



## Legislation Text

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**File #:** 100588., **Version:** 2

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### GAINESVILLE TRAFFIC SAFETY ENHANCEMENT ACT AMENDMENT (B)

Ordinance No. 100588

An Ordinance of the City of Gainesville, Florida amending Chapter 26, Article II, Division of the Gainesville Code Ordinances, The Gainesville Traffic Safety Enhancement Act to comply with the "Mark Wandall Traffic Safety Act," as codified in section 316.0083, Florida Statutes; authorizing the City of Gainesville to use Traffic Infraction Detectors to enforce violations of red light traffic control signals; amending Appendix A, Schedule of Fees, Rates and Charges, providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

#### CITY MANAGER STAFF REPORT

On February 19, 2009, the City Commission approved and adopted Ordinance # 070268 generally known as "The Gainesville Traffic Safety Enhancement Act" which established the red light traffic safety program. Although the Commission approved the program in 2009, upon the advice of the City Attorney's Office, implementation was delayed due to the uncertainty of pending state legislation. Other Florida cities such as Orlando, Bradenton, Naples, Aventura, Pembroke Pines and Tampa adopted and implemented similar Red Light Camera Programs regardless of the pending legislation and some are still involved in legal challenges as a result.

On April 27, 2010, the Florida Senate passed HB 325, known as Mark Wandall Traffic Safety Act, establishing statewide regulation of red light cameras. This Act was signed into law on May 13, 2010 by Governor Crist and became effective July 1, 2010. The Act expressly preempts any local regulation of traffic violations involving the use of cameras. The new legislation also establishes a mandatory \$158.00 fine for a red light camera violation with no points assessed against the driver's record. This draft ordinance comports with state law as set forth in section 316.0083, Florida Statutes (2010), "Mark Wandall Traffic Safety Program."

The City staff have issued, on January 3, 2011, the RFP requesting proposals from qualified vendors for delivery and maintenance of traffic infraction detectors, and for all necessary hardware and administrative support to ensure a credible and reliable electronic camera recording system. The bids are due by January 24, 2011. This is all based on anticipated approval of the proposed ordinance.

The City Commission desires to implement the enforcement as set forth herein in order to promote, protect and improve the health, safety and welfare of its citizens, consistent with the authority of and limitations on the City pursuant to the state Constitution and state statutes.