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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(D)

(Second Reading 12-3-13)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 22, 2013

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

SUBJECT: Ordinance relating to traffic intersection safety and red light violations; amending Section 30-422 of the Code, providing a local hearing process for red light camera violations

Ordinance No. 13-116

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: December 3, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Relating To Traffic Intersection Safety and Red Light Violations; Amending Section 30-422 of the Code; Providing a Local Hearing Process for Red Light Camera Violations

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The proposed ordinance relates to red light camera violations. The State Legislation allows for local government entities to charge a fee of up to $250 to cover the cost of providing a hearing upon request by the violator. The cost of providing local hearings cannot be fully determined at this time. Should the cost exceed the $150 charge that this ordinance provides for, the cost would either have to be absorbed in the budget by reducing other services or an amendment to this provision could be approved to fully recover the County's cost, to the extent permitted by State Statute.

Genaro "Chip" Iglesias
Deputy Mayor

Fis0914

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 3, 2013

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

SUBJECT: Agenda Item No. 7(D)

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 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(D)
12-3-13

ORDINANCE NO. 13-116

ORDINANCE RELATING TO TRAFFIC INTERSECTION SAFETY AND RED LIGHT VIOLATIONS; AMENDING SECTION 30-422 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING A LOCAL HEARING PROCESS FOR RED LIGHT CAMERA VIOLATIONS; 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 counties and municipalities to use cameras for red light enforcement; and

WHEREAS, Chapter 2010-80 imposes a $158 fine for red light camera violations, of which:

- $75 is retained by the county or municipality;
- $70 goes to the state general revenue fund;
- $10 goes to trauma centers, including Jackson Memorial Hospital; and
- $3 goes to the Miami Project to Cure Paralysis; and

WHEREAS, on July 8, 2010, this Board enacted Resolution No. R-759-10, which authorized the installation of red light cameras at high crash, high volume intersections 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 enacted Ordinance No. 11-01, which authorized and regulated the use of red light cameras in the unincorporated area of Miami-Dade County consistent with the Mark Wandall Traffic Safety Act; and

WHEREAS, Ordinance No. 11-01 also prohibited the use of red light cameras for enforcement of right turns on red; and

WHEREAS, based on Resolution No. R-759-10 and Ordinance No. 11-01, the Administration is currently in the process of procuring a red light camera vendor and implementing a red light camera program, but no red light cameras have been installed as of yet by Miami-Dade County; and

WHEREAS, during the 2013 state legislative session, the Florida Legislature enacted Chapter 2013-160, Laws of Florida (HB 7125), which amended the Mark Wandall Traffic Safety Act to provide counties and municipalities the option of providing a local hearing process at the notice of violation stage related to red light camera violations; and

WHEREAS, Chapter 2013-160 also provides that no payment or fee is required prior to the hearing, and authorizes a county or municipality to recover hearing costs not to exceed $250 if the person is found to have committed the red light camera violation; and

WHEREAS, prior to the passage of Chapter 2013-160, a person receiving a red light camera violation did not have a right to request a hearing based on the $158 notice of violation, and instead had to wait for the violation to become a uniform traffic citation which carried a fine of $256 or more and possible points on a person's driving record; and

WHEREAS, this Board would like to establish a local hearing process for red light camera violations pursuant to Chapter 2013-160 so that people who receive a red light camera notice of violation can request a hearing without the added expense of the violation becoming a uniform traffic citation and risking possible points on a person's driving record,

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:[1]

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

* * *

(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.<<

* * *

Section 2. 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.

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[1] 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.

Section 3. 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 4. 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: December 3, 2013

Approved by County Attorney as
to form and legal sufficiency: RAC

Prepared by: JMM

Jess M. McCarty

Prime Sponsor: Commissioner Sally A. Heyman