

ORDINANCE NO. 1139 – 2024

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 70 “TRAFFIC REGULATIONS,” TO CREATE SECTION 70-03 OF THE CITY CODE OF ORDINANCES TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS, AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 1, 2023, House Bill 657, as codified under Chapter 2023-174 of the Laws of Florida (the “Act”) went into effect, authorizing municipalities to use speed detection systems (“SDS”) to enforce school zone speeding violations in excess of 10 miles over the posted speed limit (among other things) during certain times and days; and

WHEREAS, under the Act, prior to utilizing SDS to enforce eligible school zone speeding violations, municipalities are required to adopt an ordinance authorizing the placement and installation of SDS and creating traffic enforcement procedures relating to the enforcement of school zone speed limits through the use of SDS; and

WHEREAS, the Act also requires the governing body of the municipality to first determine whether a school zone constitutes a heightened safety risk that warrants additional enforcement measures based on traffic data collected (“Traffic Report Services”) prior to utilization of a SDS in any particular school zone; and

WHEREAS, the City retained American Traffic Solutions, Inc. d/b/a Verra Mobility (the “Consultant”) to provide the Traffic Report Services; and

WHEREAS, the Consultant has completed its Traffic Report Services and provided a Speed Study dated May 8, 2024 (the “Report”) for consideration by the City Council, which Report is attached hereto as Exhibit “B”; and

WHEREAS, after consideration of the traffic data provided in the Report and other relevant evidence presented at the public hearing held on _____, 2024, the City Council has determined that the school zones for the following schools constitute a

heighted safety risk that warrant additional enforcement measures pursuant to Section 316.008(9), Florida Statutes: (1) Miami Springs Elementary School, (2) Springview Elementary School, (3) Miami Springs Middle School, (4) Academy for Innovative Education (AIE) Charter School, (5) Miami Springs Senior High School, and (6) Miami Springs Montessori School (collectively, the “School Zones”); and

WHEREAS, in order to mitigate the heightened safety risk at the School Zones, the City Council desires to adopt this Ordinance to, among other things, make findings that the School Zones constitute a heightened safety risk that warrant additional enforcement measures pursuant to Section 316.008(9), Florida Statutes, based on the Report and other relevant evidence presented at the public hearing; authorize the placement, installation, and operation of SDS at the School Zones; create procedures for the issuance of notice of violations for School Zones speeding violations by duly qualified traffic infraction officers; and establish a hearing framework whereby a local hearing officer will determine whether School Zones speeding violations have occurred; and

WHEREAS, the City Council finds that this Ordinance is in the best interest and welfare of the City.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending Code of Ordinances. The City’s Code of Ordinances is hereby amended as set forth in Exhibit “A” attached hereto and incorporated herein.

Section 3. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading. Prior to commencing enforcement of this Ordinance, the City Manager shall publicly announce its intent to utilize Speed Detection Systems as provided herein and conduct a thirty (30) day public awareness campaign to

inform the public of the provisions of this Ordinance. During the thirty (30) day public awareness campaign, the City shall only issue warnings to a Person for Violations.

PASSED ON FIRST READING on the 28th day of May, 2024, on a motion made by Councilwoman Bravo and seconded by Councilman Vazquez.

PASSED AND ADOPTED ON SECOND READING this 10th day of June, 2024, on a motion made by Councilwoman Bravo and seconded by Councilman Vazquez. Up on being put to a roll call vote, the vote was as follows:

Vice Mayor Dr. Walter Fajet, Ph.D.	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Jorge Santin	<u>YES</u>
Councilman Dr. Victor Vazquez, Ph.D.	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>


MARIA PUENTE MITCHELL
MAYOR

ATTEST:


ERIKA GONZALEZ, MMC
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:


WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
CITY ATTORNEY

1 **Exhibit A¹**

2 **TITLE VII - TRAFFIC CODE**

3 **CHAPTER 70 – TRAFFIC REGULATIONS**

4 ***

5 **ARTICLE II – SPECIFIC REGULATIONS**

6 ***

7 Section 70.03 - Speed Detection Systems in School Zones.

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12
13 (a) *Purpose and Intent.* The City desires to protect the public health, safety, and welfare
14 of individuals traveling to and from school in the City, especially students and their parents
15 and/or legal guardians and school employees. Accordingly, the City seeks to enforce
16 School Zone speed limits by authorizing the placement and installation of speed detection
17 systems on those School Zone roadways that constitute a heightened safety risk warranting
18 additional enforcement measures pursuant to Section 316.008(9), Florida Statutes.

19
20
21
22 (b) *Definitions.* The following words, terms and phrases, when used in this Section, shall
23 have the meanings ascribed to them in this Section, except where the context clearly
24 indicates a different meaning:

25
26 (1) *Local Hearing Officer* means the City's Special Magistrate or such other qualified
27 person designated by resolution of the City Council to conduct hearings relating to
28 notice of violations issued pursuant to Sections 316.1896 and 316.0083 of the
29 Florida Statutes.

30
31 (2) *Person* means a natural person, the registered owner or co-owner of a motor
32 vehicle, or the person identified in an affidavit as having actual care, custody, or
33 control of the motor vehicle at the time of a Violation.

34
35 (3) *Petitioner* means a person who elects to request a hearing before the Local
36 Hearing Officer for the purpose of determining whether a Violation under Section
37 316.1896, Florida Statutes, has occurred.

38
39 (4) *School Zone* means a roadway located within the City and established and
40 maintained as a School Zone pursuant to Section 316.1895, Florida Statutes, that
41 constitutes a heightened safety risk that warrants additional enforcement
42 measures, as determined by the City Council after consideration of traffic data and
43 other relevant evidence.

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

44
45 (5) *Speed Detection System* means a portable or fixed automated system used to
46 detect a motor vehicle's speed using radar or LiDAR, and to capture a photograph
47 or video of the rear of a motor vehicle that exceeds the speed limit in force at the
48 time of the Violation.

49
50 (6) *Traffic Infraction Enforcement Officer* means the police department employee or
51 employees designated by the City Manager who meets the qualifications set forth
52 under Section 316.640(5), Florida Statutes, and/or any other relevant statute, and
53 is vested with the authority to enforce Violations.

54
55 (7) *Violation* means a person that drives a motor vehicle on a roadway designated as
56 a School Zone at a speed as follows:

57
58 (A) In excess of 10 miles per hour over the School Zone speed limit which occurs
59 within 30 minutes before through 30 minutes after the start of a regularly scheduled
60 breakfast program in violation of Section 316.1895, Florida Statutes.

61
62 (B) In excess of 10 miles per hour over the School Zone speed limit which occurs
63 within 30 minutes before through 30 minutes after the start of a regularly scheduled
64 school session in violation of Section 316.1895, Florida Statutes.

65
66 (C) In excess of 10 miles per hour over the posted speed limit during the entirety
67 of a regularly scheduled school session in violation of Section 316.183, Florida
68 Statutes.

69
70 (D) In excess of 10 miles per hour over the School Zone speed limit which occurs
71 within 30 minutes before through 30 minutes after the end of a regularly scheduled
72 school session in violation of Section 316.1895, Florida Statutes.

73
74 (c) *Findings.* After consideration of the traffic data provided in the “*Speed Study*” dated
75 May 8, 2024, prepared by American Traffic Solutions, Inc. d/b/a Verra Mobility and other
76 relevant evidence presented at the public hearing held on
77 _____, 2024, the City Council hereby finds that the following
78 School Zones where Speed Detection Systems are to be placed and installed constitute
79 a heightened safety risk that warrants additional enforcement measures pursuant to Section
80 316.008(9), Florida Statutes:

81
82 (1) Miami Springs Elementary School
83 51 Park Street
84 Miami Springs, Florida 33166

85
86 (2) Springview Elementary School
87 1122 Bluebird Avenue
88 Miami Springs, Florida 33166
89

(3) Miami Springs Middle School
150 South Royal Poinciana Boulevard
Miami Springs, Florida 33166

(4) Academy for Innovative Education (AIE) Charter School
1080 La Baron Drive
Miami Springs, Florida 33166

(5) Miami Springs Senior High School
751 Dove Avenue
Miami Springs, Florida 33166

(6) Miami Springs Montessori School
699 Ludlam Drive
Miami Springs, Florida 33166

(d) Placement and Installation of Speed Detection Systems. Consistent with and pursuant to Chapter 316, Florida Statutes, the City Council authorizes the placement, installation, and operation of automated Speed Detection Systems on School Zone roadways, as identified under subsection 70.03(c) herein, to enforce Violations.

(e) Notice of Violation, Designation of Local Hearing Officer, and Hearing Procedures.

(1) 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 notice of violation must include:

- a. The name and address of the vehicle owner;
- b. a photograph, video, or other recorded image showing the license plate of the motor vehicle;
- c. The make, model, and year of the vehicle;
- d. The date, time, and location of the Violation;
- e. Notice that the infraction charged is pursuant to this section;
- f. The maximum speed at which the motor vehicle was traveling within the School Zone;
- g. The speed limit within the School Zone at the time of the Violation;
- h. A statement 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 constitutes a rebuttable presumption that the motor vehicle was used in a Violation;

- i. Instructions as to the time and the place or website at which the photograph or video and evidence of speed detected captured by the Speed Detection System(s) may be examined and observed;
- j. Information that advises the Violator on the person's right to request a hearing and on all costs related thereto and a form used to request a hearing, or alternatively, a web address to a website that provides such information;
- k. Instructions on all methods of payment of the penalty;
- l. A statement specifying the remedies available under Section 318.14, Florida Statutes;
- m. A statement that the owner must pay a penalty in the amount provided under Section 318.18(3)(d), Florida Statutes, or furnish an affidavit that compiles with Section 316.1896(8), Florida Statutes, within thirty (30) days in order to avoid court fees, costs, and the issuance of a uniform traffic citation against the owner; and
- n. 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.

(2) Except as may be otherwise provided by resolution of the City Council, the City shall utilize its Special Magistrate, as provided in Section 32.62(8) of the City Code, to serve as the Local Hearing Officer(s) who shall preside over notice of violation hearings set forth under Section 316.1896, Florida Statutes, as amended.

(3) The City Manager or the City Manager's designee shall designate a Traffic Infraction Enforcement Officer(s) to implement the authorizations contained under Section 316.1896(6), Florida Statutes, and the City Council shall designate a City staff member to serve as the clerk to the Local Hearing Officer by resolution.

(4) Any Petitioner that 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 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 by Section 316.1896(2), Florida Statutes, as amended, plus the administrative costs established under Section 316.0083(5)(c), Florida Statutes, before the start of the hearing.

182 (5) All testimony at the hearing shall be under oath and shall be recorded. The Local
183 Hearing Officer shall take testimony from a Traffic Infraction Enforcement Officer and
184 the Petitioner and may take testimony from others. The Local Hearing Officer must
185 review the photograph or video captured by the Speed Detection System and the
186 evidence of the speed of the motor vehicle detected by the Speed Detection System.
187 Formal rules of evidence do not apply, but due process shall be observed and govern
188 the proceedings.

189
190 (6) At the conclusion of the hearing, the Local Hearing Officer must determine whether
191 a Violation has occurred, in which case the Local Hearing Officer shall uphold or
192 dismiss the Violation. The Local Hearing Officer shall issue a final administrative order
193 including the determination and, if the notice of the violation is upheld, must require
194 the Petitioner to pay the penalty assessed under Section 316.18(3)(d), Florida
195 Statutes, as amended, and may also require the Petitioner to pay the City's costs, not
196 to exceed the amount established under Section 316.0083(5)(e), Florida Statutes. The
197 final administrative order shall be mailed to the Petitioner by first-class mail.

198
199 (7) An aggrieved party may appeal a final administrative order consistent with the
200 process provided under Chapter 162, Florida Statutes.

201
202 (f) *Supplemental Authority.* The provisions of this Section supplement the enforcement of
203 Sections 316.1895 and 316.183, Florida Statutes, by law enforcement officers and does
204 not prohibit law enforcement officers from issuing uniform traffic citations for violations of
205 Sections 316.1895 or 316.183.

EXHIBIT B

Speed Study dated May 8, 2024 prepared by

American Traffic Solutions, Inc.

d/b/a

Verra Mobility