

Florida Supreme Court to consider legality of red light cameras



TAMPA —The Florida Supreme Court has accepted a case that will likely end the argument about whether it is legal to use cameras to catch red-light runners.

The move comes after two appellate courts ruled that cameras in Oldsmar and the city of Aventura in Miami-Dade County can be used to ticket drivers.

Those rulings, however, conflicted with one from the 4th District Court of Appeal, which shut down the city of Hollywood's program in 2014.

If the state Supreme Court makes a ruling, it will likely affect the outcome of another estimated 65 lawsuits filed by traffic attorneys against Florida communities that use cameras, including Tampa.

Tampa City Attorney Sal Territo said a ruling would provide welcome clarity on the devices.

"It would be nice to get it resolved," he said.

Central to the case is the debate on whether using cameras is illegally delegating a law enforcement function to a third party, which is prohibited by state law.

In most cities, the cameras are owned and operated by camera providers.

In the lawsuit against Hollywood, a consortium of South Florida traffic attorneys successfully argued that workers with red-light camera provider American Traffic Solutions were conducting initial screening of video footage to identify potential violations and determined which cases to refer to the city.

Their victory led the city to shutter its cameras.

The same argument, however, did not convince appellate judges in lawsuits filed against Aventura and Oldsmar.

The court will review the Aventura case. If it makes a ruling, that would trump any other appellate court decisions and set a precedent for the state.

No date has yet been set for oral argument in the case.

Traffic lawyers have hired law firms Podhurst Orseck and Cohen Milstein Sellers & Toll to represent them in the state Supreme Court.

"We welcome the opportunity to present our challenge to the lawfulness of the manner in which local governments across the state have been operating their red light camera programs," said Podhurst Orseck attorney Stephen F. Rosenthal.