

RESOLUTION NO. _____ - 2017

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA EXPRESSING OPPOSITION TO THE DECERTIFICATION OF ANY MONROE COUNTY COURT JUDGESHIPS AND TO ANY REDUCTIONS TO THE LOCAL JUDICIARY; ENCOURAGING THE LEGISLATIVE DELEGATION TO OPPOSE ANY SUCH REDUCTIONS; DIRECTING COUNTY STAFF AND COUNTY LOBBYISTS TO ADVOCATE AGAINST ANY SUCH REDUCTIONS; DIRECTING THE CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO GOVERNOR RICK SCOTT AND OTHER OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 15, 2016, the Supreme Court of Florida issued Opinion Number SC16-2127, *In re: Certification of Need for Additional Judges*, in which it “decertified the need” for one of Monroe County’s four (4) County Court Judgeships; and

WHEREAS, in that same opinion, the Supreme Court also placed a second Monroe County Court Judgeship on “death watch” when it included it among the list of judgeships that it would be reviewing for possible elimination in 2018; and

WHEREAS, the Supreme Court’s “Certification of Need” fails to fully comprehend the unique history and circumstances in the 16th Judicial Circuit and Monroe County; and

WHEREAS, the Certification of Need was based in part upon a time study conducted during the months of September and October 2015; and

WHEREAS, this time study was conducted during months which are traditionally slower in terms of tourism in Monroe County, when fewer criminal and traffic cases are generated for disposition in County Court; and

WHEREAS, Monroe County is home to the archipelago known as the Florida Keys, which consists of some of the most unique geography within the State of Florida; and

WHEREAS, in recognition of this unique geography, the Florida Legislature has designated the Florida Keys as an Area of Critical State Concern¹ since 1979; and

WHEREAS, included within the unique geography of the Florida Keys, are 43 islands which are linked only by the 42 bridges along U.S. 1, which is also known as the Overseas Highway; and

WHEREAS, the Overseas Highway stretches over 112 miles from mile marker zero in front of the main courthouse in Key West to the Miami-Dade County line; and

¹ See, e.g. § 6, ch. 79-73, Laws of Florida; see also F.S. 380.0552.

WHEREAS, the Overseas Highway is limited to two lanes of travel, one in each direction, for much of that 112 miles; and

WHEREAS, because the Overseas Highway is limited to one lane of traffic in each direction, traffic accidents often lead to long delays because law enforcement and emergency rescue workers must shut down the highway entirely in order to treat and transport the patients, establish landing zones for air ambulances, and investigate the cause of the accident before clearing the scene, especially during traffic homicide investigations; and

WHEREAS, whenever there is a fatal accident or one where at least one victim's fate hangs in the balance, the Florida Highway Patrol's traffic homicide unit must travel down from Miami-Dade County to Monroe County in order to investigate the accident scene, leaving the road closed and traffic backed up for hours; and

WHEREAS, from 2013 through 2015, Monroe County averaged just over 2,100 traffic crashes² per year, which resulted in an average of 1,250 injuries each year; and

WHEREAS, during that same time period, Monroe County averaged twenty-two (22) traffic related fatalities per year – or almost two per month - when pedestrians and bicyclist deaths are factored in; and

WHEREAS, the drawbridge over Snake Creek is one of those 42 bridges, which is required by federal law³ to open once an hour, on the hour, between the hours of 7 a.m. and 6 p.m. and to open on signal from 6 p.m. until 7 a.m. to allow boat traffic to pass; and

WHEREAS, given that the Overseas Highway is the one and only road linking 43 of the Florida Keys via 42 bridges, road closures are a fact of life for those residents and visitors to Monroe County; and

WHEREAS, the limitations placed on travel over the Overseas Highway are unique to the Florida Keys and affect the manner in which the public's business is conducted in Monroe County; and

WHEREAS, because the population of Monroe County is distributed throughout the Florida Keys, virtually all local and many state services are provided in separate locations in the Lower, Middle, and Upper Keys; and

WHEREAS, for over 40 years, Monroe County has operated a branch courthouse in Marathon, which is located in the Middle Keys, and another branch courthouse on Plantation Key in the Upper Keys, in addition to the main courthouse at the County seat in Key West; and

² According to the Florida Department of Highway Safety and Motor Vehicles, annual Reports 2014, 2015.

³ See, 33 C.F.R. § 117.331.

WHEREAS, the two branch courthouses are located in population centers which were of such significant size that the Legislature adopted special acts during the late 1990's which enabled both the City of Marathon and the Village of Islamorada (which includes Plantation Key) to incorporate as municipalities; and

WHEREAS, the Marathon and Plantation Key branch courthouses enable residents of the Middle and Upper Keys to conduct all business before the court, including but not limited to fulfilling jury duty service obligations, without having to drive as much as 224 miles round trip over the much-traveled Overseas Highway to the main courthouse in Key West; and

WHEREAS, the Legislature has historically recognized the unique challenges of providing judicial services to the residents of the Florida Keys and Monroe County by designating it as a single county circuit, one of only five⁴ such single county circuits out of the twenty judicial circuits in Florida; and

WHEREAS, because of the geographical challenges that are unique to Monroe County, the 16th Judicial Circuit has been divided into three separate and distinct jury districts,⁵ composed of the Upper, Middle and Lower Keys jury districts, with each region served by a separate courthouse; and

WHEREAS, because of this unique geography, the 16th Judicial Circuit can, and should, really be thought of as a three (3) county circuit; and

WHEREAS, if the Upper Keys jury district were a separate county serviced by the Plantation Key courthouse, that facility would serve an estimated population in excess of 20,000⁶ residents, which is more people than the populations of thirteen (13) other Florida counties;⁷ and

WHEREAS, if the Middle Keys jury district were a separate county serviced by the Marathon courthouse, that facility would serve an estimated population of almost 10,000 residents, which would still be larger than the entire populations of two (2)⁸ other Florida counties; and

⁴ The five single county judicial circuits are the: 11th Circuit/Miami-Dade; 13th Circuit/Hillsborough; 15th Circuit/Palm Beach; 16th Circuit/Monroe; and 17th Circuit/Broward. F.S. 26.021.

⁵ See, F.S. 40.15.

⁶ This figure represents estimated census population, but not tourists, second homeowners, and others factored into the functional population of the area.

⁷ Holmes (19,761), Madison (18,931), Gilchrist (16,859), Dixie (16,073), Gulf (15,707), Union (15,263), Calhoun (14,7260), Hamilton (14,722), Jefferson (14,214), Glades (13,139), Franklin (11,634), Lafayette (8,809) and Liberty (8,267) counties based upon census estimates per <http://www.us-places.com/Florida/population-by-County.htm>

⁸ While the functional population of the greater Marathon area and the Middle Keys jury district is larger, the estimated 9,500 permanent resident population is larger than the populations of Lafayette (8,809) and Liberty (8,267) counties.

WHEREAS, in recognition of the value of, and need for, providing judicial services to residents of the geographically dispersed 16th Judicial Circuit, the Legislature has previously authorized that Monroe County be served by four County Court Judgeships and four Circuit Court Judgeships; and

WHEREAS, the Plantation and Marathon branch courthouses are each currently served by a county court judge; in addition, the Plantation Key courthouse is served by a Circuit Judge; and

WHEREAS, the U.S. Supreme Court has held that access to the courts must be “adequate, effective, and meaningful”⁹ to be constitutional under the U.S. Constitution; and

WHEREAS, the Courts in Florida have adopted the following mission and vision statement for the Judicial Branch “to be accessible, the Florida justice system will be convenient, understandable, timely, and affordable to everyone”¹⁰ (emphasis added); and

WHEREAS, pursuant to the mission and vision statement of Florida’s Judicial Branch, “access to the courts” means not only convenient physical access but also timely access to the judicial process; and

WHEREAS, the proposed reduction in Monroe County Court Judgeships is contrary to the adopted mission and vision statement of the Florida Judicial Branch; and

WHEREAS, a reduction of Monroe County Court Judgeships would most assuredly lead to unprecedented delays and inconvenience for the citizens of and visitors to Monroe who seek to participate in the justice system, whether they are citizens serving on jury duty, litigants seeking to resolve their differences peacefully as is customary in a civilized society, or crime victims seeking to be heard in the pursuit of justice; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida finds that the elimination of any of the four Monroe County Court Judgeships will cause an unnecessary hardship on the residents of and visitors to Monroe County who may be forced to drive extended distances to conduct business before the Court; and

WHEREAS, the Board of County Commissioners of Monroe County, Florida finds that the elimination of any of the four Monroe County Court Judgeships will result in a denial of access to the courts¹¹ for Monroe County residents and visitors and will fundamentally alter in a negative way, the manner in which judicial services are provided in the 16th Judicial Circuit;

⁹ *Id.*, at 822.

¹⁰ See, <http://www.flcourts.org/florida-courts/mission-and-vision.stml>.

¹¹ Access to the courts is a fundamental constitutional right. See, e.g., *Bounds v. Smith*, 430 U.S. 817 (1977).

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1: The Monroe County Commission urges the Florida Legislature to reject the recommendations of the Florida Supreme Court in SC16-2127 and retain a total of four (4) County Judgeships in Monroe County for 2017 and in subsequent years.

Section 2: The Monroe County Commission urges the Florida Supreme Court to reconsider its recommendation to decertify one Monroe County Court Judgeship at this time, and to remove from consideration the notion of decertifying a second Monroe County Court Judgeship in 2018 and in subsequent years.

Section 3: The Clerk is hereby authorized and directed to transmit certified copies of this Resolution to Governor Rick Scott; Attorney General Pam Bondi; Senate President Joe Negron; House Speaker Richard Corcoran; Senator Anitere Flores; Representative Holly Raschein; Senator Aaron Bean, Chair of the Senate Appropriations Subcommittee on Criminal and Civil Justice; Representative Bill Hager, Chair of the House Justice Appropriations Subcommittee; and to Chief Justice Jorge Labarga and Justices Barbara Pariente, Fred Lewis, Peggy Quince, Charles Canady, Ricky Polston and Alan Lawson of the Florida Supreme Court.

Section 4: The Commission authorizes the County Administrator, the County Attorney, County staff, and the County's lobbyists to advocate vigorously against any reductions in the number of Monroe County Court Judgeships.

Section 5: This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said Board held on the 15th day of February, 2017 in Key West, Florida.

Mayor George Neugent _____
Mayor Pro Tem David Rice _____
Commissioner Danny Kolhage _____
Commissioner Heather Carruthers _____
Commissioner Sylvia Murphy _____

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

(SEAL)
Attest: Kevin Madok, Clerk

By: _____
Deputy Clerk

By: _____
Mayor

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING THE FLORIDA LEGISLATURE TO MAINTAIN THE CURRENT NUMBER OF CERTIFIED COUNTY JUDGES FOR MONROE COUNTY; URGING THE FLORIDA SUPREME COURT TO RECONSIDER THEIR RECOMMENDATION TO DECERTIFY ONE, AND POSSIBLY TWO, MONROE COUNTY COURT JUDGESHIPS OVER THE NEXT TWO YEARS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the December 15, 2016 report from the Florida Supreme Court, titled "No. SC16-2127 IN RE: CERTIFICATION OF NEED FOR ADDITIONAL JUDGES" included a recommendation to the Florida Legislature to decertify one of the four County Court Judge positions in Monroe County; and

WHEREAS, County Judges are elected to six year terms, and are tasked with considering misdemeanor cases, , , landlord-tenant disputes, traffic cases, small claims and mediations; and

WHEREAS, in Monroe County, a County Court Judge is assigned in each of three geographical areas (Key Largo, Marathon, Key West), with the fourth judge also assigned to Key West, the county seat, which is the most populous area (both residents and visitors) in the Florida Keys and the location where the highest number of cases are filed and heard; and

WHEREAS, the Supreme Court's report takes into consideration caseloads, but may not properly consider the 100-mile long geography of Monroe County, and the obstacle to

justice that the removal of even one judge could present for citizens who lack the time and money to travel up to 100 miles each way for a brief hearing that may protect their interests; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the Key West City Commission urges the Florida Legislature to retain, not defund or decertify, a total of four (4) County Judge positions in Monroe County for FY 17, and to decline to consider the elimination of another position in FY 18.

Section 2: That the Key West City Commission urges the Florida Supreme Court to re-consider its recommendation to defund or decertify one County Judge Position in Monroe County at this time, and to remove from consideration the concept of decertifying a second County judge position in FY 18.

Section 3: That the City Clerk is hereby authorized to transmit a certified copy of this Resolution to Representative Raschein, Senator Flores, Governor Rick Scott and members of the Florida House and Senate leadership, and to Chief Judge LaBarga, and Hon. Pariente, Lewis, Quince, Canady, Polston and Perry, of the Florida Supreme Court.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2017.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2017.

Filed with the Clerk on _____, 2017.

Mayor Craig Cates _____

Vice Mayor Clayton Lopez _____

Commissioner Sam Kaufman _____

Commissioner Richard Payne _____

Commissioner Margaret Romero _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK