

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

City of Sweetwater v. Lopez

245 So. 3d 863 (Fla. 3d DCA 2018) · No. No. 3D16-1879 · Decided March 14, 2018

SUMMARY

The Third District Court of Appeal of Florida reviewed summary judgments favoring the Mayor of Sweetwater in disputes concerning the City's 2015–16 final budget and several commission resolutions affecting layoffs, positions, and city vehicles. The court held that summary judgment concerning the final budget was improper because competing expert affidavits created genuine issues of material fact. It further held that challenges to the prior-year resolutions were moot because the resolutions had expired or been rescinded, and directed dismissal of those claims.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	EMAS, J.; FERNANDEZ, J.; LUCK, J.
JURISDICTION	Florida
DECIDED	March 14, 2018
DOCKET	No. 3D16-1879
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City and members of its City Commission appealed two final summary judgment orders entered in favor of Mayor Orlando Lopez.
STANDARD OF REVIEW	De novo review of final summary judgment orders.
PRECEDENTIAL VALUE	published and precedential
PARTIES	The City of Sweetwater, Florida, Jose M. Diaz, Jose A. Bergouignan, Prisca Barreto, Manuel Duasso, Idania Llanio, Isolina Marano, Eduardo Suarez v. Orlando Lopez

TOPICS

[summary judgment](#) [mootness](#) [municipal law](#) [appellate procedure](#) [declaratory judgment](#)

PRACTICE AREAS

[municipal law](#) [civil procedure](#) [appellate procedure](#) [remedies](#)

QUESTIONS PRESENTED

1. Whether summary judgment for Mayor Lopez was proper on the validity and implementation of the City's 2015-16 Final Budget when competing expert affidavits created a genuine issue of material fact regarding whether the budget was balanced and complied with Florida law.
2. Whether the trial court properly reached the merits of Mayor Lopez's challenges to the Commission Resolutions and Budget Resolution after those measures expired or were rescinded before the action was filed or resolved.

HOLDINGS

1. Summary judgment for Mayor Lopez was improper because competing affidavits created genuine issues of material fact concerning whether the Final Budget was balanced, complied with section 166.241(2), and followed sound financial practices.
2. The trial court erred by reaching the merits of Mayor Lopez's challenges because the resolutions had expired or ceased to be capable of implementation and the claims were moot.

KEY QUOTATIONS

"An issue is moot when the controversy has been so fully resolved that a judicial determination can have no actual effect." (at 870)

"We reverse with directions to dismiss the claims as moot." (at 872)

FACTUAL BACKGROUND

Mayor Lopez proposed a 2015-16 municipal budget, while the City Commission adopted a lower millage rate, enacted budget amendments, and ultimately adopted a Final Budget that included disputed projected revenue from the sale of public land. Lopez contended that the Final Budget was unbalanced and violated Florida law and the City Charter; the City presented competing expert affidavits asserting that the budget was balanced and legally compliant. The Commission also adopted resolutions concerning layoffs, unbudgeted positions, and take-home vehicles, but those resolutions expired or were rescinded before the litigation was resolved.

PROCEDURAL HISTORY

Mayor Lopez sued the City and Commission seeking declaratory and injunctive relief and an alternative writ of mandamus concerning the City's 2015-16 Final Budget and several personnel and vehicle-related resolutions. The City filed a mandamus petition and declaratory counterclaim, and the parties filed cross-motions for summary judgment. The trial court entered summary judgment for Mayor Lopez on all counts. The Third District Court of Appeal reversed both summary judgment orders, remanding the budget claim for further proceedings and directing dismissal of the challenges to the resolutions as moot.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the summary judgment concerning the 2015-16 Final Budget and remand for further proceedings.
Reverse the judgment concerning the Commission Resolutions and Budget Resolution with directions to dismiss those claims as moot.

CASES CITED

- Volusia County v. Aberdeen at Ormond Beach, L.P., 760 So. 2d 126, 130 (Fla. 2000)
- Holl v. Talcott, 191 So. 2d 40, 43-45 (Fla. 1966)
- Taylor v. Florida City, 322 So. 2d 35 (Fla. 3d DCA 1975)
- Godwin v. State, 593 So. 2d 211, 212 (Fla. 1992)
- Dehoff v. Imeson, 15 So. 2d 258 (Fla. 1943)
- Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 563 (1980)
- Southern Pacific Terminal Co. v. Interstate Commerce Commission, 219 U.S. 498, 515 (1911)
- Morris Publishing Group, LLC v. State, 136 So. 3d 770, 776 (Fla. 1st DCA 2014)
- Department of Environmental Protection v. Garcia, 99 So. 3d 539, 544 (Fla. 3d DCA 2011)
- Martinez v. Scanlan, 582 So. 2d 1167, 1174 (Fla. 1991)
- Baker v. Carr, 369 U.S. 186, 217 (1962)