

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 6-7-16)
May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance related to red light cameras; amending section 30-422 of the Code; repealing the authority for Miami-Dade County to use traffic infraction detectors/red light cameras; repealing Resolution No. R-759-10, repealing direction and authority to the Mayor to implement a red light camera program for Miami-Dade County; setting policy that no red light camera program shall be implemented or maintained by Miami-Dade County

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 5-11-16 Metropolitan Services Committee. This substitute differs from the original in that the substitute updates and clarifies the history regarding the implementation of a red light camera program in Miami-Dade County.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsors Vice Chairman Esteban L. Bovo, Jr., Commissioner Jose "Pepe" Diaz, Senator Javier D. Souto and Commissioner Juan C. Zapata.



Abigail Price-Williams
County Attorney



APW/lmp

Memorandum



Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Fiscal Impact For Ordinance Relating to Red Light Cameras

The proposed ordinance amends Section 30-422 of the Code of Miami-Dade County (County) relating to red light cameras repealing the authority for the County to use traffic infraction detectors/ red light cameras and Resolution No. R-759-10, which gave direction and authority to the Mayor to implement a red light camera program. This proposed ordinance will set policy that no red light camera program shall be implemented or maintained by the County.

The implementation of this ordinance will not have a fiscal impact to County.

A handwritten signature in black ink, appearing to read "Alina T. Hudak", written over a horizontal line.

Alina T. Hudak
Deputy Mayor

Fis3916 1152320

Memorandum



Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Social Equity Statement – Amendment to Section 30-422 of the Code of Miami-Dade County Florida; Repealing the Authority for Miami-Dade County to Use Traffic Infraction Detectors/Red Light Cameras; Repealing Resolution No. R759-10, Repealing Direction and Authority to the Mayor or Designee to Implement a Red Light Camera Program for Miami-Dade County

The proposed ordinance amends Sections 30-422 of the Code of Miami-Dade County to repeal the authority to use traffic infraction detectors/red light cameras. This Ordinance also repeals Resolution No. R-759-10, repealing direction and authority to the mayor to implement a Red Light Camera Program for Miami-Dade County. Lastly, this Ordinance sets policy that no Red Light Camera Program shall be implemented or maintained by Miami-Dade County.

The amendment of this Ordinance will not impact the residents of Miami-Dade County. No traffic infraction detectors or Red Light Cameras have been implemented on the roadways of unincorporated Miami-Dade County.

A handwritten signature in black ink, appearing to read "Russell Benford", written over a horizontal line.

Russell Benford
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(E)

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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor'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. 7(E)
6-7-16

ORDINANCE NO. _____

ORDINANCE RELATED TO RED LIGHT CAMERAS;
AMENDING SECTION 30-422 OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA; REPEALING THE AUTHORITY
FOR MIAMI-DADE COUNTY TO USE TRAFFIC
INFRACTION DETECTORS/RED LIGHT CAMERAS;
REPEALING RESOLUTION NO. R-759-10, REPEALING
DIRECTION AND AUTHORITY TO THE MAYOR OR
DESIGNEE TO IMPLEMENT A RED LIGHT CAMERA
PROGRAM FOR MIAMI-DADE COUNTY; SETTING POLICY
THAT NO RED LIGHT CAMERA PROGRAM SHALL BE
IMPLEMENTED OR MAINTAINED BY MIAMI-DADE
COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE
CODE AND AN EFFECTIVE DATE

WHEREAS, during the 2010 state legislative session, the Florida Legislature enacted Chapter 2010-80, Laws of Florida (HB 325), the Mark Wandall Traffic Safety Act, authorizing cities, counties and the Florida Department of Highway Safety & Motor Vehicles to install traffic infraction detectors, also known as red light cameras; and

WHEREAS, on July 8, 2010, this Board adopted Resolution No. R-759-10, which set policy for Miami-Dade County to authorize the installation of red light cameras and directed the Mayor or designee to implement a red light camera program in Miami-Dade County; and

WHEREAS, on January 20, 2011, this Board adopted Ordinance No. 11-01, which created section 30-422, Code of Miami-Dade County, authorizing the use of red light cameras in the unincorporated area of Miami-Dade County, and authorized the Mayor or designee to implement a red light camera program in the unincorporated area of Miami-Dade County pursuant to the Mark Wandall Traffic Safety Act, Chapter 2010-80, Laws of Florida; and

WHEREAS, on December 3, 2013, this Board adopted Ordinance No. 13-116, which amended section 30-422 to provide for a local hearing process for red light camera violations; and

>>**WHEREAS**, on June 2, 2015, this Board adopted Resolution No. R-477-15, which approved the rejection of the proposals received in response to Request for Proposals No. 881 for a red light camera program for the Miami-Dade Police Department, and directed the Mayor or designee to re-solicit within 60 days or report to the Board why it was unable to re-solicit within that timeframe; and

WHEREAS, in response to Resolution No. R-477-15, on November 12, 2015 the Mayor or designee submitted to the Board a Red Light Camera Status Report, which the Board accepted on December 1, 2015; and

WHEREAS, for reasons further explained in the Red Light Camera Status Report, including the fact that recent legislative and judicial action had shifted certain responsibilities and costs of red light camera programs to law enforcement as opposed to vendors, a lack of a firm revenue model, and pending judicial rulings and legislation that may further alter or eliminate red light camera programs, the report recommended that the County not implement a red light camera program; and

WHEREAS, as such, no red light camera program has been implemented fully by Miami-Dade County to date, and not a single notice of violation or traffic citation has been issued on behalf of Miami-Dade County based on red light cameras; and<<

~~[[**WHEREAS**, the Administration is currently in the process of implementing a red light camera program for Miami-Dade County, but no such program has been implemented fully by Miami-Dade County to date; and~~

~~WHEREAS, as such, not a single notice of violation or traffic citation has been issued on behalf of Miami-Dade County based on red light cameras; and]]~~¹

WHEREAS, this Board now desires to:

1. Repeal the authority and direction to implement or maintain a red light camera program by Miami-Dade County by repealing most of the provisions of Ordinance No. 11-01 and Resolution No. R-759-10 in its entirety, and
2. Put in place a policy that prohibits the installation of red light cameras by Miami-Dade County; and

WHEREAS, the Board would like to leave in place those provisions of Ordinance No. 11-01 that direct the Mayor or designee to develop a policy for approval by the Board consistent with the Mark Wandall Traffic Safety Act setting requirements for municipalities to acquire permits from the County to install traffic infraction detectors, including any applicable fees, on County roads within or adjacent to cities and on County traffic signal mast arms and other County infrastructure,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 30-422 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:²

Sec. 30-422. Traffic intersection safety and traffic infraction detectors.

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

² Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- ~~[(1) *Purpose and intent.* The purpose of this ordinance is to implement the Mark Wandall Traffic Safety Act, Chapters 2010-80 and 2010-163, Laws of Florida (HB-325 and HB 5501), as such may be amended from time to time (hereinafter the "Mark Wandall Traffic Safety Act" or the "Act"), in order to promote, protect and improve the health, safety and welfare of individuals and protect property in Miami Dade County.~~
- ~~(2) *Scope of regulation and applicability.* The provisions of this section shall apply to and be enforced in only the unincorporated areas of Miami Dade County.~~
- ~~(3) *Use of Traffic Infraction Detectors.* Miami Dade County hereby exercises its authority pursuant to the Mark Wandall Traffic Safety Act to use traffic infraction detectors within the unincorporated areas of Miami Dade County to enforce the Uniform Traffic Code of the State of Florida. The Mayor or designee is authorized to implement the provisions and requirements of the Act consistent with the specifications established by the Florida Department of Transportation, as such may be amended from time to time. The County is expressly authorized to use traffic infraction detectors to enforce red light signal violations pursuant to sections 316.074(1) and 316.075(1)(c)1., Florida Statutes, when a driver fails to stop at a traffic signal on streets and highways within the unincorporated areas of Miami Dade County. The provisions of this ordinance shall not otherwise prohibit a law enforcement officer from issuing a traffic citation to a driver for a red light signal violation in accordance with Chapters 316 and 318, Florida Statutes.~~
- ~~(4) *Right turn on red enforcement by traffic infraction detectors prohibited.* Traffic infraction detectors shall not be used to enforce red light signal violations when a driver is making a right turn where such turns are permissible. This subsection shall not otherwise prohibit a law enforcement officer from issuing a traffic citation to a driver for a right turn violation in accordance with Chapters 316 and 318, Florida Statutes.~~
- ~~(5) *Traffic infraction enforcement officers.* The Mayor or designee is authorized to designate traffic infraction enforcement officers to administer the County's red light camera program pursuant to the Mark Wandall Traffic Safety Act, as such may be amended from time to time.~~

- (6) ~~Notice and appeals.~~ Notification of a violation of the Mark Wandall Traffic Safety Act and appeals shall be provided as set forth in the Act, as such may be amended from time to time. The notice expressly shall advise the registered owner of the vehicle that he or she has a right to review the photographic or electronic images or streaming video evidence. Pursuant to Chapter 2013-160, Laws of Florida, the Board elects to use and hereby designates its currently appointed code enforcement hearing officers under Chapter 8CC of the Code of Miami Dade County, Florida, to serve as local hearing officers, as that term is defined in section 316.0083(91), Florida Statutes, as such may be amended from time to time, for purposes of conducting hearings by alleged violators wishing to contest a notice of violation received for a red light camera violation. A person may request such a hearing within 60 days of the notice of violation. No payment or fee shall be required in advance to receive such a hearing, but if a person is found to have committed the violation at the hearing, he or she shall be required to pay \$150 in hearing costs in addition to the penalty imposed by law.
- (7) ~~Penalties.~~ A violation of the Mark Wandall Traffic Safety Act and section 30-422 shall be punishable as set forth in the Act, as such may be amended from time to time. The Act currently sets the fine at one hundred fifty-eight dollars (\$158.00) per violation.
- (8) ~~Signage and public awareness campaign.~~ The Mayor or designee is directed to:
- i. ~~Prior to installation of a traffic infraction detector at an intersection, install signage at the intersection indicating that traffic infraction detectors may be in use; and~~
 - ii. ~~No less than 30 days before traffic infraction detectors are installed, conduct a public awareness campaign related to traffic infraction detectors and red light safety.~~
- (9)] >>(1)<< *Permits for installation of traffic infraction detectors by municipalities on county roads and infrastructure.* The Mayor or designee shall develop a policy for approval by this Board consistent with the Act setting the requirements for municipalities to acquire

permits from the County to install traffic infraction detectors, including any applicable fees:

- i. On County roads within or adjacent to cities; and
- ii. On County traffic signal mast arms and other county infrastructure.

~~[[(10) *Revenue.* Revenue realized by the County pursuant to the Act, once all associated costs have been paid and distributions made as required by the Act, shall supplement the unincorporated municipal service area (UMSA) budget. This provision shall be subject to annual appropriation by the Board.~~

~~(11) *Reporting.* The Mayor or designee shall submit a report by October 1, 2012, and annually thereafter, to both the Florida Department of Highway Safety and Motor Vehicles or its successor state department (DHSMV) and this Board detailing the results of using traffic infraction detectors and the procedures for enforcement for the preceding state fiscal year. The information submitted must include statistical data and information required by the DHSMV to complete the report required by the Mark Wandall Traffic Safety Act.]]~~

Section 2. Resolution No. R-759-10 is hereby repealed.

Section 3. It is the policy of this Board that no red light camera program shall be implemented or maintained by Miami-Dade County. Nothing contained herein shall be construed to affect any red light camera program implemented or maintained by a municipality within Miami-Dade County.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may

be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Michael J. Mastrucci

GBL
for
MSM

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsors: Vice Chairman Esteban L. Bovo, Jr.
Commissioner Jose "Pepe" Diaz
Senator Javier D. Souto
Commissioner Juan C. Zapata