

DAILY BUSINESS REVIEW

Florida Justices Won't Review Red-Light Cameras Cases

by Julie Kay

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The Florida Supreme Court has declined to review a red-light camera ticket challenge, dealing a blow to municipal programs run by Hollywood and others. It also may boost a class action pending in Miami federal court.

Lawyers for the city appealed the case, *City of Hollywood v. Eric Arem*, after the Fourth District Court of Appeal ruled in favor of the motorist fighting his ticket.

The Supreme Court decided Monday not to review the case for jurisdictional reasons, not based on the merits of the case, explained Ed Guedes of Weiss Serota Helfman Cole & Bierman in Coral Gables. He said the rejection will likely boost the class action by ticketed drivers challenging



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Appellate lawyer Ed Guedes said the Florida Supreme Court's rejection of the Hollywood case will likely boost the federal class action by ticketed drivers.

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the program in a case consolidated before U.S. District Judge Federico Moreno in Miami.

"We're disappointed that the Florida Supreme Court didn't take this opportunity to examine the *Arem* decision and correct what are significant problems with that decision," said Guedes, who represents 36 cities being sued along with three red-light camera operators. "However, we recognize that the court's decision was not a decision on the merits but rather a jurisdictional one, and therefore we will advance the necessary arguments in federal court to establish why the *Arem* decision is not controlling."

Ted Hollander of the Ticket Clinic in

Fort Lauderdale, one of the plaintiffs lawyers for the class, called the Supreme Court position "the right one."

"I'm not surprised at their decision because the Fourth District Court of Appeal's decision was well-thought out, and there is no reason to review that," he said. "More importantly there is no conflict, so there is was no reason for the Supreme Court to review it. It's now binding on everyone."

The West Palm Beach court found Hollywood's program was an improper delegation of police powers to a private company, which screens intersection photos and decides whether a violation occurred before sending data to a city traffic infraction enforcement officer to authorize a citation.

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