

FLORIDA THIRD DISTRICT COURT OF APPEAL

Victor Milanes v. Todd Hannon

Milanes · No. 3D25-2233 · Decided December 4, 2025

SUMMARY

The Third District Court of Appeal of Florida dismissed a petition for certiorari seeking to compel the trial court to rule before a runoff election on a challenge to a candidate’s eligibility. The court held that certiorari review was improper because no reviewable order had been entered and, in any event, the petitioners could not show irreparable harm because post-election relief was available.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Bokor, J.; Scales, C.J.; Lindsey, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	December 4, 2025
DOCKET	3D25-2233
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for writ of certiorari seeking review of the circuit court's deferral of a post-election challenge to a candidate's eligibility for a municipal runoff ballot.
STANDARD OF REVIEW	Certiorari review requires an appropriate reviewable order, a departure from the essential requirements of law, and irreparable harm that cannot be remedied by postjudgment appeal. The court dismissed without reaching the merits because petitioners failed to establish certiorari jurisdiction and irreparable harm.
PRECEDENTIAL VALUE	Published Florida Third District Court of Appeal opinion
PARTIES	Victor Milanes, Oscar Elio Alejandro, Alejandro Almirola v. Todd Hannon, Frank Carollo

TOPICS

- writ of certiorari
- appellate jurisdiction
- appellate procedure
- election law
- ballot access

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether certiorari review was available to compel the circuit court to rule on a pending post-election challenge when the circuit court had not entered an order resolving that challenge.
2. Whether petitioners demonstrated irreparable harm warranting certiorari relief from the circuit court's deferral of the post-election challenge.

HOLDINGS

1. Certiorari review was improper because petitioners did not seek review of an order and an appellate court reviewing by certiorari may quash an order but may not direct the lower court to enter a specified order.
2. Petitioners did not demonstrate irreparable harm because a post-election legal remedy could provide the relief they sought if the candidate were ultimately found ineligible.

KEY QUOTATIONS

“after review by certiorari, an appellate court can only quash the lower court order; it has no authority to direct the lower court to enter contrary orders.” (at 3)

“absent an order entered below, we lack certiorari jurisdiction.” (at 4)

“No irreparable harm exists where the trial court hasn’t decided the issue and a possible remedy would be what the petitioners seek.” (at 5)

FACTUAL BACKGROUND

On November 4, 2025, Miami voters elected a District 3 commissioner, with Frank Carollo receiving the most votes and Rolando Escalona receiving the second-most votes. Because no candidate received a majority, a runoff was scheduled for December 9, 2025. The same ballot approved Referendum 4, a retroactive lifetime-term-limits amendment to the City Charter, and petitioners argued that the amendment disqualified Carollo from the runoff. The circuit court deferred ruling on the statutory post-election challenge, prompting the certiorari petition.

PROCEDURAL HISTORY

Petitioners challenged Frank Carollo's eligibility to participate in a runoff election after voters approved a retroactive lifetime-term-limits charter amendment. The circuit court denied declaratory and injunctive relief but deferred ruling on petitioners' post-election challenge under section 102.168, Florida Statutes. Petitioners sought certiorari review of the deferral, rather than review of the denial of injunctive relief. The Third District dismissed the petition.

DISPOSITION

dismissed

CASES CITED

- Gulf Oil Realty Co. v. Windhover Ass'n, Inc., 403 So. 2d 476, 478 (Fla. 5th DCA 1981)
- Piquet v. Clareway Props. Ltd., 314 So. 3d 423, 428 (Fla. 3d DCA 2020)
- Schwartz v. Banks, 273 So. 3d 241, 243 (Fla. 3d DCA 2019)
- Broward County v. G.B.V. Int'l, Ltd., 787 So. 2d 838, 843-44 (Fla. 2001)
- Coral Gables Chiropractic PLLC v. United Auto. Ins. Co., 199 So. 3d 292, 294 (Fla. 3d DCA 2016)
- Bobby Express Co. v. Guerin, 930 So. 2d 842, 843 (Fla. 3d DCA 2006)
- Pepper v. Cobo, 785 So. 2d 718, 719 (Fla. 3d DCA 2001)
- Burns v. Tondreau, 139 So. 3d 481, 488 (Fla. 3d DCA 2014)
- Hernandez v. Fla. Peninsula Ins. Co., 211 So. 3d 1126, 1128 (Fla. 3d DCA 2017)

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