

Third District Court of Appeal

State of Florida

Opinion filed August 21, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D26-1785
Lower Tribunal No. 26-16195-CA-01

Zachary C. Thompson,
Appellant,

vs.

North Bay Village, etc., et al.,
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Antonio
Arzola, Judge.

The Burton Firm, P.A., and Marc A. Burton, for appellant.

Weiss Serota Helfman Cole & Bierman, P.L., and Richard B.
Rosengarten, for appellees North Bay Village and Alba L. Chang.

Before SCALES, C.J., and FERNANDEZ and LINDSEY, JJ.

SCALES, C.J.

Appellant Zachary C. Thompson, the plaintiff below, appeals the trial court's August 19, 2026 final order ("Order") entering final judgment for Appellees,¹ the defendants below, on Thompson's August 11, 2026 Emergency Verified Complaint for Declaratory Judgment, Injunctive Relief, and Writ of Mandamus ("Complaint"). Because no preliminary basis for reversal has been demonstrated, we summarily affirm the Order pursuant to Florida Rule of Appellate Procedure 9.315(a).

I. Relevant Facts

Seeking to run for office as a commissioner in North Bay Village (the "Village"), Thompson, approximately one hour before the end of the qualifying period, tendered his \$313 qualifying fee to the Village Clerk. Thompson, though, submitted a bank-issued cashier's check, instead of a check drawn upon Thompson's campaign account, as required by section 99.061(7)(a)1., of the Florida Statutes (2026) (the "Statute"). In pertinent part, the Statute requires that a candidate's qualifying fees must be paid via "[a] properly executed check drawn upon the candidate's campaign account[.]" Id.

¹ Appellees are: North Bay Village; Alba L. Chang, in her official capacity as North Bay Village Clerk; Jorge Gonzalez; and Alina Garcia, in her official capacity as Miami-Dade County Supervisor of Elections.

After consulting with the Village attorney, the Village Clerk disqualified Thompson as a candidate because the qualifying fee was not paid in the manner required by the Statute. Thompson then filed the Complaint in the Miami-Dade County circuit court seeking an order compelling the Village Clerk to place Thompson on the November 2026 ballot for the Village's municipal election. The trial court conducted expedited proceedings on the Complaint, resulting in the rendition of the challenged Order denying Thompson relief.

II. **Analysis**²

Thompson argues that the Statute governs federal and state elections, but not municipal elections. Thompson further argues that section 100.3605(1) of the Florida Statutes (2026)³ authorizes municipalities to enact specific provisions that conflict with the Statute, and the Village has done so. Specifically, Thompson posits that because section 5.07 of the Village Charter requires merely that the nonrefundable qualifying fee be deposited

² The purely legal issue before us (as it was in the trial court) is whether the Statute is applicable to the Village's municipal elections. We review pure questions of law *de novo*. See Bank of N.Y. Mellon v. Glenville, 252 So. 3d 1120, 1126 (Fla. 2018).

³ In relevant part, this statutory provision provides that the Florida Election Code governs municipal elections "in the absence of an applicable special act, charter, or ordinance provision." § 100.3605(1), Fla. Stat. (2026).

with the Village Clerk, section 5.07's silence on the source of such fees supplants the express requirement of the Statute.

But, as the trial court concluded in its detailed Order: (i) the Statute applies "in the absence of an applicable special act, charter, or ordinance provision," § 100.3605(1), Fla. Stat. (2026); and (ii) the Village has enacted no provision that, unlike the Statute, specifically delineates the account from which the qualifying fee must be paid.⁴ Similarly, observing that section 5.03 of the Village Charter requires that all Village municipal elections be conducted consistent with the applicable law of Florida, the trial court reasoned that allowing payment of a qualifying fee via a cashier's check would be inconsistent with the Statute. Thus, because the Statute expressly addresses the account upon which a qualifying fee must be drawn, and no Village Charter or ordinance provision concerns that same subject, the trial court found that the Statute applies to the Village's municipal elections. We agree with the trial court.

⁴ In the Order, the trial court explained:

While Charter Section 5.07 identifies the amount – and in fact, changes the amount that needs to be paid from the minimum prescribed by statute – the Charter remains silent as to where the payment must come from (i.e., the method of payment to be used).

III. Conclusion

The trial court held that, pursuant to the applicable statutes and provisions of the Village Charter, a Village candidate's qualifying fee must be paid by a properly executed check drawn on the candidate's campaign account. On our *de novo* review of the Order, we agree with the trial court's construction of the relevant statutory and Village Charter provisions. Because Thompson has demonstrated no preliminary basis to reverse the Order, see Fla. R. App. P. 9.315(a), we summarily affirm the Order.

Affirmed.