

Amendment # 6 Title: Rights of Crime Victims; Judges

Ballot Language: Creates constitutional rights for victims of crime; requires courts to facilitate victims' rights; authorizes victims to enforce their rights throughout criminal and juvenile justice processes. Requires judges and hearing officers to independently interpret statutes and rules rather than deferring to government agency's interpretation. Raises mandatory retirement age of state judges from seventy to seventy-five years; deletes authorization for judges to complete term if one-half of term has been served by retirement age.²

How the Amendment Reached the Ballot: The Florida Constitution Revision Commission.²

What your Vote Means:

A Yes vote:

- Adds specific rights of crime victims, together known as a Marsy's Law, to the Florida Constitution;
- Raises the retirement age for judges from 70 to 75 years of age; and
- Requires that state courts independently interpret statutes rather than deferring to administrative agencies.¹

A No vote:

- Retains the status quo on constitutional rights of crime victims;
- Allows judges to continue the pattern of deference shown towards agencies; and
- Maintains the current mandatory retirement age for judges.¹

Pro: Walton County Sheriff Michael A. Adkinson Jr. wrote the following in the *Walton Sun*: "We are all familiar with federal and state laws that provide those accused and convicted of a crime with clear protections to ensure due process. However, many are surprised to learn crime victims don't have any clear, enforceable rights within the state constitution. This means that, legally, crime victims have less rights than criminals. ...

"As a sheriff, I've witnessed firsthand how crime can destroy people's lives and the community. I firmly believe we need constitutional provisions that protect the rights of victims as fiercely as the rights of the accused — nothing more, and nothing less. Marsy's Law for Florida will appear on the ballot this November as Amendment 6. If passed by 60 percent of voters, crime victims will be entitled to the same rights as those accused and convicted of a crime.

"I joined dozens of my fellow Florida sheriffs in endorsing Amendment 6 because I believe Marsy's Law will not only benefit our state, but also improve the way we deal with crime and its victims. Marsy's Law will finally give crime victims the rights they deserve while ensuring the rights for those accused of a crime remain unchanged."

<http://www.waltonsun.com/news/20180801/sheriff-supports-amendment-6>

Pro: Also the James Madison Institute says, "In addition to the provisions contained in Marsy's Law, the measure encourages judges to independently interpret statutes. The Florida Supreme Court often defers to agency interpretations, and a Yes vote would curtail this trend. Administrative law judges face mounting questions as their role in the judiciary grows. This amendment would ensure that authority over legal questions rests with appointed judges rather than administrative agencies. Finally, Amendment 6 raises the retirement age for judges from 70

to 75. This effort recognizes increases in life spans and accommodates for a longer working career.¹

Con:

Florida's Constitution already offers a subsection that details victim's rights—albeit unclearly. Additionally, the legislature guarantees a certain set of rights and safeguards for crime victims. Instead of adding additional (and potentially excessive) language to the Constitution, the issues present in Amendment 6 could be handled through the legislative process. Opponents argue that the approval of Marsy's Law would overwhelm and overburden the courts with a litany of "unfunded mandates." Critics also contend that providing more rights to victims would have a wide range of unintended consequences. For example, the legislation does not define a handful of relevant terms. Some claim this amendment is good politics, but bad policy. Apart from the concerns present in Marsy's Law, Amendment 6 upends a functioning and orderly system in administrative agencies. Judges outsource many decisions to administrative law judges because they have a better understanding of the issues. Although this amendment would stress the importance of traditional judges, it risks the progress made in administrative law.¹

Save My Constitution opposes this measure, as well as every other measure placed on the November 2018 ballot by the Florida Constitution Revision Commission. The group consists of former state and federal lawmakers including Jim Kallinger (R), Jeff Kottkamp (R), Jennifer Carroll (R), Sandy Adams (R), and Connie Mack (R). The group argues that the measures are confusing and misleading and were placed on the ballot in a deceptive way by bundling multiple subjects in a single proposal.²

Supporters:

Walton County Sheriff Michael A. Adkinson Jr
Florida Smart Justice
Christian Family Coalition (CFC) Florida

Opponents:

Save My Constitution
League of Women Voters of Florida
ACLU of Florida
Dem Prog Caucus of FL (Leftist)

TPM's Recommendation:

Vote **NO** on Amendment 6.

Sources:

¹The James Madison Institute 2018 Florida Amendment Guide
https://www.jamesmadison.org/wp-content/uploads/2018/08/2018_Amendment_Guide_v08_web.pdf

²Ballotpedia:
https://ballotpedia.org/Florida_2018_ballot_measures