

RESOLUTION NO. 13-2176

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”), DESIGNATING THE TOWN OF SURFSIDE’S CODE ENFORCEMENT SPECIAL MASTERS AND CODE COMPLIANCE OFFICER(S) TO SERVE AS LOCAL HEARING OFFICERS PURSUANT TO CHAPTER 2013-160, LAWS OF FLORIDA; AUTHORIZING THE TOWN MANAGER AND TOWN CLERK TO UTILIZE CODE ENFORCEMENT STAFF TO IMPLEMENT CHAPTER 2013-160, LAWS OF FLORIDA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature passed CS/CS/HB7125 during the 2013 Legislative Session providing for hearings related to notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code; and

**WHEREAS**, the Governor of the State of Florida signed CS/CS/HB7125 into law on June 12, 2013, resulting in the Chapter 2013-160, Laws of Florida taking effect on July 1, 2013; and

**WHEREAS**, the use of a local hearing officers promotes home rule and allows citizens of the Town of Surfside, in Miami-Dade County, to have a local method of contesting notices of violation separate from the traffic court process; and

**WHEREAS**, the Town Commission wishes to utilize existing resources, staff, and Special Masters to implement Chapter 2013-160, Laws of Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, THAT:**

**Section 1.     Incorporation of Recitals.** The above-stated recitals are hereby adopted and confirmed.

**Section 2.     Designation of Local Hearing Officers.** Effective July 1, 2013, granting the bill is signed by Governor Scott, the Town’s Code Enforcement Special Masters and Compliance Officer(s) are designated to serve as Local Hearing Officers, as set forth at Section 4 of Chapter 2013-160, Laws of Florida as of the effective date of this Resolution or July 1, 2013, whichever occurs later.

**Section 3.     Authorization to the Town Manager and Town Clerk.** The Town Manager and Town Clerk are authorized to use code enforcement officers to implement the

authorizations contained in Chapter 2013-160, Laws of Florida and to have the code enforcement staff serve as the Clerk to the Local Hearing Officer.

**Section 4. 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 5. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED** and **ADOPTED** on this 16<sup>th</sup> day of July, 2013.

Motion by Commissioner Graubart, second by Commissioner Olchyk.

**FINAL VOTE ON ADOPTION**


Commissioner Joseph Graubart	Yes
Commissioner Michelle Kligman	Yes
Commissioner Marta Olchyk	Yes
Vice Mayor Michael Karukin	Yes
Mayor Daniel Dietch	Yes

  
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Daniel Dietch, Mayor

**ATTEST:**

  
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Sandra Novoa, CMC, Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

  
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Linda Miller, Interim Town Attorney