

Third District Court of Appeal

State of Florida, January Term, A.D. 2008

Opinion filed April 23, 2008.
Not final until disposition of timely filed motion for rehearing.

No. 3D01-2055
Consolidated: 3D01-1941
Lower Tribunal Nos. 01-161AP, 99-28701 & 00-30698

City of Miami,
Appellant,

vs.

Jose A. Juarez and Cristino Nieves,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Jeffrey Rosinek,
Judge.

Jorge L. Fernandez, City Attorney, and Warren Bittner, Assistant City
Attorney; Robert S. Glazier, for appellant.

Bennett H. Brummer, Public Defender, and John Eddy Morrison, Assistant
Public Defender, for appellees.

Before GERSTEN, C.J., and RAMIREZ, and WELLS, JJ.

ON REMAND

WELLS, J.

This matter is before us for reconsideration upon remand from the Florida Supreme Court. See City of Miami v. Juarez, 875 So. 2d 642 (Fla. 3d DCA 2004), vacated, 944 So. 2d 249 (Fla. 2006). The City of Miami appeals from two virtually identical orders finding the City's vehicle impoundment ordinance unconstitutional. On authority of City of Miami v. Wellman, 976 So. 2d 22 (Fla. 3d DCA 2008), we affirm.