

ORDINANCE NO. 1055-2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 70-02, RED LIGHT CAMERA ENFORCEMENT, BY ADOPTING AND IMPLEMENTING THE AMENDMENTS AND NEWLY ENACTED PROVISIONS OF STATE LAW CONTAINED IN CS/CS/HB7125, CODIFIED AS CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR THE ADOPTION AND IMPLEMENTATION OF FUTURE AMENDMENTS AND STATUTORY PROVISIONS; AUTHORIZING THE CREATION OF A LOCAL HEARING OFFICER PROCESS CONSISTENT WITH STATE LAW; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session which amended sections of Florida Statute Sections 316.003, 316.0083, 316.650, 318.121, 318.15, 318.18, and 320.03 related to the processes, procedures, and provisions of the statutory enactments connected with the use of red light cameras as traffic infraction detectors; and,

WHEREAS, the Governor of the State of Florida signed CS/CS/HB7125, codified as Chapter 2013-160, Laws of Florida, on June 12, 2013, to be effective on July 1, 2013; and,

WHEREAS, consistent with the provisions of Code of Ordinance Section 70-02 (C), the City is desirous of adopting and implementing the amendments and newly enacted provisions contained in Chapter 2013-160, Laws of Florida; and,

WHEREAS, in accordance with the new requirements of statutory law, the City wishes to implement a "Local Hearing Officer" process to permit the contesting of "Notices of Violations" issued pursuant to the red light camera process as an alternative to proceeding to a traffic court adjudication of issued violations ; and,

WHEREAS, the City Council has determined that the adoption and implementation of the amended and newly enacted provisions of State Law related to its Red Light Camera Enforcement Program are both proper and appropriate and in the best interests of the City and its citizens:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:

Section 1: That Code of Ordinance Section 70-02, Red Light Camera Enforcement, is hereby amended as follows:

Sec. 70-02.- Red light camera enforcement.

- (A) *Recitals*.....
- (B) *Use of traffic infraction detectors*.....
- (C) *Implementation of general law*.....
- (D) *Adoption and Implementation of Amended and Newly Enacted Statutory Provisions.* The City Manager is further authorized to implement, consistent with provisions of Subsection (C) above, the amendments and newly enacted statutory provisions contained in CS/CS/HB7125, codified as Chapter 2013-160, Laws of Florida. This section shall also authorize the implementation of any future amendments or newly enacted statutory provisions which impact or relate to the operation of the City's Red Light Camera Enforcement Program.
- (E) *Local Hearing Officer Process.* The City Manager is hereby authorized and directed to establish a Local Hearing Officer process for the City consistent with the requirements of State Law.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That this Ordinance shall take effect immediately upon adoption.

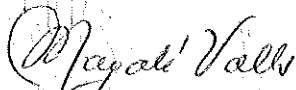
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PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 24th day of June, 2013.

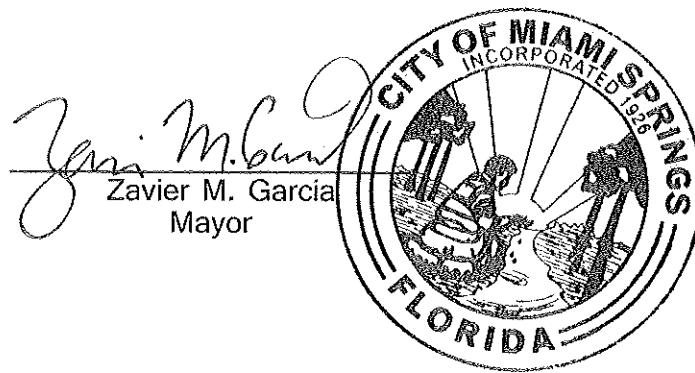
The motion to adopt the foregoing ordinance was offered on second reading by Councilman Lob, seconded by Councilman Petralanda, and on roll call the following vote ensued:

Vice Mayor Windrem	"aye"
Councilman Bain	"aye"
Councilman Lob	"aye"
Councilman Petralanda	"aye"
Mayor Garcia	"aye"

ATTEST:



Magali Walls, CMC
City Clerk



Xavier M. Garcia
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 05-28-2013
Second reading: 06-10-2013 Postponed
Second reading: 06-24-2013

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.