

SYLLABUS

Topics in Florida Constitutional Law

Spring 2023

LAW 6936, Section 29971 - 2 Credit Hours

Wednesdays: 1:15 PM – 3:15 PM

Holland Hall, Room 285A

Professor Mary Adkins

Office: 318 Holland Hall

Phone: 352-273-0880

E-mail: adkinsm@law.ufl.edu

First Day of Class on January 18, 2023

***Making Modern Florida*, pp. xxiii – 60**

(Timeline through Ch. 3)

Course Syllabus

Will be posted online on CANVAS

Office Hours

Tuesdays and Wednesdays, 11 a.m. – 12 p.m.

About this Course

This seminar differs from a survey course in that it does not attempt to cover all of the nuances of the Florida Constitution. It does, however, deal with at least one aspect of each substantive article of the Constitution, and usually includes historical underpinnings. Beyond that, you will find an issue or area of interest in the constitution about which to research and write a paper. As my colleague, Jon Mills, has written, “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 Week 1 readings chronicle, the current Florida Constitution is the sixth constitution since 1838, and the current constitution has been amended numerous times since its adoption in 1968.” I look forward to exploring our state constitution with you.

Course Materials

Adkins, *Making Modern Florida: How the Spirit of Reform Shaped a New State Constitution* (Gainesville: University Press of Florida 2016).

Dyckman, *A Most Disorderly Court: Scandal and Reform in the Florida Judiciary* (Gainesville: University Press of Florida 2008).

Other readings, mostly consisting of law-review articles and cases, are available online and are listed in the weekly readings below.

For every week in which we are discussing topics in a particular article of the constitution, the required reading includes that article in the Florida Constitution.

Every student is expected to have completed the assigned readings **before** class.

Course Objectives and Student Learning Outcomes

After completing this course, students should be expected to:

- Understand and apply the role of the state constitution in comparison with the United States constitution.
- Understand and apply the role of the state constitution in comparison with state statutes, judicial opinions, and local ordinances.
- Understand and analyze the relative authority and relationship of the Legislative, Executive, and Judicial branches.
- Understand and interpret the tax and funding structure in Florida.
- Understand and analyze the role and authority of local government.

Expectations:

It is anticipated that you will spend approximately 4 hours out of class (one for each credit hour) reading and preparing for class. You will be devoting time to your readings for each class; please be prepared for about 60 pages of reading each week.

Attendance and Participation

Attendance will be taken at each class meeting. Student participation in this seminar is expected; a seminar, much more so than a larger class, depends on every member preparing and participating each week. Although the quality of your final paper will carry most of the weight of your grade, I reserve the right to lower the final grade of any student who comes unprepared to class.

Courtesy

Please turn off or silence 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.

Grades

Your grade for this course will depend on the quality of your final paper. However, as stated above, **participation and preparation will be factored into a student's final grade as well.**

Evaluation of Grades:

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

Grading Policy:

Grade	Grade Points
A	4.00
A-	3.67
B+	3.33
B-	3.00
B-	2.67
C+	2.33
C	2.00
C-	1.67
D+	1.33
D	1.00
D-	0.67
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--more specifically 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.

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.

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 Schedule & Readings:

For each week that is associated with one or more articles of the constitution, read that article in its entirety (current version) as part of that week's reading.

Week/Date Subject Reading & More

1; Jan. 18	Origins	Adkins, <i>Making Modern Florida</i> , pp. xxiii – 60 (Timeline through Ch. 3).
2; Jan. 25	Art. I: Declaration of Rights	Gordon, "Leander Shaw's Mission: Developing a State Constitutional Philosophy of Individual Human Rights," 32 T. MARSHALL L. REV. 85 (2006).
3; Feb. 1	Art. III: Legislature	Lewis, "Fair Districts Florida: A Meaningful Redistricting Reform?," 5 U. MIAMI RACE & SOC. JUST. L. REV. 189 (2015).
4; Feb. 8	Art. IV: Executive	In addition to reading Art. IV of the current constitution, also read the executive article in each of the 5 earlier Florida constitutions, in addition to Mills, "The Battle of the Budget: The Legislature and the Governor Fight for Control," 18 NOVA L. REV. 1101 (1994).
5; Feb. 15	Art. V: Judiciary	Dyckman, <i>A Most Disorderly Court</i> (specific readings TBA); <i>Amendments to the Florida Rules of Appellate Procedure</i> , 696 So. 2d 1103 (Fla. 2006), Justice Anstead's special concurrence only; Blankenship, "\$30 Million Cut To The Clerks May Well Hamper The Courts," Florida Bar News Vol. 39, No. 7, April 1, 2012.
6; Feb. 22	Art. VI: Suffrage and Elections	Doherty, "A Quodlibet, A Mumpsimus, And The Rule Of Infield Flies: The Unfinished Business Of Term Limits In Florida," 18 NOVA L. REV. 921 (1994).
7; Mar. 1	Art. VII: Finance	<i>Escambia v. Strand</i> , 992 So. 2d 150 (Fla.

	and Taxation	2008), including Justice Lewis’s dissent; <i>Northern Palm Beach County Water Control District v. State</i> , 604 So. 2d 440 (Fla. 1992), including Justice Shaw’s dissent. Preliminary reports on seminar paper subject (8 students @ 5 minutes)
8; Mar. 8	Art. VIII: Local Government	Wolf, “Municipalities and the Florida Constitution,” 37 STETSON L. REV. 435 (2008); Watts, Note, “Florida Preemption of Local Environmental Ordinances,” 74 FLA. L. REV. 483 (2022). Preliminary reports on seminar paper subject (7 students @ 5 minutes)
Mar. 15	Spring Break	No class—no readings.
9; Mar. 22	Art. IX: Education	Woods & Thro, “Puffery or Law: Reflections of the Florida School Finance Decision,” 368 ED. LAW REP. 961 (2019); <i>Duval County School Board v. State Board of Education</i> , 998 So. 2d 641 (Fla. 1st DCA 2008); <i>School Board of Collier County v. Florida Department of Education</i> , 279 So. 3d 281 (Fla. 1st DCA 2019). Meet with prof this week about paper.
Mar. 25	DUE	10-page draft of final paper due in Canvas.
10; Mar. 29	Arts. II and X: General and Miscellaneous	Henderson, “The Greening of Fla’s Constitution,” 49 STET. L. REV. 575 (2020).
11; Apr. 5	Art. XI: Amendments	Adkins, “The Same River Twice: A Brief History of How the 1968 Florida Constitution Came to Be and What It Has Become,” 18 FLA. COASTAL L. REV. 5 (2016); Maloney, “Smoking Laws, High-Speed Trains, And Fishing Nets A State Constitution Does Not Make: Florida's Desperate Need For A Statutory Citizens Initiative,” 14 U. FLA. J.L. & PUB. POL’Y 93 (2002).
12; Apr. 12	Presentations	12-15-minute presentations by eight

		students. Sign up.
13; Apr. 19	Presentations	12-15-minute presentations by seven students. Sign up.
May 11	Final Paper	Due

