

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

FLORIDA SHERIFFS ASSOCIATION,  
a Florida not for profit corporation,

CIRCUIT CIVIL DIVISION

Petitioner,

CASE NO.: \_\_\_\_\_

vs.

MIAMI-DADE COUNTY BOARD OF  
COUNTY COMMISSIONERS,

Respondent.

\_\_\_\_\_ /

**PETITION FOR DECLARATORY RELIEF, INJUNCTIVE RELIEF, WRIT OF  
MANDAMUS AND WRIT OF QUO WARRANTO**

**OVERVIEW**

This is an action for declaratory relief, injunctive relief and for issuance of a writ of mandamus and writ of quo warranto filed by Petitioner, the Florida Sheriffs Association (the “Association”), against Defendant, the Miami-Dade County Board of County Commissioners (the “Board”), concerning Resolution No. R-558-22 (the “Resolution”). The Resolution, among other things, improperly orders the Miami-Dade Police Department, following the 2024 election of the Sheriff of Miami-Dade County, Florida, to serve as the municipal law enforcement agency of unincorporated Miami-Dade County, Florida, and divests the Sheriff of certain powers, duties and obligations of the office.

The Board’s actions directly violate Article VIII(1)(d) of the Florida Constitution, which eliminates counties’ ability to abolish, change term, and transfer duties of the Office of Sheriff.

Consequently, the Association seeks: (1) a declaration that the Resolution violates Article VIII, Section 1(d) of the Florida Constitution because it constitutes a transfer of the powers, duties

and obligations of the Miami-Dade County Sheriff's office to the Miami-Dade Police Department ("MDPD"), (2) a permanent injunction against the Board requiring the Board to cease, desist and refrain from enforcing the Resolution and taking any action to limit or transfer the rights and powers of the Office of the Sheriff for Miami-Dade County, Florida, to MDPD, (3) issuance of a writ of mandamus directed to the Board compelling the Board, among other things, to turn over all exclusive law enforcement authority in unincorporated Miami-Dade County to the newly elected Sheriff of Miami-Dade County on January 7, 2025, and (4) the issuance of a writ of quo warranto determining that, in adopting the Resolution, the Board improperly exercised and/or exceeded its power derived from the State.

### **JURISDICTION AND VENUE**

1. This is an action for declaratory relief pursuant to Chapter 86, Florida Statutes. This Court has subject-matter jurisdiction to grant declaratory relief pursuant to Sections 86.011, 86.021, 86.101, Florida Statutes.

2. This action further seeks temporary and permanent injunctive relief to bar the application and enforcement of the Resolution, a copy of which is attached as **Exhibit "A"**. This Court has subject-matter jurisdiction to grant injunctive relief pursuant to Article V, Section 20(c)(3) of the Florida Constitution and Section 26.012(2)(c) and (3), Florida Statutes.

3. The Association also seeks the issuance of a writ of mandamus and writ of quo warranto directed to the County Commission. The Court has original jurisdiction to issue writs of mandamus and quo warranto directed to public officials and public agencies pursuant to Article V, Section 5(b) of the Florida Constitution and Section 26.012, Florida Statutes.

4. Venue is proper in Miami-Dade County, Florida, because the Board, which is the governing legislative body for Miami-Dade County, Florida, is located, and has its principal

headquarters, in Miami-Dade County, Florida. Moreover, the causes of action accrued in Miami-Dade County, Florida. § 47.011, Fla. Stat.

### **PARTIES**

5. The Association is a not-for-profit 501(c)(3) corporation made up of the 67 sheriffs of Florida, plus more than 100,000 citizens, business leaders and law-enforcement officers throughout the state, including residents of Miami-Dade County. The Association represents the sheriffs of Florida and its mission includes preserving the independence of the constitutional Office of Sheriff, preserving and fostering the institution of the Office of Sheriff throughout the state and fostering the effectiveness of the Office of Sheriff through leadership, education and training, innovative practices, and legislative initiatives. It is germane to the Association's mission that there be an elected sheriff in every Florida county and that the elected sheriff be the sole provider of county-level law enforcement services in their county. Some of the Association's goals include the following:

- (1) To provide effective and timely support, training and information exchanges for Florida's sheriffs in their daily operations;
- (2) To foster effective law enforcement, crime prevention, apprehension of criminals and protection of life and property of the citizens of Florida and in every Florida county;
- (3) To promote public awareness about developments in law enforcement, crime prevention and public safety; and
- (4) To protect Florida's future by promoting public support of programs and services focused on youth of our State.

6. Founded in 1893, the Association has served the citizens of Florida by supporting the needs of the state's law-enforcement community. It is the largest state law enforcement association in the nation and is Florida's oldest. The Association is also one of the few sheriffs' associations that has full, active participation by all sheriffs in the state.

7. Through the Association, the 67 sheriffs of Florida are given a forum to address lawmakers and push for positive changes in the criminal justice system in our state. The Association also provides sheriffs' offices with training, special task forces to combat illegal activity, as well as legislative and legal services. Because the Association unites the efforts of all sheriffs' offices in the state, the result is significant cost savings for better-quality policing. The Association has limited resources upon which member sheriffs rely to support their daily operations.

8. The Association has diverted resources away from its primary mission, function and goals since the enactment of the unlawful Resolution by the Defendant, including responding to concerns by sheriffs across Florida, citizens, and Association members. The uncertainty surrounding how the Resolution will impact the not-yet-elected Sheriff puts strain on FSA staff and resources as they work to answer questions, address concerns regarding, and counteract the Resolution.

9. The Association's resources devoted to addressing the Resolution have resulted in reduction of time spent on the Association's core work and takes away from other programs and initiatives, including those directly supporting sheriff's offices in their daily operations.

10. The Association will be forced to continue to divert resources from its core mission and function to address issues related to the Resolution, thus hindering the Association's future delivery of services to sheriffs and Association members.

11. Defendant, the County Commission is the governing legislative body of Miami-Dade County, Florida, is located, and has its principal headquarters, in Miami-Dade County, Florida.

## COMMON FACTUAL ALLEGATIONS

### A. Passage of Amendment 10 to the Florida Constitution.

12. On May 9, 2018, the 2017-2018 Constitution Revision Commission submitted its proposed revisions and accompanying ballot summaries to the Florida Secretary of State. Among them was Revision 5, retitled Amendment 10 for the November 2018 ballot (“Amendment 10”).

13. Amendment 10, among other things, ensured the election of sheriffs in all counties in Florida, removed county charters' ability to abolish, change term, transfer duties, or eliminate election of the office of the sheriff for each county.

14. On November 8, 2018, Amendment 10 was approved by 63% of statewide voters, 58% of Miami-Dade County voters, and 62% of the voters in the unincorporated area of Miami-Dade County.

15. After the amendment, Article VIII, Section 1(d) of the Florida Constitution provides:

COUNTY OFFICERS. **There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court.** Unless otherwise provided by special law approved by vote of the electors or pursuant to Article V, section 16, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds. **Notwithstanding subsection 6(e) of this article, a county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court; transfer the duties of those officers to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of the county.**

Art. VIII, § 1(d), Fla. Const. (emphasis added).

16. Prior to the amendment of Section 1, Art. VIII, Florida Constitution, the section read:

(d) COUNTY OFFICERS. **There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office.** When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(Emphasis added).

17. For Miami-Dade County, the amendment shall take effect January 7, 2025, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2024.

18. As a result of Amendment 10, the constitutional Miami-Dade County Sheriff's Office will be reestablished and will be an independent elected position.

**B. The Abolition and Reestablishment of the Miami-Dade County Sheriff's Office.**

19. Section 11, Article VIII of the Florida Constitution of 1885 gave what was then known as Dade County the right to govern itself through a home rule charter and provided that Dade County could abolish constitutional offices like the Sheriff's Office:

SECTION 11. Dade County, home rule charter.—

(1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

\* \* \*

**(f) May abolish and may provide a method for abolishing from time to time all offices provided for by Article VIII, Section 6, of the Constitution or by the**

**Legislature**, except the Superintendent of Public Instruction **and may provide for the consolidation and transfer of the functions of such offices**, provided, however, that there shall be no power to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided for by this Constitution or by general law, or the judges or clerks thereof although such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the Board of County Commissioners of Dade County and none of the other courts provided for by this Constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized herein, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.

(Emphasis added).

20. The Florida Constitution was again amended in 1968, providing that the aforementioned section of the 1885 Florida Constitution would remain in force, still allowing the County to abolish the Sheriff's Office and transfer the powers of the office to another:

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

\* \* \*

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said

Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To the extent not inconsistent with the powers of existing municipalities or **general law**, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

Art. VIII, § 6(a) through (f), Fla. Cons. (1968) (emphasis added).

21. In 1957, the electors of Miami-Dade County adopted the Miami-Dade County Home Rule Charter (the “Charter”) and abolished certain constitutional offices, including the predecessor offices to the Miami-Dade Office of Tax Collector, Property Appraiser and Supervisor of Elections and delegated the powers and responsibilities of those offices to the Miami-Dade County Manager or such other persons designated by the County Manager.

22. The 1957 Charter also set forth that the Board of County Commissioners may abolish county constitutional offices not already abolished in the Charter.

23. In 1958, the Board abolished the Miami-Dade Sheriff’s Office and created a public safety department headed by a metropolitan sheriff appointed by, and serving at the will of, the County Manager, and transferring all the powers of the Sheriff to the metropolitan sheriff as the de facto sheriff of Miami Dade County.

24. In 1963, the electors of Miami-Dade County amended the Charter to establish the metropolitan sheriff as an independent elected position.

25. In 1966, the electors of Miami-Dade County amended the Charter to abolish the elected office of metropolitan sheriff and provide that the powers and functions of the office are transferred to the County Manager, or such person designated by the County Manager.

26. Miami Dade-County eliminated the Office of Sheriff in 1966 under its home rule charter county authority and passed ordinances under Article XII, §§ 2-91, 2-92 and 2-94.1 establishing MDPD in lieu of the Sheriff's Office. The ordinances established that the head of MDPD shall also be known as the "metropolitan sheriff." Section 2-92 further states that MDPD shall "[p]rovide police protection in the unincorporated areas of the county."

27. Section 2-92 sets forth the powers and duties of MDPD and states that the "Miami Dade Police Department shall have all powers and perform all duties, powers and functions formerly exercised by the Sheriff of this County."

28. The powers and responsibilities of the abolished Miami-Dade County Sheriff's Office were exercised by the County Manager or the County Manager's designee from 1966 until the adoption of the "Strong Mayor" amendment to the Charter in 2007.

29. Since 2007, the Charter vests the powers and responsibilities of the abolished Miami-Dade County Sheriff's Office in the County Mayor or County Mayor's designee. The Mayor of Miami-Dade County is the current Sheriff.

30. From 1966 until today, the Miami-Dade Police Department ("MDPD"), has been and is the Sheriff's Office of Miami Dade County, and it has exercised the powers and performed the duties and functions of the constitutional Sheriff's Office by designation from the County Mayor or County Manager.

31. All current law enforcement officers employed by MDPD are issued credentials identifying them as "deputy sheriffs," their badges have the sheriff's star, and all MDPD personnel derive their law enforcement authority as deputy sheriffs.

32. The powers, duties and obligations of the Sheriff's Office are identified in Section 30.15, Florida Statutes:

30.15 Powers, duties, and obligations.—

(1) Sheriffs, in their respective counties, in person or by deputy, shall:

(a) Execute all process of the Supreme Court, circuit courts, county courts, and boards of county commissioners of this state, to be executed in their counties.

(b) Execute such other writs, processes, warrants, and other papers directed to them, as may come to their hands to be executed in their counties.

(c) Attend all sessions of the circuit court and county court held in their counties.

(d) Execute all orders of the boards of county commissioners of their counties, for which services they shall receive such compensation, out of the county treasury, as said boards may deem proper.

(e) Be conservators of the peace in their counties.

(f) Suppress tumults, riots, and unlawful assemblies in their counties with force and strong hand when necessary.

(g) Apprehend, without warrant, any person disturbing the peace, and carry that person before the proper judicial officer, that further proceedings may be had against him or her according to law.

(h) Have authority to raise the power of the county and command any person to assist them, when necessary, in the execution of the duties of their office; and, whoever, not being physically incompetent, refuses or neglects to render such assistance, shall be punished by imprisonment in jail not exceeding 1 year, or by fine not exceeding \$500.

(i) Be, ex officio, timber agents for their counties.

(j) Perform such other duties as may be imposed upon them by law.

(k) Assist district school boards and charter school governing boards in complying with s. 1006.12. A sheriff must, at a minimum, provide access to a Coach Aaron Feis

Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises, as required under this paragraph. Persons certified as school guardians pursuant to this paragraph have no authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident . . . .

\* \* \*

(2) Sheriffs, in their respective counties, in person or by deputy, shall, at the will of the board of county commissioners, attend, in person or by deputy, all meetings of the boards of county commissioners of their counties, for which services they shall receive such compensation, out of the county treasury, as said boards may deem proper.

(3) Every sheriff shall incorporate an antiracial or other antidiscriminatory profiling policy into the sheriff's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

(4) (a) In accordance with each county's obligation under s. 14, Art. V of the State Constitution and s. 29.008 to fund security for trial court facilities, the sheriff of each county shall coordinate with the board of county commissioners of that county and the chief judge of the circuit in which that county is located on the development of a comprehensive plan for the provision of security for trial court facilities. Each sheriff shall retain authority over the implementation and provision of law enforcement services associated with the plan. The chief judge of the circuit shall retain decision making authority to ensure the protection of due process rights, including, but not limited to, the scheduling and conduct of trials and other judicial proceedings as part of his or her responsibility for the administrative supervision of trial courts under s. 43.26.

(b) Sheriffs and their deputies, employees, and contractors are officers of the court when providing security for trial court facilities under this subsection.

33. MDPD is the Miami Dade Sheriff's Office because it derives its powers solely from the constitutional and statutory power of a sheriff; MDPD performs all duties, powers, and functions formerly exercised by the elected Sheriff of this County. The MDPD director is even known as the Metropolitan Sheriff and every MDPD officer is sworn as a deputy sheriff.

34. The Miami-Dade County ordinances creating the MDPD cite only to the power and jurisdiction of a sheriff and are devoid of any citation to MDPD being formed as a municipal, or municipal-like police department.

35. Among the duties currently performed by MDPD include patrol services, processing and serving criminal warrants, executing writs, target response teams, providing general law enforcement functions, investigative functions, maintenance of the peace, as well as all other such duties assigned to the Sheriff by County ordinance or Florida law.

36. After the 2024 election for Miami-Dade County Sheriff, the Miami-Dade Sheriff's Office, as led by the newly elected Sheriff, will be the countywide law enforcement agency in Miami-Dade County, Florida, including the unincorporated areas of Miami-Dade County. Article VIII, §1(d) of the Florida Constitution establishes the Office of Sheriff in every Florida county. The countywide police power of the sheriff, specifically police power in the unincorporated area of a county, is derived from the Constitution and Chapter 30 of the Florida Statutes. *See State ex rel Price v. Stone*, 128 Fla. 637, 643 (Fla. 1937); *see also* Op. Att'y Gen. Fla. 79-83 (1993) ("the power of the sheriff is paramount" and "the holder of the office has always been the chief executive officer and conservator of the peace in his county."); *Brock v. Bd. of Cnty. Comm'n. of Collier Cnty.*, 21 So. 3d 844, 847 (Fla. 2nd DCA 2009) (*citing Deltona Corp. v. Fla. Pub. Serv. Comm'n.*, 220 So. 2d 905, 907 (Fla. 1969) ("A statutory grant of power or right carries with it by implication everything necessary to carry out the power or right and make it effectual and complete.")).

37. The reason for this reform was straightforward: the voters wanted their top countywide law enforcement officer to be an independent officer who can act based on sound principles and fundamental fairness without fear of reprisal from the political leaders who appointed, and could remove, said individual from office.

38. Simply put, the Miami-Dade voters, like their counterparts in 66 out of the 67 other counties in Florida, wanted a Sheriff who would derive authority not from the whims of politicians or administrators, but directly from the people of Miami-Dade County, Florida.

39. The Section 30.15 powers, duties and obligations belong exclusively to the Sheriff's Office and, after the passing of Amendment 10, which became Section 1(d), Article VIII of the Florida Constitution, cannot be transferred to the MDPD and exercised by MDPD after the Sheriff takes office on January 7, 2025.

**C. The Resolution.**

40. The Board, however, in adopting the Resolution, has divested the Sheriff of certain powers, duties and obligations of the office by, among other things, retaining the MDPD (which was originally established to replace the Sheriff) to act as the municipal law enforcement agency for unincorporated Miami-Dade County following the Sheriff's election in 2024 and taking office in 2025.

41. The Resolution further violates the financial independence of the Sheriff under Chapter 30 of the Florida Statutes. By maintaining a dual and competing police department, namely MDPD, the financial redundancy and extensive dual expenses will inherently interfere with the Sheriff's ability to obtain adequate funding from the County, thus impeding the Sheriff's ability to carry out his/her constitutional responsibilities. The dual expense to the Miami-Dade

County taxpayers will be significant and through the Resolution the County has indicated that it will fund MDPD over the Sheriff.

42. The Resolution states, in relevant part:

Section 1. It is the policy of Miami-Dade County that the Miami-Dade Police Department shall provide police patrol services in the unincorporated areas of Miami-Dade County as well as at County assets including the airports, Port Miami, and Miami-Dade County transit facilities and continue to provide specialized investigative services including, but not limited to, homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption, bomb disposal, the crime lab, the training bureau, the Fusion Center, and the Real Time Crime Center in the Unincorporated Municipal Service Area and by agreement with other municipalities within Miami-Dade County upon the reestablishment of the Miami-Dade County Sheriff's Office on January 7, 2025.

Section 2. It is also the policy of Miami-Dade County that the Miami-Dade Corrections and Rehabilitation Department and the Miami-Dade Fire Rescue Department continue to be part of the Miami-Dade County government upon the reestablishment of the Miami-Dade County Sheriff's Office on January 7, 2025.

Section 3. The County Mayor or County Mayor's designee is directed to take all necessary administrative actions and recommend to the Board all necessary legislation to prepare for the transition to the Miami-Dade County Sheriff's Office on January 7, 2025, including, but not limited to: (1) the preparation of draft transition agreements to be negotiated with the Sheriff-elect addressing the possibility of the County providing, by contract, administrative services to the Office of Sheriff such as human resources, procurement, property management; (2) the preparation of interlocal agreements with Miami-Dade County municipalities for the joint performance of specialized investigative services; and (3) an analysis of the personnel required by the County to provide municipal police services as well as a proposed process for employees to transfer to the reestablished Miami-Dade County Sheriff's Office either on a voluntary or seniority basis.

Section 4. The County Mayor shall provide reports to the Board every two months commencing on August 1, 2022 detailing any administrative actions taken or recommended legislation regarding the transition to the Miami-Dade County Sheriff's Office. These

reports shall be placed on an appropriate agenda of the Board of County Commissioners without the need for committee review pursuant to Ordinance No. 14-65.

43. The Board's action has implemented its unlawful position that, notwithstanding the constitutional reestablishment of an independent elected Office of Sheriff in Miami-Dade County, Article VIII, Section 6(a) of the Florida Constitution gives the Board the right to order MDPD to retain and perform the aforementioned services that are now, by law, exclusive to the elected Miami-Dade County Sheriff, including the exclusive right and constitutional obligation to be the sole police provider for unincorporated Miami-Dade County, Florida.

44. Article VIII, Section 6(a) of the Florida Constitution provides that “[t]o the extent not inconsistent with the powers of existing municipalities **or general law**, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.” (Emphasis added).

45. The Board's position and actions are inconsistent with the Florida Constitution and Florida Statutes, thwarts the will of the voters and is inconsistent with “general law.”

46. Specifically, the Resolution violates Section 1(d), Article VIII of the Florida Constitution, which provides that the County cannot abolish the office of the Sheriff, transfer the duties of the Sheriff's Office to another, change the length of the four-year term of office or establish any other manner of selection other than by election by voters.

47. The Resolution also violates Section 1(g), Article VIII of the Florida Constitution, which provides that:

Counties operating under county charters shall have all powers of local self-government **not inconsistent with general law**, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall

prevail in the event of conflict between county and municipal ordinances.

(Emphasis added).

48. The Resolution further violates Section 6(f), Article VIII of the Florida Constitution, which states that “[t]o the extent not inconsistent with the powers of existing municipalities or **general law**, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.” (Emphasis added).

49. The Board’s actions also violate Section 125.01, Florida Statutes, which states that “[t]he legislative and governing body of a county shall have the power to carry on county government,” as long as it is “not inconsistent with general or special law.”

50. The Resolution further violates Section 30.15, which identifies the powers, duties and obligations that exclusively belong to the Office of the Sheriff and cannot be transferred to or exercised by MDPD.

51. There is no legal basis or authority for any Miami-Dade County entity or official, other than the elected Sheriff, to have any county-level police authority in Miami-Dade County on and after January 7, 2025.

52. As a result of the Board’s actions, the Sheriff will face constraints on his/her powers, duties and obligations and will thwart his/her ability to serve the interests of the citizens of Miami-Dade County, Florida, and to give the people the truly independent law enforcement officer they voted for in 2018.

53. All conditions precedent to the institution of this action have been satisfied or waived.

**COUNT I**  
**Declaratory Judgment**

54. The Association adopts, alleges and incorporates paragraphs 1-53, above, as if fully set forth herein.

55. The Association seeks a declaration that the Resolution violates:

- a. Section 1(d), Article VIII of the Florida Constitution, which provides that the County cannot transfer the duties of the Sheriff's Office to another, and the Board's endowment of certain powers and rights to MDPD in the Resolution constitutes such a transfer,
- b. Section 1(g), Article VIII of the Florida Constitution, which provides that "[c]ounties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors."
- c. Section 6(f), Article VIII of the Florida Constitution, which states that "[t]o the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities." (Emphasis added),
- d. Section 125.01, Florida Statutes, which states that "[t]he legislative and governing body of a county shall have the power to carry on county government," as long as it is "not inconsistent with general or special law." And,
- e. Section 30.15, which identifies the powers, duties and obligations that exclusively belong to the Office of the Sheriff throughout all Florida counties, including Miami-Dade County, Florida.

56. The Resolution unlawfully transfers the Section 30.15 powers, duties and obligations from the Miami-Dade County Sheriff's Office, which should be the sole and exclusive law enforcement agency in unincorporated Miami-Dade County and more, to MDPD.

57. The Resolution further violates the financial independence of the Sheriff under Chapter 30 of the Florida Statutes. By maintaining a dual and competing police department, namely MDPD, the financial redundancy and extensive dual expenses will inherently interfere with the Sheriff's ability to obtain adequate funding from the County, thus impeding the Sheriff's ability to carry out his/her constitutional responsibilities. The dual expense to the Miami-Dade County taxpayers will be significant and through the Resolution the County has indicated that it will fund MDPD over the Sheriff.

58. The Association further seeks a declaration that on and after January 7, 2025 there is no legal basis or authority for the Miami-Dade Police Department to exist and no legal basis or authority for anyone employed by the Miami-Dade Police Department, or any other non-Sheriff county entity, to have any county-level police powers or jurisdiction in the county.

59. The declaration sought deals with a present controversy as to an ascertainable set of facts.

60. The Association and the Board have an actual, present, adverse, and antagonistic interest in the subject matter of this Petition.

61. The relief sought is not merely for the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, Petitioner, the Association, respectfully requests that this Court enter:

- (1) A declaratory judgment that the Resolution violates general law because it orders MDPD to:

- a. Provide police patrol services in the unincorporated areas of Miami-Dade County as well as at County assets including the airports, Port of Miami, and Miami-Dade County transit facilities, and
  - b. Continue to provide specialized investigative services including, but not limited to, homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption, bomb disposal, the crime lab, the training bureau, the Fusion Center, and the Real Time Crime Center in the Unincorporated Municipal Service Area and by agreement with other municipalities within Miami-Dade County upon the reestablishment of the Miami-Dade County Sheriff's Office on January 7, 2025;
- (2) An order prohibiting the enforcement of same by means of temporary and permanent injunctive relief, and
- (3) Enter such other relief as this Court deems just and proper.

**COUNT II**  
**Permanent Injunction**

62. The Association adopts, alleges and incorporates paragraphs 1-53, above, as if fully set forth herein.

63. The Resolution violates:

- a. Section 1(d), Article VIII of the Florida Constitution, which provides that the County cannot transfer the duties of the Sheriff's Office to another, and the Board's endowment of certain powers and rights to MDPD in the Resolution constitutes such a transfer,

- b. Section 1(g), Article VIII of the Florida Constitution, which provides that “[c]ounties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors.”
- c. Section 6(f), Article VIII of the Florida Constitution, which states that “[t]o the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.” (Emphasis added),
- d. Section 125.01, Florida Statutes, which states that “[t]he legislative and governing body of a county shall have the power to carry on county government,” as long as it is “not inconsistent with general or special law.” And,
- e. Section 30.15, which identifies the powers, duties and obligations that exclusively belong to the Office of the Sheriff throughout all Florida counties, including Miami-Dade County, Florida.

64. The Resolution unlawfully transfers the Section 30.15 powers, duties and obligations from the Miami-Dade County Sheriff’s Office, which should be the sole and exclusive law enforcement agency in unincorporated Miami-Dade County, to MDPD.

65. The Resolution further violates the financial independence of the Sheriff under Chapter 30 of the Florida Statutes. By maintaining a dual and competing police department, namely MDPD, the financial redundancy and extensive dual expenses will inherently interfere with the Sheriff’s ability to obtain adequate funding from the County, thus impeding the Sheriff’s ability to carry out his/her constitutional responsibilities. The dual expense to the Miami-Dade

County taxpayers will be significant and through the Resolution the County has indicated that it will fund MDPD over the Sheriff.

66. The Association seeks a permanent injunction against the Board requiring the Board to cease, desist and refrain from enforcing the Resolution and taking any action to limit or transfer the rights and powers of the Office of the Sheriff for Miami-Dade County, Florida.

67. The Association has no adequate remedy at law.

68. The Association has a substantial likelihood of success on the merits.

69. The Association and its members will suffer irreparable harm absent injunctive relief.

70. A permanent injunction will serve the public interest.

WHEREFORE, Petitioner, the Association, respectfully requests that this Court enter a permanent injunction pursuant to Rule 1.610, Florida Rules of Civil Procedure, against the Board requiring the Board to cease, desist and refrain from enforcing the Resolution and taking any action to limit or transfer the rights and powers of the Office of the Sheriff for Miami-Dade County, Florida, and for such other relief as this Court deems just and proper.

**COUNT III**  
**Writ of Mandamus**

71. The Association adopts, alleges and incorporates paragraphs 1-53, above, as if fully set forth herein.

72. The Resolution violates:

- a. Section 1(d), Article VIII of the Florida Constitution, which provides that the County cannot transfer the duties of the Sheriff's Office to another, and the Board's endowment of certain powers and rights to MDPD in the Resolution constitutes such a transfer,

- b. Section 1(g), Article VIII of the Florida Constitution, which provides that “[c]ounties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors.”
- c. Section 6(f), Article VIII of the Florida Constitution, which states that “[t]o the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.” (Emphasis added).
- d. Section 125.01, Florida Statutes, which states that “[t]he legislative and governing body of a county shall have the power to carry on county government,” as long as it is “not inconsistent with general or special law.” And,
- e. Section 30.15, which identifies the powers, duties and obligations that exclusively belong to the Office of the Sheriff throughout all Florida counties, including Miami-Dade County, Florida.

73. This is an action for issuance of a writ of mandamus to compel the Board to turn over all exclusive law enforcement authority in Miami-Dade County to the newly elected Sheriff of Miami-Dade County, including the exclusive right, power and obligation to:

- a. Provide police patrol services in the unincorporated areas of Miami-Dade County as well as at County assets including the airports, Port of Miami, and Miami-Dade County transit facilities, and
- b. Provide specialized investigative services including, but not limited to, homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption, bomb disposal, the crime lab, the training bureau, the Fusion

Center, and the Real Time Crime Center in the Unincorporated Municipal Service Area and by agreement with other municipalities within Miami-Dade County upon the reestablishment of the Miami-Dade County Sheriff's Office on January 7, 2025.

74. If the Board fails to do this, the Board will be limiting the constitutional and statutory powers, duties and obligations of the Sheriff and unlawfully transferring those powers, duties and obligations to MDPD.

75. The failure and refusal of the Board to act in strict accordance with the Florida Constitution and the Florida Statutes is appropriate for this Court to issue a writ of mandamus.

76. The Sheriff will be irreparably harmed by the Board's failure to comply with the Florida Constitution and Statutes.

77. Issuance of the requested writ of mandamus is consistent with the interest of the public.

78. The Board's legal duty is ministerial and mandatory because there is no room for discretion and the performance being required is directed by law.

79. Petitioner has shown by virtue of this Petition that it has a clear legal right to obtain the prompt and immediate relief requested.

WHEREFORE, Petitioner respectfully requests that the Court issue a writ of mandamus compelling the Board to turn over all exclusive law enforcement authority in unincorporated Miami-Dade County to the newly elected Sheriff of Miami-Dade County and grant such other relief as this Court deems just and proper.

**COUNT IV**  
**Writ of Quo Warranto**

80. The Association adopts, alleges and incorporates paragraphs 1-53, above, as if fully set forth herein.

81. The Resolution violates:

- a. Section 1(d), Article VIII of the Florida Constitution, which provides that the County cannot transfer the duties of the Sheriff's Office to another, and the Board's endowment of certain powers and rights to MDPD in the Resolution constitutes such a transfer,
- b. Section 1(g), Article VIII of the Florida Constitution, which provides that "[c]ounties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors."
- c. Section 6(f), Article VIII of the Florida Constitution, which states that "[t]o the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities." (Emphasis added),
- d. Section 125.01, Florida Statutes, which states that "[t]he legislative and governing body of a county shall have the power to carry on county government," as long as it is "not inconsistent with general or special law." And,
- e. Section 30.15, which identifies the powers, duties and obligations that exclusively belong to the Office of the Sheriff throughout all Florida counties, including Miami-Dade County, Florida.

82. This is an action for issuance of a writ of quo warranto determining that the Board improperly exercised its power derived from the State of Florida by adopting the Resolution and ordering MDPD to:

- a. Provide police patrol services in the unincorporated areas of Miami-Dade County as well as at County assets including the airports, Port of Miami, and Miami-Dade County transit facilities, and
- b. Continue to provide specialized investigative services including, but not limited to, homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption, bomb disposal, the crime lab, the training bureau, the Fusion Center, and the Real Time Crime Center in the Unincorporated Municipal Service Area and by agreement with other municipalities within Miami-Dade County upon the reestablishment of the Miami-Dade County Sheriff's Office on January 7, 2025.

83. After Amendment 10 was adopted, Miami-Dade County no longer had the constitutional power to transfer the constitutional and statutory powers of the Sheriff's Office to MDPD.

84. Contrary to the Constitution and Florida Statutes, the Board has taken the position that, notwithstanding the reestablishment of an independent elected Office of Sheriff in Miami-Dade County, Article VIII, Section 6(a) of the current Florida Constitution gives the Board the right to order MDPD to perform the aforementioned services that are exclusive to the Miami-Dade County Sheriff's Office, including the right to act as the law enforcement agency for unincorporated Miami-Dade County, Florida.

85. In passing the Resolution, the Board unlawfully transferred the Section 30.15 powers, duties and obligations from the Miami-Dade County Sheriff's Office, which should be the sole and exclusive law enforcement agency in unincorporated Miami-Dade County and more, to MDPD.

86. The failure and refusal of the Board to act in strict accordance with the Florida Constitution and the Florida Statutes is appropriate for this Court to issue a writ of quo warranto.

87. Issuance of the requested writ of quo warranto is consistent with the interest of the public.

WHEREFORE, Petitioner respectfully requests that the Court:

- a. Issue a writ of quo warranto determining that the Board improperly exercised its power derived from the State of Florida by ordering MDPD to:
  - i. Provide police patrol services in the unincorporated areas of Miami-Dade County as well as at County assets including the airports, Port of Miami, and Miami-Dade County transit facilities, and
  - ii. Provide specialized investigative services including, but not limited to, homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption, bomb disposal, the crime lab, the training bureau, the Fusion Center, and the Real Time Crime Center in the Unincorporated Municipal Service Area and by agreement with other municipalities within Miami-Dade County upon the reestablishment of the Miami-Dade County Sheriff's Office on January 7, 2025; and
- b. Grant such other relief as this Court deems just and proper.

DATED this August 9, 2022

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