



## City of Lauderdale Lakes

Office of the City Clerk

4300 NW 36<sup>th</sup> Street – Lauderdale Lakes, Florida 33319-5599

(954) 535-2705 – Fax (954) 535-0573

AGENDA  
CITY OF LAUDERDALE LAKES  
WORKSHOP  
**MONDAY, JANUARY 13, 2014**  
**5:00 PM**

**1. DISCUSSION**

Agenda Review - January 14, 2014 Regular Commission Meeting

**2. DISCUSSION OF PROPOSED ORDINANCE(S)**

**A. PROPOSED ORDINANCE AMENDING SUB-SECTION 2-121 OF ARTICLE IV OF CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES TO RE-ESTABLISH THE DEPARTMENTS OF DEVELOPMENT SERVICES AND PUBLIC WORKS IN ACCORDANCE WITH THE CITY'S 2014 CITYWIDE REORGANIZATION PLAN**

This item would re-establish the Departments of Development Services and Public Works in accordance with the Fiscal Year 2014 Citywide Reorganization Plan.

**3. ADDITIONAL WORKSHOP ITEMS**

**A. DISCUSSION REGARDING THE CITY'S 2014 STATE LEGISLATIVE AND APPROPRIATIONS PRIORITIES**

This is a discussion regarding the proposed legislative and appropriations request for the upcoming legislative session.

**B. DISCUSSION REGARDING INTEREST ACCRUED ON CITY LIENS**

This is a discussion regarding the interest that is accrued on City Lien.

**C. DISCUSSION REGARDING VIDEO STREAMING OF COMMISSION MEETINGS**

This is a discussion regarding exploring the idea of live video streaming of Commission Meetings.

PLEASE TURN OFF ALL BEEPERS AND CELL PHONES  
DURING THE MEETING

**D. DISCUSSION REGARDING A REQUEST FROM MERRELL UNITED METHODIST CHURCH FOR A WAIVER OF DEVELOPMENT REVIEW FEES ASSOCIATED WITH A PROPOSED SIGN VARIANCE REQUEST**

This is a discussion regarding a request from Merrell United Methodist Church for waiver of fees.

**E. PRESENTATION BY REPRESENTATIVES OF THE GREATER CARIBBEAN AMERICAN CULTURAL COALITION (TIME CERTAIN: 6:30 PM)**

A presentation will be given by the representatives of the Greater Caribbean American Cultural Coalition to provide an update on the 2013 Unifest Event and present information on the upcoming 2014 Unifest Event.

**F. DISCUSSION REGARDING THE RED LIGHT SAFETY CAMERA INITIATIVE**

This is a discussion regarding the implementation of a Red Light Safety Camera Program.

**4. REPORTS**

**Future Meetings:**

Workshop meeting:	January 27, 2014	5:00 p.m.
Commission meeting:	January 28, 2014	7:00 p.m.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (FS 286.0105)

Any person requiring auxiliary aids and services at this meeting may contact the City Clerk's Office at (954) 535-2705 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 or 1-800-955-8771.

2. A

**CITY OF LAUDERDALE LAKES**

Agenda Cover Page

Workshop:

Fiscal Impact:  Yes  No

Contract Requirement:  Yes  No

Public Hearing

Ordinance

1<sup>st</sup> Reading

Quasi-Judicial

Resolution

2<sup>nd</sup> Reading

**Title**

PROPOSED ORDINANCE AMENDING SUB-SECTION 2-121 OF ARTICLE IV OF CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES TO RE-ESTABLISH THE DEPARTMENTS OF DEVELOPMENT SERVICES AND PUBLIC WORKS IN ACCORDANCE WITH THE CITY'S FISCAL YEAR 2014 CITYWIDE REORGANIZATION PLAN

**Summary**

This item would re-establish the Departments of Development Services and Public Works in accordance with the Fiscal Year 2014 Citywide Reorganization Plan.

**Staff Recommendation**

It is recommended that the City Commission approve the proposed ordinance re-establishing the departments of Development Services and Public Works in accordance with the City's 2014 Citywide Reorganization Plan.

**Background:**

In 2011, the City of Lauderdale Lakes underwent a citywide reorganization. Amidst its financial challenges, the reorganization constituted a first step in streamlining the City's operations to ensure long-term stability. While that reorganization, which consolidated the Department of Development Services and Public Works, has worked well to steer the City toward a more stable financial footing, it does not constitute the most effective way to deliver the aforementioned departmental services. As such, the proposed Ordinance seeks to re-establish a separate Development Services Department and a separate Public Works Department. This would be a more effective and efficient operational model for the delivery of departmental services and management of personnel. With the approval of the 2014 Reorganization Plan, the City Code will be amended to reflect the separated duties of the two (2) departments within the City. This can be accomplished within the existing budget allocation. However, a budget amendment would be required to fully implement the Reorganization Plan.

Funding Source: Not applicable

**Appearance**  
*(Names and Titles of Outside Individuals Only)*

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Sponsor Name/Department: Jonathan K. Allen, City Manager and  
Danny A. Holmes, AICP, Public Works and Development Services Director

Meeting Date: January 13, 2014

ORDINANCE NO. 2014-\_\_\_\_

AN ORDINANCE AMENDING SUB-SECTION 2-121 OF ARTICLE IV OF CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES TO RE-ESTABLISH THE DEPARTMENTS OF DEVELOPMENT SERVICES AND PUBLIC WORKS IN ACCORDANCE WITH THE CITY'S 2014 CITYWIDE REORGANIZATION PLAN; PROVIDING FOR AMENDMENTS TO SUBSECTIONS 3 AND 8 OF SAID SECTION 2-121; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2011, the City underwent a City-wide organizational change consolidating the Departments of Development Services and Public Works, to streamline the City's operations to ensure long-term stability, and

WHEREAS, the previous consolidation of these departments enabled the City to affectively move to a financial recovery and more stable economic environment, and

WHEREAS, upon recommendation of administrative staff, the City Commission deems it to be in the best interest of the City to separate the Department of Development Services and Department of Public Works,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERDALE LAKES as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT: Subsection 2-121 of Article IV of Chapter 2 of the Code of Ordinances is hereby amended to read as follows:

**Sec. 2-121. Establishment of departments and offices.**

The following departments and offices of the city are hereby established; office of city clerk, city manager, department of development services, department of financial services, department of fire and rescue services, office of human resource services and risk management, department of parks and human services and department of public works and ~~development services~~. The jurisdictions of the respective departments and offices are intended to reflect the primary areas of the applicable department's or office's responsibilities. It is the administrative policy of the city and management that all departments and offices are organized to serve the public through inter-staff cooperation and exchange. To that end, all departments and offices share the same responsibility of providing courteous, efficient, helpful and complete services to the community and its customers.

(1)

*City clerk.* The office of the city clerk has primary responsibility for the custodianship of the official city seal and the public records; the official representation of the city and the city commission in all transactions with the supervisor of elections of the county in relation to all matters pertaining to municipal elections; such duties as are provided in the Charter and/or ordinances of the city; attendance of all meetings of the city commission and the keeping of the minutes thereof; and the administration of the oath of office to all persons elected, appointed and employed pursuant to the Charter and ordinances of the city.

(2)

*City manager.* The office of city manager is created pursuant to article IV of the Charter. The office of the city manager has the primary responsibility to the city commission for the proper administration of all affairs of the city coming under the city manager's jurisdiction and as otherwise directed by the city commission.

(3)

Reserved

*Department of Development Services.* The department of development services has primary responsibility for the review and coordination of development proposals, review and revision of the comprehensive plan as mandated by the Florida Statutes, issuance of business tax receipts, securing compliance with the appearance codes, review and inspection of new construction and renovation and coordination of housing and related grant programs. The development services department has responsibility for promoting a full range of strategies designed to enhance the city's economy, which will result in job creation, business expansion and increased tax base.

(4)

*Department of financial services.* The department of financial services has primary responsibility for ensuring sound financial planning and performance, adequate internal controls, efficient procurement of goods and services, automated information processing and all other duties and functions normally associated with city finances and information requirements. These include, but are not limited to: the coordination of all financial affairs of the city; direct responsibility for all accounting, purchasing and budgeting functions of the city; the filing of any and all financial records to any governmental agency of the federal, state, or county government, as required by law; the receipt, deposit and safekeeping of city funds, in one or more depositories, as provided by state law; the investment of city surplus funds and the creation of an investment policy approved by the city commission; the maintenance of city accounts; the coordination of the city's grant programs, and the coordination of the data processing and information systems of the city.

(5)

*Department of fire rescue.* The department of fire rescue has primary responsibility for the safety of the citizens of the city and for the protection of life, property and the environment. The department's objective is to provide superior, professional, courteous and cost-effective service through the dedication, skill and abilities of the fire and emergency medical staff.

(6)

*Office of human resources and risk management.* The office of human resources has the primary responsibility for providing administrative direction to departments on matters of employee recruitment and selection, policy development, problem resolution, employee evaluation, position, classification, compensation and benefits, negotiating and administering labor agreements with the bargaining units, equal employment opportunity, risk management and all other functions normally associated with the human resource and risk management activities.

(7)

*Department of parks and human services.* The department of parks and human services has the primary responsibility for providing services to residents and generally achieving the goal of enhancing the quality of life for residents of all ages.

The department consists of the following divisions:

a.

*Division of parks.* The division of parks has the primary responsibility for providing safe, clean, accessible and well-maintained park lands and recreation programs for all ages, social events and other related services to meet the recreational activity needs of a diverse community.

b.

*Division of human services.* The division of human services has the primary responsibility of providing for the administration, management and maintenance of the city's social services programs, leisure programs, including case management, respite, adult daycare, adult healthcare, and Alzheimer's care center programs, including social services programs and information and referral services, transportation services, senior center programs, youth and adult leisure programs, case management, respite, adult day care, as well as such related services and functions as are associated with care for individuals with memory loss and sustenance of companion caregivers, together with such programs as are necessary to support the aged and residents of lesser means.

(8)

*Department of public works and development services.* The department of public works and development services has the primary responsibility for the oversight of development related activity upon private property and the management and maintenance of public property within the city. The department consists of the following divisions: The department of public works has the primary responsibility for the proper management and maintenance of public property and infrastructure, including streets, sidewalks, swales, alleys, ditches, canals, roads, public easements and rights-of-way; fleet services; stormwater management; and other areas of public improvement; as well as for the abatement of nuisances defined by the ordinances of the city relating to the maintenance of private property in a sanitary

condition. responsibility for the capital improvement and the city's general obligation bond improvement projects, all other identified in the city as requiring and for the coordination and such projects with the several and agencies of the city, the county, and the

Additionally, it will also have the implementation and execution of other projects identified in program(s), all capital development projects engineering overview, implementation of departments state.

a.

~~*The division of public works.* The division of public works has the primary responsibility for the proper management and maintenance of public property and infrastructure, including streets, sidewalks, swales, alleys, ditches, canals, roads, public easements and rights-of-way; fleet services; stormwater management; and other areas of public improvement; as well as for the abatement of nuisances defined by the ordinances of the city relating to the maintenance of private property in a sanitary condition. Additionally, it will also have the responsibility for the implementation and execution of capital improvement and other projects identified in the city's general obligation bond program(s), all capital improvement projects, all other development projects identified in the city as requiring engineering overview, and for the coordination and implementation of such projects with the several departments and agencies of the city, the county, and the state.~~

b.

~~*The division of development services.* The division of development services has primary responsibility for the review and coordination of development proposals, review and revision of the comprehensive plan as mandated by the Florida Statutes, securing compliance with the appearance codes, review and inspection of new construction and renovation and coordination of housing and related grant programs. The community development department has responsibility for promoting a full range of strategies designed to enhance the city's economy, which will result in job creation, business expansion and increased tax base.~~

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. INCLUSION INTO THE CODE OF ORDINANCES: It is the intention of the City Commission of the City of Lauderdale Lakes that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Lauderdale Lakes and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING IN FULL/BY TITLE ONLY, UPON APPROVAL OF AT LEAST FIVE (5) AFFIRMATIVE VOTES OF THE CITY COMMISSIONERS, ON THE 14<sup>TH</sup> DAY OF JANUARY, 2014.

PASSED ON SECOND READING BY TITLE ONLY THE \_\_\_\_\_DAY OF \_\_\_\_\_, 2014.

ADOPTED AND PASSED BY THE CITY COMMISSION OF THE CITY OF LAUDERDALE LAKES AT ITS REGULAR MEETING HELD ON THE \_\_\_\_\_DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
BARRINGTON A. RUSSELL, SR., MAYOR

ATTEST:

\_\_\_\_\_

LOLITA CODRINGTON, CITY CLERK

JCB:ja

Sponsored by: JONATHAN K. ALLEN, City Manager, DANNY A. HOLMES, Director of Public Works and Development Services

**VOTE:**

Vice-Mayor Eileen Rathery	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Edwina Coleman	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Eric Haynes	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Gloria Lewis	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Levoyd Williams	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Patricia Williams	_____ (For)	_____ (Against)	_____ (Other)





## CITY OF LAUDERDALE LAKES 2014 STATE LEGISLATIVE AGENDA

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### **PROPOSED/PENDING LEGISLATION (opposition)**

- Oppose legislation proposing the elimination of economic development related initiatives, such as Enterprise Zone Programs which have served as a catalyst to promote economic growth and job creation opportunities
- Oppose legislation proposing the elimination of Chapter 205 of the Florida Statutes which has been imposed for the cost of doing business in a municipality. Additionally, such funds have been utilized to identify and address the needs of local businesses. Currently, a municipality may impose a local business tax for the privilege of engaging in or managing a business, profession or occupation within its jurisdiction. The amount of the tax, as well as the occupations and businesses on which the tax is imposed, is determined by the local government. Local business tax revenues collected by local governments are used to assist in funding services critical to businesses, such as zoning, permitting, code enforcement, and police and fire services. Local governments may also use business tax revenues to help fund economic development programs, presenting a direct benefit to businesses through the marketing of local areas
- Oppose legislation that would mandate the use of a uniform chart of accounts for all governmental entities without requiring uniformity in other areas. The establishment of a uniform chart of accounts, without requiring uniformity in other areas, such as in the basis of accounting and the accounting treatment of various transactions, in and of itself, will not provide users with any meaningful comparisons between organizations. Transparency and accountability of the use of public funds to citizens and other stakeholders is paramount, but it must be achieved while simultaneously limiting the burden to the reporting entities and preserving the autonomy of each affected entity.
- Oppose legislation aimed at limiting, dismantling or reducing funding for Community Redevelopment Agencies

### **PROPOSED/PENDING LEGISLATION (support)**

#### Community Development Block Grant Programs

The City of Lauderdale Lakes supports continued program funding of Community Development Block Grants (CDBG) and HOME which are essential to protecting the City's housing stock, encouraging local economic development and stimulating growth.

Finance and Taxation

The City of Lauderdale Lakes supports legislation would allow for the collection of taxes from sales made by remote means (e.g., internet and catalog). However, the City of Lauderdale Lakes, in line with the GFOA opposes any efforts to include provisions in legislation that would limit the amount of tax that local governments can collect on remote sales.

Economic Development

The City of Lauderdale Lakes supports funding to promote private sector job growth with programs and activities that directly relate to economic development that are vital resources for infrastructure and business development to alleviate conditions of unemployment and underemployment in the City of Lauderdale Lakes. Also, the City of Lauderdale Lakes supports continued funding of initiatives facilitated by Foreign Trade Zone, Enterprise Zone and Brownfields Programs.

The City of Lauderdale Lakes supports state incentives and policies that promote business growth and expansion and result in the creation of new jobs and capital investment. The City of Lauderdale Lakes supports state investment in transportation infrastructure, such as roadways, that improve our competitive position to attract business growth and investment.

Public Works and Infrastructure

The City of Lauderdale Lakes supports funding to meet critical infrastructure needs. Our transportation systems, which are so critical to economic growth, continue to face major challenges.

Parks and Recreational Initiatives

The City of Lauderdale Lakes supports art accessible to benefit the social, economic and cultural well-being of our community. The City joins many cultural arts organizations in supporting funding for municipal cultural arts programs.

In line with the FRPA, the City of Lauderdale Lakes supports measures that fund programs that increase healthy lifestyles and physical activity.

**PROJECT FUNDING CONSIDERATION**

Community Development Block Grant (CDBG) Program (thru HUD)

Energy Efficiency and Conservation Block Grant Program

Law Enforcement Technology: Communication and Surveillance Equipment - \$100,000

Public Safety and Emergency Response Infrastructure and Technology - \$100,000

C-13 Canal Trail – Trailhead Facility - \$150,000

Stormwater Improvements/Stabilization of Canal Banks - \$750,000

Regional Food Hub Facility - \$500,000

3. B

**CITY OF LAUDERDALE LAKES**  
Agenda Cover Page

Workshop: <input checked="" type="checkbox"/>	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Quasi-Judicial
Fiscal Impact: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution
Contract Requirement: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading

**Title**

DISCUSSION REGARDING A PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO TAKE SUCH STEPS AS SHALL BE NECESSARY AND APPROPRIATE TO FORGIVE INTEREST ACCURED ON A CITY LIEN IMPOSED UPON A PROPERTY HAVING AN ADDRESS OF 3401 NORTHWEST 43 PLACE.

**Summary**

This is a discussion item on a preliminary Resolution that would authorize the City Manager to take such steps as shall be necessary and appropriate to forgive interest accrued on a City Lien.

**Staff Recommendation**

Background: (see the attached proposed Resolution)

Funding Source: Not Applicable

**Appearance**  
*(Names and Titles of Outside Individuals Only)*

Sponsor Name/Department: Commissioner Patricia Williams / Office of the Mayor and Commission

Meeting Date: January 13, 2014

RESOLUTION NO. 2014-\_\_

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TAKE SUCH STEPS AS SHALL BE NECESSARY AND APPROPRIATE TO FORGIVE INTEREST ACCRUED ON A CITY LIEN IMPOSED UPON THE PROPERTY HAVING A CIVIL STREET ADDRESS OF 3401 NORTHWEST 43<sup>RD</sup> PLACE AND, UPON THE PAYMENT OF THE PRINCIPAL THEREFOR, TO RELEASE AND SATISFY SUCH LIEN; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Jonathon White is the owner of the property located at 3401 Northwest 43<sup>rd</sup> Place, having taken title thereto, in connection with the foreclosure of a mortgage, and

WHEREAS, the previous fee title holders had allowed the property to fall into disrepair as a result of which an action was brought by the City in connection with overgrown grass and discarded material on the property, resulting in a lien in the amount of Seven Hundred Eighty-Eight and 43/100 (\$788.43) Dollars, of which Three Hundred Twenty-Eight and 43/100 (\$328.43) Dollars represents interest accrued, and

WHEREAS, Jonathon White is of advanced age and of limited means, and

WHEREAS, the City Commission deems it appropriate to forgive the interest which has accrued on the lien,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAUDERDALE LAKES AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. DIRECTIONS TO THE CITY MANAGER: The City Manager is hereby authorized and directed to take such steps as shall be necessary and appropriate to forgive the interest accrued on a City lien on the property having a civil

street address of 3401 Northwest 43<sup>rd</sup> Place, upon the payment of the principal therefor, release and satisfy such lien.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

ADOPTED BY THE CITY COMMISSION OF THE CITY OF LAUDERDALE LAKES AT ITS REGULAR MEETING HELD JANUARY 14, 2014

\_\_\_\_\_  
BARRINGTON A. RUSSELL, SR., MAYOR

ATTEST:

\_\_\_\_\_  
LOLITA CODRINGTON, CITY CLERK  
JCB:jl  
Sponsored by: COMMISSIONER PATRICIA WILLIAMS

**VOTE:**

Vice-Mayor Eileen Rathery	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Edwina Coleman	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Eric Haynes	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Gloria Lewis	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Levoyd Williams	_____ (For)	_____ (Against)	_____ (Other)
Commissioner Patricia Williams	_____ (For)	_____ (Against)	_____ (Other)

3. C

**CITY OF LAUDERDALE LAKES**  
Agenda Cover Page

Workshop: <input checked="" type="checkbox"/>	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Quasi-Judicial
Fiscal Impact: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution
Contract Requirement: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading

**Title**

DISCUSSION REGARDING LIVE VIDEO STREAM OF COMMISSION MEETINGS

**Summary**

This is a discussion regarding exploring the idea of live video streaming of Commission Meetings.

**Staff Recommendation**

Background: The City of Lauderdale Lakes is exploring a feature that provides the ability to stream video live and on demand. Providing this feature will give residents convenient access to review both live and archived video streaming of City Commission Meetings. As a result, this can reduce related public inquiries by offering searchable self-service access online and will give the City of Lauderdale Lakes the ability to reach a broader audience. The initial cost for hardware and software to add live streaming and video on demand is estimated to be \$10,000 - \$20,000. This estimate excludes recurring service fees.

Funding Source: Not applicable

**Appearance**  
*(Names and Titles of Outside Individuals Only)*

Sponsor Name/Department: Commissioner Levoyd L. Williams, Office of the Mayor and City Commission

Meeting Date: January 13, 2014

3. D

**CITY OF LAUDERDALE LAKES**  
Agenda Cover Page

Workshop:   Public Hearing  Quasi-Judicial  
Fiscal Impact:  Yes  No  Ordinance  Resolution  
Contract Requirement:  Yes  No  1<sup>st</sup> Reading  2<sup>nd</sup> Reading

**Title**

DISCUSSION REGARDING A REQUEST FROM MERRELL UNITED METHODIST CHURCH FOR A WAIVER OF DEVELOPMENT REVIEW FEES ASSOCIATED WITH A PROPOSED SIGN VARIANCE REQUEST

**Summary**

Representatives from Merrell United Methodist Church submitted an application related to a proposed sign variance request. The applicant is requesting a waiver of development review fees in the amount of \$1,590.30.

**Staff Recommendation**

Background:

Merrell United Methodist Church, located at 3900 North State Road 7, recently submitted an application for a proposed sign variance. The development review fees for the variance totals \$1,590.30. The applicant is requesting a waiver of the development review fees that are associated with proposed application. The City’s adopted development review fees are designed to assist the City in the recovery of cost associated with the processing of the application. These costs generally include public hearing advertisement fees, payment of outside consultants who assist in the review of development applications, processing fees to recoup staff’s time and fees to recoup the payment of Planning and Zoning Advisory Board members.

**Appearance**  
*(Names and Titles of Outside Individuals Only)*

David Shomers, Applicant Representative

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Sponsor Name/Department: Commissioner Patricia Williams / Mayor and Commission Office

Meeting Date: January 13, 2014

**CITY OF LAUDERDALE LAKES**  
Agenda Cover Page

Workshop: <input checked="" type="checkbox"/>	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Quasi-Judicial
Fiscal Impact: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution
Contract Requirement: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> 1 <sup>st</sup> Reading	<input type="checkbox"/> 2 <sup>nd</sup> Reading

**Title**

PRESENTATION BY REPRESENTATIVES OF THE GREATER CARIBBEAN AMERICAN CULTURAL COALITION REGARDING THE UNIFEST EVENT

**Summary**

This item provides the Commission with the Final Financial Report on the 2013 Unifest Event and allows for discussion to set the level of support from the City of Lauderdale Lakes to the Greater Caribbean American Cultural Coalition to implement the 2014 Unifest Event.

**Staff Recommendation**

Background: On an annual basis, the City’s Parks and Human Services Department enters into a Specific Use Agreement with the Greater Caribbean American Cultural Coalition (GCACC) to implement the Annual Multicultural Unifest Event held at Vincent Torres Memorial Park. According to this agreement, GCACC is to prepare and provide the City an audited financial statement which shows all revenues and expenditures of the Event.

The City of Lauderdale Lakes has supported the GCACC with the implementation of the Unifest Event for the past 19 years. This year marks the 20<sup>th</sup> Anniversary of the event which is scheduled to take place on Sunday, May 18<sup>th</sup>.

Support by the City of Lauderdale Lakes has been in the form of in-kind service from Parks and Human Services, Public Works, and the Broward Sheriff’s Office Police and Fire. The Department of Parks and Human Services is seeking direction and approval on how the Mayor and Commission wish to proceed with support of this event.

The City’s in-kind support to the 2013 Unifest Event was as follows:

**2013**

City In-Kind Services: \$3,872.00  
 BSO Police In-Kind Services: \$8,830.38  
 BSO Fire In-Kind Services: \$2,400.00  
**Grand Total: \$15,102.38**

Funding Source: Not Applicable

**Appearance**

*(Names and Titles of Outside Individuals Only)*

Glenn Joseph, Committee Chair of Greater Caribbean American Cultural Coalition

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Sponsor Name/Department: Treasa Brown Stubbs, Parks and Human Services Director and  
Terrence L. Barber, Parks and Human Services, Recreation Manager

Meeting Date: January 13, 2014

**CITY OF LAUDERDALE LAKES**

Agenda Cover Page

Workshop:

Fiscal Impact:  Yes  No

Contract Requirement:  Yes  No

Public Hearing

Ordinance

1<sup>st</sup> Reading

Quasi-Judicial

Resolution

2<sup>nd</sup> Reading

**Title**

DISCUSSION REGARDING THE RED LIGHT SAFETY CAMERA INITIATIVE

**Summary**

This is a continued discussion item on the implementation of a Red Light Safety Camera Program in the City of Lauderdale Lakes.

**Staff Recommendation**

Background:

In 2010, 2011 and subsequently in 2013, discussions have ensued regarding the use of red light safety cameras at the intersection of State Road 7 and Oakland Park Boulevard and other intersections in the City. Attached is detailed information on the red light safety camera issue for review. It is anticipated that the Mayor and Commission will provide feedback to the City Manager and City Attorney on how to proceed with the red light safety camera initiative.

**Appearance**  
*(Names and Titles of Outside Individuals Only)*

Sponsor Name/Department: Commissioner Levoyd L. Williams / Office of the Mayor and Commission

Meeting Date: January 13, 2014

**OVERVIEW OF RED LIGHT SAFETY CAMERA INITIATIVE**

HISTORICAL BACKGROUND

On April 27, 2010, the Florida Senate passed House Bill 325 (HB 325), known as the Mark Wandall Traffic Safety Act which authorized the use of traffic infraction detectors (red light cameras) to enforce the provision of Chapter 316, Florida Statutes (see attachment). In accordance with HB 325, the Mark Wandall Traffic Safety Act would become effective on July 1, 2010. In summary, the Act would impose the following requirements for counties and municipalities that utilized cameras as a means to identify motorists that fail to stop at a red light:

- Install signage at intersections indicating the use of traffic infraction detectors
- Issue a citation to the registered owner(s) of the vehicle involved in the traffic infraction; provide an opportunity for the registered owner of the vehicle to review the photographic or video evidence
- Impose a \$158 penalty for any violations of 316.074(1) or 316.075(1)(c)1, Florida Statutes; The municipality gets \$45 (a portion of the total)
- Impose the applied penalty totaling \$150 plus court costs and associated fees up to \$98
- Submit an annual report to the Department of Highway Safety and Motor Vehicles which reports the results of the detectors and the procedures for enforcement

Prior to the passage of the Mark Wandall Traffic Safety Act, there were failed attempts to adopt legislation. Some Florida legislators were initially not supportive of the use of the cameras to enforce the law because the overall intent appeared to be a strategy to generate revenue at the expense of individuals that have “privacy rights and liberties.” As the Mark Wandall Traffic Safety Act and companion bills gained traction, the concerns heightened to include individuals, from the public and private sector, who believed the Act was unconstitutional and was used merely to generate revenue for local and state governmental entities that were facing budget shortfalls. On the other hand, there were representatives, from the public and private sector, that considered the Mark Wandall Traffic Safety Act to be a viable approach to prevent fatalities that occurred on major thoroughfares at an increasing rate.

The U.S. Department of Transportation National Highway Traffic Safety Administration developed an Informational Guide (Signalized Intersections) which outlined some of the potential benefits and concerns noted by participating counties and municipalities (see chart below).

Characteristics	Potential Benefits	Potential Concerns
Safety	Reduced red-light running and angle crashes.	Increased rear-end crashes
Operations	None Identified	Changes to signal timing must be addressed when an agency installs red light cameras.
Multimodal	Pedestrians and bicyclists benefit from reduced red-light running.	None Identified
Physical	None Identified	Additional equipment installed along the roadside
Socioeconomic	Fines generated by citations typically cover the cost of camera installation and operation	Fine revenue in excess of program operating costs can be a source of controversy - *
Enforcement, Education and Maintenance	Enforcement should be accompanied by public information and education.	Maintenance of installed equipment
Derived from U.S. Department of Transportation National Highway Traffic Safety Administration, Signalized Intersections Informational Guide *Most recent legislative act requires that red light safety programs be revenue neutral		

From a National perspective, it was noted that municipalities were realizing large drops in red light running violations in a short period of time. In the National Cooperative Highway Research Program (NCHRP) Report 729: *Automated Enforcement for Speeding and Red Light Running*, case studies indicated positive safety performance results in a short period of time. A summary entailed the following:

- City of Portland, Oregon - resulted in a 69 to 93 percent reduction in red-light running violations
- City of Virginia Beach, Virginia - reduced red light violations more than 69 percent over a 13 month period since the activation of the red light cameras.
- City of San Diego, California – revealed, through a program audit, an 8 percent reduction in crashes from red-light running and a 16 percent reduction in red-light running related crashes at specific traffic signals with cameras. The city has initiated many changes to the program since completion of the audit.

In 2010, and subsequently in 2011, discussions ensued in the City of Lauderdale Lakes regarding the use of red light safety cameras. The Commission considered the adoption of the proposed Red Light Running Safety Initiative which entailed the deployment of cameras near the intersection of State Road 7 and Oakland Park Boulevard along with other intersections throughout the City. After much deliberation, the Commission did not adopt legislation in support of the Red Light Running Safety Initiative.

Over the past two years, participating counties and municipalities have had an opportunity to measure the effectiveness of the Red Light Safety Camera Initiative. In doing so, some governmental entities discovered that the start-up, operational, and administrative costs exceeded the revenue collected from the fines. Some cities faced difficulties with processing the voluminous amount of citations within the sixty (60) day timeframe. The process of conducting hearings to allow individuals to contest the citation proved to be overwhelming as hundreds of individuals attended the mandatory hearings. Ultimately, some municipalities opted to eliminate the Red Light Safety Camera Program. However, other municipalities did not have the same issues. The City of Fort Lauderdale, for instance, is expanding its program to add cameras in other areas of the City. Some municipalities made program adjustments and focused on a few areas that reported high traffic infractions. To that end, changes have been made to ensure that the programs are manageable and financially viable.

One of the primary concerns mentioned was the financial impact on municipalities that found the program to be cost prohibitive. Participating municipalities have worked in collaboration with the selected vendor(s) to develop agreements that are cost-effective and revenue neutral.

At the Commission Workshop scheduled in December 2013, Mr. Greg Parks, representative of American Traffic Solutions (ATS) proposed the establishment of a public/private partnership for the implementation of a red light safety camera technological system within the City of Lauderdale Lakes. ATS proclaims to be a leading provider of technology enabled business and service solutions for road safety camera operations, namely in the State of Florida. Mr. Parks provided statistics, presented articles regarding the effectiveness of the program on a local level and presented a video demonstrating the red light safety camera's ability to identify traffic infractions. The City Manager was instructed to obtain additional information on the red light camera safety initiative for further review and future consideration.

#### Updated Information on the Red Light Safety Camera Program

- The State of Florida was expected to generate \$100 million in Fiscal Year 2012-2013.
- Participating cities include, but are not limited to: Boca Raton, Coral Springs, Davie, Fort Lauderdale, Hallandale, Hollywood, Margate, Sunrise, Tamarac and West Park.
- In 2013, House Bill 7125 (HB 7125) passed and was signed on June 12. This legislative bill provided the following provisions effective July 1, 2013:
  - Allows the selection of City employees or designated persons to serve as the Hearing Officer
  - Moves the date from 30 to 60 days given to file an appeal
  - Allows withholding of license plate renewal if the owner fails to pay the ticket

LAUDERDALES LAKES PROFILE

The City of Lauderdale Lakes' major intersection is situated on State Road 7 (SR7) and Oakland Park Boulevard (OPB). Characteristics of the intersection are as follows:

- State Road 7/U.S. 441 - vehicular travel runs from Miami Dade County to Palm Beach County
- Oakland Park Boulevard - vehicular travel runs from AIA to the Everglades
- Daily Traffic Count – over 100,000 vehicles per day
- East/West and North/South – eight lanes
- BSO is researching information on current traffic infractions

Key findings for the effects of red light violations in similar environments as Lauderdale Lakes are as follows:

Element	Variable	Key Finding	Reference
Traffic & Environment	Approach Volume	Higher red light running rates were observed in cities with wider intersections and higher traffic volumes.	Porter and England, 2000
		The red light running frequency increases as the approach traffic volume at intersections increases.	Brewer et al., 2002
	Time of Day	Higher red light violations occur during the time period of 3:00 PM to 5:00 PM.	Kamyab, et al., 2002; Kamyab, et al., December Time of 2000
		The average red light violations are higher during AM and PM peak hours compared to other times of the day.	Retting et al., 1998
	Day of Week	There are more red light violations on weekdays compared to weekends.	Lum and Wong, 2003; Kamyab, et al., 2002; Kamyab, et al., December 2000; Retting et al., 1998
	Weather	The influence of rainfall on red light running behavior is insignificant.	Retting et al., 1998
Derived from U.S. Department of Transportation National Highway Traffic Safety Administration, March 2006			

FINANCIAL IMPACT

City Staff, Broward Sheriff's Office Command Staff and the selected vendor would have to work closely together to identify the projected and actual project design. Implementation and ongoing operational maintenance costs for the Red Light Safety Camera Program. These issues will be deliberated and decided in future legislative and contractual action items, as appropriate.

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Should the Commission decide to proceed; the City Manager will work with the necessary parties to devise a plan of action. Such steps include, but are not limited to:

- Identify and recommend a funding source for the Commission's consideration; Present the propose Ordinance for adoption by the City Commission
- Select a qualified vendor, in accordance with the established procurement policies
- Identify the appropriate locations to install red light safety cameras based upon historical vehicular accident reports and other related factors; Seek approval for the construction and installation of red light safety cameras; Gain approval from the appropriate Government Agencies to access a power source near the intersection
- Communicate with the appropriate agencies to discuss the potential adjustments in traffic signal timing, vicinity of technology used to sync with the traffic signal
- Develop process and procedures for the issuance of traffic citations and facilitating the hearing
- Provide the necessary computer technology and training
- Develop and distribute educational materials related to the Red Light Safety Camera Program

- Provide a mandatory workstation for individuals that wish to review images of the violation
- Complete and submit the required traffic infraction reports to the State of Florida

FINAL POINTS TO PONDER

- The goal is to modify driver behavior to decrease traffic infractions due to red light running. Pedestrians, passengers and bicyclists have been deemed to be the most vulnerable due to impacts from motor vehicles that fail to stop at a red light. Public Safety is the most important factor in considering the program.
- As part of the program, public awareness is essential. Developing an informational guide that outlines the gist of the program, red light safety camera locations, public hearing process and use of funds should be included.
- It is important to develop clear procedures for issuing and processing citations and notices of violations. Communications between the Broward Sheriff's Office and the selected vendor are critical in this process.
- Fines and associated fees collected will be used to offset program costs. Additional funds can be utilized for other roadway improvements and related safety initiatives.

Attachment B

316.0083 Mark Wandall Traffic Safety Program; administration; report.—

(1)(a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible. A notice of violation and a traffic citation may not be issued under this section if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right if permissible at a red light, but failed to stop before crossing over the stop line or other point at which a stop is required. This paragraph does not prohibit a review of information from a traffic infraction detector by an authorized employee or agent of the department, a county, or a municipality before issuance of the traffic citation by the traffic infraction enforcement officer. This paragraph does not prohibit the department, a county, or a municipality from issuing notification as provided in paragraph (b) to the registered owner of the motor vehicle involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

(b)1.a. Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty of \$158 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), or request a hearing within 60 days following the date of the notification in order to avoid the issuance of a traffic citation. The notification must be sent by first-class mail. The mailing of the notice of violation constitutes notification.

b. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

c. Notwithstanding any other provision of law, a person who receives a notice of violation under this section may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing. As used in this sub-subparagraph, the term "person" includes a natural person, registered owner or co-owner of a motor vehicle, or person identified on an affidavit as having care, custody, or control of the motor vehicle at the time of the violation.

d. If the registered owner or coowner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or an authorized representative of the owner, co-owner, or designated person, initiates a proceeding to challenge the violation pursuant to this paragraph, such person waives any challenge or dispute as to the delivery of the notice of violation.

2. Penalties assessed and collected by the department, county, or municipality authorized to collect the funds provided for in this paragraph, less the amount retained by the county or municipality pursuant to subparagraph 3., shall be paid to the Department of Revenue weekly. Payment by the department, county, or municipality to the state shall be made by means of electronic funds transfers. In addition to the payment, summary detail of the penalties remitted shall be reported to the Department of Revenue.

3. Penalties to be assessed and collected by the department, county, or municipality are as follows:

a. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at a traffic signal if enforcement is by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for

deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$45 shall be distributed to the municipality in which the violation occurred, or, if the violation occurred in an unincorporated area, to the county in which the violation occurred. Funds deposited into the Department of Health Emergency Medical Services Trust Fund under this sub-subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and used for brain and spinal cord research.

b. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. When a driver failed to stop at a traffic signal if enforcement is by a county or municipal traffic infraction enforcement officer. Seventy dollars shall be remitted by the county or municipality to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be retained by the county or municipality enforcing the ordinance enacted pursuant to this section. Funds deposited into the Department of Health Emergency Medical Services Trust Fund under this sub-subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and used for brain and spinal cord research.

4. An individual may not receive a commission from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

(c)1.a. A traffic citation issued under this section shall be issued by mailing the traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 60 days after notification under paragraph (b), if the registered owner has not requested a hearing as authorized under paragraph (b), or if the registered owner has not submitted an affidavit under this section.

b. Delivery of the traffic citation constitutes notification under this paragraph. If the registered owner or co-owner of the motor vehicle, or the person designated as having care, custody, or control of the motor vehicle at the time of the violation, or a duly authorized representative of the owner, co-owner, or designated person, initiates a proceeding to challenge the citation pursuant to this section, such person waives any challenge or dispute as to the delivery of the traffic citation.

c. In the case of joint ownership of a motor vehicle, the traffic citation shall be mailed to the first name appearing on the registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.

2. Included with the notification to the registered owner of the motor vehicle involved in the infraction shall be a notice that the owner has the right to review, in person or remotely, the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

(d)1. The owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. When the driver failed to stop at a traffic signal, unless the owner can establish that:

a. The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;

b. The motor vehicle passed through the intersection at the direction of a law enforcement officer;

c. The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;

d. A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.; or

e. The motor vehicle's owner was deceased on or before the date that the uniform traffic citation was issued, as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other designated person or family member.

2. In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the traffic citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

a. An affidavit supporting an exemption under sub-subparagraph 1.c. must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.

b. If a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

c. If the motor vehicle's owner to whom a traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

(I) A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death, but on or before the date of the alleged violation.

(II) Documentary proof that the registered license plate belonging to the deceased owner's vehicle was returned to the department or any branch office or authorized agent of the department, but on or before the date of the alleged violation.

(III) A copy of a police report showing that the deceased owner's registered license plate or motor vehicle was stolen after the owner's death, but on or before the date of the alleged violation.

Upon receipt of the affidavit and documentation required under this sub-subparagraph, the governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.

3. Upon receipt of an affidavit, the person designated as having care, custody, or control of the motor vehicle at the time of the violation may be issued a notice of violation pursuant to paragraph (b) for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a traffic citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

4. Paragraphs (b) and (c) apply to the person identified on the affidavit, except that the notification under sub-subparagraph (b)1.a. must be sent to the person identified on the affidavit within 30 days after receipt of an affidavit.

5. The submission of a false affidavit is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The photographic or electronic images or streaming video attached to or referenced in the traffic citation is evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal has occurred and is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic or electronic images or streaming video evidence was used in violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal.

(2) A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible.

(3) This section supplements the enforcement of s. 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers when a driver fails to stop at a traffic signal and does not prohibit a law enforcement officer from issuing a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal in accordance with normal traffic enforcement techniques.

(4)(a) Each county or municipality that operates a traffic infraction detector shall submit a report by October 1, 2012, and annually thereafter, to the department which details the results of using the traffic infraction detector and the procedures for enforcement for the preceding state fiscal year. The information submitted by the counties and municipalities must include statistical data and information required by the department to complete the report required under paragraph (b).

(b) On or before December 31, 2012, and annually thereafter, the department shall provide a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of traffic infraction detectors under this section, along with the department's recommendations and any necessary legislation. The summary report must include a review of the information submitted to the department by the counties and municipalities and must describe the enhancement of the traffic safety and enforcement programs.

(5) Procedures for a hearing under this section are as follows:

(a) The department shall publish and make available electronically to each county and municipality a model Request for Hearing form to assist each local government administering this section.

(b) The charter county, non-charter county, or municipality electing to authorize traffic infraction enforcement officers to issue traffic citations under paragraph (1)(a) shall designate by resolution existing staff to serve as the clerk to the local hearing officer.

(c) Any person, herein referred to as the "petitioner," who elects to request a hearing under paragraph (1)(b) shall be scheduled for a hearing by the clerk to the local hearing officer to appear before a local hearing officer with notice to be sent 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 to the local hearing officer, at least 5 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 under paragraph (1)(b), plus \$50 in administrative costs, before the start of the hearing.

(d) 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 shall review the photographic or electronic images or the streaming video made available under sub-subparagraph(1)(b)1.b. Formal rules of evidence do not apply, but due process shall be observed and govern the proceedings.

(e) At the conclusion of the hearing, the local hearing officer shall determine whether a violation under this section has occurred, in which case the 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 violation is upheld, require the petitioner to pay the penalty previously assessed under paragraph (1)(b), and may also require the petitioner to pay county or municipal costs, not to exceed \$250. The final administrative order shall be mailed to the petitioner by first-class mail.

(f) An aggrieved party may appeal a final administrative order consistent with the process provided under s. 162.11.

History.—s. 5, ch. 2010-80; s. 98, ch. 2012-174; ss. 3, 74, ch. 2012-181; s. 43, ch. 2013-15; s. 5, ch. 2013-160.