

8. Resolution 2024-38, designating existing City staff to serve as the Clerk to the Local Hearing Officer related to the speed detection system in designated school zones.



## LEGISLATIVE MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Patricia Smith, City Attorney

**THRU:** Patricia D. Smith, City Attorney

**DATE:** October 17, 2024

**RE:** Resolution 2024-38, designating existing City staff to serve as the Clerk to the Local Hearing Officer related to the speed detection system in designated school zones.

### SUMMARY:

Governor DeSantis signed CS/CS/HB7657 into law related to the enforcement of school zone speed limits. City Council adopted Ordinance 2023-114 authorizing the use of a speed detection system to capture evidence of drivers speeding in designated school zones. Pursuant to section 316.1896(14)(b), Florida Statutes, a "municipality electing to authorize traffic infraction enforcement officers to issue uniform traffic citations under subsection (6) must designate by resolution existing staff to serve as the clerk to the local hearing officer."

In compliance with the statute, the resolution requires the City Manager or City Manager's designee to designate police department staff to serve as the Clerk to the Local Hearing Officer.

### REQUESTING DEPARTMENTS:

Police  
City Attorney's Office

### FISCAL IMPACT:

None.

### STAFF RECOMMENDATION:

Motion to approve Resolution.

### ATTACHMENTS:

1. Resolution.

## **RESOLUTION 2024-38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, DESIGNATING EXISTING STAFF TO SERVE AS THE CLERK TO THE LOCAL HEARING OFFICER; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature passed CS/CS/HB7657 during the 2023 Legislative Session related to the enforcement of school zone speed limits, and

**WHEREAS** the Governor of the State of Florida signed CS/CS/HB7657 into law on May 31, 2023, resulting in Chapter 2023-174, Laws of Florida, becoming effective July 1, 2023, and

**WHEREAS**, Chapter 2023-174, Laws of Florida authorizes municipalities to enforce the speed limit in a school zone at specified periods through the use of a speed detection system for the detection of speed and capturing photographs or video for violations in excess of ten (10) miles per hour over the applicable speed limit, and

**WHEREAS**, the City Council adopted Ordinance 2023-114 authorizing the use, and

**WHEREAS**, the City Council wishes to utilize existing resources, staff, and magistrates to implement Chapter 2023-174, Laws of Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA**, as follows:

**SECTION 1. Incorporation of Recitals.** The above recitals are true and correct and by this reference are hereby incorporated into and made an integral part of this resolution.

**SECTION 2. Designation of Existing Staff to Serve as Clerk to the Local Hearing Officer.** The City Manager or City Manager's designee shall designate police department staff to serve as the Clerk to the Local Hearing Officer pursuant to section 316.1896(14)(b), Florida Statutes.

**SECTION 3. Severability.** The provisions of this resolution are declared to be severable and if any section, sentence, clause, or phrase of this resolution 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 resolution, but they shall remain in effect it being the legislative intent that this resolution shall stand notwithstanding the invalidity of any part.

**SECTION 4.** The provisions within this resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting 2024-XX, of the City Council of the City of Palm Bay, Brevard County, Florida, on \_\_\_\_\_, 2024.

\_\_\_\_\_  
Rob Medina, MAYOR

ATTEST:

\_\_\_\_\_  
Terese M. Jones, CITY CLERK