

FLORIDA THIRD DISTRICT COURT OF APPEAL

Alex Díaz De La Portilla v. Miguel Angel Gabela

No. 3D24-1948, Florida Third District Court of Appeal (October 1, 2025)

SUMMARY

The Florida Third District Court of Appeal affirmed a circuit court decision concerning a candidate's compliance with the City of Miami's district residency qualification. The court relied on the City Charter and prior precedent holding that the residency requirement is a qualification to run for office and does not require continuous or immediately preceding residency.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Per Curiam; Emas; Miller; Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 1, 2025
DOCKET	3D24-1948
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Miami-Dade County in a case involving a challenge to a city commission candidate's district-residency qualification.
PRECEDENTIAL VALUE	published
PARTIES	Alex Díaz De La Portilla v. Miguel Angel Gabela, Todd Hannon, The City of Miami Canvassing Board

TOPICS

- election law
- municipal law
- statutory interpretation
- plain meaning rule
- appellate procedure

PRACTICE AREAS

- election law
- municipal law
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

- Whether the City of Miami Charter's district-residency requirement requires continuous residency or residency immediately preceding a candidate's qualification.

2. Whether a candidate's alleged failure to satisfy the charter's qualification requirements may be challenged after the election under section 102.168(3)(b), Florida Statutes.

HOLDINGS

1. The plain language of section 4(c) of the City of Miami Charter does not require continuous residency in the district or residency immediately preceding qualification.
2. Section 102.168(3)(b), Florida Statutes, does not permit a post-election challenge based on a candidate's failure to meet the qualification requirements necessary to run for office.

KEY QUOTATIONS

“The plain language of the City's district residency requirement doesn't require continuous residency, or residency immediately preceding qualification.” (2)

“[S]ection 102.168(3)(b) does not allow a post-election challenge to a candidate's failure to meet the qualification requirements necessary to run for office.” (2)

FACTUAL BACKGROUND

The appeal concerned the City of Miami's district-residency requirement for candidates for city commission. The opinion addressed whether the charter required continuous residency or residency immediately preceding qualification and whether a candidate's alleged failure to satisfy a qualification requirement could be challenged after the election.

PROCEDURAL HISTORY

Alex Díaz De La Portilla appealed a ruling of the Miami-Dade County Circuit Court. The Third District Court of Appeal affirmed, relying on the City of Miami Charter and its prior decisions interpreting the district-residency requirement and post-election challenges.

DISPOSITION

affirmed

CASES CITED

- City of Miami v. Gabela, 390 So. 3d 65, 70 (Fla. 3d DCA 2023)
- Leon v. Carollo, 246 So. 3d 490, 496-97 (Fla. 3d DCA 2018)

OPINION

Alex Diaz De La Portilla v. Miguel Angel Gabela

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed October 1, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1948 Lower Tribunal No. 23-26808-CA-01 _____ Alex Díaz De La Portilla, Appellant, vs.

Miguel Angel Gabela, et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Spencer Eig, Judge. Michael A. Pizzi, Jr., P.A., and Michael A. Pizzi, Jr., for appellant. Lydecker LLP, and Forrest L. Andrews, for appellees Todd Hannon and The City of Miami Canvassing Board; Law Firm of Juan-Carlos Planas, P.A., and Juan-Carlos Planas, for appellee Miguel Angel Gabela. Before EMAS, MILLER and LOBREE, JJ. PER CURIAM. Affirmed. See § 4(c), City of Miami Charter (2023) (“Qualifications of mayor and city commission; . . . [C]andidates for the city commission shall have resided within the district at least one (1) year before qualifying and be electors in that district, and shall maintain residence in that district for the duration of their term of office.”); City of Miami v. Gabela, 390 So. 3d 65, 70 (Fla. 3d DCA 2023) (Gabela I) (“The plain language of the City's district residency requirement doesn't require continuous residency, or residency immediately preceding qualification.”); see also Leon v. Carollo, 246 So. 3d 490, 496-97 (Fla. 3d DCA 2018) (finding that the one-year residency requirement in section 4(c) is a “qualification to run for office”—not an eligibility requirement to hold office—and holding: “[S]ection 102.168(3)(b) does not allow a post-election challenge to a candidate's failure to meet the qualification requirements necessary to run for office.”). 2