Florida Abolished Mayor's Courts.
Miami-Dade Rebuilt One for Our Homes.

A plain-language constitutional brief for Miami-Dade property owners

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September 2026 (rev. C — rev. B plus thin *Knick* continuity line)

This is advocacy and public education — not legal advice. Signing a petition does not create an attorney-client relationship or make you a plaintiff. Miguel Skip Quintero owns his own legal decisions. Courts may disagree with these arguments. We cite the other side's strongest cases because honesty is how a petition earns trust.

The short version (read this first)

In 1972, Florida voters rewrote the judicial article of our state Constitution and **abolished municipal and mayor's courts** — local tribunals that were often controlled by city executives, staffed by non-lawyers, and pressured to raise money through fines.

Today, Miami-Dade County uses **Chapter 8CC Hearing Officers** to decide contested code cases that can fine you daily, lien your property, freeze permits, and — if you are found "guilty" and do not correct the violation — open a separate path to **court fines and even jail time** under the County's general-penalty rules.

Those Hearing Officers are appointed and can be removed by the **County Mayor's administration**. The **County Attorney's Office** is their general counsel — while County lawyers also prosecute cases in front of them. The money from penalties and hearing costs flows through **County finance and enforcement departments**, not through Florida's Article V court-funding system.

We call that what it is in substance: **a Mayor's Court in effect.**

Florida's Constitution is our primary argument. The United States Constitution backs it up — especially ***North v. Russell***, a **criminal / jail** case that only allowed a rough first hearing before a nonlawyer local judge because the citizen got a **brand-new trial de novo** in a real court afterward. Miami-Dade homeowners do **not** get that second full trial. And the Constitution does not treat your home as a second-class right beside life and liberty.

We are not asking for special treatment. We are demanding the constitutional tribunal Florida already promised when it abolished Mayor's Courts.

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1. What Florida voters ended in 1972

Before the modern court system, Florida had a patchwork of local courts. Municipal courts — often called mayor's or police courts in everyday speech — handled local ordinance cases. History from that era, including the work of reformer **Talbot "Sandy" D'Alemberte**, describes the problem bluntly: too many local courts were as interested in **revenue** as in justice ("cash-register justice"), and many were controlled by the same local governments that benefited from the fines.

Florida voters approved a full rewrite of **Article V** of the Florida Constitution (effective 1973, with municipal courts ordered to cease by **January 3, 1977**). The key commands:

- **Judicial power** is vested only in the Supreme Court, District Courts of Appeal, Circuit Courts, and County Courts.
- **"No other courts may be established"** by the state, a county, or a city.
- Ordinance work that used to sit in municipal courts was directed into the **county courts** — real Article V courts.

That was not a paperwork shuffle. It was a constitutional decision that **local executives do not get to run their own courts.**

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2. What Miami-Dade does now under Chapter 8CC

Miami-Dade's code-enforcement system (Chapter **8CC** and Implementing Order **IO-02-5**) works like this in practice:

1. A County inspector issues a **civil violation notice**.
2. If you fight it, a **Hearing Officer** — not a Circuit or County Court judge — holds the hearing that decides guilt.
3. Hearing Officers are appointed by the **County Mayor or designee**, serve limited terms, and may be removed **with or without cause**.
4. By ordinance, the **Miami-Dade County Attorney's Office serves as general counsel to the Hearing Officers** — while County counsel also appears as the government's advocate in those same cases.
5. Evidence rules are far looser than in a real court ("any relevant evidence…" under County practice).
6. Orders can become **liens** enforceable like judgments, with continuing penalties, costs, and permit consequences that hit your home or business.
7. Challenge in Circuit Court is typically **narrow review** (often called certiorari-style review): the court generally does **not** hold a brand-new trial and does **not** reweigh the facts the way a first trial would.
8. Penalties and hearing costs are collected through County **finance / code-enforcement** channels, with costs and collections supporting the enforcement system and citing departments — **not** the ordinary Article V clerk/court funding track used for real court cases.

If it walks like a local executive court, liens like a court, and funds the enforcement machine like the old cash-register courts, calling it "administrative" does not erase the constitutional problem.

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3. The civil ticket that can become criminal exposure

This matters for every homeowner who thinks "it's only civil."

Under **§ 8CC-9(2)** of the County Code, if you are **found guilty** in the Chapter 8CC process and then **fail to correct** the violation, that failure is a **separate offense** punishable under **§ 1-5** — the County's general-penalty section.

§ 1-5 authorizes a court to impose a fine up to **$500**, **imprisonment in county jail up to 60 days**, or **both**, and treats each day of violation as a separate offense. Chapter 8CC also says its procedures are **cumulative**: the County may still use other enforcement tools.

Precision matters: the Hearing Officer does not personally sentence you to jail in the 8CC hearing. But the administrative "guilty" finding is the **trigger** for a later § 1-5 track that can include jail. That is exactly why the fairness of the first forum cannot be shrugged off as a soft "civil" process.

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4. Why this violates Florida's Constitution (our primary case)

A. Article V — Florida already banned this kind of local court

Article V, § 1 allows limited **quasi-judicial** power for administrative officers. We do not pretend that word does not exist.

But "quasi-judicial" is not a magic shield. In Florida, it means applying existing rules to specific facts after notice and a hearing — a limited administrative tool. It was never a license for a county to rebuild a **trial court for homes** under the Mayor's appointment power, with judgment-like liens, executive revenue, and a runway into jail exposure, while Article V courts only get a cramped second look.

When an executive-controlled tribunal becomes the **real trial** of property guilt, Florida's command that **no other courts may be established** is the right constitutional measuring stick. The 1972 reform's purpose — ending mayor-driven local courts — is the context that makes the label "Hearing Officer" insufficient.

B. Due process and access to courts — Article I, §§ 9 and 21

Florida's Constitution says no person shall be deprived of property without **due process**, and that the courts shall be open for redress.

A fair tribunal requires more than a room and a microphone. When the same government that prosecutes you also:

- appoints and can fire the decision-maker at will, and
- assigns its own lawyers as **general counsel to that decision-maker**,

the structure itself creates an unacceptable conflict. Charter "home rule" may let Miami-Dade use an alternate code-enforcement *method*. It cannot repeal the Constitution's demand for an impartial process when your home is on the line.

Access to courts means little if the decisive fact-finding happens outside Article V and later review cannot meaningfully correct it.

C. Property rights — Article I, § 2 (and the U.S. "not second-class" rule)

The right to acquire, possess, and protect property is a Florida constitutional right. Homestead protections limit some forced sales, but liens, daily penalties, and permit holds still cloud title, pressure settlement, and restrict the use of your home. Homes deserve the highest process — not the weakest.

U.S. Supreme Court authority rejects the idea that property is a lesser cousin of personal liberty. In ***Lynch v. Household Finance Corp.***, 405 U.S. 538 (1972), the Court explained that the split between "personal liberties" and "property rights" is a **false dichotomy**, and that liberty and property depend on each other. In ***Dolan v. City of Tigard***, 512 U.S. 374 (1994), the Court refused to treat the Takings Clause as a "**poor relation**" of the First and Fourth Amendments. And that view is not outdated: in ***Knick v. Township of Scott***, 588 U.S. 180 (2019), Chief Justice Roberts — quoting *Dolan* — again rejected second-class treatment of property and spoke of **restoring takings claims to "full-fledged constitutional status"** among Bill of Rights protections. The point for Miami-Dade homeowners is simple: when government comes for the home with fines, liens, and a path to jail, the Constitution's fairness rules are not optional extras — and today's Court still says property belongs in that first tier.

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5. Why the U.S. Constitution backs us up (secondary — and sharp)

North v. Russell, 427 U.S. 328 (1976) — a jail case, not a paperwork case

North was about **criminal prosecution and imprisonment**. Lonnie North faced a Kentucky police-court trial for driving while intoxicated before a **nonlawyer** local judge and received a jail sentence. He argued that due process and equal protection forbid trial and jail before a judge with no legal training.

The Supreme Court upheld that first-tier system **only** because Kentucky guaranteed an appeal of right to an entirely **new trial de novo** — witnesses again, evidence again, facts decided again — before a **legally trained** judge in a court of general jurisdiction. The second full trial was the constitutional safety net.

That safeguard is the whole point of the case.

Miami-Dade property owners do **not** receive an automatic new trial with witnesses and fresh fact-finding in Circuit Court. Chapter 8CC review is typically narrow; it generally does **not** reweigh the Hearing Officer's factfinding the way a de novo trial would. So *North* is not a County shield. It is a measuring stick Chapter 8CC fails.

The stakes are not "only civil." Under **§ 8CC-9(2)** and **§ 1-5**, an 8CC "guilty" finding plus failure to correct can open a separate path to **fine and jail**. When the first forum can trigger **liberty** consequences as well as property liens, *North*'s demand for a real judicial second look matters even more.

Structural bias cases

- *Tumey v. Ohio* and *Ward v. Village of Monroeville*: due process requires a neutral decision-maker **in the first instance**; a mayor's dual role in a fine-driven system violates that principle.
- *Caperton v. A.T. Massey Coal Co.*: the Constitution looks to the **probability of bias**, not only proof of a crooked outcome.

Ward is especially useful for ordinary readers: it is about a mayor sitting in judgment while local finances are implicated. Miami-Dade's model is more bureaucratic, but the rhyme is clear — executive control of the adjudicator corps plus a fine-and-cost machine that feeds County enforcement.

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6. What opponents will say — and why the petition still has teeth

A serious petition names the other side's best arguments.

They will say…	Our answer…
"Article V allows quasi-judicial hearing officers."	Yes — limited ones. Not a Mayor-controlled substitute trial court with liens, executive revenue, no de novo trial, and a § 1-5 criminal gateway.
"*Verdi v. Metropolitan Dade County* (1996) already upheld Chapter 8CC."	*Verdi* is real and must be confronted. It did not litigate today's strong-mayor control package, the County Attorney-as-counsel conflict as a full structural-bias case, or the liberty stakes of the § 8CC-9 → § 1-5 pathway the way we frame them. We distinguish and build the as-applied / structural case; we do not pretend *Verdi* vanished.
"Code boards everywhere do this."	Statewide practice does not repeal Article V's abolition of mayor's courts or the right to an impartial tribunal. Miami-Dade's **control + counsel + money + no de novo + criminal gateway** package is the issue.
"Court-funding rules (Art. V § 14) don't apply to admin tickets."	Fair point as a standalone knockout. We use funding law as **proof of design**: real court costs sit on Article V rails; 8CC keeps the cash-register in the executive. That is the old evil in a new suit.

Teeth means: a petition grounded in constitutional text, Florida's own court-reform history, U.S. Supreme Court limits (*North*/*Ward*; property-parity in *Lynch*/*Dolan*, reaffirmed in *Knick*), and County Code provisions the County wrote (§§ 8CC-2, 8CC-9, 1-5; IO-02-5) — not slogans alone.

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7. What we are asking for

1. **Document** what Miami-Dade's Chapter 8CC system has done to homeowners and small businesses.
2. **Petition** our government for redress: restore contested property-rights adjudication to a constitutional tribunal — an impartial forum worthy of Article V and Article I — not a Mayor-controlled hearing machine.
3. **Evaluate** further constitutional litigation and legislative reform so Florida's abolition of Mayor's Courts means something again in Miami-Dade County.

When government comes after our homes, government must follow the Constitution.

Key sources (for readers who want the pins)

Florida Constitution: art. V, §§ 1, 14, 20(d)(4); art. I, §§ 2, 9, 21.
History: 1972 Article V reform; Talbot D'Alemberte, *Judicial Reform—Now or Never*, 46 Fla. B.J. 68 (1972); Florida Supreme Court Historical Society profile of D'Alemberte.
County Code: ch. 8CC (esp. §§ 8CC-2, 8CC-6, 8CC-7, 8CC-9); § 1-5; Implementing Order IO-02-5.
Federal: *North v. Russell*, 427 U.S. 328 (1976); *Lynch v. Household Finance Corp.*, 405 U.S. 538 (1972); *Dolan v. City of Tigard*, 512 U.S. 374 (1994); *Knick v. Township of Scott*, 588 U.S. 180 (2019) (Roberts, C.J., reaffirming *Dolan*'s "poor relation" / full Bill of Rights status for takings claims); *Tumey v. Ohio*; *Ward v. Village of Monroeville*; *Caperton*.
Must-cite adverse (honesty): *Verdi v. Metropolitan Dade County*, 684 So. 2d 870 (Fla. 3d DCA 1996); *Michael D. Jones, P.A. v. Seminole County*, 670 So. 2d 95 (Fla. 5th DCA 1996); *Miami-Dade County v. Brown*, 814 So. 2d 518 (Fla. 3d DCA 2002).

Related case files (for continuity, not a request that you join a lawsuit): Eleventh Judicial Circuit Case No. 2025-012312-CA-01; administrative appeal Case No. 2024-000019-AP-01.

Join us

If Miami-Dade has cited you, liened you, held your permits, or put you through a Hearing Officer proceeding, we want to hear what happened.

Sign the petition. Share your story. Demand due process.

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Signing a petition, contacting this site, or sharing information does not create an attorney-client relationship, make anyone a plaintiff, or waive any legal right. This outreach identifies affected property owners, documents common experiences, petitions government for redress, and evaluates potential litigation and reform.