

## MEMORANDUM

Agenda Item No. 11(A)(11)

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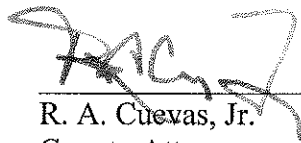
**TO:** Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners      **DATE:** December 4, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney      **SUBJECT:** Resolution urging municipalities in Miami-Dade County not to use red light cameras to enforce right turns on red

Resolution No. R-1055-12

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/lmp



**MEMORANDUM**  
(Revised)

**TO:** Honorable Vice Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** December 4, 2012

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

**SUBJECT:** Agenda Item No. 11(A)(11)

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)(11)  
12-4-12

RESOLUTION NO. R-1055-12

RESOLUTION URGING MUNICIPALITIES IN MIAMI-DADE  
COUNTY NOT TO USE RED LIGHT CAMERAS TO  
ENFORCE RIGHT TURNS ON RED

**WHEREAS**, during the 2010 state legislative session, the Florida Legislature enacted 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**, 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**, the most dangerous intersection crashes occur when drivers run a red light driving straight through the intersection rather than on right turns; and

**WHEREAS**, in many 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, leading Collier County to prohibit issuing red light camera citations based on right turns; and

**WHEREAS**, claims that red light cameras are used to generate government funds rather than to improve public safety may be centered on excessive red light camera enforcement of right turns on a red light; and

**WHEREAS**, excessive red light camera enforcement on right turns also causes unnecessary traffic backups because even after motorists have the right of way, they are sometimes fearful of making right turns out of fear that they will still be cited, further exacerbating roadway congestion; and

**WHEREAS**, people who receive right turn on red infractions often have to incur the expense of hiring an attorney to have the red light camera infraction dismissed even though state law expressly prohibits red light camera enforcement of rights turns on red when the turn is made in a careful and prudent manner, which is an added hardship in this very difficult economy; and

**WHEREAS**, on January 20, 2010, Miami-Dade County passed Ordinance No. 11-01 authorizing a red light camera program; and

**WHEREAS**, although Miami-Dade County's red light camera program has not yet been implemented, the Miami-Dade County ordinance prohibits enforcement of right turns on red by red light cameras; and

**WHEREAS**, many municipalities in Miami-Dade County continue to issue citations for right turns on a red light using red light cameras,

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

**Section 1.** Urges municipalities in Miami-Dade County not to use red light cameras to enforce right turns on red.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Mayor or City Manager of each municipality in Miami-Dade County and the Executive Director of the Miami-Dade League of Cities.

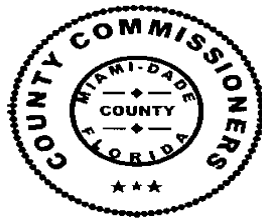
The Prime Sponsor of the foregoing resolution is Commissioner Lynda Bell and the Co-Sponsor is Commissioner Rebeca Sosa. It was offered by Commissioner **José "Pepe" Diaz** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Vice Chairwoman			<b>aye</b>
Bruno A. Barreiro	<b>aye</b>	Lynda Bell	<b>absent</b>
Esteban L. Bovo, Jr.	<b>aye</b>	Jose "Pepe" Diaz	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan	<b>absent</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss	<b>aye</b>
Rebeca Sosa	<b>aye</b>	Sen. Javier D. Souto	<b>absent</b>
Xavier L. Suarez	<b>absent</b>	Juan C. Zapata	<b>aye</b>

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of December, 2012. 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

JMM

Jess M. McCarty