

NOT FINAL UNTL TIME EXPIRES FOR REHEARING AND, IF FILED, DETERMINED

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
APPELLATE DIVISION

SCOTT ROSS KLUNDER,
Appellant,

vs.

UCN: 522015AP000051XXXXCI
Ref No.: 15-0051AP-88B

CITY OF SOUTH PASADENA,
Appellee.

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ORDER AND OPINION

Appellant challenges the Final Administrative Order upholding a violation for running a red light in the City of South Pasadena. For the reasons set forth below, the decision of the Hearing Officer is affirmed.

Facts and Procedural History

In March 2015, Appellant received a Notice of Violation for a red light camera infraction. Of the statutory options to pay the violation, submit an affidavit, or request a hearing, Appellant requested an administrative hearing. After the hearing on July 22, 2015, the violation was upheld. Appellant filed the instant *pro se* appeal asserting that the order upholding his violation should be overturned because the Hearing Officer's findings were not supported by competent substantial evidence.

Standard of Review

When the circuit court in its appellate capacity reviews local governmental administrative action, there is a three-part standard of review: (1) whether procedural due process was accorded; (2) whether the essential requirements of law have been observed; and (3) whether the administrative agency's findings and judgment are supported by competent substantial evidence. *Lee Cnty. v. Sunbelt Equities, II, Ltd. P'ship*, 619 So. 2d 996, 1003 (Fla. 2d DCA 1993). Issues of statutory

interpretation, however, are subject to de novo review. *Citizens Prop. Ins. Corp. v. Perdido Sun Condo. Ass'n, Inc.*, 164 So. 3d 663, 666 (Fla. 2015).

Discussion

Appellant raises various arguments as to why this Court should reverse the Hearing Officer's determination. We write only to address two issues of statutory interpretation: (1) Appellant's argument concerning ownership of the vehicle, and (2) his contention that the vehicle did not run a steady red light. The Hearing Officer's decision on the remaining issues is supported by competent substantial evidence, and we affirm on those issues without further comment.

Florida Statute § 316.0083(1)(b)1.a states that "within 30 days after a [red light] violation, notification must be sent to the *registered owner* of the motor vehicle involved in the violation." (Emphasis added). Appellant contends that he was not the registered owner, so he should not be held liable for the red light violation. Appellant's argument is based on his failure to renew his motor vehicle registration; he contends that since he failed to renew his registration and was illegally driving his vehicle on an expired registration, he is no longer considered the registered owner. This argument is not only without merit, but is also contrary to public policy. Florida Statute § 316.0083(1)(d)1 specifies that "[t]he owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation." An owner is defined as the "person who holds the legal title of a vehicle." § 316.003(26), Fla. Stat. Because Appellant was the owner of the vehicle at the time of the violation, he was liable for the violation, despite the fact that his registration was expired.

Appellant's "steady red light" argument rests on an imaginary threshold amount of time after a yellow light turns red before it is considered "steady." Appellant's Notice of Violation indicated that he was in violation of Florida Statute § 316.075(1)(c)1, which states that "[v]ehicular traffic facing a *steady red* signal shall stop . . . before entering the intersection and shall remain standing until a green indication is shown." (Emphasis added). Appellant asserts that the statute is vague and

does not define steady red. He argues that a light needs to be red “for a least a second” to be considered a steady red light. Appellant’s argument is misplaced. Section 316.075(1)(c) describes the red light as steady only to differentiate it from the flashing red lights discussed in another section of the statute. *See* § 316.076, Fla. Stat.

Conclusion

The Hearing Officer’s determination that Appellant violated the red light statute is supported by competent substantial evidence, and Appellant’s statutory interpretation arguments are without merit. Therefore, it is

ORDERED AND ADJUDGED that the Final Administrative Order is **AFFIRMED**.

DONE AND ORDERED in Chambers, in St. Petersburg, Pinellas County, Florida, on this 30th day of March 2016.

Original Order entered on March 30, 2016, by Circuit Judges Jack Day, Amy M. Williams, and Thomas M. Ramsberger.

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