

**IN THE CIRCUIT COURT OF THE 11th JUDICIAL
IN AND FOR MIAMI DADE COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION**

Case No.:

**VICTOR MILANES, OSCAR ELIO ALEJANDRO,
and ALEJANDRO ALMIROLA**

Plaintiff,

v.

**THE CITY OF MIAMI, TODD HANNON,
in his official capacity as
City of Miami Clerk THE CITY OF
MIAMI CANVASSING BOARD, and ALINA GARCIA,
in her official capacity as the Miami-Dade
County Supervisor of Elections,**

Defendants.

_____/

**EMERGENCY VERIFIED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

COME NOW, Plaintiffs, by and through the undersigned counsel, file the above titled Complaint against the Defendants; The City of Miami, TODD HANNON, in his official capacity as City of Miami City Clerk (hereinafter "Hannon"), The City of Miami Canvassing Board (hereinafter "Canvassing Board"), and ALINA GARCIA, in her official capacity as the Supervisor of Elections of Miami-Dade County (hereinafter "Garcia"), and in support thereof states as follows:

INTRODUCTION

This action seeks immediate enforcement of a provision of the City of Miami Charter that has just been adopted by the Voters in the City of Miami on November 4, 2025. As the new provision of the City Charter now applies retroactively, no candidate who has already “been elected or appointed two (2) times, to the office of Mayor or Commissioner shall be eligible for reelection to that office during their lifetime.” While the certification of the results of the November 4, 2025, election is still pending, the voters have spoken, and the referendum passed by a significant margin. Because this new provision of the City Charter is effective upon becoming law, there is a likelihood that some candidates who advance to the December 9, 2025, runoff would be rendered ineligible under the Charter. However, such determinations of constitutional candidate eligibility can only be achieved via the statutory post-election challenge provisions of Florida Statute 102.168, which cannot be brought until the certification of election results on November 7, 2025.

The Plaintiffs accordingly ask that this Court declare that the November 4th referendum is effective upon certification, that under the language of the referendum and issue an injunction against the City of Miami Clerk and Supervisor of Elections to immediately refrain from taking any steps to determine candidates in or print ballots for the December 9, 2025, runoff election.

PARTIES, JURISDICTION, AND VENUE

1. This court has jurisdiction over this action pursuant to the Florida Constitution, Fla. Stat. § 86.011 and the General Equity Jurisdiction of the Court

as established in F.S. § 26.012.

2. All conditions precedent to the bringing of this action have either been performed by the Plaintiffs or have otherwise occurred. The Plaintiffs, VICTOR MILANES, OSCAR ELIO ALEJANDRO AND ALEJANDRO ALMIROLA, are longtime residents of the City of Miami, and are registered voters who affirmatively voted to amend the City of Miami Charter to impose lifetime term limits on elected officials.

1. Plaintiff Victor Milanes is a registered voter in Commission District 3 in Miami who voted to impose lifetime term limits on elected officials through change to the City of Miami Charter.

2. Plaintiff Oscar Elio Alejandro is a registered voter in Commission District 3 in Miami who voted to impose lifetime term limits on elected officials through change to the City of Miami Charter.

3. Plaintiff Alejandro Almirola is a registered voter in Commission District 3 in Miami who voted to impose lifetime term limits on elected officials through change to the City of Miami Charter.

4. Defendant, the City of Miami is a Florida municipal corporation under the Florida Constitution and the Florida Statutes who will have a runoff election on December 9, 2025, along with several other municipalities in Miami-Dade County.

5. Defendant Todd B. Hannon, sued in his official capacity, is the clerk for the City of Miami. Hannon is the officer charged with qualifying all candidates for and conducting all elections within the City of Miami and is an indispensable

party pursuant to the relief requested in each Count of this action.

6. Defendant Alina Garcia (“Garcia”), sued in her official capacity, is the Supervisor of Elections for Miami-Dade County. Garcia is charged with conducting all elections within Miami-Dade County, Florida where city of Miami is located and thus an indispensable party to this action pursuant to the relief requested.

7. Defendant, City of Miami Canvassing Board certifies the election results in the City.

8. Venue is proper in the 11th Judicial Circuit, in and for Miami-Dade County, Florida as the City of Miami is located entirely within Miami-Dade County.

FACTS

9. On July 10, 2025, the City of Miami Commission passed Resolution R-25-0244 to submit a referendum to the voters in the November 4, 2025, municipal election that would amend Section 4(b) of the City Charter (“The Charter”) to the voters. The ballot measure was entitled “Charter Amendment to Establish Lifetime Term Limits for Elected Officials with a Retroactive Effective Date.” As such, the title of the ballot measure explicitly detailed its effect and was clear for voters and anyone considering running for office.¹

10. On November 4th, 2025, the voters in the City of Miami passed what was recorded on the municipal ballot as “Referendum 4” by a significant margin.²

¹ <https://miamifl.igms.com/Citizens/FileOpen.aspx?Type=12&ID=3370&Inline=True>

² <https://enr.electionsfl.org/DAD/3882/Summary/>

11. Section 4 of the Charter is titled “Form of government; nomination and election” and subsection b is titled “Election of mayor and city commission; terms of office; recall.” City Charter §§ 4(b) (emphasis and italics omitted).

12. The successful amendment to the City Charter reads in pertinent part:.

. . . NO PERSON WHO HAS BEEN **ELECTED OR APPOINTED TWO (2) TIMES** TO THE OFFICE OF MAYOR OR COMMISSIONER **SHALL BE ELIGIBLE FOR REELECTION** TO THAT OFFICE DURING THEIR LIFETIME . . . **TERM LIMITS ARE MEASURED RETROACTIVELY** FROM THEIR FIRST ELECTIONS OR APPOINTMENTS; . . . THIS AMENDMENT WILL BE **IMMEDIATELY EFFECTIVE** .³

COUNT 1: DECLARATORY RELIEF

13. Plaintiffs restate and reincorporate Paragraphs 1 to 12 as stated therein.

14. On November 4th, 2025, the passage of Referendum 4, with its upcoming certification on November 7, 2025, will have the practical effect of rendering ineligible for the office of Mayor of the City of Miami or for a seat on the City Commission any candidate who has already served eight years in either office. While certain candidates on the November 4th, 2025, ballot may have properly qualified to run for Commissioner or Mayor as per the City Code, they are now constitutionally ineligible to serve in said office now that the City Charter has been Amended.

³ <https://www.miamidade.gov/elections/library/sample-ballots/2025-11-04-miami-general-municipal-and-special-sample-ballot.pdf>

15. “The law distinguishes between a candidate's constitutional eligibility for office, on the one hand, and, on the other, a constitutionally eligible candidate's taking the necessary, statutory steps to qualify to run for office.” *Norman v. Ambler*, 46 So.3d 178, 182 (Fla 1st DCA 2010).

16. Florida courts recognize that “ineligibility” of a candidate as described in 102.168(3)(b) refers to “constitutional eligibility”- “the constitutional requirement for holding the office sought.” *Burns v. Tondreau*, 139 So. 3d 481, 484 (Fla. 3d DCA 2014).

17. Florida courts further recognize that in the context of municipal races, the City’s Charter establishes a person’s eligibility to hold office. *Id* at 487.

18. It was the intention of the City of Miami Commission to place a retroactive measure on the ballot that would automatically make any candidate that had previously served two terms as a City Commissioner, ineligible to hold office once again as a City Commissioner. “Legislative intent is the polestar that guides a court's statutory construction analysis.” *Bautista v. State*, 863 So.2d 1180, 1185 (Fla. 2003). Governing bodies are deemed to know the words of the laws they authored as well as the effect of such laws. See *Overstreet v. State*, 629 So.2d 125, 126 (Fla. 1993)

19. This claim is brought under Chapter 86, Florida Statutes (Declaratory Judgments).

20. There is a bona fide dispute between Plaintiffs and Defendants concerning the interpretation of Section 4(b) of the Miami City Charter which would have the practical effect of rendering some candidates in the runoff

ineligible to hold office and thus unable to proceed as candidates in the December 9, 2025, runoff election.

21. Plaintiffs are entitled to a declaration that the new version of Section 4(b) of the Miami City Charter could render certain candidates ineligible for the December 9, 2025, runoff election and thus Defendants should refrain from taking steps to finalize the field of runoff candidates until any relevant post-election challenges can be properly addressed.

22. Plaintiffs are NOT seeking mere legal advice, and this dispute presents an important, time-sensitive, and justiciable controversy in need of prompt resolution.

23. The requested relief is consistent with the public interest and does not unfairly prejudice any parties or the public. On information and belief, all persons with an adverse and antagonistic interest are before the Court.

WHEREFORE, the Plaintiffs ask that this Court accept jurisdiction and declare that the City of Miami Charter, § 4(b) is applied retroactively as intended by the City Commission and the voters in the City of Miami, and thus ANY candidate that has already served two terms as a City Commissioner or as Mayor of the City is ineligible to be reelected.

COUNT II: INJUNCTIVE RELIEF

24. Plaintiffs restate and reincorporate Paragraphs 1 to 12 as stated therein.

25. Plaintiffs are entitled to the entry of a temporary and permanent

injunction to ensure that no candidate that has been now made ineligible to hold office by the passage of Referendum 4 has their name printed on the ballot for the December 9, 2025, runoff election.

26. "The issuance of a preliminary injunction is an extraordinary remedy which should be granted sparingly, which must be based upon a showing of the following criteria: (1) The likelihood of irreparable harm; (2) the unavailability of an adequate remedy at law; (3) substantial likelihood of success on the merits; and (4) considerations of the public interest." *City of Jacksonville v. Naegele Outdoor Advertising Co.*, 634 So.2d 750 (Fla. 1st DCA, 1994)

27. The Plaintiffs, and the residents and voters in the City of Miami will suffer irreparable harm if the Court fails to grant injunctive relief and allows any ineligible candidate to have their name appear on the ballot for the December 9, 2025, runoff election in the City of Miami.

28. Plaintiffs and residents and voters in the City of Miami have no other adequate remedy at law to enforce their Charter other than an injunction entered by this Court. No other action will suffice and rectify the violation of the law inflicted upon them in the absence of an injunction.

29. Plaintiffs have a substantial likelihood of success on the merits of this action as the City Charter must be followed. "In this case, the City is a municipality, and 'the paramount law of a municipality is its charter, (just as the State Constitution is the charter of the State of Florida,) and gives the municipality all the powers it possesses....'" *Burns v. Tondreau*, 139 So.3d 481, 484 (Fla 3d DCA 2014), citing *City of Miami Beach v. Fleetwood Hotel, Inc.*, 261

So.2d 801,803 (Fla.1972).

30. As the Miami City Charter now prohibits candidates who have previously served eight years as mayor or as a City Commissioner from being reelected, the inclusion of any such name would harm the voters in as they could vote for an ineligible candidate or be confused if a replacement ballot must be issued. As such, the issuance of an injunction is most definitely in the public interest as the rights of voters to a free and fair election with ONLY candidates that are eligible to serve in office should not be infringed upon by any government.

WHEREFORE, the Court is respectfully requested to assert and assume jurisdiction and enter judgment asserting that the City of Miami, Todd Hannon and Alina Garcia must refrain from taking any steps to print materials, including ballots, that may identify candidates in the December 9, 2025.

Respectfully submitted this 4th day of November 2025 by:

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