



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: February 6, 2025

RE: Resolution Number 25-02: Appointing and Designating a Special Magistrate as City's Local Hearing Officer pursuant to Ordinance 24-11 and Chapter 316, Florida Statutes for school zone speed infraction hearings

On February 1, 2024, the City of Eustis (the "City") adopted Ordinance Number 24-11 authorizing the use and implementation of school zone speed detection systems within City limits to promote deterrence of drivers speeding through school zones, and thereby aid in further protecting the health, safety and welfare of students, pedestrians and residents.

Per Ordinance Number 24-11 and Chapter 316, Florida Statutes, the City Commission was required to designate a Local Hearing Officer to conduct proceedings. Per the relevant statutes, the City Commission could appoint its code enforcement board or a special magistrate.

The City Commission approved Resolution 24-10 designating the City's Code Enforcement Board as its Local Hearing Officer for hearings on school zone speed limit infractions enforced through speed detection systems.

Since then, the City Commission, in good faith, determined the appointment of a Special Magistrate to serve as the City's Local Hearing Officer is in the best interest of the City and its residents, respecting the demands already placed on the Code Enforcement Board members.

The City's Code of Ordinance allows for its Code Enforcement Board counsel to act as a Special Magistrate when there is no quorum at a code enforcement hearing. Given this allowance under the City Code, the local hearing officer definition under Florida law and the intent of the City Commission when it appointed the Code Enforcement Board, appointing said counsel as Special Magistrate solely to serve as the Local Hearing Officer in Chapter 316 proceedings is consistent with all applicable law and would be the most seamless designation.

RECOMMENDATION

Approval of Resolution 25-02

ATTACHMENTS

Resolution 25-02

Professional Services Contract

Requesting Department: Eustis Police Department

Prepared By: Sasha Garcia, City Attorney

Reviewed By: Tom Carrino, City Manager