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Florida Supreme Court finds red-light camera ordinances invalid

State Supreme Court ruling potentially puts Palm Coast on the hook for thousands of refunds

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The Florida Supreme Court ruled Thursday that red-light camera ordinances in effect prior to the enactment of a 2010 state law are invalid — a decision that could compel the city of Palm Coast to pony up refunds for thousands of red-light camera tickets.

A Palm Coast spokeswoman said attorneys are evaluating how the ruling might impact an active civil case that was filed in 2009 against the city.

Daytona Beach and Holly Hill also have red-light camera programs, but they didn't commence until after the 2010 law was signed.

The high court's decision came eight months after oral arguments were heard in two cases, one in Orlando and the other in Aventura. Motorists in each of those cities had challenged their citations and appellate courts ruled differently each time. They were merged into one case and brought before the state's high court.

By a 5-2 margin, the justices sided with the 5th District Court of Appeal in Daytona Beach, which ruled in favor of the plaintiff in Orlando, and quashed the decision from the 3rd District, which had ruled in favor of the city of Aventura.

A municipality is given broad authority to enact ordinances under its own home rule powers. However, Justice Charles T. Canady stated in the majority ruling that municipal ordinances "must yield to state statutes."

State law didn't provide municipalities the necessary authority or direction to enact red-light camera ordinances until the passage of the Mark Wendell Traffic Safety Act, which was signed into law by then-Gov. Charlie Crist in mid-2010.

Marynelle Hardee, an Alachua County attorney who chairs the Traffic Court Rules Committee of the Florida Bar, said the ruling confirms that state law sets the guidelines for local ordinances related to red-light cameras. If any ordinance "adopted a different scheme of penalties," then those penalties should be considered invalid, she said.

The attorney for the plaintiff in the Orlando case, Jason Weisser, told the News-Journal in an interview in October that several cities that installed red-light camera systems prior to 2010 had already agreed to negotiate prior to the case going before



News-Journal file

A sign warns drivers that the intersection ahead is equipped with red-light cameras. A Florida Supreme Court decision may require Palm Coast to give refunds for thousands of traffic tickets.

the state Supreme Court. Palm Coast, which implemented its program in 2008, was not one of them.

Palm Coast joined the list of respondents in the court case after filing court documents in late 2012 through the Florida League of Cities.

Palm Coast spokeswoman Cindi Lane said Thursday that officials would not comment on the court's decision until attorneys have finished evaluating the impact of the ruling.

A class-action lawsuit was filed by Hammock resident William G. Mayfield in August 2009 and Thursday's decision could impact that case. Weisser, who wasn't available for comment Thursday, is listed as Mayfield's attorney.

Palm Coast issued 16,663 citations in 2008 and 2009 and another 3,000 or so during the first half of 2010. Refund amounts, if any, would depend on several variables. Information on that was not available Thursday.

Some legal experts said cities like Palm Coast might have a tough time dodging such a fate.

"It looks like the court has said that all tickets issued before (July 1,) 2010, are invalid," said Orlando attorney Steven D. Kramer. "If the tickets are invalid, then it stands to reason the ticketed drivers can get their money back."

Hardee agreed and said if the penalties "do not comply with what the court says is necessary or permissible," then they would be revoked and there would "probably be reimbursements."

While the ruling applies directly to the two plaintiffs, it opens the door for people who were issued tickets prior to the passage of the Mark Wendell Traffic Safety Act to file suit and request their money back. A possible scenario is a group of people filing a class-action lawsuit, which could be followed by a settlement. Those seeking a refund could request to have it come out of that settlement, Kramer said.

Justices Barbara J. Pariente and Peggy A. Quince dissented from the majority.

In her 12-page dissenting opinion, Pariente stated that prior to the 2010 law, the Legislature "did not expressly preempt the use of red-light cameras to the state." A law already in place — the Florida Uniform Traffic Control Law — gave the Legislature the authority to allow for cities to enact such ordinances, Pariente wrote.

Acknowledging that the issue of red-light cameras is high profile and controversial, Pariente suggested the court may have overreached with its ruling.

"Although this subject is of interest to many Floridians, the wisdom and public policy questions regarding the use of red-light cameras are not before this Court, nor are any potential constitutional issues that may be implicated through the use of these cameras," she wrote. "Instead, the only issue ... is the purely legal question of whether municipalities were authorized to enact red-light camera ordinances."

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