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**LMA NEWSLETTER**

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## **SCOFLA to Review Red-Light Cameras**

The Supreme Court of Florida has agreed to review a lawsuit based on an Aventura traffic ticket that parties on both sides hope will bring clarity and uniformity to differing court decisions regarding the use of traffic cameras at Florida's intersections. At question: is the process legal that is used to write tickets based on infractions caught on camera and if so, by whom?

Last summer, the 3rd District Court of Appeals, in an effort to gain clarity, asked the top court in Florida to provide a definitive ruling. The request came after the 3<sup>rd</sup> DCA ruled that Aventura's red-light traffic camera program was legal, overturning a lower court decision that the city had given too much authority to the company that runs the program.

The lower court judge had thrown out the traffic ticket based on a 4<sup>th</sup> DCA ruling in 2014 on a similar case just up the road in the city of Hollywood. That case resulted in Hollywood taking its cameras down. The 3<sup>rd</sup> DCA looked at that ruling but concluded Aventura's procedures were different: that police make the decision about ticketing motorists, weighing the evidence in the pictures and using professional judgement whether probable cause exists "in the same manner they decide to issue a roadside citation," said the ruling.

Noting that different county courts and DCAs in Florida have come up with different rulings in recent years, the 3<sup>rd</sup> DCA said the state Supreme Court needs to resolve questions about whether cities are essentially letting camera providers issue citations. The Supreme Court's eventual ruling could likely impact the estimated 65 different lawsuits around the state.

Also at stake are red-light camera programs in about 70 Florida cities and counties, which in a recent year issued about 963,000 such tickets. A group of trial lawyers who won in the Hollywood case filed a class-action lawsuit seeking refunds of all past \$158 citations. The state, which gets 58% of the citation revenue, will also weigh in, as Attorney General Pam Bondi sided with the city of Aventura in its case.

Although there have been bills in the legislature over the past few years to regulate and outright outlaw the use of red-light cameras, neither chamber could agree with the other. Inquiring minds now wonder whether the legislature will simply await the Supremes' ruling on these various issues before trying again. We'll be watching and in the meantime, keep your eyes on the road and up at the yellow light as you enter the intersection!