

**CITY OF MARATHON, FLORIDA
RESOLUTION 2017-12**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, 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 CITY STAFF AND 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

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

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

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

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, 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

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

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 (14,726), 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>

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

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

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.

⁹ See, *Bounds v. Smith*, 430 U.S. 871, 822 (1977).

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

WHEREAS, the Marathon City Council 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 Marathon City Council 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.

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

Section 1: The Marathon City Council 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 Marathon City Council urges the Florida Supreme Court to re-consider 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 City Council authorizes the City Manager, the City Attorney, City staff, and the City'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.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14TH DAY OF FEBRUARY, 2017.

THE CITY OF MARATHON, FLORIDA



Dr. Daniel Zieg, Mayor

AYES: Bartus, Coldiron, Cook, Senmartin, Zieg
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier, City Clerk

(City Seal)

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



David Migut, City Attorney