

# Your Guide to Florida Judicial Elections and Merit Retention

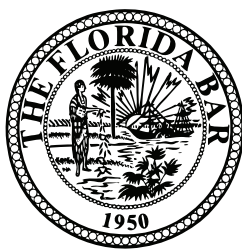
Making Informed Decisions at the Polls



## Election Dates:

**Primary** – Tuesday, August 20, 2024

**General** – Tuesday, November 5, 2024



THE FLORIDA BAR

**The Vote's in  
YOUR COURT**

Judicial merit retention. Know the facts.

# Choosing Florida's Judges: Top Five Facts to Know

01

## Your Ballot Matters

Many voters skip voting on judges. **Only 47% of Florida voters feel confident about judicial elections and merit retention.** Don't leave your ballot blank – use the Vote's in Your Court resources to make informed decisions.

02

## Why Voting on Judges is Important

Judges make decisions that impact our lives daily, from interpreting laws to resolving disputes. Your vote helps **ensure the judiciary remains fair, impartial, and accountable.**

03

## Merit Retention vs. Judicial Elections

Judicial elections are held for trial court judges, where voters choose candidates. Merit retention applies to governor-appointed appellate judges and Supreme Court justices, who face a 'yes' or 'no' vote from the public to remain in their position.

04

## Voting 'Yes' or 'No' on Judges

In merit retention, judges do not run against other candidates. Voters simply decide if the judge should remain in their role based on their performance.

05

## Nonpartisan Judicial Elections

Judicial candidates cannot affiliate with political parties, **ensuring judges remain impartial** and base their decisions solely on the law and case specifics.

**By understanding these key facts, you can actively contribute to a fair and effective judicial system in Florida.**



# Florida's Court System Explained

Florida's court system ensures justice and fairness for all citizens. It includes different levels, each with specific roles and responsibilities:

## Florida Supreme Court

**CHIEF JUSTICE AND 6 JUSTICES**

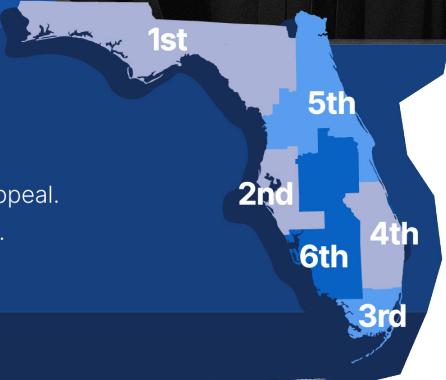
This is the highest court, handling significant cases like death penalty appeals and constitutional questions. It also oversees lawyer discipline and professional regulation. For the court to make a decision, at least five of the seven justices must be present, and at least four must agree with that decision.



## District Courts of Appeal

**64 JUDGES**

There are six districts, each with a District Court of Appeal. These courts review trial court decisions and appeals. Each case is reviewed by a panel of three judges.



## Circuit Courts

Handle felony criminal cases and significant civil cases.

- 20 judicial circuits with 606 judges
- The number of judges in each circuit is based on caseload
- Judges review cases individually, not on panels



## County Courts

Deal with everyday issues like traffic offenses and small claims.

- 322 judges throughout Florida's 67 counties
- There is at least one judge in each of the 67 counties
- Judges review cases individually, not on panels

Trial Courts

# Types of Judges

There are several types of judges within the court system that have different responsibilities.

In Florida, both county court and circuit court judges are trial judges and preside over trials and hearings.

## County Judge

Hear criminal misdemeanors and civil cases in which the amount in dispute is **\$30,000 or less**.

## Circuit Judge

Hear criminal felonies, domestic relations, juvenile matters, probate issues, and civil cases in which the disputed amount is **greater than \$30,000**.

## Appellate Court Judges

Judges on the six District Courts of Appeal review the decisions of the lower trial courts.

## Florida Supreme Court Justices

The Florida Supreme Court justices review death penalty appeals, appeals from the appellate courts, resolve conflicts among appellate courts, and manage Florida's court system.

### Learn More About the Judges on Your Ballot

You can learn more about judicial candidates by reviewing their voluntary disclosure forms, which detail the judges' qualifications, experience, and background, or their past case decisions at [flcourts.org](https://www.flcourts.org).

To find out which candidates will be on your ballot and obtain relevant campaign documents, visit the [Candidates & Committees](#) section of the Florida Division of Elections website.

# What Do Judges Do?



## Understanding the Roles and Responsibilities of Judges in Florida

The Florida judiciary interprets and applies laws to ensure justice. Judges oversee fair and impartial trials, make decisions based on the facts and the law, and protect citizens' rights.

By voting for judges, you help maintain a fair and effective judicial system that upholds justice and serves the community.

### Types of Cases Handled:



Traffic



Small Claims



Landlord-Tenant



Personal Injury



Criminal



Death Penalty



Guardianship

### Daily Responsibilities:

- Preside over trials and hearings
- Determine what testimony and evidence are allowed in court
- Sentencing and judgments
- Ensure jurors understand the law
- Decide cases in non-jury trials

### Ethical Responsibilities:

- Impartiality
- Integrity
- Confidentiality
- Upholding justice

# Why Voting for Judges Matters

Welcome to your guide for understanding and participating in Florida's judicial elections and merit retention process. The Florida Bar is dedicated to helping you make informed decisions when you vote.

**Judges play a critical role in our society by interpreting laws, ensuring justice, and protecting the rights of all citizens.** This guide provides essential information to help you make educated choices about the judicial candidates on your ballot.

## The Importance of Participating in Judicial and Merit Retention Elections

In Florida, voters have the responsibility of selecting and retaining judges. These decisions can profoundly impact our legal system and daily lives. Judges rule on a wide range of issues, from traffic violations and small claims to significant constitutional questions and criminal cases.

Participating in these elections is a powerful way to contribute to the integrity and effectiveness of our legal system. An informed vote helps maintain a judiciary that is accountable and committed to upholding justice.

Thank you for taking the time to learn about the judicial election process. Your involvement is crucial to maintaining the strength and fairness of Florida's judicial system.

## Your Ballot Matters: The Importance of Voting for Judges

Judicial decisions impact many aspects of life, from interpreting laws and protecting rights to resolving disputes and setting precedents. Judges make decisions that can affect everything from individual liberties and family matters to business practices and criminal justice. Here's how:



**Interpreting  
Laws**



**Protecting  
Rights**



**Resolving  
Disputes**



**Setting  
Precedents**

**By participating in judicial elections and merit retention, we can uphold a strong, efficient, and just legal system. Your informed vote contributes to a judiciary that promotes justice and serves our state with integrity.**



# Judicial Elections vs. Merit Retention

## Know the Key Differences

### Judicial

#### COUNTY JUDGES CIRCUIT JUDGES

- Judicial races will appear on the primary election ballot
- Voters select their preference for judge
- If no candidate receives a majority of the vote, they will appear on the ballot in the general election
- The candidate that receives the majority of the votes will serve a six-year term
- To retain their seats, judges must be re-elected every six years

### Merit

#### APPELLATE JUDGES FLORIDA SUPREME COURT JUSTICES

- The Judicial Nominating Committee screens candidates and makes recommendations to the governor
- Judges and justices are selected and appointed by the governor
- Within two years after appointment, newly appointed judges go on the general election ballot for the first time
- Voters will select 'Yes' or 'No' on the ballot to determine if the judge is retained
- If judges are retained, they serve a six-year term
- Judges will be placed on the general election ballot every six years in merit retention elections

# Understanding Judicial Elections and Merit Retention

## How Florida Chooses Its Judges: Judicial Elections

In Florida, judicial elections allow voters to select trial court judges based on their qualifications and experience by choosing between competing visions presented by candidates. These elections are crucial for maintaining a fair, competent, and impartial judiciary. The Florida Bar also hosts Judicial Candidate Voluntary Self-Disclosure Statements that assist the public in making educated decisions when voting for county and circuit court judicial candidates.

**County and circuit court judges run in nonpartisan elections against other candidates for six-year terms. Voters in their respective circuits select their preference for judge from the list of running candidates.**

## How Florida Chooses Its Judges: Merit Retention

In Florida, appellate judges and Supreme Court justices are initially appointed by the governor. To continue serving, they must be retained by the voters through merit retention elections.

Merit retention is different from typical elections. Instead of choosing between candidates, voters must decide whether a judge or justice should stay in their role based on their performance and judicial responsibilities. This process ensures that the judiciary remains independent, fair, and focused on upholding the law without political influence.

**A 'yes' or 'no' vote determines whether a judge or justice should stay in their position. A majority of voters decide the election's outcome. If not retained, any vacancy is filled by appointment by the governor.**



# Voting for Judges

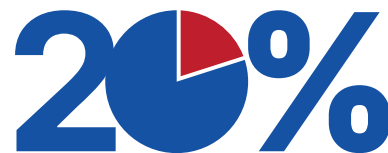
## What Floridians Have to Say



About **7 in 10** Florida voters have voted for a judge in a Florida election



**Fewer than half** of Florida voters say they're either very or somewhat confident in their understanding of the process for voting for judges, or the merit retention process



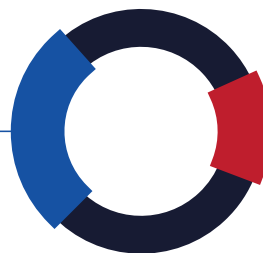
**Just 20%** of Florida voters feel very confident in the process for voting for judges or in the merit retention process in Florida



**Just 3 in 10** Florida voters say they always research the judges who appear on the ballot before casting their vote

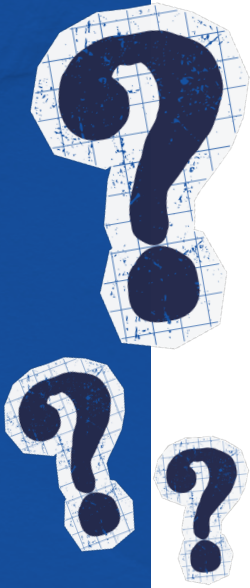
How many Florida voters research judges?

**26%**  
Rarely



**11%**  
Never

# Commonly Asked Questions About Florida's Judicial Election Process



## **Why aren't the judges' party affiliations listed on the ballot?**

Judicial elections are nonpartisan, meaning candidates are not linked with political parties. This requirement by Florida law is to keep the impartiality of the judicial role. Additionally, judicial candidates cannot make predictions or promises about issues they may face while on the bench. It is important that judges remain impartial and make decisions based solely on the law and the specifics of each case.

## **Are all judges elected?**

No, not all judges are elected. Most circuit and county court judges are elected, but if a vacancy happens in the middle of a term – such as when a judge retires, resigns, or dies – the governor appoints their replacement. Additionally, the governor appoints Florida Supreme Court justices and District Court of Appeal judges, who then are on the ballot regularly for merit retention elections to stay on the bench.

## **Why don't I see any judges on the general election ballot?**

Most judicial races appear on primary ballots, only going to a general election ballot if no candidate receives a majority of votes in the primary. Because of this, only a few judicial races may reach the general election ballot. However, this process makes sure that a second round of voting can happen on the general election ballot, if necessary. In merit retention elections, judges are on the general election ballot every six years as they near the end of their terms.

## **What happens if a judge retires, resigns, or dies before the end of their term?**

When there is a vacancy, the governor fills the term by appointment. The person who fills the vacancy serves the rest of the term and must then be re-elected to remain on the bench.

## **Why is it important to vote in judicial elections and merit retention elections?**

In Florida, judges are either elected or retained by the voters, giving the public the power to choose who holds these critical positions. Judges make decisions on a wide range of issues, both large and small, including traffic violations, small claims, landlord-tenant disputes, personal injury cases, criminal matters, death penalty cases, probate, guardianship, and more. Voting in these elections ensures that judges are selected by residents of the communities they serve.

# Additional Resources

## Looking for more information on merit retention and judicial elections in Florida?

### **The Florida Bar**

The Vote's in Your Court website, created by [The Florida Bar](#), educates voters about judicial elections and merit retention. It provides easy-to-understand information on judges' roles, the importance of voting in judicial elections, and how to make informed decisions. Visit the site for guides, infographics, and videos to ensure your vote supports a fair and effective judiciary in Florida.

The Florida Bar also hosts [Judicial Candidate Voluntary Self-Disclosure Statements](#) that assist the public in making educated decisions when voting for county and circuit court judicial candidates.

For additional information on the laws, rules, and opinions governing candidates running for judicial office, visit [Sources of Authority and Guidance Regarding Political Activity by Judges and Judicial Campaigns](#) on the Bar's website.

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### **The Florida Division of Elections**

[The Florida Division of Elections](#) has more resources for voters, news and updates about the voting process, and information on how to register or update voter registration. Find out which candidates will be on your ballot and obtain relevant campaign documents at [Candidates & Committees](#).

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### **Florida Supreme Court**

[The Florida Supreme Court](#) has many resources available on merit retention, the role of the Court, and the Supreme Court justices.

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### **Office of the State Courts Administrator**

The [Office of the State Courts Administrator website](#) has more information on the court structure in Florida.



# Make Your Voice Heard

As you prepare for the upcoming elections, remember that your vote in judicial elections and merit retention is crucial. Judges make decisions that affect all aspects of our lives, and your participation helps ensure a fair and effective judiciary. Take the time to review the information, make informed choices, and exercise your right to vote. Your voice matters — help shape the future of our legal system.

**Scan the QR Code to Learn More**

## PRIMARY ELECTION 2024

**August 10 - 17**

Early voting period

**August 20**

Election Day

## GENERAL ELECTION 2024

**October 7**

Deadline to register to vote

**October 24**

Deadline to request mail-in ballot

**October 26 - November 2**

Early voting period

**November 5**

Election Day



THE FLORIDA BAR

**The *Vote's in*  
YOUR COURT**

Judicial merit retention. Know the facts.

This guide has been prepared as a public service by The Florida Bar and its Constitutional Judiciary Committee.