IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Circuit Civil Division

CASE NO.: 2025-012312-CA-01

MIGUEL ANGEL QUINTERO

Plaintiff,

v.

MIAMI-DADE COUNTY, DAVID ALAN SHERMAN (individually and official capacity), and GERALDINE BONZON-KEENAN (individually and official capacity), Mayor DANIELLA SARAH LEVINE CAVA (individually and official capacity)

Defendants.

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PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff, MIGUEL ANGEL QUINTERO, appearing pro se, tax-payer[1] and resident of Miami-Dade County, respectfully moves this Court pursuant to Rule 1.610, Florida Rules of Civil Procedure[2], for the entry of a Temporary Restraining Order ("TRO") to immediately pause, stay,

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[1] Constitutional baseline for government exactions. Article I, § 25 mandates a Taxpayers' Bill of Rights; the Legislature implemented it to **"safeguard and protect"** taxpayers during assessment, collection, and enforcement, and property-tax proceedings guarantee due-process features (impartial decision-maker and finder of facts, proper notice, etc.). Fla. Const. art. I, § 25; §§ 213.015, 192.0105, Fla. Stat. By contrast, Miami-Dade's code-enforcement forum admits "any relevant evidence … regardless of common-law or statutory rules," empowers non-lawyer hearing officers to issue lien-creating orders, and confines review to certiorari that cannot reweigh facts—underscoring the need for equitable relief. (infra ¶12—21)

[2] Exhibit/App. D, pp. 182—185

or suspend Defendants' enforcement and collection actions arising from an administrative trial of code enforcement citations challenged in this case, among other things, and to require that Defendants continue to issue, honor, and not withhold any and all permits necessary for Plaintiff's campaign, business, home or related activities until this case is fully adjudicated, and in support states:

I. INTRODUCTION

1. Plaintiff brings this emergency motion to prevent irreparable harm resulting from Defendants' unconstitutional Trial practices, which continue to deny[3] (infra ¶12—21) Plaintiff necessary permits, impair campaign operations, and endanger public safety related to Plaintiff's aspiring candidacy for Miami-Dade County Commission, District 2. This includes permits for Plaintiff's home and business.

2. As explained in Plaintiff's Amended Verified Complaint (pp. 14–15, ¶¶ 79–87), Defendants' conduct has resulted in ongoing, immediate, and irreparable harm that cannot be adequately remedied by money damages.

II. FACTUAL BACKGROUND

3. Plaintiff was issued administrative citations based on alleged code violations. Fines, fees and liens were issued. Defendants' administrative adjudication/trial court's constitutional jurisdiction is currently a subject of this litigation.

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[3] Exhibit/App. B, p. 424, and C, pp. 167-171, 387, 392

4. As a direct result of Defendants' enforcement actions, Plaintiff has been denied critical permits required to secure off-duty police detail services for campaign events. An independent witness—who can be produced and identified at the Court's discretion—will testify that the permit was denied based on alleged code violations which, at the time, were actively being contested, and for which no holds should have been issued.[4]

5. Off-duty police presence is indispensable due to heightened safety risks associated with public political campaigning, including threats from opposing individuals (Pundit/ Activist Charlie Kirk being the latest victim after multiple attempts on President Trump—a clear and present danger to conservatives around the country).

6. Venue logistics exacerbate these risks, as attendees at Plaintiff's fundraising events must park two blocks away and cross a heavily trafficked five-lane state road. Without traffic control and pedestrian safety measures provided by police detail, public safety is substantially compromised.

7. Each passing day without relief magnifies irreparable harm to Plaintiff's home, business, candidacy, political speech, and public safety.

III. LEGAL STANDARD

8. Under Rule 1.610, a TRO may be issued when the movant demonstrates:

    - (a) a substantial likelihood of success on the merits;

[4] Exhibit/App. C, p. 390 (line 114: Meeting with Customer)

- (b) immediate and irreparable harm without the requested relief;
- (c) that the threatened injury outweighs harm to the opposing party; and
- (d) that granting the TRO serves the public interest.

IV. ARGUMENT

A. Substantial Likelihood of Success on the Merits

Proposed Issue Statement: At its core, this case asks whether Miami-Dade County's alternate code enforcement system may constitutionally operate as the trial court for property (home) rights disputes—rights afforded the highest protection under the Florida Constitution—when its hearings are conducted, first, by administrative officers who lack the independence, safeguards, and jurisdictional authority of Article V judges/courts; second, allows County Attorneys to counsel (legal matters) and litigate before these Hearing Officers for whom they are responsible for hiring, disciplining and terminating their employment.

9. Counts I & II – Structural Due Process / Violation of Art. I, §§ 9 & 21. Plaintiff is likely to succeed on Counts I and II because Defendants' administrative enforcement structure allows County Attorneys to serve simultaneously as prosecutors, advisors, and

supervisors of hearing officers.[5] This dual role creates a structural conflict of interest in violation of Article I, § 9 of the Florida Constitution's due process guarantee, and denies Plaintiff meaningful access to a fair and impartial tribunal in violation of Article I, § 21. Though not binding on charter counties, Section 162.05(5), Fla. Stat.,[6] codifies the principle that such dual roles are impermissible, and that principle remains constitutionally binding regardless of any Home-Rule Charter rights. Even if Miami-Dade's Chapter 8CC exempts it from statute 162, Article I, Section 9 of the Florida Constitution (No person can be deprived of life, liberty, or property without due process of law) independently requires a fair and impartial tribunal.

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[5] Atty. Gen. Opinion 72-12"… it would be possible for the lawyer's **dual function** to raise serious **questions of due process** should he depart the role of adviser ... and become, in effect, an advocate for the result reached on the merits ..." The Florida Bar (https://www.floridabar.org/etopinions/etopinion-72-12/); and Ethics Opinion 64-72 further confirms that a prosecutor serving as both advisor and advocate creates a structural conflict of interest that undermines due process, even if statute exempts that dual role. "Three members of the Committee have answered each of the questions posed in the negative. These members rely upon a sizeable number of opinions rendered by the Professional Ethics Committee of the American Bar Association. ABA Opinions numbered 16, 30, 55, 118, 186, 242, 261, and 262 are pertinent to one or more aspects of the problems presented. Opinions 30 and 118 contain language which is deemed controlling. It is stated in Opinion 118 that "[a] county attorney is attorney for the state in the general matter of the enforcement of the criminal law, although the sphere of his activity is limited to a particular county." In Opinion 30, it is said that if a public prosecutor is allowed to defend persons accused of crime in other jurisdictions, such action (1) would tend to jeopardize cooperation between law enforcement officers of different jurisdictions, (2) would invite public misunderstanding and distrust, (3) would undermine public confidence and tend to subject the prosecutor to suspicion, and (4) would tend to lower the dignity and honor of the profession." The Florida Bar (https://www.floridabar.org/etopinions/etopinion-64-72/). **See also,** Exhibit/App. B, pp. 37-61 CHAPTER 4. RULES OF PROFESSIONAL CONDUCT 4-1.7—4-1.12. See Exhibit/App. B, pp. 168—172, 174 show Defendants participation. (Emphasis added)

[6] Exhibit/App. B, 297—298: "The local governing body attorney shall either be counsel to an enforcement board or shall represent the municipality or county by presenting cases before the enforcement board, but in no case shall the local **governing body attorney serve in both capacities**." (Emphasis added)

10. Count III – Malicious Prosecution / Abuse of Process. Plaintiff is likely to succeed on Count III because Defendant David Sherman, joined by Defendants Levine Cava and Bonzon-Keenan, maintained enforcement proceedings against Plaintiff maliciously, in bad faith, and in reckless disregard of clearly established statutory and constitutional rights.[7] Plaintiff, at trial and through discovery, will demonstrate a long contentious/ adversarial relationship with Defendant Daniella Sarah Levine Cava, specifically. These actions caused direct harm, including unjustified financial losses and reputational damage, meeting the punitive damages threshold under § 768.72, Fla. Stat.

11. Count IV – Unconstitutional Taking. Plaintiff is also likely to prevail on Count IV, which alleges that Defendants' actions—including issuance of citations, initiation of enforcement proceedings, and imposition of fines and liens—constitute a **regulatory**

[7] Exhibit/App. B, pp. 437, 479

taking under Article X, § 6(a) of the Florida Constitution.[8] These actions have deprived Plaintiff of the use, value, and enjoyment of his property without just compensation.

12. Count V – Administrative Hearings Outside APA/Ch. 162 provisions; Bill of Attainder. First, Plaintiff is likely to prevail on Count V because, although the Third District has recognized that Miami-Dade County, as a home-rule charter county, may exempt itself from the provisions of Chapter 162 Florida State Statutes and adopt an alternate code-enforcement system, nothing in that exemption insulates Defendants from the Florida Constitution. In other words, charter status permits an alternate method of adjudication, not an alternative method of adjudication outside constitutional protections owed to homeowners; Defendants' tribunal remains subject to due-process, disinterested decision-makers, and separation-of-powers limits (where a trier of fact is either a jury or a

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[8] The Court can look to U.S. Supreme Court, recent decisions, making clear that government actions like keeping surplus equity after a tax sale, forcing third-party access to private land, or imposing certain **permit exactions/fees can be takings**—even when the government says it is acting for a public purpose or public safety. Those are not shielded merely because they're regulatory or remedial. *Tyler v. Hennepin County* (2023) – unanimous. Holding: When a county sells a home for unpaid taxes and keeps the surplus value beyond the debt, that is a **taking** under the Fifth Amendment. The Court rejected the argument that the tax-collection/public-purpose context insulated the government from takings liability. **(supra n. 1)** *Cedar Point Nursery v. Hassid* (2021). Holding: A regulation granting union organizers a right to physically enter private property was a per se physical taking. The State's public-interest rationale did not avoid the Takings Clause; forcing access appropriated the owners' right to exclude. *Knick v. Township of Scott* (2019). Holding: A property owner may bring a federal takings claim immediately when the government takes property without compensation; no need to exhaust state procedures first. (The case involved a local ordinance requiring public access to an alleged cemetery on private land—illustrating takings issues arising from **local code-style mandates** rather than eminent domain.) ***Sheetz v. County of El Dorado*** (2024). Holding: The Court unanimously held that **legislatively imposed permit fees/exactions** are subject to the **Nollan/Dolan** takings tests—no special deference just because a legislature, rather than an agency, imposed them.

licensed officer of the court).[9] The Florida Supreme Court has likewise made clear that on certiorari review appellate courts "do not reweigh the evidence or retry the case," a limitation Defendants invoke to shield factual and credibility determinations from meaningful correction. *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523, 530 (Fla. 1995); *Tibbs v. State*, 397 So. 2d 1120, 1123 (Fla. 1981).

13. Second, Defendants cannot dispute that § 8CC-6 (including § 8CC-7 and other sections of § 8CC) of the County Code expressly authorizes hearing officers to admit "any relevant evidence, regardless of common-law or statutory rules," to take testimony and exhibits, and to issue final orders that ripen into liens—thereby establishing an administrative forum that functions as a municipal **trial court** before administrative **trial judges**[10] (in strict violation of Florida Statute § 34.01(1)(b)). Section 162.03 authorizes charter counties to adopt an alternate enforcement system using boards or special magistrates; but Florida's broader post-2004 judicial architecture shows that when trial-type adjudication is delegated within the judicial branch, the decision-maker must be a member of The Florida Bar, must act under the direction of the court, and evidentiary

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[9] Exhibit/App. A, p. 462—"Section 162.12 is legally irrelevant as chapter 162, Florida Statutes, affords counties and municipalities the ability to adopt an alternative method of prosecuting code enforcement violations and to **exempt their governments** from the requirements of chapter 162, and as such, the Third District Court of Appeal held that the County is exempt from the procedural requirements of chapter 162. *MiamiDade Cnty. v. Brown, 814 So. 2d 518, 51820 (Fla. 3d DCA 2002)*." (Emphasis added).

[10] Exhibit/App. B, pp. 361-362—"as the trier of fact, the Hearing Officer alone "is privileged to weigh and reject conflicting evidence."" See also, Exhibit/App. A, p. 446—"Appellants impermissibly attack the credibility of County witnesses at length, thereby improperly urging this Court to reweigh the evidence, which it cannot do."

rulings are limited to what would be admissible in court, as reflected in the Legislature's re-designations and the Supreme Court's conforming rules.[11]

14. Equitable Maxims and Defendants' § 8CC**.** Third, Equity will not suffer a wrong to be without a remedy; and where one of two innocent parties must suffer a loss, the one who made the loss possible must bear it.[12] Here, Miami-Dade's code-enforcement scheme conducts trial-like proceedings under § 8CC[13] while consigning review to certiorari that cannot reweigh facts or reach the merits. Because later review cannot correct trial-level evidentiary and factual errors embedded by a non-Article V, non-APA, non-constitutionally anchored tribunal applying "any relevant evidence," regardless of constitutional provisions, which cause irreparable injury to Plaintiff, including all Miami-

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[11] serving as legislative intent, Opinion No. SC04-1139: 2004 Florida Legislature's amendment of various Florida Statutes to redesignate "magistrates" as "trial court judges"…See ch. 2004-11, §§ 2-103, Laws of Fla.1 The legislation will take effect on October 1, 2004. See ch. 2004-11, § 104, Laws of Fla.

[12] *Retirement Board of the City of Coral Gables v. Piñon,* 992 So. 2d 357 (Fla. 3d DCA 2008). This Third DCA decision is routinely cited as a local-government quasi-judicial case reviewed by first-tier certiorari (and, when it goes up again, second-tier), reinforcing the limited scope of review, but more importantly, while reciting classic equity maxims.

[13] (See, (infra n. 17)), Payment mechanics. *Miami-Dade County Code* § 8CC-5 ("Rights of violators; payment of fine; right to appeal…") provides that a violator may "pay the civil penalty in the manner indicated on the notice." Miami-Dade's Implementing Order for Chapter 8CC collections further requires that "all original civil penalty payments, continuing civil penalty **payments** and administrative hearing costs … shall be **remitted** directly to the **Code Enforcement division of the Miami-Dade County Finance Department.**" Payments fund hearing costs, with any surplus returned to the citing agency. Documents may be produced at the discovery phase, but can be found here (https://documents.miamidade.gov/ao-io/IO/IO-02-05.pdf), Implementing Order No.: IO 2-5 Title: CODE ENFORCEMENT, Ordered: 12/12/23 Effective: 12/22/23

Dade County homeowners, homestead rights[14] that cannot be cured later, equitable relief is necessary now. The Court should enjoin Defendants from using this forum to adjudicate dispositive matters and require a court-supervised process that comports with constitutional and evidentiary safeguards.

15. Fourth, this structural lack of constitutional grounding renders these hearings **ultra vires** and unconstitutional, lacking jurisdictional legitimacy, and—consistent with Plaintiff's legislative-intent and redesignation showing (supra ¶13)—violates the post-2004 baseline for trial-equivalent adjudication. Fifth, the County's own posture in asking "Your Honor" to affirm specific citations underscores the trial-equivalent character of these proceedings.[15] Sixth, to the extent Defendants' municipal trial court operates as a legislative (or executive) scheme that singles out homeowners for punitive, trial-equivalent adjudication outside the judicial branch (or treats Miami-Dade County homeowners differently than other homeowners are treated throughout other counties and

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[14] Although Article X, § 4(a) bars forced sale of the homestead, § 162.09(3) still authorizes recording of the order so that it "shall constitute a lien," and permits execution/levy against non-homestead assets and later foreclosure if homestead protection ceases—underscoring the need for constitutionally grounded adjudication at the outset. Miami-Dade County Code § 8CC-7(b): A certified copy of an order imposing a civil penalty or an electronic copy of such order may be recorded in the public records and thereafter shall constitute **a lien against the land** on which the violation exists or upon **any other real or personal property** owned by the violator; and it may be **enforced in the same manner as a court judgment** by the sheriffs of this State, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After one (1) year from the filing of any such lien which remains unpaid, Miami-Dade County **may foreclose** or otherwise execute on the lien. The lien created hereunder shall only attach to property owned by the violator named in the civil violation notice. (Emphasis added)

[15] Exhibit/App. A, pp. 377 line 2, 384 line 6—*"*The County is asking **Your Honor** to affirm citations P-042009, P-042011, P-042014…" & "the County is asking **Your Honor** to affirm Citations P-042011, P-042014, and P-042009*"* (respectfully, emphasis added).

municipalities throughout the state of Florida), it functions—as applied—as an unconstitutional bill of attainder. Fla. Const. art. I, § 10 forbids bills of attainder, a prohibition that reflects the core separation-of-powers principle that neither legislative nor executive actors may bypass the courts and impose penalties directly.[16] Seventh, Plaintiff has demonstrated how Miami-Dade homeowners are relegated to an executive/ legislative tribunal as their "trial court" for property-rights disputes—precisely the kind of municipal or "mayor's" court the voters abolished in the 1972 Article V reform.[17]

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[16] Article I, Section 10 of the Florida Constitution explicitly states: "No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed". The prohibition reinforces the fundamental American legal principle that the judiciary, not the legislature or the executive, has the authority to determine guilt and impose punishment. A "bill of attainder" is a legislative act that inflicts punishment on an identifiable individual or group without a judicial trial, determining guilt and imposing punishment without due process of law.

[17] Judicial reform finally succeeded with the voter approval of Amendment 1, a complete revision of Art. V, on March 14, 1972. (Id. State Archives, Series 19, box 191. Municipal court judges, many of whom were **not lawyers** (emphasis added), were subjected to intense pressure by the appointing city councils or **mayors to raise revenues through the imposition of fines and forfeitures** (supra n. 13). State lawmakers felt this type of "cash register justice" could not be condoned and had to be eliminated. Id. See also Talbot D'Alemberte, Judicial Reform—Now or Never, 46 Fla. B.J. 68 (March 1972).) the 1972 revision to Art. V reestablished the judiciary as a co-equal branch of Florida's government by abolishing the municipal court system. In addition, the revision also established a more effective means of judicial administration, consolidated a "hodge-podge" of 14 different trial courts into a two-tiered uniform trial court system consisting of circuit courts and county courts, subjected all judges to the procedures of the Judicial Qualifications Commission and required judges to devote full time to their judicial responsibilities, and required the Governor to make judicial appointments from nominations made by judicial nominating commissions (State Archives, Series 19, box 191. In describing to voters how the proposed 1972 revision to Art. V would provide more local revenue, a League of Women Voters of Florida leaflet stated: "[t]he new article provides for total state funding of the courts, thus relieving local property taxpayers from this burden and releasing more money for local services.").—floridabar.org (https://www.floridabar.org/the-florida-bar-journal/broken-promises-the-failure-to-adequately-fund-a-uniform-state-court-system/#:~:text=Judicial reform finally succeeded with,Rep.) See also, (https://www.flcourts.gov/Publications-Statistics/Publications/Short-History/Delivering-Justice). See also, Amended complaint p. 5 ¶ 21.

Plaintiff has provided notice of this case to Governor Ron DeSantis and Attorney General James Uthmeier (via email and through close associates of state officials). They—along with Plaintiff and all Miami-Dade County homeowners—now await this Court's ruling at trial. This case presents an opportunity for state officials to reconsider Chapter 162 and its application to counties, which serve as arms of the State.

16. Count VI –Violation of Art. V, § 21 (Chevron/Auer Deference Amendment). First, Article V, § 21 provides that, in interpreting a state statute or rule, a state court or an officer hearing an administrative action **pursuant to general law** (supra ¶¶13-15) may not defer to an agency's interpretation and must interpret the statute or rule de novo.[18] Second, Defendants' administrative hearing officers are adjudicating **legal questions** reserved to courts and officers of the court (attorneys)—the only recognized, permissible interpreters and appliers of law, affecting penalties to life, liberty and **property** (the home).[19] (see

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[18] In interpreting a state statute or rule, a state court or an officer hearing an administrative action pursuant to general law may not defer to an administrative agency's interpretation of such statute or rule, and must instead interpret such statute or rule de novo. History.—Proposed by Constitution Revision Commission, Revision No. 1, 2018, filed with the Secretary of State May 9, 2018; adopted 2018.

[19] Art. V, § 8 (Eligibility of judges) —"No person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless the person is, and has been for the preceding ten years, a **member of the bar of Florida**. No person is eligible for the office of circuit judge unless the person is, and has been for the preceding five years, a **member of the bar of Florida**. Unless otherwise provided by **general law**, no person is eligible for the office of county court judge unless the person is, and has been for the preceding five years, a **member of the bar of Florida**." Art. V, § 15 (Attorneys; admission and discipline) —"The supreme court shall have exclusive jurisdiction to regulate the admission of persons to the **practice of law** and the discipline of persons admitted." § 454.23, Fla. Stat. (Penalties for UPL) "Any person not licensed or otherwise authorized to practice law in this state who practices law in this state or holds himself or herself out to the public as qualified to practice law in this state … commits a **felony of the third degree** …." (Emphasis added)

infra n. 21) **Legal questions** which cannot be reheard or reweighed at the appellate level. Third, with the narrow exception of zoning and land-use quasi-judicial hearings[20]—non-APA proceedings that regulate the *use* of property relative to surrounding areas (e.g. preventing an adult bookstore, or a gentlemen's club, or a gun store from being located next to an elementary school)—Florida's general-law quasi-judicial adjudications are presided over by licensed attorneys (Administrative Law Judges at DOAH or statutorily qualified special magistrates). By contrast, Defendants' code-enforcement scheme is neither grounded in common law nor tethered to general law: it authorizes the admission of 'any relevant evidence' irrespective of the Evidence Code, and funnels challenges into certiorari where courts cannot reweigh facts—effectively bypassing meaningful judicial review recognized in *Snyder*. The upshot is trial-equivalent coercion (liens and monetary penalties) imposed on homestead property without the constitutional safeguards Florida requires; the home, which enjoys the strongest constitutional protection, is entitled to no less—and indeed more—procedural rigor than land-use matters. Fourth, Miami-Dade's

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[20] *Board of Cty. Comm'rs v. Snyder*, 627 So. 2d 469 (Fla. 1993)—"Since a property owner's right to own and use his property is constitutionally protected, review of any governmental action denying or abridging that right is subject to **close judicial scrutiny**. Effective judicial review, constitutional due process and other essential requirements of law, all necessitate that the governmental agency (by whatever name it may be characterized) applying legislated land use restrictions to particular parcels of privately owned lands, must state reasons for action that denies the owner the use of his land and must make findings of fact and a record of its proceedings, sufficient for judicial review of: the legal sufficiency of the evidence to support the findings of fact made, the legal sufficiency of the findings of fact supporting the reasons given and the legal adequacy, under applicable law (i.e., under general comprehensive zoning ordinances, applicable state and case law and state and federal constitutional provisions) of the reasons given for the result of the action taken….the denial of the requested zoning classification without reasons supported by facts was, as a matter of law, arbitrary and unreasonable. The court granted the petition for certiorari." (Emphasis added) See Also, *Hayes v. Monroe Cnty.*, 337 So. 3d 442 (2022)—Exhibit/App. B, p. 300, 304, and 184 & Exhibit/App. B, pp. 178—183

scheme departs from that baseline by assigning dispositive questions of law to code-enforcement hearing officers **who are not required to be licensed attorneys**,[21] while the County Attorney's Office simultaneously litigates before—and advises—those officers.[22] Fifth**,** even acknowledging that quasi-judicial bodies may exist, Defendants' model exceeds the limited role recognized in *City of Deerfield Beach v. Vaillant*[23] and, in this configuration, implicates Florida's unauthorized-practice-of-law doctrine, which bars non-lawyers from providing legal advice or interpretations that affect the **property** rights

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[21] Miami-Dade County's Code of Ordinances expressly allows its administrative hearing officers to be drawn from backgrounds such as contractors, engineers, architects, or "other qualified persons," and does not require them to be licensed attorneys. See **Miami-Dade County Code § 8CC-2(c)** (qualifications of hearing officers). By authorizing unlicensed individuals to adjudicate statutes and rules, the County has sanctioned the **unauthorized practice of law** within quasi-judicial proceedings. This practice is not only unlawful, but whole-heartedly unconstitutional, as it delegates judicial interpretation of law to individuals neither licensed to practice law nor vested with judicial power under Article V of the Florida Constitution.

[22] Miami-Dade County Code of Ordinances, Chapter 8CC – Code Enforcement § 8CC-2—Qualifications of Officers and Removal; Organization: (e): "*The Miami-Dade County Attorney's Office shall serve as general counsel to the Hearing Officers.*"

[23] *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982) (first-tier certiorari is limited to due process, essential requirements of law, and competent substantial evidence; courts may not reweigh). Miami-Dade exceeds that narrow quasi-judicial role by: admitting "any relevant evidence … regardless of [common-law or statutory] rules," MDC Code § 8CC-6(i); issuing orders that, once recorded, "shall constitute a lien" enforceable "**in the same manner as a court judgment** … including" levy, with foreclosure/execution after a waiting period, § 8CC-7(b); and assigning the County Attorney's Office as **general counsel** to hearing officers while also advocating before them, § 8CC-2(e). The result is a **parallel trial court** effectively insulated by *Vaillant*'s narrow certiorari review. *Cf. Broward Cnty. v. G.B.V. Int'l, Ltd.*, 787 So. 2d 838, 842–43 (Fla. 2001).

of others (*Sperry; Brumbaugh*).[24] Sixth**,** because certiorari review cannot reweigh evidence or substitute judgment, dispositive factual and legal determinations made by these **Unlicensed to Practice Law (UPL)** hearing officers are effectively insulated from meaningful judicial correction, recreating the very municipal court system abolished in 1972 (supra p.10 ¶¶15, n. 17) and conflicting with Article V, § 1. Seventh**,** *Vaillant* predates the adoption of Article V, § 21 (2018) and therefore cannot save Defendants' structure from the constitutional command of de novo legal interpretation. Accordingly**,** Miami-Dade's code-enforcement system not only violates the separation-of-powers architecture of Article V, but also, the no-deference rule of Article V, § 21, and is likely to succeed on the merits.

17. Count VII – Political Speech, Assembly & Contractual Impairment. Plaintiff is also likely to prevail on Count VII. Defendants' revocation of permits essential to Plaintiff's campaign events infringes on Plaintiff's rights to political speech, assembly, and petition under Article I, §§ 4 and 5 of the Florida Constitution. Further, by revoking paid-for

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[24] The Florida Supreme Court has long held that *"interpreting and applying law for others as advice or representation constitutes the practice of law, which non-lawyers may not do." State ex rel. Fla. Bar v. Sperry*, 140 So. 2d 587, 591 (Fla. 1962), rev'd on other grounds, 373 U.S. 379 (1963); see also *Fla. Bar v. Brumbaugh*, 355 So. 2d 1186, 1192 (Fla. 1978) (defining UPL as giving advice or **services** that **affect important legal rights** and require legal skill beyond that of the average citizen). In *State v. Sperry*, 140 So. 2d 587, 595 (Fla. 1962), "we noted: The reason for prohibiting the practice of law by those who have not been examined and found qualified to practice is frequently misunderstood. It is not done to aid or protect the members of the legal profession either in creating or maintaining a monopoly or closed shop. It is done to protect the public from being advised and represented in legal matters by **unqualified persons over whom the judicial department can exercise little, if any, control in the matter of infractions of the code of conduct** which, in the public interest, **lawyers are bound to observe**." (Emphasis added)

permits for off-duty police detail,[25] Defendants have unconstitutionally impaired Plaintiff's contractual obligations in violation of Article I, § 10. (supra ¶15)

18. Count VIII – Equal Protection. Plaintiff is likely to succeed on Count VIII, which alleges that Defendants discriminatorily enforced code provisions against Plaintiff (and all County Home-owners) without rational basis, violating Article I, § 2 (Basic Rights) of the Florida Constitution. Plaintiff has been treated **differently** than similarly situated property owners throughout the state of Florida, with no legitimate governmental justification, constituting a clear equal protection violation. (supra ¶15)

19. Count IX – Bert J. Harris Act (Fla. Stat. § 70.001). Plaintiff demonstrates a likelihood of success on Count IX under the Bert J. Harris Act. Defendants' enforcement actions—including denial of permits like roofing and short-term rental permits,[26] continued threat of citations,[27] and unauthorized public posting—have imposed an **inordinate burden** on Plaintiff's residential property, substantially diminishing its reasonable, investment-backed use and economic value.[28] Plaintiff's home is not only his residence but also the venue for business and **campaign events**, fundraisers, and assemblies protected under the Florida Constitution. By withholding necessary permits and clouding the property's title with citations and liens, Defendants have directly interfered with Plaintiff's ability to

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[25] Exhibit/App. B, p. 424 & App. C, 167—171

[26] Exhibit/App. B, p. 421

[27] Exhibit/App. C, pp. 77—93

[28] …property owners can claim an "inordinate burden" if they had investment-backed expectations of that use (e.g., *CITY OF MIAMI BEACH, FLORIDA, vs NATALIE NICHOLS* litigation and similar Harris Act claims). See also, Exhibit/App. B, p. 421.

both maintain his property and host lawful political gatherings there. These restrictions frustrate Plaintiff's reasonable expectations of property use, reduce the property's economic and political utility, and stigmatize the property in the community. Defendants have failed to compensate or otherwise remedy this burden, entitling Plaintiff to statutory relief in the form of damages or adjustment of the enforcement action.

20. Count X – Procedural Due Process (Posting), Slander-of-Title. Finally, Plaintiff is likely to prevail on Count X. Defendants failed to follow mandatory notice procedures under Miami-Dade Code § 8CC-3(e) by physically posting violation notices without first attempting personal service, as the ordinance requires. This unauthorized posting inflicted reputational harm, slander-of-title, and stigma-plus injuries, depriving Plaintiff of adequate notice, least intrusive means[29], and a fair opportunity to contest the charges.

21. **S**ummary: Taken together, Counts I through X demonstrate a broad and consistent pattern of constitutional, statutory, and procedural violations. Plaintiff has now, **before trial and pre-discovery**, more than established a substantial likelihood of success on the merits of this action.

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[29] Florida courts have treated Article I, § 23 as more protective than the federal baseline in many contexts; intrusions typically require a **compelling state interest** using the **least intrusive means** (see *Winfield v. Div. of Pari-Mutuel Wagering*, 477 So. 2d 544 (Fla. 1985)—"the citizens of Florida, through their state constitution, may provide themselves with more protection from governmental intrusion than that afforded by the United States Constitution." *State v. Sarmiento*, 397 So. 2d 643, 645 (1981).). See, Exhibit/App. A, p. 517; Exhibit/App. C, pp. 372, 403; and MDC Code § 8CC-3(e)—Plaintiff retains an independent right under Art. I, § 23 of the Florida Constitution. Any governmental intrusion must satisfy *Winfield*'s compelling-state-interest/least-intrusive-means test (including Code § 8CC-3(e)), and any restraint on publicity must satisfy *Lewis/Barron*'s standards for protecting fair-trial rights." *See* also, *Miami Herald Publ'g Co. v. Lewis*, 426 So. 2d 1 (Fla. 1982); *Barron v. Fla. Freedom Newspapers, Inc.*, 531 So. 2d 113 (Fla. 1988).

B. Immediate and Irreparable Harm

22. Plaintiff is suffering irreparable harm at present, including the denial of campaign-related permits, denial of a roofing permit (aside from other permits) necessary to repair a collapsing ceiling (with water intrusion requiring buckets to collect penetrating rain), the inability to secure essential police detail, ongoing threats to public safety, and impairment of Plaintiff's ability to communicate with and assemble voters. These harms are immediate and cannot be remedied by monetary damages at a later date. Pursuant to § 8CC-7(d),[30] Defendants have mandated restrictions that continue to deny Plaintiff the right to obtain necessary permits, and such denials will persist absent intervention by this Court.

C. Balance of Harms

23. The harm to Plaintiff and the public far outweighs any inconvenience to Defendants. Granting temporary relief simply maintains the status quo while the Court adjudicates the legality of Defendants' enforcement, actions, etc. outlined in Plaintiff's Amended Complaint and expanded now on this motion (before trial, before discovery).

D. Public Interest

24. The public interest strongly favors issuance of a TRO. First, protecting constitutional rights, ensuring public safety at campaign events, and upholding procedural fairness are all compelling public interests. Second, Plaintiff is not the only harmed party; all Miami-

[30] Exhibit/App. B, p. 424

Dade County homeowners face the same treatment and have a substantial interest in this action. Third, the 1972 reform (supra n. 17) was adopted by direct vote of the people. Few things demonstrate the public interest more strongly than a voter mandate.

V. CERTIFICATION PURSUANT TO RULE 1.610(a)(1)(B)

25. Pursuant to Rule 1.610(a)(1)(B)[31], Florida Rules of Civil Procedure, Plaintiff certifies that he conferred with Defendants' counsel, Jennifer L. Hochstadt Azar, regarding this motion, and sent a copy of this motion before filing. Counsel indicated that Defendants **oppose** both the requested TRO and the request to treat the matter as an emergency. Counsel further advised that, should Plaintiff proceed, Defendants would seek costs and fees on the grounds that the motion is "frivolous." Plaintiff respectfully disagrees, as issues of public safety and the protection of political campaign activities are of the highest constitutional significance and can never properly be characterized as frivolous.

26. Pursuant to Rule 1.610(c)[32], Florida Rules of Civil Procedure, Plaintiff respectfully requests that this Court waive the bond requirement or, in the alternative, set a nominal bond. Plaintiff is a pro se litigant of limited financial means, and this action seeks to vindicate fundamental constitutional rights under the Florida Constitution, including due process and political speech. Courts have recognized that in cases involving constitutional protections and matters of significant public interest, a nominal bond is appropriate, particularly where Defendants will suffer little or no monetary harm from

[31] Exhibit/App. D, pp. 182

[32] Exhibit/App. D, pp. 183

the temporary relief sought. Moreover, the imposition of a substantial bond would directly impair Plaintiff's ongoing campaign, diverting critical resources away from voter outreach, event safety, and other constitutionally protected political activities. Every dollar tied up in a bond is a dollar unavailable to safeguard speech and assembly rights, thereby compounding the irreparable harm at issue.

VI. REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to:

A. Immediately enter a Temporary Restraining Order enjoining Defendants from enforcing or collecting upon administrative code citations and related penalties during the pendency of this action;

B. Direct Defendants to refrain from withholding permits (any) or police detail services essential to Plaintiff's campaign events based on contested citations;

C. Set this matter for further expedited hearing to determine whether a preliminary injunction should issue; and

D. Grant any other relief the Court deems just and proper.

Respectfully submitted,

By*: /s/ Miguel Quintero*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this amended verified complaint filed this 16th day of September, 2025, a true and correct copy of the foregoing PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER has been furnished by email via the Florida Courts E-Filing Portal to the Parties associated with this case and the County attorneys on record familiar with this case, Cristina Rabionet at rabione@miamidade.gov, David Alan Sherman at david.ShermanCAO@miamidade.gov and sherman@miamidade.gov, Geraldine Bonzon-Keenan at gbk@miamidade.gov and atty@miamidade.gov, Miami-Dade County and Mayor Daniella Levine Cava at daniella.levinecava@info.miamidade.gov and mayor@miamidade.gov, Assistant County Attorney Jennifer L. Hochstadt Azar at jennifer.Azar@miamidade.gov and Jeanette.Llerandi@miamidade.gov, Assistant County Attorney Fabiana Cohen at cohenf@miamidade.gov and karen.Moore@miamidade.gov.

By: /s/ *Miguel Quintero*

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