

**RESOLUTION NO. R-2013-64**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, REPEALING RESOLUTION R-2013-7, WHICH DIRECTED CITY ADMINISTRATION TO REFRAIN FROM UTILIZING RED LIGHT CAMERAS TO ENFORCE RIGHT TURNS ON RED LIGHT TRAFFIC INFRACTIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, on January 22, 2013, the Mayor and Council passed Resolution R-2013-7, (Exhibit "A"), directing city administration to no longer enforce right turn on red light violations; and

**WHEREAS**, because red light right turns done in a careful and prudent manner were subject to dismissal in court, the Mayor and City Council believed that a driver should not have to bear the expense, effort and unnecessary hardship of attending a court hearing in traffic court in downtown Miami; and

**WHEREAS**, in effort to minimize the burden on drivers, the Florida Legislature recently amended the Mark Wandall Traffic Safety Program Act and passed CS/CS/HB 7125; and

**WHEREAS**, among other things, under the new bill: (1) drivers can now opt to hear their cases at city hall rather than downtown at Miami-Dade County traffic court; (2) drivers will have an additional thirty days to respond to the notice of violations; and (3) a notice of violation cannot be issued if the driver stops at any point prior to making a right turn, rather than before the stop-bar as with the previous law; and

**WHEREAS**, because the new bill addresses the concerns articulated in Resolution R-2013-7, the Mayor and City Council believe that it is in the best interest of the City and its residents to repeal Resolution 2013-7 and reinstate the enforcement of right turns on red in accordance with Chapter 2013-160, Laws of Florida, enacted into law on June 12, 2013.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Recitals.** The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

**Section 2. Repeal of Resolution R-2013-7.** The Mayor and City Council of the City of North Miami, Florida, hereby repeal Resolution R-2013-7.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 25 day of June 2013.

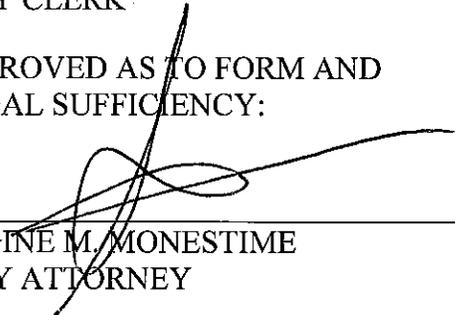
  
LUCIE M. TONDREAU  
MAYOR

ATTEST:



\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Vice Mayor Steril

Seconded by: Mayor Tondreau

**Vote:**

Mayor Lucie M. Tondreau	<input checked="" type="checkbox"/>	(Yes)	_____	(No)
Vice Mayor Marie Erlande Steril	<input checked="" type="checkbox"/>	(Yes)	_____	(No)
Councilperson Scott Galvin	_____	(Yes)	<input checked="" type="checkbox"/>	(No)
Councilperson Carol F. Keys, Esq.	<input checked="" type="checkbox"/>	(Yes)	_____	(No)
Councilperson Philippe Bien-Aime	<input checked="" type="checkbox"/>	(Yes)	_____	(No)

**RESOLUTION NO. R-2013-7**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, DIRECTING CITY ADMINISTRATION TO REFRAIN FROM UTILIZING RED LIGHT CAMERAS TO ENFORCE RIGHT TURNS ON RED LIGHT TRAFFIC INFRACTIONS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, in 2010, the Florida Legislature enacted the Mark Wandall Traffic Safety Act, authoring the use of cameras to enforce red light traffic violations; and

**WHEREAS**, the Act provides that red light camera violations related to red light turns can be issued if a driver drives straight through an intersection or makes a left turn in an intersection while the light is red; and

**WHEREAS**, a citation can only be issued to a driver making a right turn on red that is not made in a “careful and prudent manner”; and

**WHEREAS**, most dangerous intersection crashes occur when drivers run a red light straight through the intersection rather than on a right turn; and

**WHEREAS**, if a right turn on red is done in a careful and prudent manner, and therefore subject to dismissal in court, a driver should not have to bear the expense, effort and unnecessary hardship of attending a court hearing for same; and

**WHEREAS**, Miami-Dade County recently passed Resolution R-1055-12, urging municipalities not to enforce right turn on red violations, attached hereto as “Exhibit A.”

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Recitals.** The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

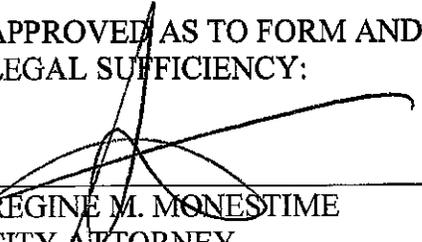
**Section 2. Directions.** The Mayor and City Council of the City of North Miami, Florida, hereby direct City Administration to no longer utilize red light cameras to enforce right turns on red unless the right turn is made in a manner that is clearly not “careful and prudent or otherwise illegal.”

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 22 day of January 2013

  
\_\_\_\_\_  
ANDRE D. PIERRE, ESQ.  
MAYOR

ATTEST:   
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:  
  
\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: MAYOR ANDRE D. PIERRE

Moved by: Vice Mayor Steril

Seconded by: Mayor Pierre

**Vote:**

Mayor Andre D. Pierre, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Vice Mayor Marie Erlande Steril	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Scott Galvin	<u>  x  </u>	(Yes)	<u>      </u>	(No)
Councilperson Jean R. Marcellus	<u>  x  </u>	(Yes)	<u>      </u>	(No)

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

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