

**RESOLUTION NO. 17-02-14**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, STATING OPPOSITION TO THE DECERTIFICATION OF ANY MONROE COUNTY COURT JUDGESHIPS AND TO ANY REDUCTIONS OF THE LOCAL JUDICIARY WITHIN THE SIXTEENTH JUDICIAL CIRCUIT; URGING THE FLORIDA LEGISLATIVE DELEGATION TO OPPOSE ANY SUCH REDUCTIONS; DIRECTING VILLAGE STAFF AND VILLAGE LOBBYISTS TO ADVOCATE AGAINST ANY SUCH REDUCTIONS; DIRECTING THE VILLAGE CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO GOVERNOR RICK SCOTT AND OTHER STATE 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 within 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 within the County Court; and

**WHEREAS**, Monroe County and the Florida Keys consists of some of the most unique geography within the State of Florida; and

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

**WHEREAS**, the 43 islands within the Florida Keys 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 (2) lanes of travel, one in each direction, for much of that 112 miles; and

**WHEREAS**, because the Overseas Highway is limited to a single 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 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 the Florida Highway Patrol's traffic homicide unit must travel down from Miami-Dade County to Monroe County to investigate the accident scene, which often results in leaving U.S.1 closed and traffic backed up for hours; and

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

**WHEREAS**, during that same period, Monroe County averaged twenty-two (22) traffic related fatalities per year – or almost two (2) per month - when pedestrians and bicyclist deaths are factored in; and

**WHEREAS**, the drawbridge over Snake Creek within Islamorada, Village of Islands (the “Village”) is one of those 42 bridges, which is required by federal law 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 way 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 the City of Marathon, which is in the Middle Keys, and another branch courthouse on Plantation Key within the Village which serves the Upper Keys, in addition to the main courthouse at the County seat in Key West; and

**WHEREAS**, the two branch courthouses are in population centers which were of such significant size that the Legislature adopted special acts during the late 1990's which enabled both Marathon and the Village 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 five<sup>2</sup> such single county circuits out of the twenty (20) judicial circuits in Florida; and

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<sup>1</sup> Per the Florida Department of Highway Safety and Motor Vehicles, annual Reports 2014, 2015.

<sup>2</sup> The five single county judicial circuits are the: 11<sup>th</sup> Circuit/Miami-Dade; 13<sup>th</sup> Circuit/Hillsborough; 15<sup>th</sup> Circuit/Palm Beach; 16<sup>th</sup> Circuit/Monroe; and 17<sup>th</sup> Circuit/Broward. F.S. 26.021.

**WHEREAS**, because of the geographical challenges that are unique to Monroe County, the 16<sup>th</sup> Judicial Circuit has been divided into three separate and distinct jury districts,<sup>3</sup> 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 16<sup>th</sup> 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 of more than 20,000<sup>4</sup> residents, which is more people than the populations of thirteen (13) other Florida counties;<sup>5</sup> 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)<sup>6</sup> other Florida counties; and

**WHEREAS**, in recognition of the value of, and need for, providing judicial services to residents of the geographically dispersed 16<sup>th</sup> Judicial Circuit, the Legislature has previously authorized that Monroe County be served by four (4) County Court Judgeships and four (4) 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”<sup>7</sup> 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”<sup>8</sup> (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 unprecedeted delays and inconvenience for the citizens of and visitors to Monroe County and the Florida Keys who seek to participate in the justice system, whether they are citizens serving on jury duty, litigants

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<sup>3</sup> See, F.S. 40.15.

<sup>4</sup> This figure represents estimated census population, but not tourists, second homeowners, and others factored into the functional population of the area.

<sup>5</sup> 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>

<sup>6</sup> 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.

<sup>7</sup> *Id.*, at 822.

<sup>8</sup> See, <http://www.flcourts.org/florida-courts/mission-and-vision.shtml>.

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 Village Council of Islamorada, Village of Islands (the “Village”) has determined that the elimination of any of the four (4) 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 Village Council finds that the elimination of any of the four (4) Monroe County Court Judgeships will result in a denial of access to the courts<sup>9</sup> for Monroe County residents and visitors and will fundamentally and negatively alter the way judicial services are provided within the 16<sup>th</sup> Judicial Circuit.

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

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

**Section 2.** Opposing the Reduction of Judgeships within the 16<sup>th</sup> Judicial Circuit. The Village Council of Islamorada, Village of Islands, hereby 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 as well as for subsequent years.

**Section 3.** Opposing the Decertification of Judgeships within the 16<sup>th</sup> Judicial Circuit. The Village Council hereby urges the Florida Supreme Court to re-consider its recommendation to decertify one (1) Monroe County Court Judgeship now, and to remove from consideration the proposal to decertify a second Monroe County Court Judgeship in 2018 or in subsequent years.

**Section 4. Transmittal.** The Village Clerk is hereby authorized and directed to transmit certified copies of this Resolution to the following:

- 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;
- 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. Authorization of Village Officials.** The Village Council further authorizes the

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<sup>9</sup> Access to the courts is a fundamental constitutional right. *See, e.g., Bounds v. Smith*, 430 U.S. 817 (1977).

Village Manager, Village Attorney, Village staff, and the Village State lobbyists to advocate vigorously against any reductions in the number of Monroe County Court Judgeships.

**Section 5.      Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED ON THIS 16<sup>th</sup> DAY OF FEBRUARY, 2017.**

Motion to adopt by Vice Mayor Chris Sante, second by Councilman Mike Forster.

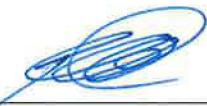
Mayor Jim Mooney	YES
Vice Mayor Chris Sante	YES
Councilman Mike Forster	YES
Councilwoman Deb Gillis	YES
Councilwoman Cheryl Meads	YES

  
CHRIS SANTE, VICE MAYOR

ATTEST:

  
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KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF ISLAMORADA,  
VILLAGE OF ISLANDS ONLY

  
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ROGET V. BRYAN, VILLAGE ATTORNEY