



Florida Judge Greenlights NCLA Lawsuit Alleging Unconstitutional Use of Automatic License Plate Readers

Raul Mas Canosa v. City of Coral Gables, FL et al.

WASHINGTON, DC, October 25, 2019 — The Honorable Judge Abby Cynamon of Florida’s 11th Judicial Circuit Court submitted an [order](#) allowing the New Civil Liberties Alliance to proceed with the [lawsuit](#) against the City of Coral Gables, Florida; the Florida Department of State (FDOS); and the Florida Department of Law Enforcement (FDLE), on behalf of Coral Gables resident Raúl Mas Canosa. The lawsuit cites Automated License Plate Readers (ALPRs) as a violation of Florida law and Floridians’ constitutional rights. Coral Gables uses more than 30 ALPR devices located at major intersections and other strategic points around the city, and police estimate that in 2018 alone the department scanned close to 30 million license plates.

NCLA takes issue with the collection and storage of sensitive license plate information without reasonable limits on the scope of data collected or its use. The [Fourth Amendment](#) to the United States Constitution forbids police from constantly monitoring a vehicle’s movements over time without first obtaining a warrant based on probable cause. Just as significantly, [Article I, Section 23](#) of the Florida State Constitution protects the ‘right of privacy’ of innocent citizens and limits the State’s collection and use of private information without first making a showing of compelling government interest.

The order filed on October 16, 2019, denied the City of Coral Gables’ motion to dismiss the constitutional and related claims against the defendants’ use of ALPRs. The case will move forward to the discovery phase.

"I am delighted to hear that the court has allowed us to move forward with most of our claims, especially the constitutional argument that Coral Gables' ALPR surveillance system constitutes a violation of my right to privacy under both the Federal and Florida Constitutions. I am grateful to the judicial system and to the New Civil Liberties Alliance for allowing my voice and my complaint to be taken seriously." - **Raúl Mas Canosa, Plaintiff**

“The defendants’ argued there’s nothing stopping them from tracking all vehicle traffic for years with an ALPR system and then allowing law enforcement to pore over the captured data without any individualized suspicion. We are pleased that Judge Cynamon rightly rejected those arguments. We look forward to vindicating Floridians’ right to privacy in this case.” – **Caleb Kruckenberg, NCLA Litigation Counsel**

Watch case video [here](#)

ABOUT NCLA

NCLA is a nonprofit civil rights organization founded by prominent legal scholar **Philip Hamburger** to protect constitutional freedoms from violations by the Administrative State. NCLA's public-interest litigation and other *pro bono* advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans' fundamental rights. For more information visit us online: **NCLAlegal.org**.

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