

Post Editorial Board Endorsement: Use merit retention to tweak the Florida Supreme Court

The Palm Beach Post Editorial Board
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Merit retention is an issue that doesn't get much attention among the down-ballot choices. For many voters, the names of Florida's Supreme Court justices ring no bells, much less what they've done on the bench to earn either a "Yes" or "No" vote. The Palm Beach Post urges voters not to pass on this part of the ballot.

Five of the seven justices are up for merit retention this November, and we believe voters should exercise their rights and vote "No" on the following four: Justices Charles Canady, John Couriel, Jamie Grosshans and Ricky Polston. Only Justice Jorge Labarga deserves a "Yes" vote.

Supreme Court justices and appellate judges don't draw opponents. Once appointed, they face merit retention every six years, which means Floridians get their chance to vote on the judges' merits by answering only whether a particular jurist should be retained in office.

The Florida Supreme Court used to be the model among state high courts. Today, it's a court gone rogue. Conservative judicial appointments have changed the court from an independent third branch of government into an activist, right-wing rubber stamp.

Take a cue from the attorneys who come before the court. In a recent Florida Bar poll, former Chief Justice Canady earned a 73% approval for retention, an 11-point drop since his last rating in 2016. Justice Polston suffered a 10-point drop in that same period. The justices appointed more recently by Gov. Ron DeSantis didn't fare much better. Justice Couriel ranked 63% and Grosshans earned 59%. Labarga, the court's lone moderate, earned a respectable 85%, still a six-point drop from his 2016 rating.

The court now finds itself in the center of the abortion debate. Last month, the Florida Supreme Court released an order that allowed the state's 15-week abortion ban to remain in effect only to retract the order seven hours later.

A case now before the court could prompt conservative jurists to decide if the right to privacy, a tenet guaranteed by the state's Constitution, will still protect abortion rights in Florida. Signs point to a controversial call and further restrictions on abortion here.

No Florida Supreme Court justice has ever been booted off the court by the voters. However, merit retention remains the voters' only chance to have their say.

The Post urges Florida voters to use it and not skip the Supreme Court questions this election.