

CONSTITUTIONAL CHALLENGES

LITIGATION DIVISION

Our extensive representation of local governments, coupled with our familiarity with the process of enacting lawful and defensible legislation, gives us an unmatched level of experience and creativity in constitutional law matters.

We defend government entities against constitutional challenges to their ordinances, policies, procedures and practices. For example, we successfully defended hundreds of challenges to local government red light camera programs throughout the state, as well as a $200 million+ federal class action against several dozen local governments seeking to recover red light camera fines that had been imposed, resulting in precedent-setting state and federal decisions. Our expertise allows us to determine when there is a reasonable opportunity to overturn adverse precedent and create favorable new law.

As experienced constitutional litigators, we also mount challenges to state and local legislative actions. We can analyze whether a law or government regulation results in depriving our clients of rights guaranteed by the Florida or U.S. Constitution and fight to change them when they do. For example, we represented more than 20 local governments and 70 elected officials who challenged certain penalty provisions contained in a state law preempting local governments from regulating guns and ammunition within their jurisdictions and imposing severe penalties, including personal fines, removal from office and lawsuits for damages, if elected officials even attempted to engage in such regulation. Our lawsuit against the State of Florida, the Governor, the Attorney General, the Florida Department of Law Enforcement and the Florida Commissioner of Agriculture proved successful, resulting in the trial court striking the penalty provisions as unconstitutional.

OUR INSIGHT

Never assume that because something is “law” it cannot be challenged on lawful grounds.