

**DE 86-11 - July 11, 1986**

**JUDICIAL OFFICER; MERIT  
RETENTION; REPORTING  
REQUIREMENTS; SECTIONS  
105.08, 106.011(15),  
and 106.07, F.S.**

*To: Honorable Stephen H. Grimes, District Court of Appeals, Second Judicial Circuit,  
Post Office Box 327, Lakeland, Florida 33802*

*Prepared by: Division of Elections*

This is in response to your request for an opinion whether appellate court judges subject to retention may file campaign treasurer's reports under Section 106.07, Florida Statutes, as unopposed candidates.

Appellate court judges are not unopposed candidates; therefore, they are required to file campaign treasurer's reports as required of candidates for nonjudicial state office.

By Chapter 105, Florida Statutes, appellate court judges are required to qualify to run for retention in office and are candidates for retention; however, the qualifying fee requirement is not applicable to candidates qualifying for retention to judicial office. See Section 105.031(3), Florida Statutes.

Section 106.011(15), Florida Statutes, specifically provides that "(a) candidate is not an unopposed candidate . . . if the candidate is seeking retention as a Justice of the Supreme Court, or as a Judge of a District Court of Appeal." Section 105.08, Florida Statutes, requires candidates for judicial office to "file reports (of contributions and expenses) on the same basis as is required of a candidate for nonjudicial state officer." By Section 105.011(1), Florida Statutes, the term "judicial office" includes the offices of Judge of a District Court of Appeal and Justice of the Supreme Court.

In that judicial retention candidates are not unopposed candidates for the purposes of Chapter 106, Florida Statutes, such candidates are required to file campaign treasurer's reports as provided in Section 106.07, Florida Statutes.