

# Decision strikes blow to cameras

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## State Supreme Court refuses to hear appeal on red-light program

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The traditional red-light-camera program appears to be stopped — for now.

An effort by Hollywood to keep its vendor-run program as is was dealt a blow by the Florida Supreme Court, which refused on Monday to hear its appeal. The decision, which impacts county and circuit courts statewide, has left many wondering: Do I have to pay this ticket?

"You still have to go to court. You can't just not pay it," said the Ticket Clinic's Ted Hollander, who has been at the forefront of lawsuits against red-light-camera programs. "In Broward and Palm Beach counties, go to court and it would get dismissed."

For now, people who have already paid red-light-camera tickets have to wait to see if they can get a refund. A class-action suit against 38 cities and counties is just getting underway in federal court in Miami-Dade County.

Instituted in 2010, Florida's red-light-camera program was put in place in cities and counties across the state. The fine statewide is

## CAMERAS

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\$158, but if unpaid it can jump to more than \$250 — the exact amount varies from county to county.

The Supreme Court declined to rule on an appellate decision that Hollywood outsourced too much of its program to a private company.

That ruling by the Fourth District Court of Appeals in West Palm Beach caused cities throughout South Florida to suspend their programs pending further review. Broward County courts dismissed more than 24,000 red-light-camera tickets after the ruling. Palm Beach County put its program on hold, while Miami-Dade County goes to court over its program on June 15.

With the Supreme Court's decision, cities are now trying to get within the letter of the law, which would require them to use police to review camera footage rather than private companies. That could cost more money to run the program.

And because no other District Court of Appeal has ruled on the camera programs, for now, it sets a

statewide precedent.

But that doesn't mean people with red-light-camera tickets can get off anywhere in the state. Cities and counties are trying to prove their programs don't rely on private companies to the extent that Hollywood's did, thus making them legal.

That argument has held little water outside of a successful case by the city of Lakeland.

"Now, each city within the state is trying desperately to differentiate themselves from Hollywood," said Hollander, who has successfully argued against programs in Boynton Beach, Tamarac and Broward County as a whole.

The cities see it differently.

"I really do think the Fourth District Court of Appeals rendered its decision in October last year based on insufficient information," said Ed Geudes, of the Coral Gables law firm Weiss, Serota, Helfman, Cole and Bierman, who is representing cities and counties in several upcoming red-light-camera lawsuits.

The lower court decided that some information about Hollywood's contract with American Traffic

Solutions was not pertinent to the case. When the case went before the appellate court, that information was still left out.

But what about all the people who already paid their tickets under programs that have since been found unlawful?

A federal court case in Miami-Dade County, separate from the June 15 state court case, could soon see them getting a refund. Plaintiffs in the federal case argue that, because they received tickets under a red-light-camera system that wasn't following the law, they should get their money back.

"It's in the early stages, but our hope is that we will help people recover the money that was paid improperly," Hollander said.

Geudes, though, believes the money should stay right where it is because everyone ticketed got their day in court, regardless of who reviewed the camera footage.

"The Hollywood case didn't say anyone had not been granted due process," he said.

Hollywood is now studying its options, according to City Attorney Jeff Sheffel. Its 18 red-light cameras continue to capture video, but the city stopped issuing

citations while it works to modify its program to comply with the law.

City officials are also renegotiating the contract with Arizona-based American Traffic Solutions to reflect the change in work flow. Hollywood will pay less for each camera, but Sheffel said how much less is still being determined.

And no one yet knows how much more cities will have to pay to law enforcement to do the work once done by private companies.

In Palm Beach County, the state Supreme Court decision keeps the county's camera program on hold, according to county attorney Denise Nieman.

The county had been using 17 cameras, operated by American Traffic Solutions, to monitor eight high-traffic intersections including Lantana Road at Jog Road; Palmetto Park Road at Powerline Road; and southbound Powerline Road at Palmetto Park Road.

"We stopped it because of that case," Nieman said about Hollywood case. "We are going to maintain the status quo."

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Mayo writes:

Are red-light cameras dead, or just in need of CPR? 1B