

Florida Constitutional Law
Spring 2023
LAW 6930, Section 30530
3 Credit Hours
Tuesday & Thursday: 1:45 PM – 3:10 PM
Holland Hall, Room 360

Course Syllabus

Professor Jon Mills
Office: 320 Holland Hall
Phone: 352-273-0835
E-mail: mills@law.ufl.edu

Professor Mary Adkins
Office: 318 Holland Hall
Phone: 352-273-0880
E-mail: adkinsm@law.ufl.edu

Professor Timothy McLendon
Office: 320 Holland Hall
Phone: 352-273-0835
E-mail: mclendon@law.ufl.edu

<u>First Day of Class on January 17, 2023</u> <i>Introduction and Michigan v. Long, xxxvii- lv</i>

Course Syllabus

Will be posted online on CANVAS

Student Office Hours

Tuesdays, 3-5 pm

About this Course

Traditionally, the fundamental characteristic of state constitutions is that they are limiting documents as compared with the Federal Constitution, which is a grant of enumerated powers to Congress. The states are the fundamental and original governing units in our federal system, and therefore, are understood to have plenary power, except where this power has been limited by federal law or the state constitution. The Florida Constitution is the basic rule book for the power struggles represented by the cases contained in this book. Florida courts interpret this rule book to delineate power between branches of government, between private parties and government and between levels of government (*e.g.*, state and local).

Generally, state constitutions are more detailed and particular than is the Federal Constitution, and they are easier to amend. This is certainly true of Florida's Constitution, and recent years have seen a plethora of highly regulatory amendments that do not really fit the traditional constitutional characteristics described above. Many of these have been adopted by popular initiative. As the introductory materials chronicle, the Florida Constitution is the sixth constitution since 1838, and the current constitution has been amended numerous times since its adoption in 1968.

Florida Constitutional Law is a survey course. As such, this course is designed to give students an overview of the various provisions of the state constitution, an understanding of how Florida courts have interpreted and applied the state constitution, and an introduction into the workings of state and local governments. The course will follow the order of the document itself, addressing: 1) the basic rights provided by the Florida Constitution; 2) Separation of Powers, as understood in Florida jurisprudence; 3) the operation of the branches of government (legislative, executive and judicial); taxing and bonding issues; 5) local government; 6) education; 7) miscellaneous issues such as homestead and eminent domain; and 8) the amendment and revision process.

Course Materials

Mills, Adkins & McLendon, *Florida Constitutional Law: Cases in Context* (Carolina Academic Press)

Unless otherwise indicated, the reading assignments refer to the required casebook. Every student is expected to have completed the assigned readings **prior** to class. Assignment pages refer to the casebook. Otherwise, as indicated in syllabus,

readings are posted on Canvas.

Students also are expected to read additional materials as indicated and as posted on the Canvaspage, usually in either pdf or html format. Adobe Reader 6.0 or higher should be used to view pdfs, otherwise you may experience some difficulties.

Course Objectives and Student Learning Outcomes

After completing this course, students should be expected to:

1. Understand and apply the role of state constitution in comparison with the UnitedStates constitution.
2. Understand and apply the elements of the Bill of Rights in Florida and how theyinteract with Federal Law.
3. Understand and analyze the relative authority and relationship of the Legislative,Executive, and Judicial branches.
4. Understand and interpret the jurisdiction of Florida laws.
5. Understand and interpret the tax and funding structure in Florida.
6. Understand and analyze the role and authority of local government.

After completing this course, students will have been:

1. Exposed to Florida Supreme Court Justices.
2. Exposed to seeing constitutional issues argued in the Florida Supreme Court.

Expectations:

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparingfor in- class assignments. You will be devoting time to your readings for each class; please be prepared for about 80 pages of reading each week.

Attendance and Participation

Attendance will be taken at each class meeting. Students are allowed 6 absences during the course of the semester. Students are responsible for ensuring that they are not recorded as absentif they come in late. A student who fails to meet the attendance requirement will be dropped from the course and will not be allowed to take the final examination.

Student participation in class is encouraged and will be considered in assigning a final grade. The degree of student participation will doubtless affect the quality and

interest of class discussions. Students are expected to be prepared for each class.

Excused absences are consistent with university policies in the undergraduate catalog (<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>) and require appropriate documentation.

Courtesy

Please turn off your cell phone during class. I also request that you notify me if you know you must leave class early. Please do not play computer games or surf the Internet during class.

Final Examination

The final examination will be a **4-hour take home, open book and open notes essay** exam and will be distributed **online on CANVAS** on the designated exam schedule. The exam will consist of 5 or 6 hypotheticals with limited space for answers. The instructions of the examination will be announced later in the semester. Please see UF Law's policy on exam delays and accommodations [here](#).

Grades

Your grade for this course will depend on how well you perform on your final exam. Examinations will be graded anonymously; however, as mentioned above, **participation will be factored into a student's final grade as well.**

Your grade in this class will be based on your performance on an open book final exam. This grade may be adjusted upward based on exceptional classroom performance. Initial grades on the final exam are always done anonymously, and we never **lower** anyone's grade after we turn the blind grades in. Quality of participation counts. If we call on you to contribute to classroom discussion, and you decline, we will come back to you the following day and call on you again to participate.

Evaluation of Grades:

Assignment	Percent of Grade
Participation	10%
Final Exam	90%
Total	100%

Grading Policy:

Score	Percent	Grade	Grade Points
934-1000	93.4-100	A	4.00
900-933	90.0-93.3	A-	3.67
867-899	86.7-89.9	B+	3.33
834-866	83.4-86.6	B-	3.00
800-833	80.0-83.3	B-	2.67
767-799	76.7-79.9	C+	2.33
734-766	73.4-76.6	C	2.00
700-733	70.0-73.3	C-	1.67
667-699	66.7-69.9	D+	1.33
634-666	63.4-66.6	D	1.00
600-633	60.0-63.3	D-	0.67
0-599	0-59.9	E	0.00

For more details, see this information at:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>.

Course Evaluations

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Requesting Accommodations

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Internet Policy and Related Issues

The internet, and more generally your laptop, is a great learning tool and

invaluable asset to effective advocates. It should be used during class time as you will use it in practice: responsibly and ethically, consistent with the high professional standards that will be expected of you by your clients and by those who will employ you. This is important not only to you, but also to all the students around you who are affected by how you use your computer. It can be distracting to your classmates if you use your computer for activities unrelated to class. When you are talking, you should lower your laptop to facilitate communication.

Cell phones, tablets, and other electronic equipment should be turned off and not used during class. If you need to leave your phone on vibrate to receive an emergency call, please feel free to do so.

Recording in Class

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited.

Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student

who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.”

University Honesty Policy and Academic Misconduct

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code (<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor or TAs in this class.

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Counseling and Wellness Center

Counseling and Wellness Center: <https://counseling.ufl.edu/>

Connect & Contact: 352.392.1575

For Emergencies: University Police Department 352.392.1111 or 9-1-1

Class Number	Date	Assignment / Reading	Overton Lectures
1	Tuesday, January 17	Introduction and Michigan v. Long xxxvii- lv ARTICLE I- INTRODUCTION	
2	Thursday, January 19	DECLARATION OF RIGHTS -ARTICLE I TW, Eitel, Schiavo, Bar Exam, Pages 3- 29	
3	Tuesday, January 24	Kurtz, Post-Newsweek, Rollings Pages 29-45	Justice George Labarga
4	Thursday, January 26	Krisher, SEARCHES AND SEIZURES Bernie, Wells Pages 45-69	
5	Tuesday, January 31	Hume, Elder and REVIEW Pages 69-79	
6	Thursday, February 2	RIGHT TO ASSEMBLE, WORK AND RIGHT TO BEAR ARMS Cate, Hillsborough, UTD, Norman Pages 80-112	
7	Tuesday, February 7	PROHIBITED LAWS Shenfield, Pomponio Pages 112-134	
8	Thursday, February 9	ACCESS TO COURTS Kluger, Laskey Diamond, Damiano, Chevy Van Pages 134-151	
9	Tuesday, February 14	LaRosa, RELIGIOUS LIBERTY Bush v. Holmes Pages 151-164	
10	Thursday, February 16	EXCESSIVE PUNISHMENTS Jones v. State, Valle, Pages 179-196	
11	Tuesday, February 21	PUBLIC RECORDS Earnhardt, Sarasota Herald Pages 196-215	

12	Thursday, February 23	SEPARATION OF POWERS Askew, Cross Keys, Chiles, Pages 217-245	
13	Tuesday, February 28	Improper delegation and encroachment by one branch on another EY, Carnegie, Crist, Jones v. Chiles, Schiavo Pages 245-270	
14	Thursday, March 2	ARTICLE III – LEGISLATURE Santos, Loxahatchee, Florida Defenders, Moffit, Expedia, Florida League of Women Voters. Pages 271-309	
15	Tuesday, March 7	VETO Martinez v. Legislature Pages 309-313 Ophthalmology Pages 332-339 LOCAL GOVERNMENT – Special Laws Deseret Ranch, Cesary Pages 339-347	
16	Thursday March 9	APPORTIONMENT SKIM –In re Joint Resolution Pages 348-405 Detzner Pages 405-426	Justice Barbara Pariente (tentative)
SPRING BREAK	MARCH 13-17	NO ASSIGNED READINGS	
17	Tuesday, March 21	ARTICLE IV– EXECUTIVE Kirk, Women’s Emergency Network, Scott, Ayala Pages 427-441 Florida House of Rep v. Christ Whiley v. Scott Pages 442-463 In re Advisory Opinion to Governor Pages 464-466	

18	Thursday, March 23	Suspensions Israel, Bruner, Pizzi Pages 467-477 Attorney General Pages 477-482	
19	Tuesday, March 28	ARTICLE V– JUDICIARY	
		Laborers’, State v. Johnson, In re Clarification of FRPP, Treadwell, Payret Pages 483-498 Jurisdiction DMT v. TMH, Raising Florida’s Minimum Wage, Jenkins, Dodi, Jollie, Harrison, State v. Vickery Pages 499-530	
20	Thursday, March 30	Writ Jurisdiction Crist, Dezner, Special Apportionment Pages 531-541 District Courts of Appeal Creighton, Amendments to FRAP, State v. MK Pages 541-557	
21	Tuesday, April 4	Binding Authority Pardo, Pleus, Thompson Pages 558-570	
22	Thursday, April 6	ARTICLE VII–FINANCE St. Johns River Water Mgmt., Reedy Creek, Alachua County v. Adams, Garcia, Zingale, Sebring Airport Authority, Town of Palm Beach Pages 621-678 SKIM– Contractors of Pinellas County, City of Port Orange, Collier County, Morris Pages 678-704	

23	Tuesday, April 11	SKIM-Sale Leaseback School Board of Sarasota County, City of Largo, Strand, County of Volusia, City of Palatka Pages 705-732 Tax Rates and Assessments Straughn, Southern Bell, Northern Palm Beach County Water Control District Pages 733-771	Justice James Perry
24	Thursday, April 13	ARTICLE VIII–LOCAL GOVT	

		Volusia County, Sarasota County, Broward County, City of Coconut Creek, City of St. Petersburg, Alsdorf, City of Miami Beach, City of Ocala, City of Long Beach, Capella Pages 772-822	Josh Kohler, City Attorney, City of Boca Raton, Florida
25	Tuesday, April 18	Preemption City of Palm Bay, Barragan, City of Hollywood Pages 823-838 Consolidation Albury, Town of Baldwin, Metropolitan Dade County, BCC of Dade County, Brock, Demings Pages 839-862	McLendon

26	Thursday, April 20 (Last Day of Classes)	ARTICLE IX–EDUCATION St. Johns County, Coalition for Adequacy, Bush, Citizens for Strong Schools Pages 863-944 SKIM- Duval County School Board, School Board of Collier County, Graham Pages 944-966 ARTICLE XI – AMENDMENTS Fine, Standards for Establishing Legislative District Boundaries, Voting Restoration Amendment, Prohibits Possession of Defined Assault Weapons Pages 1063-1096 SKIM- Raising Florida’s Minimum Wage, Armstrong, Florida State Conference of NAACP Branches, Detzner v. League of Women Voters of Florida. Pages 1096-1134	Justice Charles Canady
27	*May 2 (Zoom)	REVIEW	
	May 4 at 8:30 AM	FINAL EXAM	