

**CITY COUNCIL AGENDA STATEMENT**

**Meeting Date:** September 21, 2023

**To:** Honorable Mayor and Council Members

**From:** Steven Williams, City Attorney

**Agenda Item:** **Resolution 2023-97**, Expressing Opposition To Consolidation of Judicial Circuits, Specifically The Consoldation of the 16<sup>th</sup> and 11<sup>th</sup> Circuits; And Providing For An Effective Date.

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**BACKGROUND & JUSTIFICATION:**

In light of the recent decision of the Judicial Circuit Assessment Committee to evaluate whether there is a need to consolidate Florida’s judicial circuit courts, the City Council has expressed opposition to the proposed consolidation of Monroe County’s 16<sup>th</sup> Judicial Circuit with Miami-Dade’s 11<sup>th</sup> Judicial Circuit. The City Council believes that consolidating the State’s smallest circuit into the State’s largest circuit will certainly diminish, if not entirely curtail, the effectiveness, efficiency, and access to the circuit’s services. Additionally, given the significantly lower voter registration numbers of Marathon and Monroe County compared to Miami-Dade, the City Council believes that Marathon voters will not have a meaningful voice in electing their State Attorney, Public Defender and Judiciary should the two circuits be consolidated.

**CONSISTENCY CHECKLIST:**

Yes                      No

- 1. Comprehensive Plan
- 2. Other –Sewer Mandate

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**FISCAL NOTE:**

None

**APPROVED BY FINANCE DIRECTOR:**

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**RECOMMENDATION:**

Approval of Resolution

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2023-97**

**A RESOLUTION OF THE CITY OF MARATHON, FLORIDA,  
EXPRESSING OPPOSITION TO CONSOLIDATION OF JUDICIAL  
CIRCUITS, SPECIFICALLY THE CONSOLIDATION OF THE 16<sup>th</sup> AND  
11<sup>th</sup> CIRCUITS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Judicial Circuit Assessment Committee (the “Committee”) convened on July 14, 2023 and is charged with evaluating whether there is a need to consolidate Florida’s judicial circuit courts, within District Courts of Appeal (DCA) boundaries, considering the following criteria, in accordance with Florida Rules of General Practice and Judicial Administration Rule 2.241(c): effectiveness, efficiency, access to courts, professionalism, public trust and confidence, and additional criteria; and

**WHEREAS**, the Committee will examine data and information, survey stakeholders, hold public hearings, consider fiscal and operational impacts, and issue findings and recommendations to the Legislature with regard to the consolidation of judicial circuits by December 1, 2023; and

**WHEREAS**, there are 20 judicial circuits in the State, and each circuit is comprised of one or more counties, and Monroe County is in its own circuit, the 16th Circuit; and

**WHEREAS**, consolidation will only be considered within DCA boundaries and Monroe County (16th Circuit) is in the same DCA boundary with Miami Dade (11th Circuit), the Third District Court of Appeal; and

**WHEREAS**, the judicial circuit profiles in the chart below was provided in the Committee’s materials (below in the chart) and demonstrate the vastly different size and operation of each circuit; and

Circuit/County	Filings			Dispositions			Number of Judges		Population	Square Miles
	Circuit	County	Total	Circuit	County	Total	Circuit	County		
Circuit 11 (Miami-Dade)	75,503	728,029	803,532	83,226	757,476	840,702	80	43	2,757,592	1,900
Circuit 16 (Monroe)	3,208	13,819	17,027	3,125	14,370	17,495	4	4	83,961	983

**WHEREAS**, the City Council believes consolidating the State’s smallest circuit into State’s largest circuit will certainly diminish, if not entirely curtail, the effectiveness, efficiency, and access of the circuit’s services on behalf of Marathon’s constituents; and

**WHEREAS**, Marathon’s unique geography presents a significant accessibility to courts issue, as a long chain of islands exceeding 120 miles in length, which is why the 16th Judicial Circuit has a Lower, Middle and Upper Keys Courthouse to address and improve accessibility and to ensure efficiency in the adjudication of cases; and

**WHEREAS**, consolidation with the 11th Judicial Circuit would be detrimental to the current effectiveness and efficiency of the 16th Judicial court operations and Marathon residents would be further burdened to have meaningful access to court and court services consistent with due process afforded under our current system; and

**WHEREAS**, Marathon is within a state-designated Area of Critical State Concern in recognition renowned and robust natural resources all of which require and receive the prioritized protection, attention and focus of local law enforcement and the 16th Circuit's State Attorney and judiciary; and

**WHEREAS**, current local focus on natural resource protection and coordination of efforts between local law enforcement and State Attorney would likely not be prioritized in a circuit serving a large, urbanized county where law enforcement, prosecutorial and judicial resources are focused on other criminal activity; and

**WHEREAS**, our local law enforcement and State Attorney's focus on our protected and vital resources in Marathon also fosters public trust and confidence within our unique geography and demographic community which may be compromised by being consolidated into a larger urban area of Miami-Dade and the 11th Judicial Circuit; and

**WHEREAS**, voter registration numbers dispel any argument that Monroe voters will have a meaningful voice in electing their State Attorney, Public Defender and Judiciary should the 2 circuits be consolidated. Monroe's 50,762 registered voters comprise only 3.3% of a combined electorate of 1,532,614 for a consolidated Judicial Circuit due to Miami-Dade's 1,481,852 registered voters. Those numbers are even more diverse for the City of Marathon, which has 6,073 registered voters. With such a low percentage, Monroe's voters will be likely be overwhelmed by those of Miami-Dade's in holding the State Attorney accountable for ensuring appropriate prosecution of resource violations; and

**WHEREAS**, a less robustly protected environment and diminished enforcement of resource violations will inevitably translate into economic losses. Fewer lobster, stone crab, and fin fish will result in loss in revenue and jobs for our local commercial fishing industry (Monroe's second largest economic sector), will potentially impact local tourism drawn to Marathon and the Keys for our natural resources affecting local businesses, and ultimately generate less sales tax for the State; and

**WHEREAS**, the City Council has examined the criteria set out in Rule 2.241 Fla. R. Gen. Prac. & Jud. Admin. to be considered by the Committee and believes that the laudable goals of effectiveness, efficiency, access to courts, professionalism, public trust and confidence are protected only by keeping in place our separate circuits, and urges the Committee and Legislature against consolidation of the 11th and 16th circuits for the concerns expressed hereto; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are true, correct, and incorporated herein by this reference.

**Section 2.** The Clerk Clerk shall furnish copies of this resolution to:

Judge Gerber and members of the Judicial Assessment Committee  
Representative Jim Mooney  
Senator Ana Marie Rodriquez

**Section 3. Effective Date.** This resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 21<sup>st</sup> DAY OF SEPTEMBER 2023.**

**THE CITY OF MARATHON, FLORIDA**

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**Luis Gonzalez, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**ATTEST:**

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Diane Clavier  
City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

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Steve Williams, City Attorney