

MEMORANDUM

Agenda Item No. 11(A)(7)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: October 19, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida Legislature to revisit the red light camera legislation passed during the 2010 session and provide a funding mechanism for the additional burden the law has placed on the court system and address red light camera enforcement on right turns

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 11(A)(7)

10-19-10

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REVISIT THE RED LIGHT CAMERA LEGISLATION PASSED DURING THE 2010 SESSION AND PROVIDE A FUNDING MECHANISM FOR THE ADDITIONAL BURDEN THE LAW HAS PLACED ON THE COURT SYSTEM AND ADDRESS RED LIGHT CAMERA ENFORCEMENT ON RIGHT TURNS

WHEREAS, during the 2010 state legislative session, the Florida Legislature passed HB 325, the Mark Wandall Traffic Safety Act, authorizing the use of cameras for red light enforcement, and on May 13, 2010, the Governor signed HB 325 into law, Chapter 2010-80, Laws of Florida; and

WHEREAS, HB 325 authorizes cities, counties and the Florida Department of Highway Safety & Motor Vehicles to install traffic infraction detectors, also known as red light cameras; and

WHEREAS, HB 325 imposes a fine of \$158 for red light violations identified by camera, of which \$75 would be retained by the county or city; \$70 would go to the state general revenue fund; \$10 would go to trauma centers, including Jackson Memorial Hospital, and \$3 would go to the Miami Project to Cure Paralysis; and

WHEREAS, none of the revenues resulting from red light camera violations was identified to support the court system, even though the red light camera law is anticipated to have a substantial fiscal impact on the court system; and

WHEREAS, HB 325 provides that red light camera violations related to right turns can be issued if the driver is not making the right turn in a “careful and prudent” manner; and

WHEREAS, in some jurisdictions, the vast majority of red light camera violations have been on right turns; and

WHEREAS, in Collier County, for example, 89 percent of red light camera citations issued in April 2010 were based on right turns; and

WHEREAS, Collier County since has prohibited issuing red light camera citations based on right turns; and

WHEREAS, the careful and prudent right turn standard related to right turns in HB 325 is unclear and does not take into account all the factors that a police officer who might observe a right turn; and

WHEREAS, whether pedestrians and other vehicles are present in the intersection, at what speed the right turn is made and other factors should be considered in whether a citation should be issued on a right turn, but cameras do not have the same ability as police officers to consider all the factors related to a right turn; and

WHEREAS, the careful and prudent right turn standard in HB 325 needs to be revisited and clarified, and the Legislature should perhaps prohibit red light camera enforcement of illegal right turns,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to revisit the red light camera legislation passed during the 2010 session to:

1. Provide a funding mechanism for the additional burden the law has placed on the court system; and
2. Better address red light camera enforcement on right turns, including prohibiting red light camera enforcement of right turns.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs that the 2011 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of October, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

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