

City of Sanibel  
School Speed Zone Photo Enforcement  
Hearing Packet



Donald Bachman

02/09/26

# Citation Summary

On Tuesday, December 16th, 2025 at approximately 1:56 PM, a VOLV bearing a FL registration of FFZ741, registered to BACHMAN, DONALD MARK, was photographed by a portable speed monitoring system while traveling along the 3800 Block Sanibel Captiva Rd, SB† at a speed of 36 miles per hour. The posted speed limit is 20 miles per hour.

The photo enforcement, school zone and speed limit signs are posted along the 3800 Block Sanibel Captiva Rd, SB.†

Calibration tests were conducted at the beginning and the end of the unit's operational period to ensure the unit was functioning properly; and it was, your Honor. The self-test verification and annual calibration certificates are present in court today

All of these events occurred in Sanibel, FL.

# Violation Photos



Location: 3800 Block Sanibel Captiva Rd, SB, Sanibel, FL  
Date: 12/16/2025, Time: 01:56:50.0 PM  
Unit ID: 77231, Lane: 1, Speed Limit: 20, Speed: 36  
Camera ID: LT-LC10-C3841CG-23030159 Sensor ID: RD-44-279886

Photo Number: 1  
Violation Number: 7723101251216135650



Location: 3800 Block Sanibel Captiva Rd, SB, Sanibel, FL  
Date: 12/16/2025, Time: 01:56:50.3 PM  
Unit ID: 77231, Lane: 1, Speed Limit: 20, Speed: 36  
Camera ID: LT-LC10-C3841CG-23030159 Sensor ID: RD-44-279886

Photo Number: 2  
Violation Number: 7723101251216135650



# Radar Calibration Test – Day Of

## 4D RADAR SELF CHECK AND CALIBRATION STATUS VERIFICATION

### System Check Data

#### Date and Time Start

12/16/2025 5:45:00 AM

#### Date and Time End

12/16/2025 5:45:23 AM

#### Site ID

77231

### System Self Check and Calibration Check

PASS

#### Self Check

PASS

#### ACC Calibration Check

PASS

#### Comm/Cycle Check

PASS

#### Parameter Check

PASS

### Sensor Diagnostic Information

#### Blind

#### time tag

86337804

#### Error Flag

#### cycle count

1431978

#### Rain

#### number of objects

0

#### Interference

#### number of messages

60

1

### RADAR Information

#### Waveform Data

Waveform Index: 2 | 24.155 - 24.245 GHz

#### PRF ID

Pulse Repetition Frequency ID: 1

#### Power Setting

Low Power Setting

#### Parameter Check

Sensor Parameters Valid

#### Radar Temperature

9°C

### Sensor Information

#### Sensor Serial (decimal)

279886

#### Sensor Serial (hex)

0x4454E

#### Sensor Type

UMRR-11 Type 44

#### Sensor Firmware Version

4.3.8.0

### Position and Accelerometer Data

#### Sensor X

Sensor X Position: -4.8727

#### Sensor Y

Sensor Y Position: -3.5031

#### Sensor Z

Sensor Z Position: 4.8768

#### Sensor Azimuth

Sensor Azimuth Angle: -90.3158

#### Sensor Elevation

Sensor Elevation Angle: -6.0000

#### Sensor Position Check

Sensor Position Nominal

#### Accelerometer Calibration Status

ACC Calibration Valid

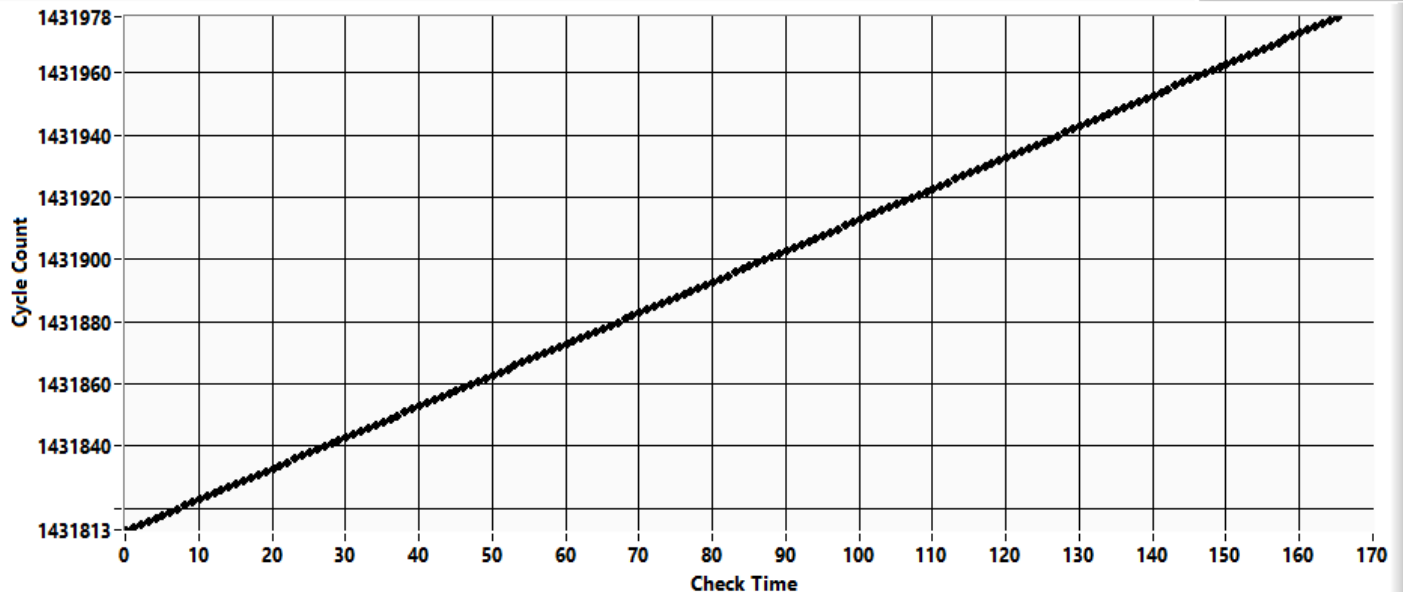
#### Accelerometer Calibration Roll Check

ACC Roll Check: -0.0052

#### Accelerometer Calibration Pitch Check

ACC Pitch Check: -5.6054

### Cycle Count Plot



# Radar Calibration Test – Day Before

## 4D RADAR SELF CHECK AND CALIBRATION STATUS VERIFICATION

### System Check Data

#### Date and Time Start

12/15/2025 5:46:45 AM

#### Date and Time End

12/15/2025 5:47:08 AM

#### Site ID

77231

#### System Self Check and Calibration Check

PASS

#### Self Check

PASS

#### ACC Calibration Check

PASS

#### Comm/Cycle Check

PASS

#### Parameter Check

PASS

### Sensor Diagnostic Information

#### Blind

#### time tag

42750

#### Error Flag

#### cycle count

706

#### Rain

#### number of objects

0

#### Interference

#### number of messages

#### cycle duration

1

61

### RADAR Information

#### Waveform Data

Waveform Index: 2 | 24.155 - 24.245 GHz

#### PRF ID

Pulse Repetition Frequency ID: 1

#### Power Setting

Low Power Setting

#### Parameter Check

Sensor Parameters Valid

#### Radar Temperature

9°C

### Sensor Information

#### Sensor Serial (decimal)

279886

#### Sensor Serial (hex)

0x4454E

#### Sensor Type

UMRR-11 Type 44

#### Sensor Firmware Version

4.3.8.0

### Position and Accelerometer Data

#### Sensor X

Sensor X Position: -4.8727

#### Sensor Y

Sensor Y Position: -3.5031

#### Sensor Z

Sensor Z Position: 4.8768

#### Sensor Azimuth

Sensor Azimuth Angle: -90.3158

#### Sensor Elevation

Sensor Elevation Angle: -6.0000

#### Sensor Position Check

Sensor Position Nominal

#### Accelerometer Calibration Status

ACC Calibration Valid

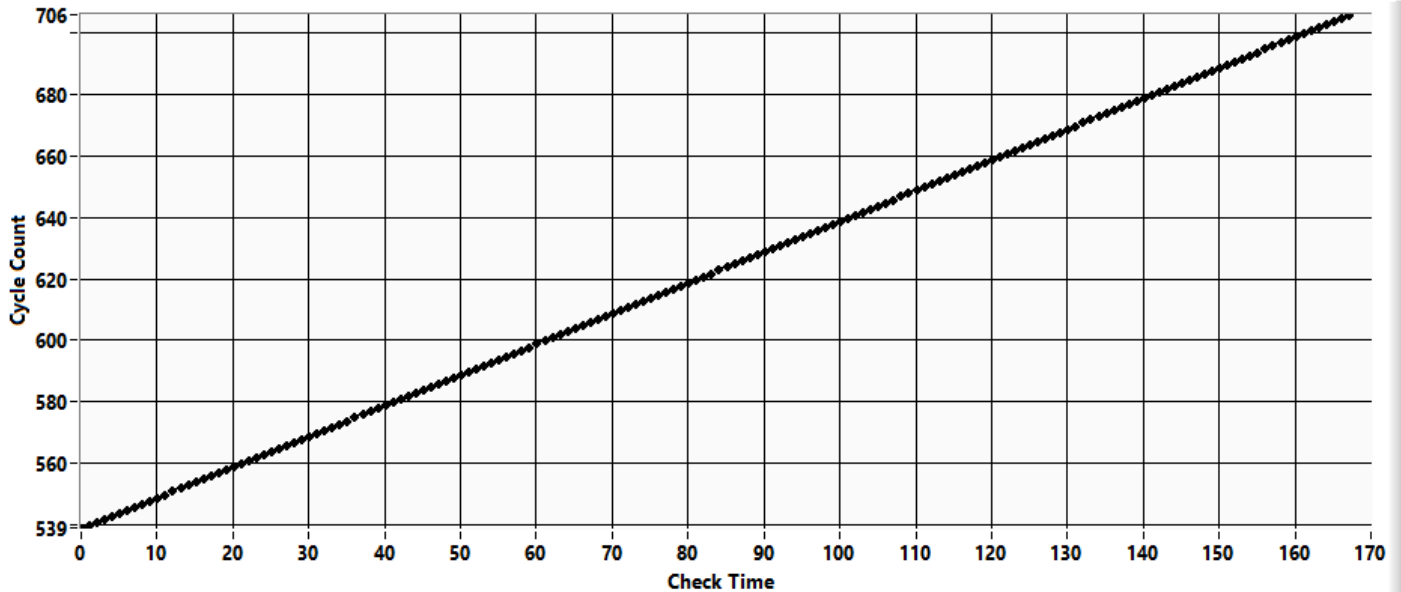
#### Accelerometer Calibration Roll Check

ACC Roll Check: 0.0175

#### Accelerometer Calibration Pitch Check

ACC Pitch Check: -5.5353

### Cycle Count Plot



# Radar Calibration Test – Day After

## 4D RADAR SELF CHECK AND CALIBRATION STATUS VERIFICATION

### System Check Data

#### Date and Time Start

12/17/2025 9:31:17 AM

#### Date and Time End

12/17/2025 9:31:41 AM

#### Site ID

77231

#### System Self Check and Calibration Check

PASS

#### Self Check

PASS

#### ACC Calibration Check

PASS

#### Comm/Cycle Check

PASS

#### Parameter Check

PASS

### Sensor Diagnostic Information

#### Blind

#### time tag

13489377

#### Error Flag

#### cycle count

223802

#### Rain

#### number of objects

0

#### Interference

#### number of messages

1

#### cycle duration

60

### RADAR Information

#### Waveform Data

Waveform Index: 2 | 24.155 - 24.245 GHz

#### PRF ID

Pulse Repetition Frequency ID: 1

#### Power Setting

Low Power Setting

#### Parameter Check

Sensor Parameters Valid

#### Radar Temperature

27°C

### Sensor Information

#### Sensor Serial (decimal)

279886

#### Sensor Serial (hex)

0x4454E

#### Sensor Type

UMRR-11 Type 44

#### Sensor Firmware Version

4.3.8.0

### Position and Accelerometer Data

#### Sensor X

Sensor X Position: -4.8727

#### Sensor Y

Sensor Y Position: -3.5031

#### Sensor Z

Sensor Z Position: 4.8768

#### Sensor Azimuth

Sensor Azimuth Angle: -90.3158

#### Sensor Elevation

Sensor Elevation Angle: -6.0000

#### Sensor Position Check

Sensor Position Nominal

#### Accelerometer Calibration Status

ACC Calibration Valid

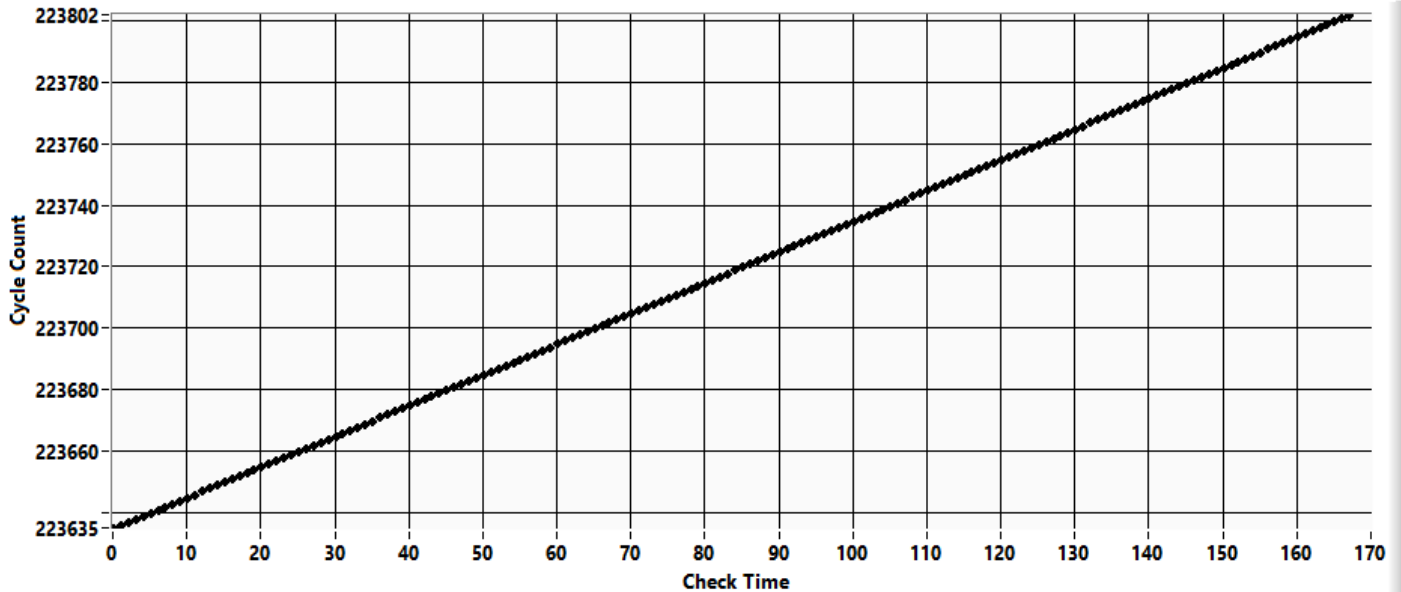
#### Accelerometer Calibration Roll Check

ACC Roll Check: -0.0225

#### Accelerometer Calibration Pitch Check

ACC Pitch Check: -5.6087

### Cycle Count Plot



# Annual Radar Calibration Certificate



**RADAR LAB OF MARYLAND**  
318 St. Patrick Road  
Baltimore, MD 21206 ■ (410) 866-2974  
radarlab@outlook.com

## Certificate of Calibration

Expiration: 07/02/2026

Manufacturer: Smartmicro

Model: UMR-11 - Type 44

Serial Number: 0x0004454E

I hereby certify under penalty of perjury the following Speed Measuring Radar Device has been checked for accuracy and correctness of operation under my supervision. This Speed Measuring Radar Device is certified accurately within  $\pm 1$  mph in stationary mode using equipment with accuracy traceable to National Institute of Standards and Technology.

The Transmitter of this device has been tested and found to be within specified range for Radar Devices as established by the Federal Communications Commission.

Frequency: 24.15 GHz

Out Put Power: 20dbm

07/02/2025  
Date

Technician Signature

Technician Signature/NARTE Certification No. EI-03190

IN WITNESS WHEREOF, I have set my hand and seal this 2<sup>nd</sup> day of July, 2025. My commission expires



Notary Public

# Additional Attachments

Attachment A – Copy of Citation Issued

Attachment B – Copy of Hearing Notice

Attachment C – Sanibel Code for School Speed Zones



**CITY OF SANIBEL, FL**  
**SPEED ENFORCEMENT**  
**PO BOX 740356**  
**ATLANTA GA 30374-0356**  
**CUSTOMER SERVICE: 866-506-2155**

**CITY OF SANIBEL, FL**  
**WARNING NOTICE OF VIOLATION**

NOTICE# SL10001669  
 PIN: 1078

View your images and pay your Violation with your Debit or Credit card at [www.onlinecitationpayment.com](http://www.onlinecitationpayment.com)

Amount Due: \$100.00

**DONALD MARK BACHMAN**  
**5411 OSPREY CT**  
**SANIBEL, FL 33957-2319**



|                                                                                                                                                                                                             |              |                        |                     |                                                            |              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------|---------------------|------------------------------------------------------------|--------------|
| ON/ (Date)<br>December 16, 2025                                                                                                                                                                             |              | AT TIME<br>01:56:50 PM |                     | AT LOCATION<br>3800 Block Sanibel Captiva Rd SB Sanibel FL |              |
| POSTED SPEED<br>20                                                                                                                                                                                          |              |                        | VEHICLE SPEED<br>36 |                                                            |              |
| NAME<br>DONALD MARK BACHMAN                                                                                                                                                                                 |              |                        |                     |                                                            |              |
| STREET ADDRESS<br>5411 OSPREY CT                                                                                                                                                                            |              |                        |                     |                                                            |              |
| CITY<br>SANIBEL                                                                                                                                                                                             |              |                        | STATE<br>FL         | ZIP CODE<br>33957-2319                                     |              |
| DID UNLAWFULLY                                                                                                                                                                                              |              | ■ OPERATE/DRIVE        |                     | □ PARK                                                     |              |
| VEHICLE                                                                                                                                                                                                     | YEAR<br>2026 | MAKE<br>VOLV           | MODEL               | STYLE                                                      | COLOR<br>BGE |
|                                                                                                                                                                                                             | L<br>I<br>C  | NUMBER<br>FFZ741       |                     | STATE<br>FL                                                | YEAR         |
| DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:<br><b>EXCEEDING THE POSTED SPEED LIMIT BY AT LEAST 10 MPH</b><br>The recorded images relating to the vehicle stated above are evidence of this infraction. |              |                        |                     |                                                            |              |
| IN VIOLATION OF:<br>Florida Statutes Sections § 316.183, 316.1895 and 316.1896                                                                                                                              |              |                        |                     |                                                            |              |
| POLICE DEPARTMENT<br>PRINTED NAME Kloesz                                                                                                                                                                    |              |                        | BADGE# 1206         |                                                            |              |
| OFFICER SIGNATURE <i>Kevin Kloesz</i>                                                                                                                                                                       |              |                        |                     |                                                            |              |
| THE CITY OF SANIBEL, FL POLICE DEPARTMENT, BASED ON THE INSPECTION OF THE RECORDED IMAGES, CHARGES THE VIOLATOR WITH A SPEED ZONE INFRACTION AND A:<br><b>CIVIL PENALTY FINE OF \$100.00</b>                |              |                        |                     | ISSUE DATE<br>December 29, 2025                            |              |



20241025

Pay with your Credit or Debit card at [www.onlinecitationpayment.com](http://www.onlinecitationpayment.com) or mail your check or money order to the address below.



**SANIBEL, FL**  
**SPEED ENFORCEMENT**  
**PO BOX 740356**  
**ATLANTA GA 30374-0356**

DONALD MARK BACHMAN  
 5411 OSPREY CT  
 SANIBEL, FL 33957-2319



|                                                                                                     |           |                               |  |
|-----------------------------------------------------------------------------------------------------|-----------|-------------------------------|--|
| NAME: DONALD MARK BACHMAN                                                                           |           | DUE DATE: January 28, 2026    |  |
| NOTICE #: SL10001669                                                                                |           | ISSUE DATE: December 29, 2025 |  |
| PLATE: FFZ741                                                                                       | STATE: FL | TYPE: SPD                     |  |
| No points will be assessed for this Notice of Violation nor will it affect vehicle insurance rates. |           |                               |  |

- » Si necesita ayuda en Español, favor de llamar al (866) 506-2155.
- » Please respond with payment, request a hearing, or submit an affidavit postmarked on or before the Due Date to avoid issuance of a Uniform Traffic Citation ("UTC"). See instructions on reverse side.
- » Pay with your Credit or Debit card at [www.onlinecitationpayment.com](http://www.onlinecitationpayment.com) or mail your check or money order with this coupon to the address at the top of this notice.
- » Make your check or money order payable to the City of Sanibel, FL Police Department.
- » DO NOT MAIL CASH.
- » Write the Notice # on the front of your payment.
- » Include this tear-off coupon with your payment.

00010000SL100016698





## City of Sanibel, FL Police Department

January 23, 2026

BACHMAN, DONALD MARK  
5411 OSPREY CT  
SANIBEL, FL 33957

RE: Case # **SL10001669**

Per your request, an administrative hearing date for the case(s) cited above has been scheduled for:

**Monday, February 9, 2026 at 1:00PM**  
**Sanibel City Hall**  
**800 Dunlop Road**  
**Sanibel, FL 33957**

If you choose not to appear, you must pay the fine **by 12 pm the day prior** to the hearing date to avoid additional penalties:

1. Mail a check or money order for the amount due for each notice of liability made payable to The City of Sanibel, FL Police Department, along with this letter to:

City of Sanibel, FL Police Department  
PO BOX 740356  
ATLANTA GA 30374-0356

**PLEASE WRITE THE CITATION # ON THE CHECK OR MONEY ORDER**

2. Pay online by credit card at [www.OnlineCitationPayment.com](http://www.OnlineCitationPayment.com).
3. Pay by Phone: (866) 506-2155

**If you want to request a continuance:** Call (866) 506-2155 three business days prior to your court date. Any request received after this time will be denied.

***Any reasonable accommodation for persons with disabilities should be requested by calling (866) 506-2155***

.....  
City of Sanibel, FL Police Department

CITY OF SANIBEL, FL POLICE DEPARTMENT  
AUTOMATED TRAFFIC ENFORCEMENT UNIT  
PO BOX 740356  
ATLANTA GA 30374-0356

BACHMAN, DONALD MARK  
5411 OSPREY CT  
SANIBEL, FL 3395733957

Your vehicle was observed by a traffic infraction detector exceeding the posted speed limit by at least 10 MPH, in violation of Florida Statutes § 316.183, 316.1895 and 316.1896, at the location, date, and time stated on the front page of this Notice. This is a non-criminal infraction of state law. No points will be assessed, and this violation may not be used to set motor vehicle insurance rates.

This violation has been issued by the City of Sanibel, FL

You have the following three options:

- a) Pay this violation in the amount of \$100.00 on or before the Due Date specified on the front of this Notice; or
- b) Submit an Affidavit by following the instructions below; or
- c) Request a hearing by signing and mailing the form below. You will be notified by letter of the time and date of the hearing. If you request a hearing and the local hearing officer concludes that no infraction has been committed, this Notice will be dismissed and no costs or penalties shall be imposed. If the local hearing officer concludes that an infraction has been committed, the local hearing officer will uphold the Notice, and you will be responsible for payment of \$100.00 fine as well as additional administrative fees and costs not to exceed \$250.00 as imposed by the local hearing officer.

**SUBMISSION OF AFFIDAVIT:** You may download an Affidavit for non-liability at [www.onlinecitationpayment.com](http://www.onlinecitationpayment.com). As the registered owner of the vehicle, you are deemed responsible for the violation and the payment of a \$100.00 penalty unless, in compliance with Florida Statute § 316.1896 (7) and (8), you establish by a sworn affidavit that a statutory exemption applies. The exemptions are that the motor vehicle: (a) was, at the time of the violation, in the care, custody, or control of another person; or (b) a UTC was issued by a law enforcement officer to the driver of the motor vehicle for the violation of Florida Statute § 316.1895 and 316.183 stated in this Notice; or (c) the motor vehicle's owner was deceased on or before the date of the violation. **The affidavit must be sworn before a notary public or other person authorized to administer oaths.** If you assert that the vehicle was in the care, custody, or control of another person, you **must** provide the **name, address, date of birth**, and, if known, the driver's license number of the person who leased, rented, or otherwise had care, custody, or control of the vehicle at the time of the violation. If the vehicle was stolen, then the affidavit must include a copy of a police report showing the vehicle to have been stolen. If you assert that a UTC was issued by a law enforcement officer for the violation of Florida Statute § 316.1895 and 316.183 stated in this notice, then you must include the serial number of the UTC. If the motor vehicle's owner to whom a NOV or a UTC 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 date of the alleged violation. For faster processing, you may, but are not required to, include a copy of the UTC. If your affidavit complies with the requirements of Florida Statute § 316.1896, then no further action will be taken against you. **The submission of a false affidavit is a misdemeanor of the second degree, punishable under Florida Statute § 775.082 or § 775.083 by a term of imprisonment not to exceed sixty (60) days and/or a fine not to exceed \$500.00.** If submitting an affidavit, it must be postmarked on or before the Due Date specified on the front page of this Notice in order to be appropriately processed. The affidavit should be mailed to Sanibel, FL

[www.onlinecitationpayment.com](http://www.onlinecitationpayment.com)

**Do not send payment or Affidavit to the Clerk of the Court.**

If you fail to respond as outlined above, postmarked by the Due Date, a Uniform Traffic Citation ("UTC") will be issued to you. Upon issuance of a UTC, you shall have the remedies specified in Florida Statutes Sections 316.1896, 316.0083 & 318.14, which include (a) the right to pay the civil penalty in the amount of \$100.00; (b) the right to submit an affidavit; or (c) the right to have a hearing before a designated official, who shall determine whether an infraction has been committed. If the official concludes that no infraction has been committed, the UTC will be dismissed and no costs or penalties shall be imposed. If the official concludes an infraction has been committed, the official will uphold the UTC and may impose an additional civil penalty not to exceed \$500 and court fees and costs. Failure to pay, submit an affidavit, or request a hearing on the UTC could result in your driving privileges being suspended.

**VIEW YOUR IMAGE EVIDENCE OBTAINED FOR THIS CASE:** The recorded images of your violation will be submitted as evidence for the disposition of this violation. You may view your images online at [www.onlinecitationpayment.com](http://www.onlinecitationpayment.com). You will need your Notice # and PIN printed on the front of this Notice inside the red box. If you do not have internet access, you may view your images at any public library.

**QUESTIONS:** If you have any questions, please contact Customer Service toll free at **866-506-2155**.  
(You must be the registered owner of the vehicle to discuss this violation with Customer Service.)

## **PAYMENT INSTRUCTIONS**

**ONLINE PAYMENT:** The fastest and easiest way to pay your \$100.00 penalty is online. Go to [www.onlinecitationpayment.com](http://www.onlinecitationpayment.com) and log on with your Notice # and PIN shown in the red box on the front of this notice. Click the Pay button. There is a \$4.95 convenience fee for this service.

**PAYMENT BY PHONE:** Call toll free **866-506-2155** available 24 hours a day, 7 days a week. There is a \$4.95 convenience fee.

**PAYMENT BY MAIL:** Mail your check or money order (payable to Sanibel, FL) with the coupon printed at the bottom of the reverse side of this Notice. **PLEASE DO NOT MAIL CASH.** Be sure to put the Notice # (see reverse) on the face of your payment. Payment must be postmarked on or before the Due Date.

**PAYMENT IN PERSON:** Payments in person are not accepted.

## **HEARING REQUEST FORM**

To request a hearing on the above referenced Notice of Violation pursuant to Florida Statutes 316.1896, please mail the signed and dated coupon below to City of Sanibel, FL, PO BOX 740356, ATLANTA GA 30374-0356. If the Notice of Violation is upheld, the petitioner will be required to pay \$100.00 and may also be required to pay county or municipal costs, not to exceed \$250.00.

Detach here and return bottom portion as a request for an administrative adjudicative hearing.

I submit this form as a request to contest this Notice of Violation and acknowledge that it must be postmarked by the Due Date of this notice to be a valid request. I understand that I must attend this hearing in person, unless represented by counsel appearing in person on my behalf. I also understand that I will be notified of the date, time and location of the hearing.

**Please sign and print name using blue or black ink.**

**Signature:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

## DIVISION 2. - SCHOOL SPEED ZONES

## Sec. 66-123. - Definitions.

Unless the context clearly indicates otherwise, the words and terms contained in this division shall have the same meaning as the same terms contained in F.S. ch. 316, as may be amended.

*Local hearing officer* means the city's code enforcement hearing examiner appointed in accordance with section 2-351 or who is otherwise the person designated by the city to authorize traffic infraction enforcement officers to issue traffic citations under F.S. §§ 316.0083(1)(A) and 316.1896(1), who is authorized to conduct hearings related to a notice of violation issued pursuant to F.S. §§ 316.0083 or 316.1896.

*School speed zone* means a school speed zone established pursuant to and in conformance with F.S. § 316.1895.

*Speed detection system (SDS)* means a portable or fixed automated system used to detect a motor vehicle's speed using radar or lidar and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation.

*Traffic infraction enforcement officer* means a person who is employed or appointed, with or without compensation, and satisfies the requirements of F.S. § 316.640(5), and is vested with authority to enforce violations of F.S. §§ 316.1895 and 316.183 pursuant to F.S. § 316.1896.

(Ord. No. 24-009, § 2, 8-20-2024)

## Sec. 66-124. - Authority.

- (a) Pursuant to F.S. § 316.008(9), the city is authorized to enforce the applicable speed limit on a roadway properly maintained as a school zone, through the use of a speed detection system for the detection of speed and capturing of photographs or videos for speeding violations in excess of ten miles per hour over the speed limit in force at the time of the violation during the following times:
- (1) Within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program;
  - (2) Within 30 minutes before through 30 minutes after the start of a regularly scheduled school session;
  - (3) During the entirety of a regularly scheduled school session; and
  - (4) Within 30 minutes before through 30 minutes after the end of a regularly scheduled school session.

(b)

A school zone's compliance with F.S. § 316.1895, relating to the establishment of school speed zones, creates a rebuttable presumption that the school zone is properly maintained.

(Ord. No. 24-009, § 2, 8-20-2024)

Sec. 66-125. - Use of automated speed detection systems and placement, notice, and annual report.

- (a) The city hereby elects to commence the use of automated speed detection systems in school zones within its jurisdiction in accordance with the provisions of state law, including F.S. ch. 316. The use of SDS shall be deemed a supplemental means of enforcing the Florida Uniform Traffic Control Law and nothing herein shall be construed or operate to preclude the enforcement of the Florida Uniform Traffic Control Law by any other means provided by law.
- (b) In all locations where city places or installs a speed detection system, as authorized by F.S. § 316.008(9), the city shall notify the public that a speed detection system may be in use by posting signage indicating photographic or video enforcement of the school zone speed limits. Such signage shall clearly designate the time period during which the school zone speed limits are enforced using a SDS and must meet the placement and installation specifications established by the department of transportation. For a speed detection system enforcing violations of F.S. §§ 316.1895 or 316.183 on a roadway maintained as a school zone, this paragraph governs the signage notifying the public of the use of a speed detection system.
- (c) So long as the city operates one or more school zone speed detection systems, it shall annually report the results of all systems within its jurisdiction to the Florida Department of Highway Safety and Motor Vehicles by placing the report required under F.S. § 316.1896(16)(a) as a single reporting item on the agenda of a regular or special meeting of city council.
  - (1) Before the city contracts or renews a contract to place or install a speed detection system in a school zone pursuant to F.S. § 316.008(9), the city shall approve the contract or contract renewal at a regular or special meeting of the city council. Interested members of the public shall be allowed to comment regarding the report, contract, or contract renewal under the city council's public comment policies or formats. The report, contract, or contract renewal may not be considered as part of a consent agenda.
  - (2) The report required under this paragraph shall include a written summary, which shall be read aloud at the regular or special meeting, and the summary shall contain, for the same time period pertaining to the annual report to the department under F.S. § 316.1896(16)(a), the number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid and how collected funds were distributed and in what amounts. The city must report to the Florida Department of Highway Safety and

Motor Vehicles that the city's annual report was considered in accordance with this paragraph, including the date of the regular or special meeting at which the annual report was considered.

- (3) The compliance or sufficiency of compliance with this paragraph may not be raised in a proceeding challenging a violation of F.S. §§ 316.1895 or 316.183, enforced by a speed detection system in a school zone.

(Ord. No. 24-009, § 2, 8-20-2024)

Sec. 66-126. - Designation of local hearing officer.

The city's code enforcement hearing examiner is hereby designated to conduct hearings requested by alleged violators wishing to contest a notice of violation detected by SDS in accordance with F.S. ch. 316.

(Ord. No. 24-009, § 2, 8-20-2024)

Sec. 66-127. - School crossing guard recruitment and retention program.

The Sanibel Police Department must use funds generated from the school zone speed detection system program pursuant to F.S. § 316.1896(5)(e) to administer the school crossing guard recruitment and retention program. Such program may provide recruitment and retention stipends to crossing guards at K—12 public schools, including charter schools, or stipends to third parties for the recruitment of new crossing guards. The school crossing guard recruitment and retention program must be designed and managed at the discretion of the law enforcement agency.

(Ord. No. 24-009, § 2, 8-20-2024)

Sec. 66-128. - Roadways maintained as school zones; speed detection system enforcement; penalties; appeal; procedure; privacy; reports.

- (a) For purposes of administering this article, the city may authorize a traffic infraction enforcement officer under F.S. § 316.640 to issue uniform traffic citations for violations of F.S. §§ 316.1895(10) and 316.183, as authorized by F.S. § 316.008(9), as follows:
  - (1) For a violation of F.S. § 316.1895 in excess of ten miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program.
  - (2) For a violation of F.S. § 316.1895 in excess of ten miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled school session.
  - (3) For a violation of F.S. § 316.183 in excess of ten miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.
  - (4)

For a violation of F.S. § 316.1895 in excess of ten miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the end of a regularly scheduled school session.

- (b) Violations must be evidenced by a speed detection system described in F.S. §§ 316.008(9) and 316.0776(3). This subsection does not prohibit a review of information from a speed detection system by an authorized employee or agent of the city before issuance of the uniform traffic citation by the traffic infraction enforcement officer. This subsection does not prohibit the city from issuing notices as provided in subsection (c) below to the registered owner of the motor vehicle for a violation of F.S. §§ 316.1895 or 316.183.
- (c) Within 30 days after a violation, notice must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under F.S. § 318.14 and that the violator must pay the penalty under F.S. § 318.18(3)(d) to the city, or furnish an affidavit in accordance with subsection (i) below, within 30 days after the date of the notice of violation in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notice of violation must:
  - (1) Be sent by first-class mail;
  - (2) Include a photograph or other recorded image showing the license plate of the motor vehicle; the date, time, and location of the violation; the maximum speed at which the motor vehicle was traveling within the school zone, and the speed limit within the school zone at the time of the violation;
  - (3) Include a notice that the owner has the right to review, in person or remotely, the photograph or video captured by the speed detection system and the evidence of the speed of the motor vehicle detected by the speed detection system which constitute a rebuttable presumption that the motor vehicle was used in violation of F.S. §§ 316.1895 or 316.183; and
  - (4) State the time when, and the place or website at which, the photograph or video captured, and evidence of speed detected may be examined and observed.
- (d) Notwithstanding any other law, a person who receives a notice of violation under this section may request a hearing within 30 days after the notice of violation or may 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 costs related thereto and a form used for requesting a hearing. As used in this subsection, the term "person" includes a natural person, the registered owner or co-owner of a motor vehicle, or the person identified in an affidavit as having actual care, custody, or control of the motor vehicle at the time of the violation.
- (e)

If the registered owner or co-owner of the motor vehicle; the person identified 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 identified person initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the notice of violation.

- (f) Penalties assessed and collected by the city, less the amount retained by the city pursuant to subsections (2) and (5) below, and the amount remitted to the county school district pursuant to subsection (4), shall be paid to the state department of revenue weekly. Such payment shall be made by means of electronic funds transfer. In addition to the payment, a detailed summary of the penalties remitted shall be reported to the department of revenue. Penalties to be assessed and collected by the city as established in F.S. § 318.18(3)(d) shall be remitted as follows:
  - (1) Twenty dollars shall be remitted to the department of revenue for deposit into the general revenue fund;
  - (2) Sixty dollars shall be retained by the city and shall be used to administer speed detection systems in school zones and other public safety initiatives;
  - (3) Three dollars shall be remitted to the department of revenue for deposit into the department of law enforcement criminal justice standards and training trust fund;
  - (4) Twelve dollars shall be remitted to the county school district in which the violation occurred and must be used for school security initiatives, for student transportation, or to improve the safety of the city's student walking conditions. These funds shall be shared with charter schools in the district based on each charter school's proportionate share of the district's total unweighted, full-time equivalent student enrollment and must be used for school security initiatives or to improve the safety of student walking conditions; and
  - (5) Five dollars shall be retained by the city for the school crossing guard recruitment and retention program pursuant to F.S. § 316.1894.
- (g) A uniform traffic citation shall be issued by mailing the uniform 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 30 days after notification pursuant to subsection (c) above, if the registered owner has not requested a hearing as authorized under subsection (d), and if the registered owner has not submitted an affidavit in accordance with subsection (i).
  - (1) Delivery of the uniform traffic citation constitutes notification of a violation under this subsection. If the registered owner or co-owner of the motor vehicle; the person identified 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 identified 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 uniform traffic citation.
  - (2)

In the case of joint ownership of a motor vehicle, the uniform traffic citation shall be mailed to the first name appearing on the motor vehicle 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.

- (3) The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the infraction shall be accompanied by the information described in subsections (c)(2), (c)(3), and (c)(4).
- (h) The registered owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of F.S. §§ 316.1895 or 316.183 unless the owner can establish that:
  - (1) The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;
  - (2) A uniform traffic citation was issued by law enforcement to the driver of the motor vehicle for the alleged violation of F.S. §§ 316.1895 or 316.183; or
  - (3) The motor vehicle's owner was deceased on or before the date of the alleged violation, as established by an affidavit submitted by the representative of the motor vehicle owner's estate or other identified person or family member.
- (i) To establish such facts under subsection (h), the registered owner of the motor vehicle must, within 30 days after the date of issuance of the notice of violation or the uniform traffic citation, furnish to the appropriate governmental entity an affidavit setting forth the following information supporting an exception under subsection (h):
  - (1) An affidavit supporting the exception under subsection (h)(1) 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 motor vehicle was stolen at the time of the alleged violation, the affidavit must include the police report indicating that the motor vehicle was stolen.
  - (2) If a uniform traffic citation for a violation of F.S. §§ 316.1895 or 316.183 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.
  - (3) If the motor vehicle's owner to whom a notice of violation or a uniform 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 date of the alleged violation and one of the following:
    - a. 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;
    - b.

Documented proof that the registered license plate belonging to the deceased owner's motor vehicle was returned to the department or any branch office or authorized agent of the department after his or her death but on or before the date of the alleged violation; or

- c. A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.
- (4) Upon receipt of the required affidavit and documentation specified above related to the issuance of a uniform traffic citation or a deceased owner, or 30 days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation pursuant to subsection (i)(1) above, the city shall dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 30 days after the date a notice of violation was sent to a person, the city receives an affidavit from the person sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the city shall notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.
- (j) Upon receipt of an affidavit identifying another person as having care, custody, or control of the vehicle, the person identified may be issued a notice of violation for a violation of F.S. §§ 316.1895 or 316.183. The affidavit is admissible in a proceeding 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 motor vehicle for which a uniform traffic citation is issued for a violation of F.S. § 316.1895 is not responsible for paying the uniform traffic citation and is not required to submit an affidavit if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.
- (k) If the city receives an affidavit identifying another person as having care, custody, or control of the vehicle, the required notice of violation shall be sent to the person identified in the affidavit within 30 days after receipt of the affidavit. The person identified in the affidavit and who received a notice of violation may also affirm that he or she did not have care, custody, or control of the motor vehicle at the time of the violation by furnishing to the appropriate governmental entity within 30 days after the date of the notice of violation an affidavit stating such.
- (l) The submission of a false affidavit is a misdemeanor of the second degree, punishable with up to 60 days in jail or a \$500.00 fine pursuant to F.S. §§ 775.082 or 775.083.
- (m) The photograph or video captured by a speed detection system and the evidence of the speed of the motor vehicle detected by a speed detection system which are attached to or referenced in the uniform traffic citation are evidence of a violation of F.S. §§ 316.1895 or 316.183 and are

admissible in any proceeding to enforce the violation. The photograph or video and the evidence of speed detected raise a rebuttable presumption that the motor vehicle named in the report or shown in the photograph or video was used in violation of F.S. §§ 316.1895 or 316.183.

- (n) This division supplements the enforcement of F.S. §§ 316.1895 and 316.183 by a law enforcement officer and does not prohibit a law enforcement officer from issuing a uniform traffic citation for a violation of F.S. §§ 316.1895 or 316.183.
- (o) A hearing related to the violation shall be conducted under the procedures established in F.S. § 316.0083(5), as follows:
  - (1) The Florida Department of Highway Safety and Motor Vehicles shall publish and make available electronically to the city a model request for hearing form to assist the city administering F.S. § 316.1896.
  - (2) The city shall designate by resolution existing staff to serve as the clerk to the local hearing officer.
  - (3) A person who elects to request a hearing (i.e., the petitioner) shall be scheduled for a hearing by the clerk to the local hearing officer. The clerk shall furnish the petitioner with notice sent by first-class mail. Upon receipt of the notice, the petitioner may reschedule the hearing up to two times by submitting a written request to reschedule to the clerk at least five calendar days before the day of the scheduled hearing. The petitioner may cancel his or her appearance before the local hearing officer by paying the assessed penalty plus the administrative costs of \$50.26 before the start of the hearing.
  - (4) At the conclusion of the hearing, the local hearing officer shall determine whether a violation occurred and 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, shall require the petitioner to pay the \$100.00 penalty previously assessed, and may also require the petitioner to pay municipal costs not to exceed \$250.27. The final administrative order must be mailed to the petitioner by first-class mail.
  - (5) An aggrieved party may appeal a final administrative order consistent with the process provided in F.S. § 162.11 relating to appeals of an order of the code enforcement board.
- (p) (1) A speed detection system in a school zone may not be used for remote surveillance. The collection of evidence by a speed detection system to enforce violations of F.S. §§ 316.1895 and 316.183, or user-controlled pan or tilt adjustments of speed detection system components, do not constitute remote surveillance. Recorded video or photographs collected may only be used to document violations of F.S. §§ 316.1895 and 316.183, and for purposes of determining civil or criminal liability for incidents captured by the speed detection system incidental to the permissible use of the speed detection system.

(2)

Any recorded video or photograph obtained through the use of a speed detection system shall be destroyed within 90 days after the final disposition of the recorded event. The vendor of the speed detection system shall provide the city with written notice by December 31 of each year that such records have been destroyed. Registered motor vehicle owner information obtained as a result of the operation of a speed detection system in a school zone is not the property of the manufacturer or vendor of the speed detection system and may be used only for the purposes of this section.

- (q) (1) The city shall submit a report by October 1, 2024, and annually thereafter, to the Florida Department of Highway Safety and Motor Vehicles which identifies the public safety objectives used to identify a school zone for enforcement; reports compliance with F.S. § 316.0776(3)(c); and details the results of the speed detection system in the school zone and the procedures for enforcement. The city shall submit the information described herein in a form and manner determined by the Florida Department of Highway Safety and Motor Vehicles, which the Florida Department of Highway Safety and Motor Vehicles must make available to the city by August 1, 2023, and the Florida Department of Highway Safety and Motor Vehicles may require data components to be submitted quarterly. The report must include at least the following:
- a. Information related to the location of each speed detection system, including the geocoordinates of the school zone; the directional approach of the speed detection system; the school name; the school level; the times the speed detection system was active; the restricted school zone speed limit enforced pursuant to F.S. § 316.1895(5); the posted speed limit enforced at times other than those authorized by F.S. § 316.1895(5); the date the systems were activated to enforce violations of F.S. §§ 316.1895 and 316.183; and, if applicable, the date the systems were deactivated.
  - b. The number of notices of violation issued, the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic infractions, and the number that were paid.
  - c. Any other statistical data and information related to the procedures for enforcement which is required by the Florida Department of Highway Safety and Motor Vehicles to complete the report required below.
- (2) The city shall maintain its respective data for reporting purposes for at least two years after such data is reported to the Florida Department of Highway Safety and Motor Vehicles.

(Ord. No. 24-009, § 2, 8-20-2024)

#### Sec. 66-129. - Speed detection systems.

Pursuant to F.S. § 316.1906(3), speed detection systems are exempt from the Florida Department of Highway Safety and Motor Vehicles' requirements for radar and LiDAR units. A speed detection system must have the ability to perform self-tests as to its detection accuracy. The system must perform a self-test at least once every 30 days. The law enforcement agency, or an agent acting on behalf of the law enforcement

agency, operating a speed detection system must maintain a log of the results of the system's self-tests. The law enforcement agency, or an agent acting on behalf of the law enforcement agency, operating a speed detection system must also perform an independent calibration test on the speed detection system at least once every 12 months. The self-test logs, as well as the results of the annual calibration test, are admissible in any court proceeding for a uniform traffic citation issued for a violation of F.S. §§ 316.1895 or 316.183, enforced pursuant to F.S. § 316.1896. Evidence of the speed of a motor vehicle detected by a compliant speed detection system and the determination by a traffic enforcement officer that a motor vehicle is operating in excess of the applicable speed limit is admissible in any proceeding with respect to an alleged violation of law regulating the speed of motor vehicles in school zones.

(Ord. No. 24-009, § 2, 8-20-2024)

#### Sec. 66-130. - Penalties.

- (a) A person cited for a violation of F.S. §§ 316.1895(10) or 316.183 for exceeding the speed limit in force at the time of the violation on a roadway maintained as a school zone, when enforced by a traffic infraction enforcement officer pursuant to F.S. § 316.1896, must pay a fine of \$100.00. In accordance with F.S. §§ 318.18(3)(d) and 316.1896(5), fines collected under this provision shall be distributed as follows:
  - (1) Twenty dollars shall be remitted to the state department of revenue for deposit into the general revenue fund;
  - (2) Seventy-seven dollars is distributed to the city, to be used as follows:
    - a. Sixty dollars shall be retained by the city and shall be used to administer speed detection systems in school zones and other public safety initiatives;
    - b. Twelve dollars shall be remitted to the county school district in which the violation occurred and must be used for school security initiatives, for student transportation, or to improve the safety of the city's student walking conditions. These funds shall be shared with charter schools in the district based on each charter school's proportionate share of the district's total unweighted, full-time equivalent student enrollment and must be used for school security initiatives or to improve the safety of student walking conditions; and
    - c. Five dollars shall be retained by the city for the school crossing guard recruitment and retention program pursuant to F.S. § 316.1894.
  - (3) Three dollars is remitted to the department of revenue for deposit into the department of law enforcement criminal justice standards and training trust fund to be used as provided in F.S. § 943.25, relating to the source and use of funds in criminal justice trust funds.
- (b) If a person who is mailed a notice of violation or a uniform traffic citation for a violation of F.S. §§ 316.1895(10) or 316.183, as enforced by a traffic infraction enforcement officer under F.S. § 316.1896, presents documentation from the appropriate governmental entity that the notice of

violation or uniform traffic citation was in error, the clerk of court or clerk of the local hearing officer may dismiss the case. The clerk of court or clerk to the local hearing officer may not charge for this service.

(Ord. No. 24-009, § 2, 8-20-2024)

Sec. 66-131. - Driver license points.

No points shall be imposed on a driver's license for a violation of unlawful speed in a school zone when enforced by a traffic infraction enforcement officer through use of a speed detection system as authorized by this article. In addition, a violation of unlawful speed in a school zone when enforced by a traffic infraction enforcement officer through use of a speed detection system as described above may not be used for purposes of setting motor vehicle insurance rates.

(Ord. No. 24-009, § 2, 8-20-2024)

Secs. 66-132—66-140. - Reserved.