

**IN THE COUNTY COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

STATE OF FLORIDA,

Plaintiff,

vs.

DORIS KNOWLES CAREY,

Defendant.

CASE NO.: 13-034232TI20A

JUDGE: STEVEN P. DELUCA

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**ORDER OF DISMISSAL**

**THIS MATTER** has come before the court upon Defendant's Motion to Dismiss, and the Court having heard argument from respective counsel and being otherwise informed in the premises does hereby find as follows:

- I. Defendant is charged with a Red Light Camera Violation under section 316.0083, Florida Statutes, known as the Mark Wandall Traffic Safety Program (the "Act") for an incident alleged to have occurred on April 21, 2013;
- II. The court has jurisdiction to hear this matter, and the Defendant has standing to bring this motion;
- III. The Defendant complains in simplified summary that the City of Fort Lauderdale impermissibly delegated its statutory obligations and responsibilities under the Act to the vendor American Traffic Solutions, and having done so, the proper remedy is dismissal;
- IV. A hearing was held on April 21, 2015, and testimony was received from Officer Martrikia Mullins of the Fort Lauderdale Police Department and Debbie Duff, a representative of American Traffic Solutions;
- V. The testimony established, in pertinent part: that American Traffic Solutions was the red light camera vendor in the cities of Hollywood and Davie, Florida, and is the red light camera vendor in the City of Fort Lauderdale;
- VI. That in all three cities, American Traffic Solutions utilizes its Axis software to control the processing of the captured imaging;

- VII. That American Traffic Solutions performs the initial review (and the only total review) of all images captured and forwards to the Fort Lauderdale Police Department only those images that American Traffic Solutions deems to possibly contain violations;
- VIII. That although the City of Fort Lauderdale can have access to all of the total of the imaging captured by American Traffic Solutions, the City does not perform a review, verification, or audit of the declined suspected violation images;
- IX. That once the decision is made to issue a Uniform Traffic Citation, the City reviews the information, but it is American Traffic Solutions which is responsible for the filing of the Uniform Traffic Citation.
- X. That the final Uniform Traffic Citation is not checked by the Fort Lauderdale Police Department prior to the mailing of the Uniform Traffic Citation to the Defendant.

**IT IS THEREFORE ORDERED AND ADJUDGED that:**

The City of Fort Lauderdale has impermissibly delegated its authority to American Traffic Solutions and that Defendant's Motion to Dismiss is **GRANTED** under the authority of *City of Hollywood v. Arem*, 154 So. 3d 359 (Fla. 4th DCA 2014) *review denied*, SC15-236, 2015 WL 1787409 (Fla. 2015) and *State v. Adams*, 155 So. 3d 1260 (Fla. 4th DCA 2015).

Any differences that may exist from the procedure and protocol of the cities of Fort Lauderdale, Hollywood and Davie are differences without distinction.

**DONE and ORDERED** in Broward County, Florida on this \_\_\_\_\_ day of May,

2015 A.D.

STEVEN P. DELUCA  
County Court Judge  
MAY 12 2015

TRUE COPY

HONORABLE STEVEN P. DELUCA  
COUNTY COURT JUDGE

cc: Ted L. Hollander, Esq.  
Bradley H. Weissman, Esq.  
John J. Bajger, Esq., Office of the Attorney General, Fort Lauderdale