



## **Business Impact Estimate**

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Hillsborough County's website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.69, F.S., is ten (10) days before the Public Hearing).

### **Proposed Ordinance Title/Reference:**

**AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA TO BE CALLED "THE HILLSBOROUGH COUNTY SCHOOL ZONE SPEED ENFORCEMENT ORDINANCE"; AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES; PROVIDING FOR PURPOSE, INTENT, AND DEFINITIONS; ESTABLISHING A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM AND AUTHORIZING THE USE OF SPEED DETECTION SYSTEMS WITHIN THE COUNTY; AUTHORIZING THE HILLSBOROUGH COUNTY SHERIFF'S OFFICE TO CONTRACT WITH A VENDOR; PROVIDING FOR PROGRAM IMPLEMENTATION REQUIREMENTS; PROVIDING FOR DESIGNATION OF SCHOOL ZONES; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR COLLECTION OF EVIDENCE, PUBLIC RECORDS, AND RETENTION REQUIREMENTS; PROVIDING FOR ANNUAL REPORTING REQUIREMENTS; PROVIDING FOR THE REMITTANCE OF COLLECTED FINES AND COSTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICT OF LAWS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

The following types of ordinances are exempt from the BIE requirement under Section 125.66(3)(c), F.S. As such, if one or more boxes are checked below, Hillsborough County believes that a BIE is not required by state law for the proposed ordinance referenced above. Hillsborough County reserves the right to revise this BIE following an initial posting.

Notwithstanding, Hillsborough County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Hillsborough County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation.
- The proposed ordinance relates to the issuance or refinancing of debt.
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the local government.

- The proposed ordinance is an emergency ordinance.
- The ordinance relates to procurement.
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this \_\_\_\_\_ day of \_\_\_\_\_, 2023:

**1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):**

The Hillsborough County School Zone Speed Enforcement Ordinance (“the Ordinance”) establishes a school zone speed enforcement program in Hillsborough County pursuant to CS/CS/HB 657 (2023) (“HB 657”), by authorizing the use of speed detection systems within Hillsborough County, enables the Hillsborough County Sheriff’s Office (“HCSO”) to procure a speed detection system vendor and assist with the County’s school zone speed enforcement program in cooperation with the relevant County staff, provides for program implementation and enforcement procedures and requirements, and provides for the designation of school zones and for the future designation of additional school zones.

The purpose and intent of the Ordinance is to protect the health, safety, and welfare of the citizens of Hillsborough County by authorizing the placement or installation and use of speed detection systems on roadways within the jurisdiction of the County, to promote compliance with speed limits in school zones, and to adopt a quasi-judicial system to enforce violations.

**2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the County, including the following, if any:**

**(a) An estimate of direct compliance costs that businesses may reasonably incur;**

Zero direct compliance costs.

A business will be subject to a fine under this Ordinance only if a motor vehicle registered to the business commits a school zone speed infraction and the business either fails to timely submit an affidavit establishing an exception to liability or does not prevail after a hearing to challenge the violation. Pursuant to the Ordinance and section 316.1896, Florida Statutes, the registered owner of the violating vehicle is responsible and liable for paying the applicable fine unless the owner can establish an enumerated exception. One of the exceptions is that the motor vehicle was, at the time of the violation, in the care, custody, or control of another person; this could be an individual employee/driver of the business’s vehicle.

Pursuant to section 318.18(3)(d), Florida Statutes, the penalty/fine for a school zone speed infraction is \$100.00. If the registered owner of the violating vehicle elects to contest a notice of violation at a hearing and the violation is upheld by a local hearing officer, the local hearing officer, in addition to the mandatory \$100 fine, may impose up to \$250.00 in administrative costs owed to the County pursuant to sections 316.1896 and 316.0083(5)(e), Florida Statutes. If the registered owner fails to pay the fine on the notice of violation, elect a hearing, or timely submit an affidavit establishing a statutory defense to liability, a uniform traffic citation is issued and sent to the County Court. Uniform traffic citations remain subject to the \$100.00 fine, plus court costs as established by state law pertinent to traffic infractions disposed of by the County Court.

**(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and**

A business will be subject to a fine under this Ordinance only if a motor vehicle registered to the business commits a school zone speed infraction and the business either fails to timely submit an affidavit establishing an exception to liability or does not prevail after a hearing to challenge the violation. Pursuant to the Ordinance and section 316.1896, Florida Statutes, the registered owner of the violating vehicle is responsible and liable for paying the applicable fine unless the owner can establish an enumerated exception. One of the exceptions is that the motor vehicle was, at the time of the violation, in the care, custody, or control of another person; this could be an individual employee/driver of the business's vehicle.

Pursuant to section 318.18(3)(d), Florida Statutes, the penalty/fine for a school zone speed infraction is \$100.00. If the registered owner of the violating vehicle elects to contest a notice of violation at a hearing and the violation is upheld by a local hearing officer, the local hearing officer, in addition to the mandatory \$100 fine, may impose up to \$250.00 in administrative costs owed to the County pursuant to sections 316.1896 and 316.0083(5)(e), Florida Statutes. If the registered owner fails to pay the fine on the notice of violation, elect a hearing, or timely submit an affidavit establishing a statutory defense to liability, a uniform traffic citation is issued and sent to the County Court. Uniform traffic citations remain subject to the \$100.00 fine, plus court costs as established by state law pertinent to traffic infractions disposed of by the County Court.

**(c) An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

Per the Ordinance, HCSO will be responsible for procuring a vendor contract to place/install speed detection systems, reviewing potential violations, and providing law enforcement testimony at hearings on such violations. County staff will be responsible for administering the quasi-judicial hearing process via the Code Enforcement Board or Code Enforcement Special Magistrate to address hearings for persons who contest the issuance of a notice of violation.

There will be an indeterminate impact on HCSO and the County with respect to the staff and resources necessary to administer this program. The financial impact will vary depending on the terms of HCSO's vendor agreement(s), the number of violations captured by the speed detection systems, and the number of hearings requested.

Per the Ordinance and section 316.1896, Florida Statutes, the \$100 fine collected by the County for each school zone speed infraction 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 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 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 for the School Crossing Guard Recruitment and Retention Program pursuant to section 316.1894, Florida Statutes.

If the registered owner of the violating vehicle elects to contest a notice of violation at a hearing and the violation is upheld by a local hearing officer, the local hearing officer may impose up to \$250.00 in administrative costs, which are retained by the County pursuant to sections 316.1896 and 316.0083(5)(e), Florida Statutes. If the registered owner fails to pay the fine on the notice of violation, elect a hearing, or timely submit an affidavit establishing a statutory defense to liability, a uniform traffic citation is issued and sent to the County Court. Uniform traffic citations remain subject to the \$100.00 fine, plus court costs as established by state law pertinent to traffic infractions disposed of by the County Court.

**3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

Indeterminate.

A business will be impacted by this Ordinance only if a motor vehicle registered to the business commits a school zone speed infraction.

**4. Additional information the governing body deems useful (if any):**

As indicated on page 1 of this BIE, this Ordinance may be exempt from the BIE requirement on two grounds.

First, the Ordinance is "required for compliance with Federal or State law or regulation," per section 125.66(3)(c)1., Florida Statutes. Section 316.008(9)(c), Florida Statutes, provides that "A county or municipality must enact an ordinance in order to authorize the placement or installation of a speed detection system on a roadway maintained as a school zone as authorized by this subsection."

Second, the Ordinance "is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the local government," per section 125.66(3)(c)4., Florida Statutes. Section 316.008(9)(b), Florida Statutes, authorizes a county to contract with a vendor to place or install a speed detection system within a school zone, and such systems must be authorized by ordinance pursuant to section 316.008(9)(c), Florida Statutes.

This BIE has nevertheless been prepared for the benefit of the BOCC and the public, in a good faith effort to comply with state law.