



STATE OF FLORIDA

**JAMES UTHMEIER
ATTORNEY GENERAL**

June 25, 2025

Mayor Francis Suarez
City Commissioners
City of Miami
Miami Riverside Center
444 SW 2nd Avenue
Miami, FL 33130

Dear Mayor Suarez and City Commissioners:

I write in response to Legal Opinion #25-001 (“Legal Opinion”) from the Office of the City Attorney of the City of Miami. I caution you that the action contemplated by the City of Miami in the Legal Opinion to move the date of its municipal elections or to change the terms of office for elected officials without a vote of the electors violates the County Charter and provisions of the 1885 Constitution, incorporated by Article VIII, section 6 of the 1968 Constitution. The State will not tolerate such an unconstitutional deviation.

As you know, the County Charter requires that any change in an election date or change in a term of office of elected officials must be accomplished through a vote of the electors.¹ The City of Miami’s own charter obligates it to follow the procedures outlined in section 6.03 of the County Charter requiring a vote of the electors. Attempting to effect this change by a simple vote by the Miami City Commission alone would clearly circumvent the terms of the County Charter and would therefore be invalid.

The case you primarily rely upon to justify your position in the Legal Opinion is *Medina v. City of North Miami*, Case No. 2023-002691 (Miami-Dade County Circuit Court). Yet *Medina* falls far short of justifying the Legal Opinion’s conclusions. To start, *Medina* is a trial court decision lacking precedential authority.² And *Medina* lacks even persuasive authority here because the parties did not raise—nor did the trial court address—the unique constitutional provisions governing Miami-Dade County that were central to the Attorney General’s Opinion.³ Moreover, the trial court justified its ruling in large part by plaintiffs’ failure to join Miami-Dade County as party to the suit—a consideration irrelevant here.

¹ Miami-Dade County, The Home Rule Amendment and Charter (As Amended Through November 8, 2016) at Article VI, Section 6.03, *Municipal Charters* (2016).

² “Trial courts do not create precedent.” *State v. Bamber*, 592 So. 2d 1129, 1132 (Fla. 2d DCA 1991), *approved*, 630 So. 2d 1048 (Fla. 1994).

³ AGO 2025-01 (2025).

You also cite several Attorney General Opinions for support, but those opinions are obviously not supportive of the Legal Opinion's position. Those Opinions addressed cities and localities *not* governed by any unique constitutional provision, so their analyses lack relevance to unique circumstances here with Miami-Dade County and the City of Miami. There is, however, an Attorney General Opinion directly on point: on June 11, 2025, this office issued Attorney General Opinion 2025-01 ("AGO 2025-01"), which *directly* addresses the City of Miami's position. AGO 2025-01 concludes that "[i]f the City of Miami is to amend its charter, either to move the date of municipal elections or to change the terms of office for elected officials, then the change may *only* proceed by a vote of the electors."⁴ If, therefore, the City of Miami amends its charter to move the date of elections or change the terms of office of elected officials without a vote of its electors, it would violate the Constitution and the terms of Miami-Dade County's Home Rule Charter.⁵

Your argument that certain legislative provisions give the City of Miami officials a free pass to extend their terms of office—even if term limited—and change the dates of their elections without a vote of the citizens ignores the Attorney General's constitutional analysis. You repeatedly claim that the relevant Florida statutes take precedence over the County Charter but ignore that Miami-Dade's Charter is uniquely governed by the State Constitution, specifically the "exclusive" language of the 1885 Constitution in Article VIII, section 11(1)(g). As the Third District Court of Appeal held in *City of Miami v. Miami Ass'n of Firefighters, Local 587*, 744 So. 2d 555, 556 (Fla. 3d DCA 1999), this language prevents the Legislature from amending municipal charters within Miami-Dade County, even by general law.

Accordingly, the terms of the County Charter control the method for changing election dates and the terms of office of elected officials. As noted above, the County Charter requires a vote of the electors to make the changes you are contemplating. What this means, at bottom, is that no statute authorizes or could authorize the proposed ordinance, which would amend provisions of the municipal charter pertaining to election dates and terms of office without a vote of the people.

You should immediately cease the process of enacting the ordinance to move the date of municipal elections and change the terms of office for elected officials in the City of Miami. The citizens of Miami deserve—and are entitled to—the right to make this decision, directly. Home to thousands of patriotic Cuban Americans who know better than most about regimes that cavalierly delay elections and prolong their terms in power, the City of Miami owes to its citizens what the law requires.

If you nevertheless move forward with the proposed ordinance, my office reserves the right to consider taking all available actions to prevent this violation of law from occurring.

Sincerely,



James Uthmeier
Attorney General

Cc: George Wysong, City Attorney

⁴ AGO 2025-01, 6 (2025) (emphasis added).

⁵ *Id.* ("The 'exclusive' language of the 1885 Constitution in section 11(1)(g) prohibits charter amendments from proceeding by any method other than the one prescribed in the Home Rule Charter.")