

Staying on low road for Florida court system



Your Turn

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Guest columnist

Gerrymandering is the deliberate manipulation of electoral district boundaries by a political party to achieve an unfair advantage over rivals.

In Florida, the political party in power redraws district lines every 10 years, after the federal census. Drawing district lines for the Florida House and Senate is done by the Florida Legislature, subject only to Florida Supreme Court review. Florida's Congressional districts, by contrast, are subject to veto by the governor, which can be overridden only by a vote of two-thirds of each legislative chamber.

The Florida trial court system also gets redistricted. Currently the courts are divided into 20 judicial circuits, with each circuit consisting of one or more counties. A judicial circuit consists of a county court and a circuit court, whose judges are elected by voters in non-partisan elections. Each circuit also has a state attorney and a public defender, who are elected by voters in partisan elections. The counties in the judicial circuits have not changed in 54 years — not even during the last 24 years of Republican control of the Florida legisla-

ture and governorship, not even with steady population growth. Why is there a call for change now? Is gerrymandering by the Florida legislature showing its ugly face in the Florida judicial system?

It appears so. Along comes Republican Gov. Ron DeSantis, who in 2022 suspended State Attorney Andrew Warren, a twice elected Democrat, of the 13th Judicial Circuit, Hillsborough County, for disagreements on potential prosecutorial discretion after Warren's verbal statements questioning the constitutionality of recent laws restricting abortion and transgender medical care. These are some of the many political and social issues that surround DeSantis in his quest to become President. Florida's Republican-controlled senate would not reinstate Warren, even though he never acted on his statements about abortion law enforcement. To replace Warren, DeSantis appointed Susan Lopez, who DeSantis had appointed as a County Court judge in 2021. Before her appointment to the bench, she openly supported Warren's Republican opponent, Mark Ober.

Is there a better and less confrontational way to replace an elected Democratic state attorney with a Republican than by suspension based upon spurious excuses? Sure. Make it more difficult for a Democrat to be elected to that position in the first place. Voila! Gerrymander judicial circuits.

By joining more Republican-leaning counties with contiguous Democratic-leaning counties in judicial circuits, you can reduce the chances for election of Democratic state attorneys. Why did not the Republican governors think of that during the past 20 or so years? There was a different political climate then. Today, Gov. DeSantis and his majority legislature look under every rock to find ways to rig elections. They do it by limiting vote by mail, adding new voter ID rules, shortening early voting time, curbing ballot drop boxes, purging voter rolls, limiting ballot collections, prohibiting water from being distributed to overheated voters on long voting lines, making it harder for ex-felons to register, and now, reducing and gerrymandering judicial circuits.

On June 15, 2023, Florida House Speaker Paul Renner (R-Palm Coast) sent a letter to DeSantis-appointed Florida Supreme Court Judge, Carlos Muniz, without documentation supporting the necessity, asking him to consider reducing the number of judicial circuits. Renner cited judicial efficiency, economy and population growth and redistribution, as disguises for gerrymandering. There was no mention of the extra-long drives by litigants and attorneys to the newly reduced number of courthouses. Should the Supreme Court certify to the legislature that the number of judicial circuits should be reduced, the Florida

legislature can decide which counties to place in each of the remaining judicial circuits. Using county voter registration and turnout statistics, the legislature can consolidate contiguous counties into judicial circuits to give an advantage to Republican candidates for state attorney.

Although the Florida Supreme Court, as the supervising entity of the Florida judicial system, had not sought on its own to reduce the number of judicial circuits in more than a half-century, Chief Judge Muniz, without expressing any view on the merits, quickly appointed a Judicial Circuit Assessment Committee to study the need for judicial circuit reductions and to make recommendations within four months. The Assessment Committee is chaired by Court of Appeal Judge Jonathan Gerber, a member of the Federalist Society before he became a judge.

It appears that after successfully taking the low road to gerrymander the mostly African-American 5th Congressional District in northeastern Florida, the Governor and the GOP-controlled legislature have now continued on that low road, to gerrymander Florida judicial circuits. Let's hope the Assessment Committee and the Supreme Court rise above that.

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