

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

CASE NO: 2026-020505-CA-01

SECTION: CA22

JUDGE: Beatrice Butchko Sanchez

George E Duell Morgan

Plaintiff(s)

vs.

City of North Miami Florida et al

Defendant(s)

**ORDER GRANTING PLAINTIFF'S EMERGENCY COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

This cause came before the Court on October 14, 2026, and October 19, 2026 upon Plaintiff's GEORGE E. DUELL MORGAN ("Plaintiff" or "Morgan") Emergency Complaint for Declaratory and Injunctive Relief (the "Complaint") against Defendants CITY OF NORTH MIAMI, FLORIDA (the "City"), ALINA GARCIA, in her official capacity as Miami-Dade County Supervisor of Elections (the "Supervisor of Elections"), and ALIX DESULME ("Desulme"). The Court conducted an expedited hearing under section 99.0211(4), Florida Statutes.

The Court reviewed the Complaint, its Exhibits, the Defendants' responses, and the authorities the parties cited. Having considered the record and the applicable law, and being otherwise fully advised, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jurisdiction and Undisputed Facts

This Court has jurisdiction under Article V, section 5(b) of the Florida Constitution and sections 26.012, 86.011, and 99.0211, Florida Statutes. Plaintiff and Desulme are currently the only two candidates for Mayor of the City of North Miami in the November 3, 2026 municipal election. Section 99.0211(2) authorizes a candidate to challenge another candidate in the same race. Plaintiff therefore has standing to challenge Desulme's compliance with the qualifying requirements.

The City's qualifying period began on August 10, 2026, at 8:30 a.m. It ended on August 20, 2026, at 12:00 noon. (Compl. Ex. G.)

On May 1, 2026, Desulme filed his Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates. In that form, Desulme designated Emmanuella Fluerimont as his campaign treasurer. He designated TD Bank, 12620 Biscayne Boulevard, North Miami, Florida 33161, as his primary campaign depository. (Compl. Ex. A.)

On August 10, 2026, Desulme tendered his qualifying papers to the City Clerk. To pay the qualifying fee and election assessment, he tendered two instruments: TD Bank Official Check No. 77545367-8, payable to "City of North Miami" for \$4,494.00, and TD Bank Official Check No. 77545366-7, payable to "Election Trust Fund" for \$898.80. (Compl. Ex. B.)

Each instrument bears the caption "OFFICIAL CHECK." Each states on its face "DRAWER: TD BANK, N.A." A TD Bank signatory signed each instrument on a line printed "AUTHORIZED SIGNATURE." Neither instrument draws upon an account of the Desulme campaign. (Compl. Ex. B.)

Florida's Election Code Governs the Qualifying Fee Requirement in the City's Election

Section 6-4 of the North Miami Municipal Election Code makes Florida law govern every election matter that no City ordinance specifically addresses. The City Code thus applies Florida law unless the City has specifically provided otherwise.

Section 100.3605(1), Florida Statutes, is consistent. It makes the Florida Election Code govern a municipality's election in the absence of an applicable special act, charter, or ordinance provision.

Section 99.061(7)(a)1., Florida Statutes, sets the qualifying fee requirement. To qualify, a candidate must ensure that the filing officer receives, by the end of the qualifying period, "[a] *properly executed* check drawn upon the candidate's campaign account." The candidate must make the check payable to the person or entity the filing officer prescribes. The statute states: "Failure to pay the fee as provided in this subparagraph shall disqualify the candidate." § 99.061(7)(a)1., Fla. Stat.

The City's Charter and Code contain no specific, clear language that differs from the state statute. Section 6-21(d) of the City Code requires the candidate to pay the qualifying fee by a check drawn on the candidate's campaign account, payable to the City of North Miami. Section 6-21(d) does not address cashier's checks. Nor does it address who must sign the check. The state statutes, by contrast, require the campaign treasurer or deputy treasurer to sign it. Because the City Code does not specifically provide otherwise, the state statutes apply. City Code § 6-4; § 100.3605(1), Fla. Stat.

The City's own position in recent litigation in this circuit confirms this conclusion. See *Timothe v. City of North Miami*, No. 2026-017398-CA-01 (Fla. 11th Cir. Ct. Sept. 3, 2026). *Timothe* concerned candidate Medina's qualification for the North Miami District 2 City Council

seat in this same election. (Compl. Ex. D.) In its answer brief on appeal, the City wrote that the "properly executed check requirement mandatorily applies to the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance." Moreover, the opposing parties in that case both argued for compliance with section 99.061(7)(a)1. The facts in *Timothe* differ from the facts here, but the same law applies.

The Court also finds *Thompson v. North Bay Village*, No. 3D26-1785 (Fla. 3d DCA Aug. 21, 2026), instructive. (Compl. Ex. H.) In *Thompson*, the Third District affirmed the disqualification of a municipal candidate. That candidate tendered a bank-issued cashier's check instead of a check drawn upon his campaign account, as section 99.061(7)(a)1. requires.

A Cashier's Check Is Not a Check Drawn Upon the Candidate's Campaign Account

Florida law defines a cashier's check as "a draft with respect to which the drawer and drawee are the same bank or branches of the same bank." § 673.1041(7), Fla. Stat. The issuing bank pays a cashier's check from its own account. *Warren Fin., Inc. v. Barnett Bank of Jacksonville, N.A.*, 552 So. 2d 194, 197 (Fla. 1989). A cashier's check therefore is not a check drawn on or upon the candidate's campaign account. *Boatman v. Hardee*, 254 So. 3d 604, 608 n.2 (Fla. 1st DCA 2018); *see also* *Spiritis v. Botel*, 384 So. 3d 260, 264 (Fla. 4th DCA 2024); *Thompson*, No. 3D26-1785.

TD Bank, N.A. drew the Official Checks that Desulme tendered upon itself. Those instruments were not checks drawn upon Desulme's campaign account. They did not satisfy section 99.061(7)(a)1., Florida Statutes, or section 6-21(d) of the City Code.

The Doctrine of Substantial Compliance Does Not Apply

The Court recognizes that this is an election. The Court does not wish to disenfranchise any voter. The Court therefore considered whether the doctrine of substantial compliance—in other words, "no harm, no foul"—could excuse the defect. It cannot.

Courts examining the substantial compliance doctrine in cases like this one have held that it does not apply to basic qualifying requirements, such as paying a proper fee. *Boatman*, 254 So. 3d at 609–10 (citing *State ex rel. Siegendorf v. Stone*, 266 So. 2d 345, 347 n.3 (Fla. 1972)).

The Court must look to legislative intent. In enacting these statutes, the Legislature intended candidates to use campaign checks whenever possible. *Boatman*, 254 So. 3d at 611.

The Florida Supreme Court has described the qualifying fee requirements of section 99.061(7) as "a true bright line." Substantial compliance does not apply to them. *Wright v. City of Miami Gardens*, 200 So. 3d 765, 772 (Fla. 2016).

This Action Is Timely and Is Not Barred by Unclean Hands

Plaintiff timely filed this action. He filed suit six days after he discovered the irregularity in Desulme's qualifying payment.

The defense of unclean hands does not bar Plaintiff's recovery. The City qualified Plaintiff as a candidate for Mayor. Plaintiff remains a qualified candidate unless and until a court declares otherwise. No evidence shows that Plaintiff engaged in fraud, deceit, or trickery—unclean hands in the traditional sense—in bringing this action.

Adoption of Authorities

The Court adopts the authorities Plaintiff cited in the Complaint, including *Thompson v. North Bay Village*, No. 3D26-1785 (Fla. 3d DCA Aug. 21, 2026); *Boatman v. Hardee*, 254 So. 3d 604 (Fla. 1st DCA 2018); *Spiritis v. Botel*, 384 So. 3d 260 (Fla. 4th DCA 2024); *Pedraza v. City of Miramar*, 401 So. 3d 1195 (Fla. 4th DCA 2025); *Wright v. City of Miami Gardens*, 200 So. 3d 765 (Fla. 2016); *Amador v. Secretary, Florida Department of State*, No. SC2026-1039, 2026 WL 2323248 (Fla. Aug. 11, 2026); *Warren Financial, Inc. v. Barnett Bank of Jacksonville, N.A.*, 552 So. 2d 194 (Fla. 1989); and *Timothe v. City of North Miami*, No. 2026-017398-CA-01 (Fla. 11th Cir. Ct. Sept. 3, 2026).

Based on the authorities cited above, Desulme failed to satisfy section 99.061(7)(a)1., Florida Statutes, and section 6-21(d) of the City Code before qualifying closed. He therefore did not satisfy all statutory requirements for the office of Mayor at the time of qualification. § 99.0211(3), Fla. Stat. The Court must disqualify him as a candidate for Mayor.

IT IS THEREFORE ORDERED AND ADJUDGED:

The Court **GRANTS** Plaintiff GEORGE E. DUELL MORGAN's Emergency Complaint for Declaratory and Injunctive Relief.

The Court **DECLARES** that a cashier's check or "official check" that a bank draws upon itself is not "a properly executed check drawn upon the candidate's campaign account" under section 99.061(7)(a)1., Florida Statutes. Nor is it "a check drawn on the candidate's campaign account" under section 6-21(d) of the City of North Miami Code.

The Court **DECLARES** that TD Bank Official Check No. 77545367-8 and TD Bank Official Check No. 77545366-7, which Defendant ALIX DESULME tendered on August 10, 2026, did not satisfy the qualifying requirements of section 99.061(7)(a)1., Florida Statutes, or section 6-21(d) of the City of North Miami Code.

The Court **DECLARES** that ALIX DESULME failed to satisfy the statutory qualification requirements before the qualifying period closed. ALIX DESULME is not a qualified candidate for Mayor of the City of North Miami in the November 3, 2026 municipal election. The Court **DISQUALIFIES** ALIX DESULME as a candidate for that office. §§ 99.061(7)(a)1., 99.0211(3),

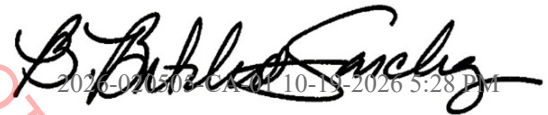
Fla. Stat.

The Court **DIRECTS** Defendant ALINA GARCIA, in her official capacity as Miami-Dade County Supervisor of Elections, to follow section 99.0211(4), Florida Statutes; the Florida Division of Elections' DE Reference Guide 0007; and the implementation instructions that Plaintiff and the Supervisor of Elections presented to the Court. Because the ballots are already printed, section 99.0211(4) and DE Reference Guide 0007 require the Supervisor of Elections to:

a. post at each early voting location and all voting locations a Notice to Voter stating "a candidate in the race for the office of North Miami – Mayor has been disqualified resulting in an unopposed candidate race. A vote cast in this race will not change the outcome as the remaining candidate is deemed by law to be elected for that race." (See Exhibit B, Response to Emergency Request for Injunctive Relief, filed by Defendant Alina Garcia, Supervisor of Elections for Miami-Dade County).]

In implementing this Order, the Supervisor of Elections shall follow the laws that control the mechanics of conducting the election. The Court defers to those laws.]

DONE and **ORDERED** in Chambers at Miami-Dade County, Florida on this 19th day of October, 2026.


2026-020505-CA-01 10-19-2026 5:28 PM

2026-020505-CA-01 10-19-2026 5:28 PM

Hon. Beatrice Butchko Sanchez

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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