

CITY OF SANIBEL
ORDINANCE 26XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE VI, FINANCE, DIVISION 4, CONTRACTS AND PURCHASES; CREATING A NEW SECTION 2-333, SURVEILLANCE TECHNOLOGY, RENUMBERING THE CURRENT SECTION 2-333, SECURITY FOR PERFORMANCE; RETAINAGE TO 2-334; AND RENUMBERING SUBSEQUENT SECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel has utilized automated license plate recognition ("ALPR") technology since 2008 as an investigative, public-safety, and traffic-management tool; and

WHEREAS, the City's ALPR system captures vehicle license plates and rear-facing observable vehicle characteristics and converts such limited information into searchable data for authorized law-enforcement and traffic-management purposes; and

WHEREAS, the City's ALPR system does not utilize field facial recognition, audio surveillance, people-tracking, scene-searching, or other advanced surveillance technologies, nor does the City intend to acquire or deploy such technologies; and

WHEREAS, surveillance technology continues to evolve, including through software, artificial intelligence, automated searching and tracking, data-sharing networks, and other capabilities that may be added to existing or future camera systems without the acquisition of new camera equipment; and

WHEREAS, although the City does not presently intend to acquire or deploy such advanced surveillance technologies, the City Council finds it appropriate to amend the City's procurement regulations at this time to ensure that the acquisition, deployment, material expansion, or addition of new capabilities to certain surveillance technologies is subject to City Council review and approval; and

WHEREAS, the City Council further desires to ensure that the City owns all data collected or generated through surveillance technology acquired by the City and that appropriate restrictions apply to vendor use and sharing of such data; and

WHEREAS, the City Council finds that these requirements will provide appropriate transparency and oversight of future technology decisions while allowing the City to continue using approved technology for legitimate law-enforcement, public-safety, traffic-management, and municipal purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. Sanibel Code of Ordinances, Chapter 2, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 2 - ADMINISTRATION

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ARTICLE VI. - FINANCE

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DIVISION 4. – CONTRACTS AND PURCHASES

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Sec. 2-333. Surveillance technology.

(a) Definitions. For purposes of this section:

(1) Surveillance technology means any electronic device, system, hardware, software, or hosted service designed or primarily intended to identify, track, locate, or monitor persons or vehicles, or to collect, capture, record, process, analyze, or share images, audio, location information, vehicle information, or other data for such purposes. The term includes, but is not limited to:

- a. Automated license plate recognition systems, as defined in F.S. §§ 316.0777 and 316.0778;
- b. Facial recognition or other technology that electronically analyzes physical or behavioral characteristics for the purpose of identifying a specific person;
- c. Technology using artificial intelligence, machine learning, computer vision, or other automated processes to identify, classify, search for, or track persons or vehicles based upon appearance, clothing, accessories, vehicle make, model, color, markings, attachments, or other observable characteristics;
- d. Technology capable of searching images or video using natural-language descriptions, images, or other search criteria to identify or locate persons or vehicles;
- e. Technology that analyzes the location, movement, travel patterns, associations, or proximity of persons or vehicles, including identification of vehicles traveling together or appearing at multiple locations;
- f. Technology that permits automated or aggregated searching, analysis, or sharing of surveillance data across cameras, locations, jurisdictions, agencies, or third-party camera networks;
- g. Pan-tilt-zoom cameras used for law enforcement or surveillance purposes; and
- h. Audio surveillance, gunshot detection, or other automated audio-detection or analysis systems.

(b) Exclusions. Surveillance technology does not include:

- (1) Body-worn cameras issued to law enforcement officers for use in the performance of their official duties.
- (2) Cameras installed in or on law enforcement vehicles and used primarily to document law enforcement activity, traffic stops, transport of individuals, or officer interactions; however, this exclusion does not include mobile automated license plate readers or vehicle-mounted systems using facial recognition, automated tracking, or other surveillance capabilities otherwise subject to city council approval.

- (3) Standard security cameras installed at city parks, buildings, parking areas, public facilities, or other city property and used primarily for site security, public safety, loss prevention, or incident documentation; however, this exclusion does not include automated license plate recognition, facial recognition, automated tracking, or other surveillance capabilities otherwise subject to city council approval.
- (c) City council approval required. Notwithstanding any other provision of this division, the city shall not purchase, lease, subscribe to, acquire, install, deploy, materially expand, or renew surveillance technology without prior approval of the city council. City council approval is required regardless of the cost of the procurement or the procurement method otherwise authorized by this division.
- (d) Scope of approval. City council approval shall be required for:
- (1) The initial procurement or deployment of surveillance technology;
 - (2) The addition of cameras, sensors, devices, or locations that materially expands an existing system previously approved by the city council;
 - (3) The addition or activation of a new surveillance, identification, recognition, tracking, artificial intelligence, or analytic capability that materially changes the functionality of an existing system; and
 - (4) The renewal, extension, replacement, or material amendment of an agreement involving surveillance technology.
- (e) Routine replacement. City council approval is not required for routine repair or replacement of previously approved equipment with substantially equivalent equipment that does not materially expand the number, location, or capabilities of the system.
- (f) City ownership and control of data. Any agreement between the city and a vendor, subject to this section shall provide that surveillance data and all related images, recordings, metadata, search records, audit records, and other information collected or generated through the city's use of the technology are owned and controlled by the city, subject to, if at all, a limited license to access, process, store, and use city data as reasonably necessary to provide, maintain, secure, or improve the technology or services provided to the City, provided that the license does not transfer ownership or control of City data to the vendor or any other party and is subject to the limitations of this section.
- (g) Sale and use of city data. No vendor or third party may sell, monetize, commercially exploit, or use city data for a purpose unrelated to providing services to the city, except as expressly authorized by the city council or as required by law.
- (h) Data access and disclosure. Except as provided in subsection (f), any agreement subject to this section shall provide the City with control over access to, retention of, and sharing of surveillance data and shall prohibit a vendor from disclosing or sharing City data with another governmental entity or third party unless expressly authorized by the City Council or otherwise required by law.
- (i) Information provided to city council. Before approving the deployment or material expansion of surveillance technology, the city council shall be provided a detailed description of the technology and its intended use, the categories of data collected or generated, applicable data-retention practices, authorized users, data-sharing practices, and any artificial intelligence, automated recognition, or tracking capabilities associated with the technology, except to the extent disclosure is prohibited or exempt from disclosure by law.
- (j) Procurement requirements unaffected. Approval under this section does not waive competitive procurement or any other requirement of this division otherwise applicable to the

acquisition.

Sec. ~~2-3342-333~~. Security for performance; retainage.

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(Renumber remaining Sections of this Division.)

Secs. ~~2-3372-336~~ – 2-340. Reserved.

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall be effective immediately upon adoption.

SCHEDULED FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THE ____ DAY OF _____ 2026.

Attest:

Scotty Lynn Kelly, City Clerk

Mike Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Miller	_____	First Reading: _____
Smith	_____	Publication Date: _____
DeBruce	_____	Second Reading: _____
Henshaw	_____	
Johnson	_____	