

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2025-08**

AN ORDINANCE OF THE CITY COMMISSION AMENDING SECTION 1- “ CREATION, COMPOSITION, ELECTION, TERMS, VACANCIES, QUALIFICATIONS” AND SECTION 1.1 “RUN-OFF ELECTION” OF ARTICLE 1 “CITY COMMISSION AND MAYOR” OF THE CITY CHARTER TO CHANGE THE DATE OF THE GENERAL ELECTION FROM APRIL 13, 2027 TO NOVEMBER 03, 2026 AND TO CHANGE THE DATE OF ALL SUBSEQUENT ELECTIONS; PROVIDING FOR A FOUR (4) MONTH REDUCTION OF EXISTING TERMS OF OFFICE ; MOVING THE RUN-OFF ELECTION TO FOUR (4) WEEKS AFTER THE GENERAL ELECTION AND MOVING THE SWEARING-IN DATE TO FIVE (5) WEEKS AFTER THE GENERAL ELECTION; AMENDING SECTION 3 “ELECTION TO OFFICE; COMMISSION AS JUDGE OF QUALIFICATIONS, REQUIREMENTS, BALLOTS, CANVASSING, AND QUALIFYING PERIODS” AMENDING THE QUALIFYING PERIOD; ADOPTING SUCH CHARTER AMENDMENTS PURSUANT TO SECTION 100.3605, 101.75, AND 166.021(4), FLORIDA STATUTES; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

**WHEREAS**, in accordance with Section 1 of the City Charter, regular elections shall be held the second Tuesday in April of odd-numbered years; and

**WHEREAS** Section 1.1 of the City Charter provides that if a majority of the vote is not received by any one candidates of a group, a run-off shall be held two weeks after the general election, on a Tuesday ; and

**WHEREAS**, Section 100.3605(2), Florida Statutes, authorizes the City Commission to change the dates of its election via ordinance and to extend or shorten the terms of office of sitting Commission members necessitated by any such changes to the election date; and

**WHEREAS**, holding municipal elections in conjunction with national and state elections in even-numbered years would result in several benefits to the City including increased voter turnout, increased early voting, and lower City costs for each election; and

**WHEREAS**, according to an analysis by the City Clerk and City Attorney’s offices during the 2025 Election Cycle the City spent approximately \$125,000 on the general election

and \$125,000 on the Run-Off Election with turnout of approximately 29.62% for the General Election and 23.14% for the Run-Off Election, and

**WHEREAS**, in contrast, during the November 2024 general election approximately 83.46% of registered voters in the City of Coral Gables voted in the election; and

**WHEREAS**, the City estimates that the cost of a municipal general election coinciding with the November of even-years statewide general election would be approximately \$20,000, and the cost of a stand alone run-off election would remain approximately \$125,000; and

**WHEREAS**, the City currently holds a run-off election, when needed, two weeks after the general election in accordance with Section 1-1 of the City Charter; and

**WHEREAS**, should the City move its general election to November of even-numbered years the City would need to extend the time between the general and run-off election to account for additional time needed to certify the general election, the Thanksgiving holiday, and feedback from Miami-Dade County Supervisor of Elections; and

**WHEREAS**, as such, the City Commission wishes to move the run-off election to a Tuesday four weeks, rather than two weeks, after the general election to allow for sufficient turnout and time to mail absentee ballots; and

**WHEREAS**, if the City general election is held in November of even-numbered years the City also needs to amend the qualifying period for candidates in order to comply with deadlines from the Supervisor of Elections, and provide sufficient time to verify the qualifications of all candidates; and

**WHEREAS**, other municipalities have similarly amended their qualifying periods to mirror those qualifying periods for election to a county office as specified in Florida Statute 99.061(2); and

**WHEREAS**, Section 101.75, Florida Statutes provides that the governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes; and

**WHEREAS**, a simple and cost-effective way to transition from April of odd-numbered years to November of even-numbered years is to shorten the terms of the sitting commissioners by four months, Group 1, Group 2, and Group 3 will have terms shortened from April of 2027 until December of 2026, and subsequently, Group 4 and 5 will have their terms shortened from April of 2029 until December of 2028; and

**WHEREAS**, should this Ordinance be adopted by the City Commission, the City also wishes to send a question to the electors of the City for affirmation of this change during a special election to be held at a later date as determined by the City Commission;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** That the foregoing **“WHEREAS”** clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof

**SECTION 2.** That the City of Coral Gables Charter- Section 1 “Creation, composition, election, terms, vacancies, qualifications”, Section 1.1 “Run-Off Election”, and Section 3 “Election to Office; Commission as Judge of Qualifications, Requirements, Ballots, Canvassing, and Qualifying Periods” be amended as follows<sup>1</sup>:

**Sec. 1. Creation, composition, election, terms, vacancies, qualifications.**

The City shall be governed by a commission consisting of five members elected from the City, at large, in groups or seats numbered One through Five. One of the said Commissioners shall be the Mayor and shall be elected by the people from the group numbered One, and all persons desiring to qualify as a candidate for Mayor shall file in Group One. The Mayor shall have the powers set in the Charter of the City of Coral Gables, Dade County, Florida (today Miami-Dade County). All persons desiring to qualify for Commissioner shall file in Groups Two through Five. Commissioners in Groups Two and Three shall be elected at the general election to be held the second Tuesday in November, 2026 ~~April, 1985~~, and at general election every four years thereafter. Commissioners in Groups Four and Five ~~shall be those Commissioners whose terms presently expire in 1987, and Commissioners who elect to run in Groups Four and Five~~ shall be elected the second Tuesday in November, 2028 ~~April, 1987~~ and general election each four years thereafter. The Mayor shall be elected at each general election beginning the second Tuesday in November, 2026 ~~April 2011~~, and ~~shall hold office~~ for a term of two years and at a general election every two years thereafter. The Mayor and Commissioners shall take office at noon on the third day after their election. The Mayor and all other members of the Commission shall be subject to recall, as provided by the Charter.

The candidate receiving the greatest number of votes in each group shall be considered elected after the canvas of the vote and the declaration of the elections' result as hereinafter provided.

Any Commissioner whose term of office does not expire at noon on the third day after the election, desiring to run for the office of Mayor shall present an irrevocable resignation of his or her office of Commissioner to the City Commission not less than 60 days prior to the date of election, and said resignation shall become effective at noon on the third day after the election.

<sup>1</sup> Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

Upon receipt of resignation, the Commission shall make public announcement by resolution accepting the resignation and instructing the Clerk to accept qualified candidates to run for election for the unexpired term of the resigning Commissioner for the purpose of running for Mayor.

Within 30 days after a vacancy occurs on the Commission, the remaining Commissioners shall elect a Commissioner to fill the vacancy until the next general biennial election. At that time, if the term of office vacated extends beyond such election, a Commissioner shall be elected to fill the balance of the unoccupied term, except as provided for recall. Members of the Commission shall not hold any other elected office except that of Notary Public, or member of the Florida State Militia. A member of the Commission ceasing to possess any of the qualifications specified in the Charter, or if convicted of a felony while in office, shall immediately and automatically forfeit his or her office.

#### **Sec. 1.1. Run-Off Election.**

The candidate receiving a majority of the votes in each group shall be considered elected. In any election for Groups One through Five, if a majority of the vote is not received by any one candidate of a group, a run-off between the two candidates receiving the most votes in the respective group shall be held ~~two~~ four weeks after the general election, on a Tuesday. The candidate receiving the most votes in the run-off shall be considered elected. The Mayor and Commissioners shall take office at noon on the ~~third~~ fifth Friday after the general election. No run-off election shall be required when a candidate receives a majority of the vote or if a candidate is unopposed in the run-off election. Run-off and all other dates related thereto may be adjusted by Ordinance. This provision shall take precedence over any conflicting provision in this Charter.

#### **Sec. 3. Election to Office; Commission as Judge of Qualifications, Requirements, Ballots, Canvassing, and Qualifying Periods.**

The members of the Commission shall be residents of the City and shall have the qualifications of electors therein. The Commission shall be the judge of the election and qualifications of its own members in accordance with the parameters outlined in this Charter.

- (a) *Age and Residency Requirements.* To be a candidate for Mayor or Commissioner, an individual must: be a U.S. Citizen and have resided in the City of Coral Gables for at least one year prior to the election for which he or she seeks office.
- (b) *Ballots, Canvassing.* It is the duty of the City Commission to have ballots prepared in advance of an election and to complete all prerequisites required of the Commission under this Charter or any other governing provision of Florida law. After an election, the Commission shall canvass the election returns and declare its results as soon as may be practicable.

[(c) Reserved.]

- (d) *Candidates, Fee; Rebate of Excess Fees.* Any person who meets the qualifications for a candidate, as outlined in this Charter, may offer himself or herself as a candidate for City Commissioner by submitting a written declaration to the City Clerk and paying a \$200.00 filing fee, which shall be used to off-set the costs of the election. The name of any person so qualified shall be placed on the official ballot. Within 30 days after the election, the City Clerk shall advise the Commission as to the costs of the election and the amount of candidate filing fees collected. If the amount of candidate filing fees collected is greater than the election's cost, the City Commission shall order that such excess be returned to the candidates in a pro rata manner.
- (e) *Qualifying Period.* To be qualified to run for Mayor or Commissioner, candidates must file their written declaration of intent with the City Clerk, ~~and~~ pay the required candidate filing fee, and submit all required qualifying documents. Candidates for Mayor or Commissioner shall qualify with the City Clerk during a qualifying period which shall coincide with the qualifying period for election to a county office as specifies in F.S. 99.061(2). Only that qualifying period specified in F.S. 99.061(2), which is any time after noon on the 71<sup>st</sup> day prior to the state's primary election, but not later than noon on the 67<sup>th</sup> day prior to the state's primary election shall be applicable. ~~between noon of the 50th day and noon of the 46th day prior to the election.~~ This period shall constitute a four-day qualifying period.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Charter and that the sections of this "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 6.** If the City of Coral Gables Charters' Code Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTIETH DAY OF MAY, A.D., 2025.

(Moved: Anderson / Seconded: Lara)

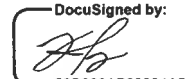
(Yeas: Anderson, Lara, Lago)

(Nays: Castro, Fernandez)


(Majority: (3-2) Vote)

(Agenda Item: E-5)

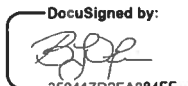
APPROVED:

DocuSigned by:  
  
VINCE LAGO  
MAYOR

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

DocuSigned by:  
  
CRISTINA M. SUÁREZ  
CITY ATTORNEY

ATTEST:

DocuSigned by:  
  
BILLY Y. URQUIA  
CITY CLERK



To: Billy Urquia, City Clerk

cc: Stephanie M. Throckmorton, Deputy City Attorney

From: Cristina M. Suárez, City Attorney *CMS*

Re: Ordinance No. 2025-08

Date: September 9, 2025

As you know, on May 20, 2025, pursuant to Florida Statutes §§ 100.3605(2), 101.75, and 166.021(4), the City Commission adopted Ordinance No. 2025-08 providing for an amendment to the City Charter to move the date of the City's general election from April 13, 2027, to November 3, 2026, changing the date of all subsequent elections to coincide with national and state elections in November of even-numbered years, and amending other related dates (the "Coral Gables Ordinance").<sup>1</sup> Consequently, due to feedback from the Miami-Dade County Supervisor of Elections and to account for additional time needed to certify the general election and the Thanksgiving holiday, the Coral Gables Ordinance also moved the run-off election to a Tuesday four weeks after the general election and, as a result, reduced the terms of existing terms of office by four months.

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<sup>1</sup> As of May 20, 2025, multiple opinions had been issued by the Florida Attorney General concluding that a municipality is authorized to move the date of its municipal election by ordinance. See Fla. Atty. Gen. Op. 2019-11; Fla. Atty. Gen. Op. 2013-05; Fla. Atty. Gen. Op. 2007-34; Fla. Atty. Gen. Op. 2003-52; Fla. Atty. Gen. Op. 2000-61. Moreover, the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, in Hector Medina, et al. v. City of North Miami, et al., Case No. 2023-002691, in an order denying injunctive relief to plaintiffs challenging North Miami's authority to adopt ordinances changing the date of its election and as a result extending terms of sitting councilmembers, concluded that sections 166.021(4) and 100.3605(2) authorized the ordinances. The trial court explained that "[t]he statutory language is clear and unambiguous: the governing statutes authorize a municipality to change its election date, and extend the terms of its sitting councilmembers as a consequence of the election date change, by ordinance and without approval by popular referendum." The Third District Court of Appeal issued a per curiam affirmance of that decision. Medina v. City of N. Miami, 389 So. 3d 516 (Fla. 3d DCA 2023). Accordingly, the Coral Gables Ordinance was approved as to form and legal sufficiency, consistent with the applicable Florida Statutes, the foregoing authority, and previous interpretations of the City Attorney's Office.

Subsequently, in June 2025, the City of Miami sought to move the date of its elections via ordinance, a change resulting in the cancellation of its November 2025 election and an extension of terms of its sitting elected officials by one year. In response to a request by a City of Miami Commissioner prior to the consideration of the proposed ordinance on first reading, Florida's Attorney General issued a letter opining that the City of Miami could only amend its charter to move the date of municipal elections or to change the terms of office for elected officials by a vote of the electors as prescribed in Article VI, section 6.03 of the Miami-Dade County Home Rule Charter, reasoning that the "exclusive" language in section 11(1)(g) of the 1885 Florida Constitution prohibits charter amendments from proceeding by any other method other than the one prescribed in the County's Home Rule Charter. See Fla. Atty. Gen. Op. 2025-01. Nonetheless, on June 26, 2025, the City of Miami adopted its ordinance moving the date of the City's general municipal election scheduled for November 4, 2025, to align with the national and gubernatorial election on November 3, 2026 and consequently extending the terms of sitting elected officials by one year (the "Miami Ordinance").

On June 30, 2025, a potential mayoral candidate sued the City of Miami, seeking a declaration that the Miami Ordinance was unconstitutional as violative of Article VI, section 6.03 of the Miami-Dade County Home Rule Charter. Emilio Tomas Gonzalez v. City of Miami, et al., Case No. 25-12463-CA-01, Eleventh Judicial Circuit in and for Miami-Dade County, Florida. On July 21, 2025, the trial court denied the City of Miami's emergency motion to dismiss and granted plaintiff's motion for summary judgment, finding that the Miami Ordinance constitutes an impermissible amendment to the City of Miami Charter without a vote of the electorate, as required by Article VI, section 6.03(A) of the County Home Rule Charter and Article VII, section 11(1)(g) of the 1885 Florida Constitution, now contained in section 6(3) of the Florida Constitution. The City of Miami appealed that decision and ultimately, the Third District Court of Appeal held that the City of Miami may not enact an ordinance which effectively amends its Charter without submission of the issue to the will and vote of its constituents by referendum, as required by both the City and Miami-Dade County Charters and therefore, held that the Miami Ordinance is unconstitutional. City of Miami v. Gonzalez, 2025 Fla. App. LEXIS 5881 (Fla. 3d DCA July 21, 2025). The City of Miami filed a motion for rehearing, rehearing en banc, or in the alternative, for certification. The motion for rehearing was denied by the Third District Court of Appeal and no further review was sought by the City of Miami.

To date, the Coral Gables Ordinance has not been challenged and the City has not received any communication from the State of Florida, Miami-Dade County, or the Miami-Dade County Supervisor of Elections regarding the Coral Gables Ordinance. Nevertheless, on August 26, 2025, while the City of Miami lawsuit was still pending further review, the Coral Gables City Commission approved Resolution No. 2025-301 setting forth a question to the voters on a proposed amendment to the City Charter identical to the amendment set forth in the Coral Gables Ordinance (i.e. to move the date of the City's April 13, 2027 election to November 3, 2026, accordingly changing the date of all subsequent elections, moving the run-off election to a Tuesday



four weeks after the general election, reducing the terms of sitting elected officials by four months, and amending other related dates). In sending the question to the voters, the City Commission acknowledged that barring any contrary opinion issued by the Third District Court of Appeal or the Florida Supreme Court in the Miami lawsuit, the Commission would seek the approval of the voters to effectuate the change sought by the Coral Gables Ordinance. That ballot question on the proposed Charter Amendment will be scheduled for a mail-in ballot election on April 21, 2026.

As a result of the Third District Court's Opinion and the City Commission's declared intent to have the voters consider a proposed amendment to the City Charter that would move the date of elections to November of even-numbered years, it is my opinion that Ordinance No. 2025-08 is unenforceable and did not effectuate an amendment to the City Charter. While the Miami Ordinance extending terms of sitting elected officials by one year is factually distinguishable from the Coral Gables Ordinance which reduced terms of sitting elected officials by four months, the opinion of the Third District Court of Appeal did not turn on that factual issue. Rather, in my opinion, the legal analysis would be the same if the Coral Gables Ordinance were challenged. Moreover, the City Commission has already acted in accordance with the opinion of the Third District Court of Appeal by adopting a resolution seeking voter approval of the proposed Charter amendment to change the date of the City's election, understanding that such ballot question would not be needed and would be invalid if the City were to implement Ordinance No. 2025-08. Accordingly, Ordinance No. 2025-08 may not be enforced, did not effectuate an amendment to the City Charter, and the City Clerk may not take any steps to implement Ordinance No. 2025-08. Please append a copy of this Opinion to the Ordinance on Legistar and inform Municode so it may effectuate necessary changes consistent with this Opinion.

This opinion is issued pursuant to Section 2-252(e)(1), (8), and (9) of the City Code.

