



Fla. Court Says Cities Can Contract With Traffic Camera Cos.

By Carolina Bolado

A Florida appeals court ruled Friday that cities can lawfully contract with a private vendor to review footage from traffic cameras and mail notices of violations to offenders, a decision that breaks with another appeals court on the issue.

Florida's Second District Court of Appeal found that the city of Oldsmar's contract with American Traffic Solutions Inc. to monitor the footage of red light cameras is not an improper delegation of the city's police power.

Though the [ATS](#) processors do the initial screening, they have to comply with the city's rules, and any instances in which there is doubt are sent to city officials for a decision, according to the opinion.

"We conclude that under the arrangement between the city and ATS, the power to determine whether a red light violation has occurred and the ultimate decision to issue a notice of violation and a UTC remains with the city," the appeals court said. "Thus, there has been no unauthorized delegation of police power."

The decision is in line with a July decision in which the Third District also ruled that the city of Aventura could contract with a third-party vendor to monitor its traffic cameras. But it conflicts with a 2014 from the Fourth District in *City of Hollywood v. Arem*, which sent several municipalities around the state scrambling to shut down their red light camera enforcement programs.

In the instant case, a red light camera in Oldsmar caught a Tammy Jo Trinh's vehicle crossing an intersection against a red light on April 17, 2014. She got a notice of the violation but did not pay the fine, and was then issued a citation, according to the ruling.

She moved to dismiss that citation by claiming the city impermissibly delegated its police power to ATS by allowing the company to prescreen traffic infraction data before sending it to the city to review. The trial court dismissed it but certified questions of great public importance to the appeals court.

Weiss Serota Helfman Cole & Bierman PL's Ed Guedes, who represents Oldsmar, said he expects the issue will eventually end up at the Florida Supreme Court.

His firm also represented Hollywood in the 2014 case, which invalidated programs around the state. But he said that court made a decision without all of the facts, and he wanted to get another appeals court to take a stab at the issue.

"The whole dispute came about in connection with who was issuing the citation," Guedes said. "But it's always been the local governments. All the vendor is doing is processing in accordance with the rules."

An attorney for Trinh could not immediately be reached for comment Friday.

Judges Douglas A. Wallace, Darryl C. Casanueva and Marva Crenshaw sat for the Second District.

Oldsmar is represented by Edward G. Guedes and Samuel I. Zeskind of Weiss Serota Helfman Cole & Bierman PL.

Bondi is represented by herself and Assistant Attorney General Robert Dietz.

Trinh is represented by Marc A. Wites of [Wites & Kapetan PA](#) and Louis C. Arslanian.

The case is *City of Oldsmar et al. v. Trinh*, case number 2D15-4898, in the Second District Court of Appeal of Florida.