



CITY OF FORT LAUDERDALE
Commission Agenda Memo
REGULAR MEETING

15-0788

TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Cynthia A. Everett, City Attorney

DATE: June 2, 2015

TITLE: Motion to Approve an Appeal of a Court Order Dismissing the Red Light Camera Prosecution in the matter of State of Florida (City of Fort Lauderdale) v. Doris Knowles Carey, Case No. 13-034232T120A and 367 other Red Light Camera Prosecutions

Recommendation

It is recommended that an appeal of an adverse ruling against the City in this matter be filed in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida.

Background

On June 7, 2013, Ms. Carey was issued a uniform traffic citation pursuant to The Mark Wandall Traffic Safety Act (Section 316.0083, Florida Statute (2013)). After conducting an evidentiary hearing, on May 12, 2015, County Court Judge Steven Deluca, citing to *City of Hollywood v. Arem*, 154 So.3d 359 (Fla. 4th DCA, 2014), entered an order dismissing Ms. Carey's case finding that the City of Fort Lauderdale improperly delegated its police power of reviewing and issuing red light camera violations to its third party vendor, American Traffic Solutions, Inc. Additionally, the Court indicated that it intends to amend the Carey Dismissal Order to include the dismissal of an additional 367 pending Fort Lauderdale red light camera prosecutions.

Based upon the evidence presented to the Court, the City Attorney's Office believes that the City has a good faith basis to seek appellate review of Judge Deluca's Order. Furthermore, the Court's decision has a substantial impact upon the operation and effectiveness of the City's automated red light camera traffic system.

Resource Impact

No budgetary impact

Attachments: Exhibit 1: Dismissal Order in *State of Florida (City of Fort Lauderdale)*
v. Doris Knowles Carey, Case No. 13-034232T120A

Prepared By: Bradley H. Weissman, Asst. City Attorney

Charter Officer: Cynthia A. Everett, City Attorney