

C7 T A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REITERATING AND RENEWING THE CITY'S URGING OF THE FLORIDA LEGISLATURE TO ENACT LEGISLATION EXPRESSLY AUTHORIZING COUNTIES AND MUNICIPALITIES TO UTILIZE NOISE CAMERA TECHNOLOGY IN ORDER TO ISSUE TRAFFIC CITATIONS FOR EXCESSIVE VEHICULAR MUFFLER AND EXHAUST NOISE; AND FURTHER, DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE FLORIDA SENATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: May 21, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REITERATING AND RENEWING THE CITY'S URGING OF THE FLORIDA LEGISLATURE TO ENACT LEGISLATION EXPRESSLY AUTHORIZING COUNTIES AND MUNICIPALITIES TO UTILIZE NOISE CAMERA TECHNOLOGY IN ORDER TO ISSUE TRAFFIC CITATIONS FOR EXCESSIVE VEHICULAR MUFFLER AND EXHAUST NOISE; AND FURTHER, DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE FLORIDA SENATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The attached Resolution was prepared at the request of the sponsor, Commissioner Laura Dominguez.

FISCAL IMPACT STATEMENT

None at this time.

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

Authorize Utilization of Noise Cameras to Issue Citations for Excessive Muffler/Exhaust Noise.
(Dominguez) CA

Previous Action (For City Clerk Use Only)

RESOLUTION NO. 2025 - _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REITERATING AND RENEWING THE CITY'S URGING OF THE FLORIDA LEGISLATURE TO ENACT LEGISLATION EXPRESSLY AUTHORIZING COUNTIES AND MUNICIPALITIES TO UTILIZE NOISE CAMERA TECHNOLOGY IN ORDER TO ISSUE TRAFFIC CITATIONS FOR EXCESSIVE VEHICULAR MUFFLER AND EXHAUST NOISE; AND FURTHER, DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE FLORIDA SENATE.

WHEREAS, unreasonable and excessive vehicular muffler and exhaust noise emanating from vehicles creates a nuisance and adversely affects the quality of life of residents and visitors to the City of Miami Beach ("City"), as well as to residents throughout the State; and

WHEREAS, of particular concern are noise disturbances occurring in residential areas, where such unreasonable and excessive noise deprives residents of the peaceful enjoyment of their homes, including oftentimes during the late evening and overnight hours when most people are trying to sleep; and

WHEREAS, at the December 14, 2022 City Commission meeting, the Mayor and City Commission approved Resolution 2022-32441, which urged the Florida legislature to enact legislation allowing counties and municipalities to utilize noise camera technology in order to issue traffic citations for excessive vehicular muffler and exhaust noise; and

WHEREAS, to date, no such legislation has been enacted by the Florida legislature, yet the vehicular noise disturbances throughout the City of Miami Beach, particularly noise emanating from vehicle muffler and exhaust systems, and the revving of engines, continues nearly unabated and continues to disturb residents (especially in many heavily travelled residential corridors throughout the City); and

WHEREAS, Fla. Stat. § 316.007 generally prohibits any local authority from enacting or enforcing any ordinance which is covered by the provisions of Chapter 316 (which governs vehicular muffler and exhaust noise), unless expressly authorized; and

WHEREAS, more specifically, Fla. Stat. § 316.0076 expressly preempts the regulation of the use of cameras for enforcement of Chapter 316 to the State; and

WHEREAS, in 2023, the Florida Legislature directed the Office of Program Policy Analysis and Government Accountability ("OPPAGA") to conduct a Review of Exhaust System Noise throughout the state of Florida, to include discussions of sound and sound measurement; a literature review of the effect of excessive noise on health and quality of life; an examination of federal, state, and local exhaust noise regulations, including citations issues under state law; and

WHEREAS, the OPPAGA Review of Exhaust System Noise Report ("OPPAGA Report") references the City's adoption of Resolution No. 2022-32441, as well as the City's adoption of Resolution No. 2022-32208, which established a noise camera pilot program that utilized noise cameras in different locations throughout the City, and resulted in 2,688 total activations and 197 activations over 100 dB; and

WHEREAS, in fact, the Florida Department of Highway Safety and Motor Vehicles (“FLDHSMV”), in its response to the OPPAGA Report, expressed its support for addressing exhaust noise violations at the local level through city or county ordinances, which would require the State legislature to remove the barriers to enforcement or application of law; and

WHEREAS, legislation authorizing counties and municipalities to utilize noise camera technology for the issuance of excessive vehicular muffler and exhaust noise citations would allow political subdivisions of the State to address the ongoing issue of excessive and unnecessary vehicular noise more effectively and efficiently in their respective jurisdictions.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, hereby reiterates and renews the City’s urging of the Florida Legislature to enact legislation expressly authorizing counties and municipalities to utilize noise camera technology in order to issue traffic citations for excessive vehicular muffler and exhaust noise; and further, directing the City Clerk to transmit a copy of this Resolution to the Speaker of the Florida House of Representatives and the President of the Florida Senate.

PASSED and ADOPTED this ____ day of _____, 2025.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Laura Dominguez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *MAF*

5/7/2025

Date