

# **Bond Case Briefs**

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## **EMPLOYMENT - FLORIDA**

### **Carter v. City of Melbourne, Fla.**

**United States Court of Appeals, Eleventh Circuit - September 23, 2013 - F.3d - 2013 WL 5305341**

Former officer with city's police department brought § 1983 action against city, police chief, and city manager, alleging that his termination constituted First Amendment retaliation based on his political speech and union activities, and that defendants caused him to be falsely arrested, imprisoned, and prosecuted.

The Court of Appeals held that:

- Municipal liability did not attach on First Amendment retaliation claims;
- Officer's speech activities did not play substantial role in disciplinary and personnel decisions; and
- Officer's false arrest, imprisonment, and malicious prosecution claims failed.

Local governments can be held liable under § 1983 for constitutional torts caused by official policies, but such municipal liability is limited to acts that are, properly speaking, acts of the municipality, that is, acts which the municipality has officially sanctioned or ordered.

In determining whether a local government's policy or action represents official municipal policy, so that the government can be held liable under § 1983 for constitutional torts resulting therefrom, the court must determine whether the decision at issue was made by those officials or governmental bodies who speak with final policymaking authority for the local governmental actor concerning the action alleged to have caused the particular constitutional or statutory violation at issue.