

**ORDINANCE 2025 - \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, CREATING ARTICLE VII IN CHAPTER 256 OF THE CODE OF ORDINANCES OF THE CITY OF SUNNY ISLES BEACH, ENTITLED, "SPEED DETECTION SYSTEMS IN SCHOOL ZONES," TO AUTHORIZE THE PLACEMENT, INSTALLATION, AND OPERATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES, TO ESTABLISH TRAFFIC ENFORCEMENT PROCEDURES WHEN SPEED DETECTION SYSTEMS ARE UTILIZED, AND TO CREATE HEARING PROCEDURES RELATING TO SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on July 1, 2023, House Bill 657, codified as Chapter 2023-174 of the Laws of Florida and, and in part, Section 316.008, Florida Statutes, went into effect, authorizing municipalities to use speed detection systems to enforce school zone speeding violations in excess of 10 miles per hour over the posted speed limit, during certain designated times and days of the week (the "SDS"); and

**WHEREAS**, pursuant to Section 316.008(9)(c), Florida Statutes, 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**, Section 316.008(9)(c), Florida Statutes, also requires the governing body of the municipality to first determine whether a school zone constitutes a heightened safety risk that warrants additional traffic enforcement measures based on traffic data collected prior to utilization of the SDS in any particular school zone; and

**WHEREAS**, the required traffic data analysis has been completed and reported in a School Zone Speed Study for consideration by the City Commission, which is attached hereto as Exhibit "A"; and

**WHEREAS**, after consideration of the traffic data provided in the School Zone Speed Study and other relevant evidence presented, the City Commission has determined that the following school zones constitute a heightened safety risk that warrants additional enforcement measures pursuant to Section 316.008(9), Florida Statutes: (1) Norman S. Edelcup Sunny Isles Beach K-8, at 182<sup>nd</sup> Drive at Atlantic Blvd.; (2) Norman S. Edelcup Sunny Isles Beach K-8, at 183<sup>rd</sup> Street; (3) Norman S. Edelcup Sunny Isles Beach K-8, at 182<sup>nd</sup> Drive; (4) Norman S. Edelcup Sunny Isles Beach K-8, at 181<sup>st</sup> Drive at Atlantic Blvd.; and (5) Norman S. Edelcup Sunny Isles Beach K-8, at North Bay Road (collectively "School Zones"); and

**WHEREAS**, in order to mitigate the heightened safety risks in the School Zones, the City Commission desires to adopt this Ordinance to, among other things, make findings that the School Zones constitute heightened safety risks that warrant additional enforcement measures

pursuant to Section 316.008(9), Florida Statutes, based on the School Zone Speed Study and other relevant evidence presented; authorize the placement, installation, and operation of SDS at the School Zones; create procedures for the issuance of notice of violations for school zone speeding violations by duly qualified traffic infraction officers pursuant to Section 316.1896, Florida Statutes; and establish a hearing framework whereby a local hearing officer will determine whether school zone speeding violations have occurred; and

**WHEREAS**, the City Commission finds it to be in the best interest of the public, health, safety, and welfare of the citizens to adopt this Ordinance and to create Article VII in Chapter 256 of the Code of Ordinances, and to authorize the placement, installation, and operation of speed detection systems on roadways maintained as school zones, to establish traffic enforcement procedures, and to create hearing procedures relating to school zone speed limit violations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:<sup>1</sup>**

**Section 1. Incorporation of Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2. Creating Article VII in Chapter 256 of the Code of Ordinances.** Article VII in Chapter 256 of the Code of Ordinances of the City of Sunny Isles Beach, Florida, entitled, "Speed Detection Systems in School Zones," is hereby created as follows:

## **Chapter 256 - VEHICLES AND TRAFFIC**

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### **ARTICLE VII - Speed Detection Systems in School Zones.**

#### **§256.50 – Purpose and Intent.**

The City desires to protect the public health, safety, and welfare of individuals traveling to and from school in the City, especially students and their parents and/or legal guardians and school employees. Accordingly, the City elects to enforce school zone speed limits by authorizing the placement, installation, implementation, and use of Speed Detection Systems in School Zones designated in this Article as constituting a heightened safety risk, thereby warranting supplemental enforcement measures pursuant to Section 316.008(9), Florida Statutes.

**§256.51 – Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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<sup>1</sup> Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, deletions on first reading are shown as ~~striketrough~~ and deletions on second reading are shown as ~~double-striketrough~~.

LOCAL HEARING OFFICER – means a Special Magistrate or such other qualified person designated by resolution of the City Commission to conduct hearings relating to notice of violations issued pursuant to Sections 316.1896 and 316.0083, Florida Statutes.

PERSON – means 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 a Violation.

PETITIONER – means a person who elects to request a hearing before the Local Hearing Officer for the purpose of determining whether a Violation under Section 316.1896, Florida Statutes, has occurred.

SCHOOL ZONE – means a roadway located within the City and maintained as a School Zone pursuant to Section 316.1895, Florida Statutes, that constitutes a heightened safety risk that warrants additional enforcement measures, as determined by the City Commission after consideration of traffic data and other relevant evidence.

SPEED DETECTION SYSTEM – means 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, as defined in Section 316.003, Florida Statutes, as may be amended from time to time.

TRAFFIC INFRACTION ENFORCEMENT OFFICER – means the police department employee or employees designated by the City who meet the qualifications set forth under Section 316.640(5), Florida Statutes and/or any other relevant statute, and is vested with the authority to enforce Violations.

VIOLATION – as set forth in Section 316.1896, Florida Statutes, the driving of a motor vehicle on a roadway designated as a School Zone at the following speeds:

- A. 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 in violation of Section 316.1895, Florida Statutes.
- B. 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 in violation of Section 316.1895, Florida Statutes.
- C. In excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session in violation of Section 316.183, Florida Statutes.
- D. 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 in violation of Section 316.1895, Florida Statutes.

**§256.52 – Placement and Installation of Speed Detection Systems.** Consistent with, and pursuant to, Chapter 316, Florida Statutes, the placement, installation, and operation of automated Speed Detection Systems in School Zones identified in Section 256.53, are hereby authorized.

**§256.53 – School Zones.** The following School Zones are designated as constituting a heightened safety risk that warrants additional enforcement measures, and Speed Detection Systems may be placed, installed, and used therein pursuant to Section 316.008(9), Florida Statutes:

- A. Norman S. Edelcup Sunny Isles Beach K-8, at 182<sup>nd</sup> Drive at Atlantic Blvd.
- B. Norman S. Edelcup Sunny Isles Beach K-8, at 183<sup>rd</sup> Street.
- C. Norman S. Edelcup Sunny Isles Beach K-8, at 182<sup>nd</sup> Drive.
- D. Norman S. Edelcup Sunny Isles Beach K-8, at 181<sup>st</sup> Drive at Atlantic Blvd.
- E. Norman S. Edelcup Sunny Isles Beach K-8, at North Bay Road.

**§256.54 – Designation of Local Hearing Officer and Traffic Infraction Enforcement Officer(s).** Except as may be otherwise provided by resolution of the City Commission, the City shall utilize its Special Magistrate(s) to serve as the Local Hearing Officer(s) who shall preside over notice of violation hearings, as established by Section 316.1896, Florida Statutes, as amended. 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. If the City elects to authorize Traffic Infraction Enforcement Officer(s) to issue uniform traffic citations pursuant to Section 316.1896(6), Florida Statutes, the City Commission shall, by resolution, designate a City staff member to serve as the clerk to the Local Hearing Officer.

**§256.55 – Notices of Violation.** 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 vehicle 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 of a 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 vehicle owner must pay a penalty in the amount provided under Section 318.18(3)(d), Florida Statutes, or furnish an affidavit that complies 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.

#### **§256.56 – Hearing Procedures.**

- A. 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.
- B. All testimony at the hearing shall be under oath and shall be recorded. The Local Hearing Officer shall 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. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.

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

D. In accordance with Section 162.11, Florida Statutes, an aggrieved party, including the City, may appeal a final order of a Local Hearing Officer to the Circuit Court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Local Hearing Officer. An appeal shall be filed within 30 calendar days of the issuance of the order sought to be overturned. Failure to make such appeal within the prescribed 30-day period shall render the findings of the Local Hearing Officer conclusive, binding and final.

**§256.57 – Supplemental Enforcement.** The provisions of this Section supplement the enforcement of Sections 316.1895 and 316.183, Florida Statutes, by law enforcement officers and does not prohibit law enforcement officers from issuing uniform traffic citations for violations of Sections 316.1895 or 316.183.

**Section 3. Repealer.** All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed to the extent of such conflict.

**Section 4. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity, but shall remain in full force and effect.

**Section 5. Inclusion in the Code.** It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Sunny Isles Beach; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

**Section 6. Effective Date.** This Ordinance will become effective immediately upon adoption at second reading.

**PASSED AND ADOPTED** on first reading this \_\_\_\_ day of August, 2025.

**PASSED AND ADOPTED** on second reading this \_\_\_\_ day of September, 2025.

\_\_\_\_\_  
Larisa Svechin, Mayor

**ATTEST:**

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Mauricio Betancur, CMC, City Clerk

\_\_\_\_\_  
Alain E. Boileau, for Nabors, Giblin  
& Nickerson, P.A., City Attorney

**First Reading**

**Second Reading**

Motion: \_\_\_\_\_

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Second: \_\_\_\_\_

**Vote on First Reading:**

Mayor Svechin  
Vice Mayor Lama  
Commissioner Josphe  
Commissioner Stuyvesant  
Commissioner Viscarra

\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)

**Vote on Second Reading:**

Mayor Svechin  
Vice Mayor Lama  
Commissioner Joseph  
Commissioner Stuyvesant  
Commissioner Viscarra

\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)  
\_\_\_\_ (Yes) \_\_\_\_ (No)