

**APPENDIX: POSITIONS OF CURRENT JUSTICES ON KEY DECISIONS OVER PAST 6 YEARS**

“A”: **Activist** – voted for expanding or making law;  
 “C”: **Conservative** – exercised judicial restraint

	Anstead	Bell	Cantero	Lewis*	Pariente*	Quince*	Wells
<b>Armstrong v. Harris (2000)<sup>1</sup></b>	A	n/a**	n/a	C	A	C	C
<b>Delgado v. State (2000)<sup>2</sup></b>	A	n/a	n/a	C	A	C	C
<b>D’Amario v. Ford Motor Co. (2001)<sup>3</sup></b>	A	n/a	n/a	A	A	A	C
<b>Owens v. Publix Supermarkets, Inc. (2001)<sup>4</sup></b>	A	n/a	n/a	C	A	A	C
<b>Scott v. State (2002)<sup>5</sup></b>	A	n/a	n/a	A	A	A	C
<b>Clay Electric Cooperative, Inc. v. Johnson (2003)<sup>6</sup></b>	A	n/a	C	A	A	A	C
<b>Breaux v. City of Miami Beach (2005)<sup>7</sup></b>	A	C	C	A	A	A	C
<b>Aguilera v. Inservices, Inc. (2005)<sup>8</sup></b>	A	C	C	A	A	A	C
<b>Bush v. Holmes (2006)<sup>9</sup></b>	A	C	C	A	A	A	A

\* Facing retention election in 2006.

\*\* n/a indicates the justice was not on the court, or did not participate in the opinion.

1. Declared unconstitutional a constitutional amendment unanimously proposed by the Florida Legislature and passed by 72.8% of the Florida electorate.
2. Added language to the burglary statute, resulting in the setting aside of two murder convictions, and making it more difficult to prosecute felons.
3. Determined that the intoxication of drivers causing automobile accidents cannot be considered in determining fault in crashworthiness cases.
4. Shifted the burden of proof in premises slip and fall cases from the plaintiff to the defendant.
5. Added a new element to a crime making it more difficult to prosecute and convict people of possession of drugs and drug paraphernalia.
6. Disregarded the terms of a private contract as well as Florida precedent, and recognize liability where there had been none before. In so doing, they risk increased utility costs for every Florida citizen.
7. Found that municipalities and other governmental units can be held liable for drowning (and other injuries) resulting from natural occurrences (e.g., riptides) even though they did not intend to operate a swimming area in the location.
8. Found that the workers’ compensation is no longer the exclusive remedy for allegations arising directly out of the claims handling process.
9. Created a new constitutional mandate, thus holding unconstitutional the Opportunity Scholarship Program which allowed students in chronically failing public schools an opportunity to either attend a better performing public school, or receive a voucher to attend a private school.