

ORDINANCE No. 2024-21

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING CHAPTER 44, ARTICLE II, OF THE CITY'S CODE OF ORDINANCES 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 FOR SCHOOL ZONE SPEED LIMIT VIOLATIONS; AND CREATE HEARING PROCEDURES RELATING TO SUCH SCHOOL ZONE SPEED LIMIT VIOLATIONS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, under the law, 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 law 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 ("Traffic Report Services") prior to utilization of the SDS in any particular school zone; and

WHEREAS, on January 10, 2024, the City Council waived the formal bidding procedures and directed the City Manager to obtain proposals from vendors who have met with the City; and

WHEREAS, the City engaged Marlin Engineering, one of the firms contracted as part of the City's prequalified pool of architectural and engineering firms, to conduct a traffic study; and

WHEREAS, on March 21, 2024, the City Manager provided a Letter to Council providing the results of the traffic study conducted by Marlin Engineering (hereinafter the "Report"), which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, after consideration of the traffic data provided in the Report on May 10, 2024, the Mayor and Council approved by unanimous motion, the staff recommended criteria of a five percent (5%) exceedance of the 20MPH threshold at any arrival or dismissal period and at any school abutting street; and

WHEREAS, based on the criteria adopted and other relevant evidence presented at the public hearing held on June 12, 2024, the City Council has determined that the following school zones constitute a heightened safety risk that warrant additional enforcement measures pursuant to Section 316.008(9), Florida Statutes: (1) Andrea Castillo Prep Academy, (2) Divine Savior Academy; (3) Doral Academy Elementary; (4) Doral Academy; (5) Doral International Academy of Math and Science; (6) Downtown Doral Charter Elementary School; (7) Downtown Doral Charter Upper School; (8) Dr. Rolando Espinosa K-8 Center; (9) Dr. Toni Bilbao Preparatory Academy; (10) Eugenia B. Thomas K-8 Center; (11) J.C. Bermudez Doral Senior High School; (12) John I. Smith K-8 Center; (13) Renaissance Elementary Charter School; and (14) Renaissance

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Middle Charter School; (15) Ronald Reagan Senior High School (collectively, the “School Zones”); and

WHEREAS, in order to mitigate the heightened safety risks at the School Zones, the City Council 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 Report and other relevant evidence presented at the June 12, 2024, 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 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 Mayor and City Council find it to be in the best interest of the public, health, safety, and welfare of the citizens to adopt this Ordinance amending the City’s Code; now, therefore

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA:

Section 1. Recitals. That the above stated recitals are hereby adopted and confirmed.

Section 2. Creating Chapter 44, Article II. The Code of the City of Doral is hereby amended by creating Chapter 44, Article II of the City of Doral Code, entitled “Speed Detection Systems in School Zones”, which shall read as follows:

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ARTICLE II. SPEED DETECTION SYSTEMS IN SCHOOL ZONES

Section 44-19. Speed Detection Systems in School Zones.

(a) 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 seeks to enforce School Zone speed limits by authorizing the placement and installation of speed detection systems on those School Zone roadways that constitute a heightened safety risk warranting additional enforcement measures pursuant to Section 316.008(9), Florida Statutes.

(b) 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:

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

(2) *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.

(3) *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.

(4) 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 Council after consideration of traffic data and other relevant evidence.

(5) 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.

(6) 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.

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

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

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

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

(c) Findings. After consideration of the traffic data provided in the Report and other relevant evidence presented at the public hearing held on June 12, 2024, the City Council hereby finds that the following School Zones where Speed Detection Systems are to be placed and installed constitute a heightened safety risk that warrant additional enforcement measures pursuant to Section 316.008(9), Florida Statutes:

- Andrea Castillo Prep Academy, 10201 NW 78 Street, Doral, FL 33178
- Divine Savior Academy, 10311 NW 58 St., Doral, FL 33178
- Doral Academy Elementary, 2450 NW 97 Ave., Doral, FL 33172
- Doral Academy, 11100 NW 27 St., Doral, FL 33172
- Doral International Academy of Math and Science, 6700 NW 104 Ave., Doral, FL 33178
- Downtown Doral Charter Elementary, 8390 NW 53 St., Doral, FL 33166
- Downtown Doral Charter Upper School, 7905 NW 53 St., Doral, FL 33166
- Dr. Rolando Espinosa K-8 Center, 11250 NW 86 Street, Doral, FL 33178
- Dr. Toni Bilbao Preparatory Academy, 8905 NW 113 Avenue, Doral, FL 33178
- Eugenia B. Thomas K-8 Center, 5950 NW 114 Avenue, Miami, FL 33178
- J.C. Bermudez Doral Senior High School, 5005 NW 112 Avenue, Doral, FL 33178
- John I. Smith K-8 Center, 10415 NW 52 Street, Doral, FL 33178
- Renaissance Elementary Charter School, 10651 NW 19 St., Doral, FL 33172
- Renaissance Middle Charter School, 8360 NW 33 St., Miami, FL 33122
- Ronald Reagan Senior High School, 8600 NW 107 Avenue, Doral, FL 33178

(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 herein under subsection 44-19(c), 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 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.

(2) Except as may be otherwise provided by resolution of the City Council, the City shall utilize a special magistrate pursuant to Chapter 11 of the City Code 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.

(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, by resolution, designate a City staff member to serve as the clerk to the Local Hearing Officer.

(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 (5) calendar days before the day of the originally scheduled hearing. The Petitioner may cancel their 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.

(5) 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.

(6) 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.

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

(f) Supplemental Authority. 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, Florida Statutes.

Section 3. Implementation. The City Council hereby authorizes the City Manager to create and implement any procedures necessary to implement the purposes and intent of this Ordinance and the Bill, subject to approval by the City Attorney as to form and legality, and to take any action which is reasonably necessary to implement the purpose of this Ordinance.

Section 4. Incorporation Into The Code. It is the intention of the Mayor and 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 Doral; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changes to "Section" or other appropriate word, as required.

Section 5. Severability. If any section, subsection, clause of provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

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Section 6. Conflicts. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 7. Effective Date. This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Oscar Puig-Corve	_____
Councilwoman Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____

PASSED AND ADOPTED on FIRST READING this 12 day of June, 2024.

PASSED AND ADOPTED on SECOND READING this 14 day of August, 2024.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

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

LORENZO COBIELLA
GASTESI, LOPEZ & MESTRE, PLLC
CITY ATTORNEY

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