

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

CASE NO: 2026-017398-CA-01

SECTION: CA13

JUDGE: Christopher Green

Kassandra Timothe

Plaintiff(s)

vs.

City of North Miami, Florida et al

Defendant(s)

_____ /

FINAL JUDGMENT BY JUDGE

This matter came before the Court on the consolidated actions filed by Plaintiff Kassandra Timothe and the City of North Miami seeking declaratory relief concerning whether Defendant Hector L. Medina lawfully qualified as a candidate for the District 2 seat on the North Miami City Council for the November 3, 2026 municipal election.

The case was heard before the Court on September 1, 2026, upon Plaintiff Kassandra Timothe's Emergency Motion for Temporary Injunction and Expedited Hearing, together with Plaintiff's Supplemental Memorandum of Law and Notice of Supplemental Authority. Plaintiff appeared through counsel, Dedrick D. Straghn, Esq.; Defendant Hector L. Medina appeared through counsel, Juan-Carlos Planas, Esq.; Defendant City of North Miami appeared through Richard B. Rosengarten, Esq. and Amanda Pulido, Esq.; and Defendant Alina Garcia, in her official capacity as Miami-Dade County Supervisor of Elections, appeared through Oren Rosenthal, Esq.

The Court heard extensive arguments from all parties and reviewed the pleadings, motions, supplemental memoranda, exhibits, applicable statutes and authorities, and the record before the Court.

At the hearing, all parties agreed that the Court could proceed to a final determination on the merits of both consolidated actions pursuant to section 99.0211, Florida Statutes, rather than limit the September 1, 2026 hearing to Plaintiff's request for preliminary injunctive relief.

Accordingly, having considered the record and applicable law, and being otherwise fully advised in the premises, the Court makes the following findings of fact and conclusions of law based on the undisputed record evidence.

FINDINGS AND CONCLUSIONS OF LAW

Plaintiff Kassandra Timothe and Defendant Hector L. Medina are candidates for the same

North Miami District 2 City Council seat.

Section 99.0211, Florida Statutes, authorizes a candidate to challenge the candidacy of another candidate in the same race through an action for declaratory and injunctive relief. The Court therefore finds that Plaintiff possesses standing and statutory authority to maintain this action. Moreover, Medina conceded standing during the hearing.

This action is a challenge to Medina's qualification under Chapter 99, Florida Statutes. Plaintiff does not seek to enforce Chapter 106 as an independent private cause of action.

Section 99.061(7)(a)1., Florida Statutes, requires that, in order for a candidate to qualify, the filing officer timely receive: “a ***properly executed*** check drawn upon the candidate's campaign account...” Fla. Stat. § 99.061.

Chapter 99 does not independently define the term “properly executed check.” The Court and the parties agree that the 2026 State Qualifying Handbook published by the Florida Division of Elections is not controlling authority to interpret this phrase, and the handbook does not substitute for statutory construction.

The Florida Supreme Court's recent decision in *Amador v. Secretary, Florida Department of State*, No. SC2026-1039, 2026 WL 2323248 (Fla. Aug. 11, 2026), is controlling and instructive as to the manner in which the Court should construe undefined terms in Florida Statute section 99.061.

In *Amador*, the Florida Supreme Court interpreted the qualifying-check requirement contained in section 99.061 by consulting related provisions of Chapter 106 governing campaign accounts, writing, “To help understand the meaning of ‘campaign account’ in this context, one must look to related statutes in the election code,” including sections 106.021 and 106.11. *Id.* *1.

Consistent with *Amador*, where Chapter 99 does not itself define what constitutes a “properly executed check,” the Court must look to the related provisions of Chapter 106 governing execution of campaign-account checks. Section 106.11, Florida Statutes, requires a campaign-account check to be signed by the campaign treasurer or deputy campaign treasurer. That section states expenditures from a candidate’s primary campaign depository shall be made “only in the following manner,” including that the checks drawn upon the campaign account “shall contain, at a minimum, the following information.... The signature of the campaign treasurer or deputy treasurer.” § 106.11(b)4. It is undisputed that Medina’s check for the qualification fee was a campaign account expenditure.

The record establishes that Medina filed a Form DS-DE 9 designating Alina Medina, his wife, as his campaign treasurer. Medina did not designate himself as campaign treasurer before executing and tendering the qualifying check at issue.

The qualifying period for the candidates began on August 10, 2026, and ended on August 20, 2026. Medina submitted his check to the City Clerk on August 11, 2026. On August 25, 2026, the City Clerk notified Medina that he did not qualify for a candidate for the Office of Councilperson because his qualifying fee was not properly executed. The City did not inform Medina of this deficiency prior to the end of the qualifying period.

It is undisputed in the record that Hector Medina was not the campaign treasurer when he signed his qualifying check. Accordingly, the Court finds the qualifying check personally executed by Hector Medina did not constitute the “properly executed check” required by section 99.061(7)(a)1., Florida Statutes. Because Medina failed to submit the properly executed qualifying check required by section 99.061(7)(a)1 within the applicable qualifying period, Medina failed to satisfy a mandatory requirement necessary to qualify as a candidate for the North Miami District 2 City Council seat.

The Court is compelled to apply the requirements of section 99.061 and the controlling authority of the Florida Supreme Court.

Accordingly, the Court finds and declares that HECTOR L. MEDINA did not properly qualify and is not a qualified candidate for the North Miami District 2 City Council seat in the November 3, 2026 municipal election. Plaintiff is therefore entitled to final declaratory and injunctive relief.

IT IS THEREFORE ORDERED AND ADJUDGED:

FINAL JUDGMENT is entered in favor of Plaintiff KASSANDRA TIMOTHE, and the declaratory relief requested by Plaintiff KASSANDRA TIMOTHE and by the CITY OF NORTH MIAMI in the consolidated action is GRANTED.

The Court **DECLARES** that Defendant HECTOR L. MEDINA failed to satisfy the qualifying requirement imposed by section 99.061(7)(a)1., Florida Statutes.

The Court **DECLARES** that the qualifying check executed and submitted by Medina was not a “properly executed check” within the meaning of section 99.061(7)(a)1.

The Court **DECLARES** that HECTOR L. MEDINA is not a qualified candidate for the North Miami District 2 City Council seat in the November 3, 2026 municipal election.

Injunctive Relief

Defendant **CITY OF NORTH MIAMI** shall recognize and treat HECTOR L. MEDINA as a candidate who has been judicially determined **not to have qualified** for the North Miami District 2 City Council seat.

Defendant ALINA GARCIA, in her official capacity as Miami-Dade County Supervisor of Elections, is hereby **DIRECTED** to comply with the provisions of the Florida Department of State's DE Reference Guide 0007 governing removal/disqualification of a candidate after the candidate's name has already been included on the ballot.

Consistent with DE Reference Guide 0007 and the representations of the Supervisor of Elections to the Court, the Supervisor of Elections shall take the actions required by that guidance, including, as applicable:

- a. providing the required notice to voters receiving vote-by-mail ballots that Hector Medina has been determined not to be a qualified candidate and that votes cast for Medina will not count;

- b. posting the required notices at applicable early-voting locations;
- c. posting the required notices at applicable polling places within the City of North Miami;
- d. ensuring that any votes cast for Hector Medina are not counted, reported, canvassed, or certified as valid votes for the District 2 City Council race; and
- e. complying with all other applicable election-administration and public-record requirements prescribed by DE Reference Guide 0007.

Because Medina's name has already been incorporated into the ballot, this Final Judgment does not require the physical removal of Medina's printed name from ballots already prepared or programmed. Rather, the Supervisor of Elections shall implement the procedures required by DE Reference Guide 0007 so that voters are notified of Medina's disqualification and votes cast for Medina are not counted or certified.

The official election results for the North Miami District 2 City Council race shall reflect and certify only votes lawfully cast for the remaining qualified candidates.

Limited Stay

Defendant Hector L. Medina requested a temporary stay of this Final Judgment to permit expedited appellate review.

After hearing from all parties and the Miami-Dade County Supervisor of Elections concerning the applicable vote-by-mail production schedule, the Court grants a limited stay through September 8, 2026, at 5:00 p.m.

Accordingly, implementation of the notice and vote-suppression procedures required by DE Reference Guide 0007 is STAYED until September 8, 2026, at 5:00 p.m., solely to permit Defendant Medina an opportunity to seek expedited appellate relief.

Unless an appellate court enters a further stay or other order affecting this Final Judgment on or before September 8, 2026, at 5:00 p.m., the stay imposed herein shall automatically expire without further order of this Court, and the Miami-Dade County Supervisor of Elections shall thereafter proceed immediately with implementation of DE Reference Guide 0007 consistent with this Final Judgment.

Nothing in this limited stay alters the Court's final determination that Hector L. Medina failed to qualify and is not a qualified candidate for the District 2 City Council seat.

IT IS FURTHER ADJUDGED, that by agreement of all parties, the September 1, 2026 hearing constituted an expedited final hearing on the merits pursuant to section 99.0211, Florida Statutes. This Final Judgment constitutes the Court's final determination on the merits of Plaintiff's claims for declaratory and injunctive relief as well as This Final Judgment disposes of the claims presented for adjudication in both consolidated cases and is final for purposes of appellate review.

The Court retains jurisdiction solely to enforce the terms of this Final Judgment and to enter such further orders as may be necessary to effectuate its terms.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 3rd day of September, 2026.



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Hon. Christopher Green

CIRCUIT COURT JUDGE

Electronically Signed

Final Order as to All Parties UCR #: **CA010** (Disposed by Judge)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

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