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Pincus v. American Traffic Solutions, Inc.

Supreme Court of Florida - February 3, 2022 - So.3d - 2022 WL 324706

Motorist brought putative class action against company that was exclusive vendor for city's red light photo-enforcement program, alleging that the "convenience fee" that he was charged for paying his traffic ticket online with a credit card was an illegal commission or a prohibited surcharge, and that vendor operated as an unlicensed money transmitter, all of which, he contended, supported a claim for unjust enrichment under Florida law.

Vendor moved to dismiss.

The United States District Court for the Southern District of Florida granted motion. Motorist appealed. The Court of Appeals certified question.

The Supreme Court held that motorist failed to establish vendor's acceptance and retention of five percent convenience fee as required to state a claim for unjust enrichment.

Motorist failed to establish vendor's acceptance and retention of five percent convenience fee, which was charged due to motorist paying traffic ticket with credit card electronically, was inequitable, as required to state a claim for unjust enrichment, in putative class action against company that was exclusive vendor for city's red light photo-enforcement program, challenging the propriety of "convenience fee" motorist was charged for paying traffic ticket electronically; even if convenience fee was prohibited by Florida statutes such as those addressing licensure requirements for money transmitters or surcharge prohibitions, vendor's retention of fee was not inequitable as it provided value in exchange because motorist could pay balance over time, and received immediate confirmation.