

# Florida Amendment 6, Marsy's Law Crime Victims Rights, Judicial Retirement Age, and Judicial Interpretation of Laws and Rules Amendment (2018)

## Florida Amendment 6, Marsy's Law Crime Victims Rights, Judicial Retirement Age, and Judicial Interpretation of Laws and Rules Amendment

### Election date

[November 6, 2018](#)

### Topic

[State judiciary](#) and [Law enforcement](#)

### Status

*On the ballot*

### Type

[Commission-referral](#)

### Origin

[Legislative commission](#)

Florida Amendment 6, the Marsy's Law Crime Victims Rights, Judicial Retirement Age, and Judicial Interpretation of Laws and Rules Amendment, is on the [ballot](#) in [Florida](#) as a [commission referral](#) on [November 6, 2018](#).<sup>[1]</sup>

A "yes" vote supports this amendment to:

- add specific rights of crime victims, together known as a [Marsy's Law](#), to the [Florida Constitution](#);
- increase the [judicial retirement age](#) from 70 to 75 years of age; and
- prohibit state courts from deferring to an administrative agency's interpretation of a state statute or rule in lawsuits.

A "no" vote opposes this amendment to:

- add specific rights of crime victims, together known as a [Marsy's Law](#), to the [Florida Constitution](#);
- increase the [judicial retirement age](#) from 70 to 75 years of age; and
- prohibit state courts from deferring to an administrative agency's interpretation of a state statute or rule in lawsuits.

In Florida, a constitutional amendment requires a 60 percent supermajority vote at the ballot for approval.

## Overview

### [How did this measure get on the ballot?](#)

The [Florida Constitution Revision Commission \(CRC\)](#) voted 34-3 to place Amendment 6, which is composed of three constitutional amendment proposals, on the ballot for the election. The 37-member commission, which meets every 20 years to propose changes to the [Florida Constitution](#), is unique

amongst the states. Florida is the only state with a commission empowered to refer constitutional amendments to the ballot. Republicans, including legislative leaders and [Gov. Rick Scott](#), appointed 33 of the commissioners. [Attorney General Pam Bondi](#) (R) also served on the commission. [Jorge Labarga](#), chief justice of the [Florida Supreme Court](#), appointed the three remaining members.

As Amendment 6 is a package of three constitutional amendments, voters cannot approve or reject some, but not all, of the amendments. Voting “yes” on the ballot measure is a vote to pass the three constitutional amendments. Voting “no” on the ballot measure is a vote to reject the three constitutional amendments.

## **What changes to state law would Amendment 6 make?**

Amendment 6 would make changes to the state’s law regarding the [rights of crime victims](#), the age at which judges are [required to retire](#), and [judicial deference](#).

### **Changes to the rights of crime victims**

The constitutional amendment regarding the rights of crime victims—known as [Marsy's Law](#)—would provide crime victims, their families, and their lawful representatives with specific rights, including a right to due process and to be treated with fairness and respect; a right to be free from intimidation, harassment, and abuse; a right to have the victim's welfare considered when setting bail; a right to proceedings free from unreasonable delay, among others.<sup>[1]</sup>

[Henry Nicholas](#), the co-founder of Broadcom Corp., started campaigning for this kind of legislation to increase the rights and privileges of victims. He formed the national organization [Marsy's Law for All](#) in 2009. Voters in six states approved ballot measures for Marsy's Law, with the most recent in [Ohio](#). Voters in neighboring [Georgia](#) will also consider an amendment for a Marsy's Law in 2018.

### **Changes to the judicial retirement age**

Amendment 6 would increase the age at which judges are required to retire from 70 to 75.<sup>[1]</sup>

As of 2018, Florida is one of 18 states with a required retirement age of 70. Seven states have a judicial retirement age of 75. The highest retirement age in the U.S. was 90 in Vermont. However, 19 states do not have a required retirement age for judges.

### **Changes to the judicial deference**

Amendment 6 would prohibit state courts from deferring to an administrative agency’s interpretation of a state statute or rule in lawsuits.<sup>[1]</sup>

In the context of state administrative law, deference applies when a state court yields to an agency's interpretation of either a statute that the state legislature instructed the agency to administer or a regulation promulgated by the agency. The Florida Supreme Court, as of 2018, had "shown a substantial deference to an agency’s interpretation" of statutes and rules, according to a Florida CRC Executive Committee analysis.<sup>[2]</sup>

## Who is behind the campaigns for and against Amendment 6?

[How current is this campaign finance information?](#)

One committee was registered to support this initiative: Marsy's Law for Florida. The committee had received a total of \$18.68 million in contributions and had spent \$18.06 million. [Marsy's Law for All Foundation](#) had provided \$18.35 million, and [Henry Nicholas](#), the founder of Marsy's Law for All, had contributed the rest. Ballotpedia had not identified any committees registered to oppose the measure. <sup>[3]</sup>

## Measure design

The [Florida Constitution Revision Commission](#) (CRC) bundled three proposed constitutional amendments as one ballot measure: Amendment 6. The proposed constitutional amendments are related to trials, judges, and courts.

Click on the arrows (▼) below for summaries of the different provisions of the ballot measure.

**Marsy's Law Amendment:** provisions related to crime victims rights

**Judicial Retirement Age Amendment:** provisions to increase the judicial retirement age

**Judicial Deference to Agencies' Interpretation Amendment:** provisions prohibiting courts from deferring to government agencies' interpretations of laws

## Text of the measure

### Ballot title

The ballot title is as follows:<sup>[1]</sup>

“ RIGHTS OF CRIME VICTIMS;  
JUDGES.<sup>[4]</sup> ”

### Ballot summary

The ballot summary is as follows:<sup>[1]</sup>

“ 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.<sup>[4]</sup> ”

### Constitutional changes

See also: [Florida Constitution](#)

The measure would amend [Section 16 of Article I](#) and [Sections 8 and 21 of Article V](#) of the [Florida Constitution](#) and add a new section to [Article XII](#) of the state constitution.

# Campaign finance

See also: [Campaign finance requirements for Florida ballot measures](#)

The campaign finance information on this page is according to the [most recent scheduled reports](#), which covered through July 13, 2018. The [deadline](#) for the next scheduled reports is July 27, 2018.

Total campaign contributions:	
Support:	\$18,675,025.00
Opposition:	\$0.00

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Ballotpedia had not identified any committees registered to oppose the measure. If you are aware of any opponents, please send an e-mail to [editor@ballotpedia.org](mailto:editor@ballotpedia.org).<sup>[3]</sup>

## Support

The [top donor](#) in support of the initiative, Henry Nicholas, provided 100 percent of the total contributions to the support campaign.<sup>[3]</sup>

Committees in support of Amendment 6			
Supporting committees	Cash contributions	In-kind services	Cash expenditures
Marsy's Law for Florida	\$18,675,025.00	\$0.00	\$18,058,642.82
<b>Total</b>	<b>\$18,675,025.00</b>	<b>\$0.00</b>	<b>\$18,058,642.82</b>
<b>Totals in support</b>			
<b>Total raised:</b>	<b>\$18,675,025.00</b>		
<b>Total spent:</b>	<b>\$18,058,642.82</b>		

## Top donors

The largest donors to the support committee were as follows:<sup>[3]</sup>

<a href="#">Marsy's Law for All Foundation</a>	\$18,350,000.00	\$0.00	\$18,350,000.00
<a href="#">Henry Nicholas</a>	\$325,000.00	\$0.00	\$325,025.00

# Opposition

Ballotpedia had not identified committees, organizations, or individuals opposing the ballot initiative. If you are aware of any opponents, please send an e-mail to [editor@ballotpedia.org](mailto:editor@ballotpedia.org).

## Methodology

Ballotpedia calculates campaign finance based on the political committees registered to support or oppose a measure and independent expenditures, when relevant and available. When a committee is registered to support or oppose multiple measures it is impossible to distinguish between funds used for one measure and funds used for the other.

In calculating campaign finance for supporting and opposing committees, Ballotpedia does not count donations or expenditures from one [ballot measure committee](#) to another since that would amount to counting the same money twice. This method is used to give the most accurate information concerning how much funding was actually provided to and spent by the opposing and supporting campaigns.

Ballotpedia subtracts out committee-to-committee contributions—both cash donations and in-kind contributions. Because of this, it is possible for certain committees to have negative contributions. Negative contributions mean that a committee has provided more contributions to other committees than it has received. If expenditures exceed contributions, it means the committee has accrued unpaid bills, has unpaid or unforgiven loans, or has contributed a certain amount of in-kind services to another committee.

Ballotpedia provides information about all reported in-kind donations. In-kind contributions are also counted toward total expenditures since, with in-kind gifts, the contribution and services or goods are provided simultaneously. Ballotpedia does this to provide the most accurate information about the cash-on-hand of supporting and opposing campaigns.

## Background

### Marsy's Law

See also: [Marsy's Law crime victim rights](#)

The type of crime victim legislation addressed by this measure is often referred to as a [Marsy's Law](#). [Henry Nicholas](#), the co-founder of Broadcom Corp., started campaigning for this kind of legislation to increase the rights and privileges of victims. He was the primary sponsor of the original 2008 Marsy's Law in California and formed his national organization, Marsy's Law for All, in 2009. Marsy's Law for All—funded by Nicholas—was behind similar 2016 initiatives in [Montana](#), [South Dakota](#), and [North Dakota](#) and a [2017 initiative in Ohio](#)—which all passed. Nicholas was also behind legislative proposals in [Georgia](#), [Hawaii](#), [Idaho](#), [Nevada](#), and other states. The legislation is named after Henry Nicholas' sister Marsy Nicholas, who was murdered by her ex-boyfriend in 1983. Henry and his mother were also confronted by Marsy's ex-boyfriend after his release from prison; they were unaware of his release from prison on bail.<sup>[5][6]</sup> [Marsy's Law for All](#) is the national organization that advocates for Marsy's Law.

Ballotpedia identified \$29.7 million in total contributions to the support campaigns for the six Marsy's Law ballot measures. The majority of all contributions—91 percent, or \$27 million—came from Henry Nicholas.