

RESOLUTION NO. 2125-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPOINTING A HEARING OFFICER PURSUANT TO THE AUTHORITY CONFERRED IN CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed CS/CS/HB 7125 during the 2013 Legislative Session authorizing local hearings for 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/HB 7125 into law on June 12, 2013, resulting in the Chapter 2013-160, Laws of Florida, taking effect on July 1, 2013; and

WHEREAS, the Legislature has authorized the City of Winter Park to retain qualified hearing officers for purposes of hearing contested red light violations when the violations are detected by camera; and

WHEREAS, the City Commission by Ordinance has ordained that the City Commission shall appoint by resolution one or more hearing officers as authorized in the law to provide a process by which citizens may contest notices of violation that are issued in connection with red light violations detected by camera, separate from traffic court process; and

WHEREAS, the appointment of one or more hearing officers for these purposes is in the public and municipal interest.

NOW, THEREFORE, the City Commission of the City of Winter Park does hereby resolve and directs the following:

SECTION 1. Recitals: The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. Appointment of Hearing Officer. Frank N. Kaney is hereby appointed to serve as a hearing officer to hear contested cases and to adjudicate the same with respect to red light violations that are detected through the use of cameras, in accordance with the requirements of both Florida law and the Municipal Code of the City of Winter Park.

SECTION 3. Authority of the City Manager to Contract. The City Commission of the City of Winter Park does hereby authorize the City Manager to contract with Frank N. Kaney, as hearing officer, with respect to the terms, conditions

and compensation of the hearing officer, subject to the requirement that the person so employed shall be an independent contractor of the City and not an employee.

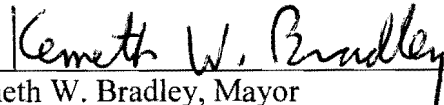
SECTION 4. Impartiality and Due Process. The City Commission of the City of Winter Park hereby directs that the hearing officer shall be neutral, impartial and shall afford due process in the manner required by law in the adjudication of disputed red light camera cases that come before him.

SECTION 5. Contract Shall Be Terminable At Will. Notwithstanding the prior delegation to the City Manager of authority to contract for the hearing officer, the contract and the relationship between the City of Winter Park and the hearing officer shall be terminable without cause on notice by either party.

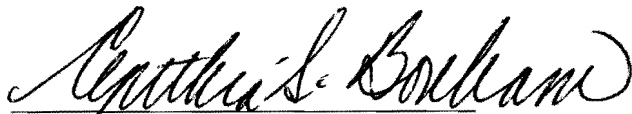
SECTION 6. Conflicts. All prior resolutions of the City Commission of the City of Winter Park that may be in conflict herewith are hereby repealed.

SECTION 7. Effective date. This Resolution shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida on the 12th day of August, 2013.


Kenneth W. Bradley, Mayor

Attest:


Cynthia S. Bonham, City Clerk