance of the notice of violation or the uniform traffic citation, furnish to the appropriate

governmental entity an affidavit setting forth information supporting an exception under subsection (7).

(a) An affidavit supporting the exception under paragraph (7)(a) must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the motor vehicle was stolen at the time of the alleged violation, the affidavit must include the police report indicating that the motor vehicle was stolen.

(b) If a uniform traffic citation for a violation of s. 316.1895 or s. 316.183 was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

(c) If the motor vehicle's owner to whom a notice of violation or a uniform traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the date of the alleged violation and one of the following:

1. A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.
2. Documented proof that the registered license plate belonging to the deceased owner's motor vehicle was returned to the department or any branch office or authorized agent of the department after his or her death but on or before the date of the alleged violation.
3. A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under paragraphs (b) and (c), or 30 days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation under paragraph (a), the county or municipality must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 30 days after the date of a notice of violation sent to a person under subsection (9), the county or municipality receives an affidavit under subsection (10) from the person sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the county or municipality must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.

(9) Upon receipt of an affidavit under paragraph (8)(a), the county or municipality may issue the person identified as having care, custody, or control of the motor vehicle at the time of the violation a notice of violation pursuant to subsection (2) for a violation of s. 316.1895 or s. 316.183. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing evidence that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased motor vehicle for which a uniform traffic citation is issued for a violation of s. 316.1895 or s. 316.183 is not responsible for paying the uniform traffic citation and is not required to submit an affidavit as specified in subsection (8) if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

(10) If a county or municipality receives an affidavit under paragraph (8)(a), the notice of violation required under subsection (2) must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit. The person identified in an affidavit and sent a notice of violation may also affirm that he or she did not have care, custody, or control of the motor vehicle at the time of the violation by furnishing to the appropriate governmental entity within 30 days after the date of the notice of violation an affidavit stating such.

(11) The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) The photograph or video captured by a speed detection system and the evidence of the speed of the motor vehicle detected by a speed detection system which are attached to or referenced in the uniform traffic citation are evidence of a violation of s. 316.1895 or s. 316.183 and are admissible in any proceeding to enforce this section. The photograph or video and the evidence of speed detected raise a rebuttable presumption that the motor vehicle named in the report or shown in the photograph or video was used in violation of s. 316.1895 or s. 316.183.

(13) This section supplements the enforcement of ss. 316.1895 and 316.183 by a law enforcement officer and does not prohibit a law enforcement officer from issuing a uniform traffic citation for a violation of s. 316.1895 or s. 316.183.

(14) A hearing under this section must be conducted under the procedures established by s. 316.0083(5) and as follows:

(a) The department must publish and make available electronically to each county and municipality a model request for hearing form to assist each county or municipality administering this section.

(b) A county or municipality electing to authorize traffic infraction enforcement officers to issue uniform traffic citations under subsection (6) must designate by resolution existing staff to serve as the clerk to the local hearing officer.

(c) A person, referred to in this subsection as the “petitioner,” who elects to request a hearing under subsection (3) must be scheduled for a hearing by the clerk to the local hearing officer. The clerk must furnish the petitioner with notice sent by first-class mail. Upon receipt of the notice, the petitioner may reschedule the hearing up to two times by submitting a written request to reschedule to the clerk at least 5 calendar days before the day of the scheduled hearing. The petitioner may cancel his or her appearance before the local hearing officer by paying the penalty assessed under subsection (2), plus the administrative costs established in s. 316.0083(5)(c), before the start of the hearing.

(d) All testimony at the hearing must be under oath and must be recorded. The local hearing officer must 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 made available under paragraph (2)(b). Formal rules of evidence do not apply, but due process must be observed and govern the proceedings.

(e) At the conclusion of the hearing, the local hearing officer must determine whether a violation under this section occurred and must uphold or dismiss the violation. The local hearing officer must issue a final administrative order including the determination and, if the notice of violation is upheld, must require the petitioner to pay the penalty previously assessed under subsection (2), and may also require the petitioner to pay county or municipal costs not to exceed the amount established in s. 316.0083(5)(e). The final administrative order must be mailed to the petitioner by first-class mail.

(f) An aggrieved party may appeal a final administrative order consistent with the process provided in s. 162.11.

(15)(a) A speed detection system in a school zone may not be used for remote surveillance. The collection of evidence by a speed detection system to enforce violations of ss. 316.1895 and 316.183, or user-controlled pan or tilt adjustments of speed detection system components, do not constitute remote surveillance. Recorded video or photographs collected as part of a speed detection system in a school zone may only be used to document violations of ss. 316.1895 and 316.183 and for purposes of determining criminal or civil liability for incidents captured by the speed detection system incidental to the permissible use of the speed detection system.

(b) Any recorded video or photograph obtained through the use of a speed detection system must be destroyed within 90 days after the final disposition of the recorded event. The vendor of a speed detection system must provide the county or municipality with written notice by December 31 of each year that such records have been destroyed in accordance with this subsection.

(c) Notwithstanding any other law, registered motor vehicle owner information obtained as a result of the operation of a speed detection system in a school zone is not the property of the manufacturer or vendor of the speed detection system and may be used only for the purposes of this section.

(16)(a) Each county or municipality that operates one or more speed detection systems must submit a report by October 1, 2024, and annually thereafter, to the department which identifies the public safety objectives used to identify a school zone for enforcement under this section, reports compliance with s. 316.0776(3)(c), and details the results of the speed detection system in the school zone and the procedures for enforcement. The information from counties and municipalities must be submitted in a form and manner determined by the department, which

the department must make available to the counties and municipalities by August 1, 2023, and the department must require data components to be submitted quarterly. The report must include at least the following:

1. Information related to the location of each speed detection system, including the geocoordinates of the school zone, the directional approach of the speed detection system, the school name, the school level, the times the speed detection system was active, the restricted school zone speed limit enforced pursuant to s. 316.1895(5), the posted speed limit enforced at times other than those authorized by s. 316.1895(5), the date the systems were activated to enforce violations of ss. 316.1895 and 316.183, and, if applicable, the date the systems were deactivated.

2. 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.

3. Any other statistical data and information related to the procedures for enforcement which is required by the department to complete the report required under paragraph (c).

(b) Each county or municipality that operates a speed detection system is responsible for and must maintain its respective data for reporting purposes under this subsection for at least 2 years after such data is reported to the department.

(c) On or before December 31, 2024, and annually thereafter, the department must submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use of speed detection systems under this section, along with any legislative recommendations from the department. The summary report must include a review of the information submitted to the department by the counties and municipalities and must describe the enhancement of safety and enforcement programs.

History.—s. 5, ch. 2023-174.

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF WAUCHULA, FLORIDA, RELATING TO TRAFFIC ENFORCEMENT IN SCHOOL ZONES; PROVIDING FOR PURPOSE, INTENT, AND DEFINITIONS ESTABLISHING A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM; AUTHORIZING THE USE OF SPEED DETECTION SYSTEMS WITHIN THE CITY; AUTHORIZING THE CITY OF WAUCHULA POLICE DEPARTMENT TO CONTRACT WITH A VENDOR; PROVIDING PROGRAM IMPLEMENTATION REQUIREMENTS AND PROVIDING ENFORCEMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, authorizes cities in the State of Florida to adopt regulations in the interest of the public health, safety, and the general welfare of the public; and

WHEREAS, Sections 316.006(2) and 316.008, Florida Statutes, authorize cities to adopt ordinances to regulate traffic and parking with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power; and

WHEREAS, on April 28, 2023, the Florida Legislature passed CS/CS/HB 657 ("HB 657"), authorizing municipalities to 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, which was subsequently codified in Chapter 2023-174, Laws of Florida, taking effect on July 1, 2023.

WHEREAS, HB 657 amended multiple provisions of Chapter 316, Florida Statutes, to authorize Florida municipalities to place or install, or contract with a vendor to place or install, speed detection systems in accordance with certain technical specifications established by the Florida Department of Transportation; and

WHEREAS, HB 657 provides that a municipality may issue notices of violation and may authorize a law enforcement officer or traffic infraction enforcement officer to issue uniform traffic citations for violations of sections 316.1895 and 316.183, Florida Statutes, that are captured by speed detection systems during specified time periods and further provides for notice to the registered owner of the subject vehicle, hearing procedures, appellate remedies, and the assessment and remittance of civil penalties; and

WHEREAS, HB 657 requires municipalities that elect to operate a school speed zone detection program to implement a public awareness campaign at least 30 days before commencing with the enforcement of violations and to annually report information about the program to both the public and the Florida Department of Highway Safety and Motor Vehicles; and

WHEREAS, HB 657 restricts the location and use of speed detection systems to school zones that the City determines constitute a heightened safety risk warranting additional enforcement measures based on data or other evidence presented at a public hearing; and

WHEREAS, the City Commission wishes to deter drivers from speeding through school zones and provide a supplemental means for enforcing unlawful speed violations by enacting an ordinance to implement a school zone speed enforcement program; and

WHEREAS, the City Commission finds that the Wauchula Police Department is best positioned to determine the appropriate speed detection system vendor and therefore desires for the Department to procure such a vendor and assist with the City's school zone speed enforcement program in cooperation with the relevant City staff, and in conformance with all requirements set forth in HB 657; and

WHEREAS, the Wauchula Police Department has collected and provided data to the City demonstrating that motor vehicles routinely exceed applicable school zone speed limits in excess of 11 miles per hour in the school zone within the jurisdiction of the City, this data being incorporated by reference and submitted to the City Clerk as backup to this Ordinance at the time of adoption; and

WHEREAS, the City Commission has considered the traffic data and evidence provided by the Wauchula Police Department supporting the installation and operation of the proposed school speed zone detection system and has determined that the 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 Commission finds that motor vehicles speeding in school zones are unacceptable hazards that threaten the health, safety, and welfare of students and pedestrians in the City and that enforcement of applicable speed limits in school zones during school sessions through the use of a speed detection system may reduce instances of speeding in school zones, the City Commission wishes to implement a school zone speed detection program pursuant to the rules and regulations of HB 657 and other applicable state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA, AS FOLLOWS:

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

SECTION 2. There is hereby created a new Chapter/Article/Section of the City of Wauchula Code of Ordinances, which shall be included as follows in Chapter 19, Article 19, of the Code of Ordinances.

SECTION 19-5. TITLE, PURPOSE, AND INTENT.

(a) This Ordinance shall be known and may be cited as the "School Zone Speed Enforcement Ordinance."

(b) The purpose and intent of this Ordinance is to protect the health, safety, and welfare of the citizens of the City of Wauchula by authorizing the placement or installation and use of speed detection systems in the school zone within the City's jurisdiction, to promote compliance with speed limits in school zones, and to adopt a quasi-judicial system to enforce violations. This Ordinance provides a supplemental means of enforcing unlawful speed violations in school zones and shall not prohibit a law enforcement officer from issuing a uniform traffic citation for a traffic violation in accordance with Chapter 316, Florida Statutes.

SECTION 19-6. DEFINITIONS.

For purposes of this Ordinance, the following terms shall have the meanings given to them below. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.

(A) **LAW ENFORCEMENT OFFICER** shall mean, as defined by section 943.10(1), Florida Statutes, any person who is elected, appointed, or employed full time by a municipality or the state or any political subdivision thereof, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

(B) **LOCAL HEARING OFFICER** shall mean the City Code Enforcement Board/Special Magistrate appointed by the City Commission as permitted by law.

(C) **MOTOR VEHICLE** shall mean, as defined by section 316.003, Florida Statutes, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.

(D) **NOTICE OF VIOLATION** shall mean the written notification sent to the registered owner of a vehicle after a school zone speed infraction by that vehicle has been captured by a speed detection system and thereafter reviewed and approved by a law enforcement officer or traffic infraction enforcement officer. A notice of violation must be in the form and include the contents prescribed by section 316.1896, Florida Statutes, as it may be amended.

(E) SCHOOL ZONE shall mean that portion of a street or highway established as a school zone pursuant to section 316.1895, Florida Statutes, as it may be amended.

(F) SCHOOL ZONE SPEED ENFORCEMENT PROGRAM shall mean the regulations and procedures governing the use of speed detection systems in school zones within the jurisdiction of the City as provided for by applicable law and established by this Ordinance.

(G) SCHOOL ZONE SPEED INFRACTION shall mean a violation of section 316.183 or 316.1895, Florida Statutes, captured by a speed detection system within a school zone during the hours provided for by applicable law and set forth in this Ordinance.

(H) SCHOOL ZONE SPEED LIMIT shall mean the regularly posted or reduced posted speed limit within a school zone pursuant to section 316.1895, Florida Statutes.

(I) SPEED DETECTION SYSTEM shall mean 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. This term is synonymous with the term "Speed Detection System" defined in section 316.003(83), Florida Statutes, as it may be amended.

(J) TRAFFIC INFRACTION ENFORCEMENT OFFICER shall mean a person who meets the qualifications established by section 316.640, Florida Statutes, as it may be amended.

(K) UNIFORM TRAFFIC CITATION shall mean the citation issued to the registered owner of a vehicle for a school zone speed infraction, in the form and including the contents prescribed by section 316.1896, Florida Statutes, as it may be amended.

SECTION 19-7. USE OF SPEED DETECTION SYSTEMS.

Pursuant to section 316.008(9), Florida Statutes, the City of Wauchula hereby elects to use speed detection systems to enforce school zone speed limits within the City's jurisdiction. The City may utilize speed detection systems as a supplemental means of assisting law enforcement personnel in the enforcement of compliance with state law related to unlawful speed in school zones, in accordance with Chapter 316, Florida Statutes.

SECTION 19-8. PROGRAM ADMINISTRATION AND IMPLEMENTATION REQUIREMENTS.

(a) The City of Wauchula Police Department, in cooperation with any necessary City staff and the School District of Hardee County, shall be enabled and empowered by this Ordinance to assist with the City's school zone speed enforcement program. This Ordinance shall further enable the Wauchula Police Department to enter into agreements with one or more vendors to place or install speed detection and carry out services consistent with the implementation and enforcement of the provisions of Chapter 2023-174, Laws of Florida, subject to any other applicable state law requirements, this Ordinance, and corresponding City Commission resolutions.

(b) As permitted and defined by applicable law and as set forth in this Ordinance, the City may utilize its Code Enforcement Special Magistrate and/or Code Enforcement Board as its Local Hearing Officer, who shall have jurisdiction to conduct proceedings challenging the issuance of a notice of violation, in accordance with state law.

(c) *Vendor Contract:* Pursuant to section 316.0776, Florida Statutes, before the Wauchula Police Department contracts or renews a contract with a vendor to place or install a speed detection system in a school zone, the contract or contract renewal must be approved by the City Commission at a regular or special meeting of the Commission. The contract or contract renewal may not be heard on the consent agenda and the public must be allowed to comment.

(d) *Installation and Operation of Speed Detection Systems:* Pursuant to section 316.008, Florida Statutes, speed detection systems may be installed and operated only in the school zone designated by this Ordinance and/or subsequent amendments thereto.

(e) *Signage Requirements:* The installation and operation of speed detection systems, including required signage, shall be in accordance with Chapter 316, Florida Statutes, all applicable regulations of the Florida Department of Transportation ("FDOT") and the Florida Department of Highway Safety and Motor Vehicles ("FLHSMV"), and the terms of any Memorandum of Understanding or other written agreement that may be entered into between the City and its vendor(s).

(f) *Public Awareness:* Pursuant to section 316.0776, Florida Statutes, before notices of violation for school zone speed infractions may be issued, a public announcement and 30-day public awareness campaign of the proposed use of speed detection systems must be conducted. During the 30-day public awareness campaign, only a warning may be issued to the registered owner for a school speed zone infraction and a fine shall not be imposed.

SECTION 19-9. DESIGNATION OF SCHOOL ZONES.

Having considered evidence at a public hearing supporting the installation and operation of speed detection systems in the school zone within the City's jurisdiction, and having incorporated this evidence by reference into this Ordinance, the City Commission has determined that the following school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures pursuant to section 316.008, Florida Statutes:

Wauchula Elementary School S. Florida/Bay Street.

The City Commission may authorize the placement or installation of speed detection systems in additional school zones via amendment to this Ordinance in accordance with applicable law.

SECTION 19-10. ENFORCEMENT PROCEDURES.

(a) *General Powers:* The Wauchula Police Department, acting on behalf of the City, shall be authorized to enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to section 316.1895, Florida Statutes, 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.

(b) *Review of Speed Detection System Images:* A law enforcement officer or traffic infraction enforcement officer shall be authorized, pursuant to section 316.1896, Florida Statutes, to review the photograph or video images from the speed detection system to confirm that a school zone speed infraction has occurred before issuing a notice of violation. A notice of violation may be issued for a school zone infraction as follows:

- (1) For a violation of section 316.1895, Florida Statutes, 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.
- (2) For a violation of section 316.1895, Florida Statutes, 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.

- (3) For a violation of section 316.1895, Florida Statutes, in excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.
- (4) For a violation of section 316.1895, Florida Statutes, 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.

(c) *Hearing Procedures and Appeals:* Hearings to contest notices of violations shall be scheduled, noticed, and conducted by the City and/or the school zone speed enforcement program vendor in accordance with section 316.0083(5) and 316.1896, Florida Statutes, and the procedures adopted by resolution of the City Commission. An aggrieved party may appeal a final administrative order of the Local Hearing Officer in accordance with section 316.1896, Florida Statutes.

(d) *Defenses and Penalties:* The enforcement of school zone speed infractions including the issuance of notices of violation and uniform traffic citations, the processing of affidavits to assert an exception to liability, and the assessment of fines must comply with section 316.1896, Florida Statutes. A registered owner who receives a notice of violation may, within 30 days:

- (1) Pay the fine of \$100.00, as fixed by section 318.18(3)(d), Florida Statutes, as it may be amended, or
- (2) Submit an affidavit establishing an exception to liability pursuant to section 316.1896(8), Florida Statutes, as it may be amended, or
- (3) Request a hearing.

If the registered owner of a vehicle does not timely pay the fine reflected on the notice of violation, submit a sufficient affidavit, or request a hearing, a uniform traffic citation must be issued to the registered owner and transmitted to the Hardee County Clerk of the Court for disposition by the county court.

SECTION 19-11. COLLECTION OF EVIDENCE, PUBLIC RECORDS, AND RETENTION REQUIREMENTS, AND ANNUAL REPORTING REQUIREMENTS.

(a) In accordance with section 316.1896, Florida Statutes, a speed detection system in a school zone may not be used for remote surveillance. The collection of evidence by a speed detection system to enforce school zone speed infractions, or user-controlled pan or tilt adjustments of speed detection components, do not constitute remote surveillance. Recorded video or photographs collected as part of a speed detection system in a school zone may only be used to document school zone speed infractions and for purposes of determining criminal or civil liability for incidents captured by the speed detection system incidental to the permissible use of the speed detection system.

(b) Any recorded video or photograph obtained via a speed detection system must be destroyed within 90 days after the final disposition of the recorded event, pursuant to section 316.1896, Florida Statutes. Written notice that such records have been destroyed must be provided by December 31st of each year. All public records related to the administration of this Ordinance must be maintained in accordance with Florida law and all requests for such records must be addressed in accordance with Chapter 119, Florida Statutes, and any other applicable state law.

(c) The City, with the assistance of the Wauchula Police Department and/or its vendor, will annually report on the City's school zone speed enforcement program to the public and to the FLHSMV in accordance with sections 316.0776 and 316.1896, Florida Statutes, as they may be amended. Pursuant to section 316.0776(3)(c), the compliance or sufficiency of compliance with this section of the Ordinance may not be raised in a proceeding challenging a notice of violation for a school zone speed infraction.

SECTION 19-12. REMITTANCE OF COLLECTED FINES AND COSTS.

All fines and costs collected pursuant to this Ordinance and corresponding City Commission resolution must be remitted in accordance with sections 316.1896 and 318.18, Florida Statutes, and any other relevant state law.

SECTION 3. CONFLICTING ORDINANCES.

If the event of a conflict with any other City ordinances or parts of ordinances, the provisions of this Ordinance shall control.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, word or other part of this Chapter is for any reason declared unconstitutional or invalid by any court of competent jurisdiction, such part shall be deemed separate, distinct and independent and the remainder of this Chapter shall continue in full force and effect.

SECTION 5. CODIFICATION.

The provisions of this Ordinance shall be included and incorporated within the Code of Ordinances of the City of Wauchula.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective immediately upon adoption.

This ordinance was moved for adoption by Commissioner G. Smith. The motion was seconded by Commissioner Albritton, and upon being put to a vote, the vote was as follows:

Commissioner Russell Graylin Smith	<u>Yes</u>	insert yes or no
Commissioner Keith Nadaskay, Jr.	<u>Yes</u>	insert yes or no
Commissioner Sherri Albritton	<u>Yes</u>	insert yes or no
Commissioner Gary Smith	<u>Yes</u>	insert yes or no
Commissioner Neda Cobb	<u>Yes</u>	insert yes or no

(SEAL)

ATTEST:

Stephanie Camacho
Stephanie Camacho, City Clerk

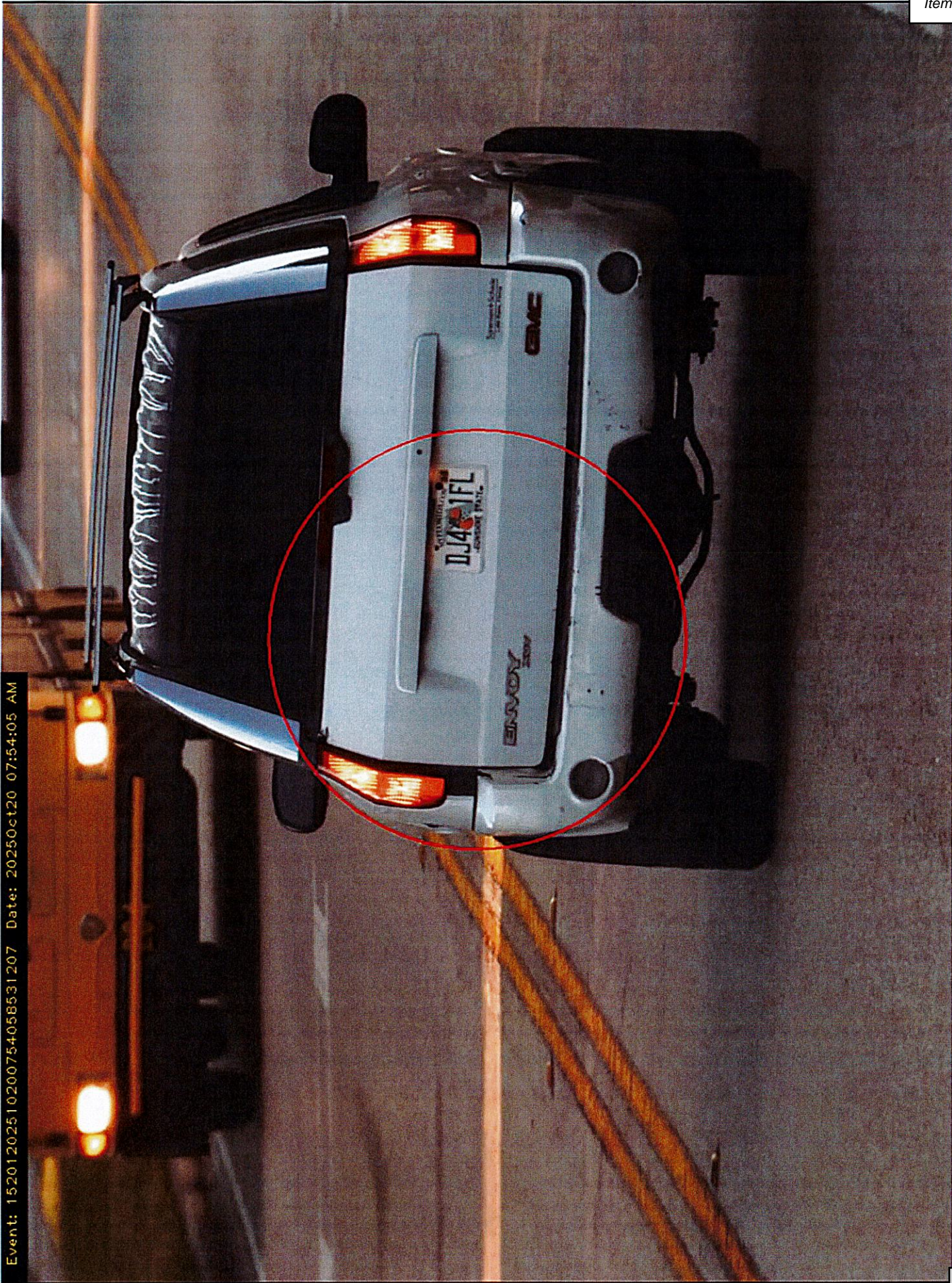
CITY OF WAUCHULA, FLORIDA

By: Richard Keith Nadaskay, Jr.
Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM:

Thomas A. Cloud
Thomas A. Cloud, City Attorney

Event: 15201202510200754058531207 Date: 20250ct20 07:54:05 AM



Select Year: 2025

The 2025 Florida Statutes

Title XXIII
MOTOR VEHICLES

Chapter 316
STATE UNIFORM TRAFFIC CONTROL

[View Entire Chapter](#)

316.1896 Roadways maintained as school zones; speed detection system enforcement; penalties; appeal procedure; privacy; reports.—

(1) For purposes of administering this section, a county or municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue uniform traffic citations for violations of ss. 316.1895 and 316.183 as authorized by s. 316.008(9), as follows:

(a) For a violation of 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 start of a regularly scheduled breakfast program.

(b) For a violation of 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 start of a regularly scheduled school session.

(c) For a violation of s. 316.183 in excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.

(d) For a violation of 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.

Such violation must be evidenced by a speed detection system described in ss. 316.008(9) and 316.0776(3). This subsection does not prohibit a review of information from a speed detection system by an authorized employee or agent of a county or municipality before issuance of the uniform traffic citation by the traffic infraction enforcement officer. This subsection does not prohibit a county or municipality from issuing notices as provided in subsection (2) to the registered owner of the motor vehicle for a violation of s. 316.1895 or s. 316.183.

(2) Within 30 days after a violation, notice must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty under s. 318.18(3)(d) to the county or municipality, or furnish an affidavit in accordance with subsection (8), within 30 days after the date of the notice of violation in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notice of violation must:

(a) Be sent by first-class mail.

(b) Include a photograph or other recorded image showing the license plate of the motor vehicle; the date, time, and location of the violation; the maximum speed at which the motor vehicle was traveling within the school zone; and the speed limit within the school zone at the time of the violation.

(c) Include a notice that the owner has the right to review, in person or remotely, 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 which constitute a rebuttable presumption that the motor vehicle was used in violation of s. 316.1895 or s. 316.183.

(d) State the time when, and the place or website at which, the photograph or video captured and evidence of speed detected may be examined and observed.

(3) Notwithstanding any other law, a person who receives a notice of violation under this section may request a hearing within 30 days after the notice of violation or may pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all costs related thereto and a form used for requesting a hearing. As used in this subsection, the