



**RESOLUTION NO.: 2017-002**

**A RESOLUTION OF THE KEY LARGO FIRE, RESCUE AND EMERGENCY MEDICAL SERVICES DISTRICT, 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; AND DIRECTING DISTRICT STAFF TO WORK TO OPPOSE ANY SUCH REDUCTIONS.**

**WHEREAS**, on December 15, 2016, the Supreme Court of Florida issued opinion number SC16-2127 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 next year; 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**, 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 Concern<sup>1</sup> since 1979; and

**WHEREAS**, included within the unique geography of the Florida Keys, are 43 islands linked only by U.S. 1, which is a 2-lane highway for the majority of the Florida Keys; and

**WHEREAS**, U.S. 1, which is also known as 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**, 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

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

**WHEREAS**, for over 40 years, Monroe County has operated branch courthouses in Marathon, which is located in the Middle Keys, and 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 in the late 1990's which enabled both the City of Marathon and the Village of Islamorada (which includes Plantation Key) to incorporate; 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 judicial circuits in Florida; and

**WHEREAS**, because of geographical challenges which are unique to Monroe County, the 16<sup>th</sup> Judicial Circuit can and should really be thought of as a three (3) county circuit, composed of the Upper, Middle and Lower Keys jury districts<sup>3</sup> with each served by a separate courthouse; 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 20,000<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

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2 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.

3 Monroe County is divided into three separate and distinct jury districts in the Lower, Middle, and Upper Keys pursuant to the process set forth in F.S. 40.15.

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

5 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 2012 census estimates per <http://www.us-places.com/Florida/population-by-County.htm>

**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 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 Key Largo Fire, Rescue and EMERGENCY MEDICAL SERVICES District, 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 Key Largo who may be forced to drive extended distances to conduct business before the Court; and

**WHEREAS**, the Key Largo Fire, Rescue and EMERGENCY MEDICAL SERVICES District, Monroe County, Florida finds that a proposed elimination of one Monroe County Court Judgeship and a threatened reduction of a second Monroe County Court Judgeship the following year will result in a denial of access to the courts for Monroe County residents and visitors and will fundamentally alter in a negative way, the manner in which judicial services are provided in the 16<sup>th</sup> Judicial Circuit;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF THE KEY LARGO FIRE, RESCUE AND EMERGENCY MEDICAL SERVICES DISTRICT, MONROE COUNTY, FLORIDA**

**Section 1:** The Key Largo Fire, Rescue and Emergency Medical Services District 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 Key Largo Fire, Rescue and Emergency Medical Services District 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.

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<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.

**Section 3:** The Clerk is hereby authorized to transmit a certified copy of this Resolution to the Monroe County Administrator.

**Section 4:** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the District Board of the Key Largo Fire, Rescue and EMS District, Florida at a regular meeting of said Board held on the \_\_\_\_\_ day of February 2017, in Key Largo, Florida.

**Chairman Tony Allen** \_\_\_\_\_

**Vice-Chair George Mirabella** \_\_\_\_\_

**Commissioner Bob Thomas** \_\_\_\_\_

**Commissioner Danny Powers** \_\_\_\_\_

**Commissioner Kay Cullen** \_\_\_\_\_

**Key Largo Fire, Rescue and EMS District Board**

(SEAL)

, **FLORIDA**

**Attest: Vicky Fay, District Clerk**

**By:** \_\_\_\_\_

**Clerk**

**By:** \_\_\_\_\_

**KLFR&EMS Chairman**



**County Commission Meeting**  
**January 18, 2017**  
**Agenda Item Number: N.3**  
**Agenda Item Summary #2519**

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**BULK ITEM:** No

**DEPARTMENT:** County Attorney's Office

**TIME APPROXIMATE:**  
n/a

**STAFF CONTACT:** Bob Shillinger (305) 292-3470

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**AGENDA ITEM WORDING:** Discussion and direction to staff regarding the Florida Supreme Court's decertification of one Monroe County Court Judgeship and notice of intent to consider decertification of a second Monroe County Court Judgeship.

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**ITEM BACKGROUND:** On December 15, 2016, the Florida Supreme Court issued an opinion regarding the need for increases and decreases in the number of judges across the state. The Court recommended the "decertification" of one of Monroe County's four county court judgeships along with five other county court judgeships in other counties. The Supreme Court also indicated that, over the next year, it will be "closely monitoring the judicial workload of several other" judgeships including a second of Monroe County's four county court judgeships to determine if further reductions are warranted.

The Florida Legislature has the authority to determine the number of judgeships in each county and circuit. The Legislature is expected to take up the issue during the 2017 session. In Monroe County, there are currently four county court judgeships. For decades, the County has operated branch courthouses in Marathon and Plantation Key with one County Court Judge assigned to each courthouse and two County Court Judges assigned to the main courthouse in Key West. The branch courthouses and these judicial assignments allow county residents in the Middle and Upper Keys to conduct court business (e.g. resolve criminal and civil disputes, serve jury duty, obtain marriage licenses, pay traffic fines, etc.) without having to travel to the main courthouse in Key West, the county seat.

The back-up documentation includes the critical excerpt (page 30 & footnote 55) from the Supreme Court's opinion, the full Supreme Court opinion, the 16<sup>th</sup> Circuit's submission articulating the need for maintaining all four (4) county court judgeships, and a Keynoter article on the subject.

Direction is needed on what position, if any, the County Commission wants to take on the proposed reductions in judgeships. Options include:

- 1) supporting the proposed reduction;

- 2) taking no position on the proposed reduction; or
- 3) opposing the proposed reduction by
  - a) adopting a resolution opposing the reduction;
  - b) authorizing the County's legislative lobbyists and staff to advocate against the proposed reduction to the Legislature; and/or
  - c) other measures to be determined.

**PREVIOUS RELEVANT BOCC ACTION:** N/A.

**CONTRACT/AGREEMENT CHANGES:**

n/a

**STAFF RECOMMENDATION:** Oppose the reduction. Direct the County Attorney to prepare a resolution expressing the Board's opposition to proposed reductions and instruct the County's lobbying team to advocate against the reduction of any Monroe County Court judgeships.

**DOCUMENTATION:**

Critical Excerpt of Supreme Court Order Decertifying need for Monroe County Court Judgeship  
 page 30 plus footnote 55  
 sc16-2127 Supreme Court Certification on Judgeships  
 16th Circuit Judgeship Needs Application FY17-18  
 Florida Keys might get judge position cut \_ Florida Keys News

**FINANCIAL IMPACT:**

**Effective Date:** n/a  
**Expiration Date:**

**Total Dollar Value of Contract:**  
**Total Cost to County:**  
**Current Year Portion:**  
**Budgeted:**  
**Source of Funds:**  
**CPI:**  
**Indirect Costs:**  
**Estimated Ongoing Costs Not Included in above dollar amounts:**

**Revenue Producing:**                      **If yes, amount:**  
**Grant:**  
**County Match:**  
**Insurance Required:**

**Additional Details:**

No direct impact but perhaps some indirect impacts

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**REVIEWED BY:**

Bob Shillinger	Completed	12/22/2016 4:06 PM
Bob Shillinger	Completed	12/23/2016 11:12 AM
Budget and Finance	Completed	12/23/2016 3:03 PM
Maria Slavik	Skipped	12/23/2016 11:12 AM
Kathy Peters	Completed	12/27/2016 1:20 PM
Board of County Commissioners	Completed	01/18/2017 9:00 AM



Critical Excerpt (page 30 & fn. 55) of  
Supreme Court Opinion  
SC16-2127

Decertifying one Monroe County Court Judgeship

and

Giving notice of intent to monitor whether decertification of  
a second Monroe County Court Judgeship is warranted in  
2018

Florida Rules of Judicial Administration.<sup>54</sup> Accordingly, we are certifying the need for one additional county court judgeship each in Citrus County, Flagler County, Palm Beach County, Broward County, and Lee County, and three additional county court judgeships in Hillsborough County.

We are also decertifying county court judgeships in the following counties: one county court judgeship in Pasco County, one county court judgeship in Putnam County, one county court judgeship in Monroe County, one county court judgeship in Brevard County, one county court judgeship in Charlotte County, and one county court judgeship in Collier County. Over the next twelve months, we will be closely monitoring the judicial workload of several other counties<sup>55</sup> that demonstrate a negative need, but also identified supplemental factors recognized both in rule and by the NCSC's recommended methodology which militate against decertification, to determine whether additional decertifications should occur in next year's certification of need opinion. The Court does not take this step lightly; rather, we do so recognizing that we must remain consistent in our application of the workload methodology and our obligations under Article V, section 9, of the Florida Constitution.

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54. See Fla. R. Jud. Admin. 2.240(b)(1)(B).

55. Alachua, Brevard, Escambia, Leon, Monroe, Pasco, and Polk counties.