

Florida Constitutional Law

LAW6930, Section 22566

3 Credit Hours

Mondays: 1:30PM – 2:45 PM & Tuesdays: 1:00PM - 2:15PM in 355C HOL

(Except for the Overton Lecture in Room 180)

Spring 2019 Course Syllabus

Professor Jon Mills

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First Day of Class on January 7, 2019

FIRST DAY READING ASSIGNMENT

PART I: Introduction, pages 1 – 40

Course Syllabus

Will be posted online on CANVAS (Florida Constitutional Law-Spring 2019 (Jon Mills) or contact Christine Gillikin at CGR, 230 Bruton Geer Hall or gillikin@law.ufl.edu. **The print- out bound course-materials can also be purchased at www.bookit.com.bz under the "Law School" tab or by calling Book i! at [352-371-9588](tel:352-371-9588).**

Student Hours

Professor Mills prefers students to contact him prior to meeting during office hours. Please contact Christine Gillikin at gillikin@law.ufl.edu to set up your appointment.

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); 4) 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

The course materials consist of the “Florida Constitutional Law - Compilation of Cases & Articles,” in two volumes. Volume 2 contains a reproduction of the Florida Constitution, as amended in 2018. The course materials are available online on CANVAS, in the files section. The print-out bound course-materials from last year are identical and can be purchased at www.bookit.com.bz under the "Law School" tab or by calling Book iT! at 352-371-9588.

“Florida Constitutional Law - Compilation of Cases & Articles” is divided into chapters corresponding to the articles of the Constitution. Each chapter opens with a short introduction which serves as a road map for that Article. Some of the more complex sections within an Article are preceded by a brief introduction. Most cases are followed by questions to guide students in the analysis of the materials (but students should not discount the importance of cases which are not followed by questions). Each chapter ends with a short list of optional supplemental readings, which may help provide a better understanding of issues raised.

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 United States constitution.
2. Understand and apply the elements of the Bill of Rights in Florida and how they interact 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 preparing for 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 absent if 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/currnt/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.

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 my class will be based on your performance on an open book final exam. This grade may be adjusted upward based on exceptional classroom performance. My initial grades on the final exam are always done anonymously, and I never **lower** anyone's grade after I turn the blind grades in. Quality of participation counts. If I call on you to contribute to

classroom discussion, and you decline, I 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	0-599	E	0.00

For more details, see this information at:

<https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx>

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.

University Honesty Policy

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.

Counseling and Wellness Center

Contact information for the Counseling and Wellness Center: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.

<u>CLASS</u>	<u>DATE</u>	<u>TOPIC DISCUSSED</u>
1	January 7	Introduction, I-1-17
2	January 8	I-18-40
3	January 14	I-41-65
4	January 15	Guest Lecturer: Justice Jorge Labarga
5	January 21	HOLIDAY
6	January 22	I-66-89
7	January 28	I-90-115
8	January 29	I-116-147
9	February 4	Guest Lecturer: Justice Alan Lawson
10	February 5	I-148-180
11	February 11	Article I Review
12	February 12	II-1-29, III-1-5
13	February 18	III-6-41
14	February 19	III-42-123
15	February 25	IV, V-1-13
16	February 26	V-14-55, VI
17	March 4-8	SPRING BREAK
18	March 11	Guest Lecturer: Chief Justice Charles Canady
19	March 12	V-14-38
20	March 18	***
21	March 19	Review I-V, VI, Part II: VII-1-14
22	March 25	VII-15-56
23	March 26	VII-57-81
24	April 1	VII-82-109
25	April 2	VII-110-130, VIII-1-7
26	April 8	VII-8-35
27	April 9	IX-1-44
28	April 15	X-1-14
29	April 16	XI-1-40

30	April 22	General Review
31	April 23	***
32	April 25-26	READING DAYS
33	May 1	Final Exam

TABLE OF CONTENTS

PART I

Course Introduction

History of Florida Constitutions from Florida Statutes Annotated, Vol. 25.....	1
Passage on state constitutions, from JAMES BRYCE, THE AMERICAN COMMONWEALTH, ch. xxxvii (3 rd ed. 1893)	5
William J. Brennan, Jr., <i>State Constitutions and the Protection of Individual Rights</i> , 90 HARV. L. REV. 489 (1977).....	6
Federal-State dependence & interaction: <i>Michigan v. Long</i> , 463 U.S. 1032 (1983)	9

ARTICLE I

Introduction

ARTICLE I, SECTION 23 - Right to Privacy

<i>In re T.W., a Minor</i> , 551 So. 2d 1186 (Fla. 1989).....	I-2
2005 Florida Abortion Notice Statute 2005 Fla. Laws Ch. 2005-52 (H.B. 1659)	I-16
<i>In re Guardianship of Schiavo</i> , 2005 WL 600377 (Fla. App. 2 Dist., 2005)	I-18
<i>State v. Eitel</i> , 227 So. 2d 489 (Fla. 1969)	I-22
<i>Florida Bd. of Bar Examiners Re: Applicant</i> , 443 So. 2d 71 (Fla. 1984).....	I-24
<i>Stall v. State</i> , 570 So. 2d 257 (Fla. 1990)	I-29
<i>Post-Newsweek Stations, Florida, Inc. v. Doe</i> , 612 So. 2d 549 (Fla. 1993).....	I-36
<i>Florida v. Rolling</i> , 1994 WL 722891, 22 Media L. Rep. (BNA) 2264 (Fla. Cir. Ct. 1994).....	I-41
<i>City of North Miami v. Kurtz</i> , 653 So. 2d 1025 (Fla. 1995).....	I-47
<i>Krischer v. McIver</i> , 697 So. 2d 97 (Fla. 1997).....	I-50

ARTICLE I, SECTION 12 - Searches & Seizures

<i>Bernie v. State</i> , 524 So. 2d 988 (Fla. 1988)	I-57
<i>State v. Wells</i> , 539 So. 2d 464 (Fla. 1989), <i>aff'd</i> , 495 U.S. 1 (1990)	I-66
<i>State v. Hume</i> , 512 So. 2d 185 (Fla. 1987).....	I-73

ARTICLE I, SECTION 4 - Freedom of Speech & Press

<i>State v. Elder</i> , 382 So. 2d 687 (Fla. 1980).....	I-78
---	------

ARTICLE I, SECTION 10 - Prohibited Laws

Pomponio v. Claridge of Pompano Condominium,
378 So. 2d 774 (Fla. 1980).....I-83

ARTICLE I, SECTION 21 - Access to Courts

Kluger v. White, 281 So. 2d 1 (Fla. 1973)I-90
Lasky v. State Farm Ins. Co., 296 So. 2d 9 (Fla. 1974) I-98
Diamond v. Squibb & Sons, Inc., 397 So. 2d 671 (Fla. 1981)I-105
Damiano v. McDaniel, 689 So. 2d 1059 (Fla. 1997) I-107

ARTICLE I, SECTION 22 - Right to a Jury Trial

In re Forfeiture of 1978 Chevrolet Van, 493 So. 2d 433 (Fla. 1986) I-109
Broward County v. LaRosa, 505 So. 2d 422 (Fla. 1987).....I-113

ARTICLE I, SECTION 3 - Religious Freedom

Bush v. Holmes, 886 So. 2d 340 (1st DCA 2004) (en banc),
aff'd in part, 919 So. 2d 392 (Fla. 2006) I-116

ARTICLE I, SECTION 9 - Due Process

State v. Smith, 547 So. 2d 131 (Fla. 1989) I-129
Jones v. State, 701 So. 2d 76 (Fla. 1997), *cert. denied*,
523 U.S. 1014 (1998)I-133
Hurst v. Florida, 136 S.Ct. 616 (2016).....I-136
Evans v. State, 213 So. 3d 856 (2017).....I-142

ARTICLE I, SECTION 24 - Access to Public Records & Meetings

Campus Communications v. Earnhardt,
821 So. 2d 388 (5th DCA 2002), *rev. denied*, 848 So. 2d 1153 (Fla.),
cert. denied, 540 U.S. 1049 (2003)I-148
Sarasota Herald-Tribune v. State.
924 So. 2d 8 (2d DCA), *rev. denied*, 918 So. 2d 293 (Fla. 2005),
cert. denied, 546 U.S. 1135 (2006)I-157

ARTICLE I, SECTION 8 – Right to Bear Arms

Norman v. State, 215 So. 3d 18 (Fla. 2017)I-163
Supplemental Readings.....I-181

ARTICLE II

Introduction

ARTICLE II, SECTION 3 - Branches of Government

<i>Askew v. Game & Fresh Water Fish Comm'n</i> , 336 So. 2d 556 (Fla. 1976).....	II-2
<i>Askew v. Cross Key Waterways</i> , 372 So. 2d 913 (Fla. 1978).....	II-6
<i>Chiles v. Children</i> , 589 So. 2d 260 (Fla. 1991)	II-17
<i>Locke v. Hawkes</i> , 595 So. 2d 32 (Fla. 1992)	II-25
Supplemental Readings.....	II-29

ARTICLE III

Introduction

ARTICLE III, SECTION 6 - Laws (Single Subject Rule for General Legislation)

<i>Santos v. State</i> , 380 So. 2d 1284 (Fla. 1980).....	III-2
<i>Loxahatchee River Envtl. Control Dist. v. School Bd. of Palm Beach County</i> , 515 So. 2d 217 (Fla. 1987).....	III-4

ARTICLE III, SECTION 8 - Executive Approval & Veto

Introduction to Article III, Section 8	III-6
<i>Martinez v. Florida Legislature</i> , 542 So. 2d 358 (Fla. 1989)	III-7
<i>Florida House of Representatives v. Martinez</i> , 555 So. 2d 839 (Fla. 1990).....	III-10
<i>Thompson v. Graham</i> , 481 So. 2d 1212 (Fla. 1985).....	III-18
<i>Florida Soc'y of Ophthalmology v. Fla. Optometric Ass'n</i> , 489 So. 2d 1118 (Fla. 1980).....	III-25

ARTICLE III, SECTION 12 - Appropriation Bills (Single Subject)

<i>City of N. Miami v. Fla. Defenders of the Env't</i> , 481 So. 2d 1196 (Fla. 1985).....	III-26
--	--------

ARTICLE III, SECTION 10 - Special Laws

<i>St. Johns River Water Mgmt Dist. v. Deseret Ranches</i> , 421 So. 2d 1067 (Fla. 1982).....	III-27
--	--------

ARTICLE III, SECTION 11 - Prohibited Special Laws

<i>Cesary v. Second Nat'l Bank of N. Miami</i> , 369 So. 2d 917 (Fla. 1979).....	III-29
--	--------

ARTICLE III, SECTION 5 - Investigations & Witnesses

<i>FL. House of Representatives v. Expedia, Inc.</i> , 85 So3d 517 (Fla.App 1 Dist. 2012)..	III-33
---	--------

ARTICLE III, SECTION 4 - Quorum & Procedure

Moffitt v. Willis, 459 So. 2d 1018 (Fla. 1984)..... III-38

ARTICLE III, SECTION 16 - Apportionment

Introduction to Article III, Section 16 III-42

In re Senate Joint Resolution of Legislative Apportionment 1176,
83 So.3d 597 (Fla. 2012)..... III-44

League of Women Voters of Florida v. Florida House of Representatives,
132 So. 3d 135 (2013) III-78

League of Women Voters of Florida v. Detzner,
172 So. 3d 363 (2015)..... III-95

Supplemental Readings..... III-124

ARTICLE IV

Introduction

Supplemental Readings..... IV-2

ARTICLE V

Introduction

ARTICLE V, SECTION 1 - Courts

Laborers’ Int’l Union of N. America v. Burroughs,
541 So. 2d 1160 (Fla. 1989)..... V-2

ARTICLE V, SECTION 2 - Administration, Practice & Procedure

State v. Johnson, 306 So. 2d 102 (Fla. 1974)..... V-6

In re Clarification of Fla. R. Practice & Procedure, 281 So. 2d 204 (Fla. 1973) V-7

State ex rel. Treadwell v. Hall, 274 So. 2d 537 (Fla. 1973)..... V-11

Payret v. Adams, 306 So. 2d 102 (Fla. 1986) V-12

ARTICLE V, SECTION 3 - Supreme Court

Jenkins v. State, 385 So. 2d 1356 (Fla. 1980) V-14

Jerry’s, Inc. v. Marriot Corp., 401 So. 2d 1335 (Fla. 1981) V-23

Dodi Publ’g Co. v. Editorial America S.A., 385 So. 2d 1369 (Fla. 1980) V-24

Jollie v. State, 405 So. 2d 418 (Fla. 1981) V-25

Florida House of Representatives v. Crist, 999 So. 2d 601 (Fla. 2008),
cert. denied sub nom. Seminole Tribe of Fla. v. Fla. House of Representatives.
555 U.S. 1212 (2009) V-31

ARTICLE V, SECTION 4 - District Courts of Appeal

State v. Creighton, 469 So. 2d 735 (Fla. 1985)..... V-39

Amendments to Fla. Rules of App. Procedure,
696 So. 2d 1103 (Fla. 1996)..... V-45
State v. M.K., 786 So. 2d 24 (Fla. 1st DCA 2001)..... V-52
Supplemental Readings..... V-54

ARTICLE VI

Introduction
Supplemental Readings..... VI-2

PART II

ARTICLE VII

Introduction

Joseph Little, The Historical Development of Constitutional Restraints on the Power of Florida Governmental Bodies to Borrow Money,
20 STET. L. REV. 647 (1991)..... VII-3

ARTICLE VII, Section 1 - Taxation; Appropriations; State Expenses

City of Tampa v. Birdsong Motors, Inc., 261 So. 2d 1 (Fla. 1972).....VII-15
City of Boca Raton v. State, 595 So. 2d 25 (Fla. 1992).....VII-24
Home Builders v. Bd. of Palm Beach County Comm’rs,
446 So. 2d 140 (Fla. 4th DCA), reh’g denied, 451 So. 2d 848,
appeal denied, 469 U.S. 976 (1984).....VII-31

ARTICLE VII, Section 3 - Taxes; Exemptions

Hillsborough County Aviation Auth.v. R.R.Walden,
210 So. 2d 193 (Fla. 1968) VII-36
Sebring AirportAuth.v. McIntyre, 783 So. 2d 238 (Fla. 2001)VII-40
Daniel v. Murrel, 445 So. 2d 587 (2d DCA), rev. denied,
453 So. 2d 43 (Fla. 1984) VII-52
Florida Statutes §§ 196.1995 (2010)..... VII-54
Mastroianni v. Memorial Med. Ctr. of Jacksonville,
606 So. 2d 759 (Fla. 1st DCA 1992) VII-57

ARTICLE VII, SECTION 4 - Taxation; Assessments

Southern Bell Telephone & Tel. Co. v. County of Dade,
275 So. 2d 4 (Fla. 1973) VII-62

ARTICLE VII, SECTION 9 - Local Taxes

Dickinson v. City of Tallahassee, 325 So. 2d 1 (Fla. 1975) VII-68

ARTICLE VII, SECTION 11 - State Bonds; Revenue Bonds

State v. ReedyCreek Improvement Dist.,
216 So. 2d 202 (Fla. 1968) VII-72

State v. Osceola County Indus. Dev. Auth.,
424 So. 2d 739 (Fla. 1982) VII-76

State v. City of Panama City Beach, 529 So. 2d 250 (Fla. 1988) VII-82

State v. City of Orlando, 576 So. 2d 1315 (Fla. 1991) VII-89

ARTICLE VII, SECTION 12 - Local Bonds

Northern Palm Beach County WaterControl Dist. v. State,
604 So. 2d 440 (Fla.1992)VII-93

County of Volusia v. State, 417 So. 2d 968 (Fla. 1982)..... VII-100

City of Palatka v. State, 440 So. 2d 1271 (Fla. 1983) VII-107

Strand v. Escambia County, 992 So. 2d 150 (Fla. 2008). VII-110

State v. Brevard County, 539 So. 2d 461 (Fla .1989) VII-122

State v. School Bd. of Sarasota County, 561 So. 2d 549 (Fla. 1990) VII-125

Supplemental ReadingsVII-130

**ARTICLE
VIII**

Introduction

ARTICLE VIII, SECTION 1 - Counties

State ex rel. Volusia County v. Dickinson, 269 So. 2d 9 (Fla. 1972)..... VIII-2

Sarasota County v. Town of Longboat Key,
355 So. 2d 1197 (Fla. 1978) VIII-4

Broward County v. City of Ft. Lauderdale,
480 So. 2d 631 (Fla. 1985) VIII-8

City of St. Petersburg v. Briley, Wild & Assoc., Inc.,
239 So. 2d 817 (Fla. 1970) VIII-13

Alsdorfv. Broward County, 333 So. 2d 457 (Fla 1976)..... VIII-20

ARTICLE VIII, SECTION 2 - Municipalities

City of Miami Beach v. Forte Towers, Inc.,
305 So. 2d 764 (Fla. 1974) VIII-24

Lake Worth Utilities v. City of Lake Worth,
468 So. 2d 215 (Fla. 1985) VIII-33

Supplemental Readings VIII-31

ARTICLE IX

Introduction

ARTICLE IX, SECTION 1 - System of Public Education

St. John’sCounty v. Northeast Fla. Builders Ass’n, Inc.,
583 So. 2d 635 (Fla. 1991) IX-2

Coalition for Adequacy & Fairness in Sch. Funding, Inc. v. Chiles,
680 So. 2d 400 (Fla. 1996) IX-9

Holmes v. Bush, 919 So. 2d 392 (Fla. 2006) IX-16

Supplemental Readings..... IX-39

ARTICLE X

Introduction

ARTICLE X, SECTION 4 - Homestead Exemptions

In re Estate of McGinty, 258 So. 2d 450 (Fla. 1971)..... X-2

Public Health Trust of Dade County v. Lopez,
531 So. 2d 946 (Fla. 1988) X-4

In re Estate of Scholtz, 543 So. 2d 219 (Fla. 1989) X-10

Supplemental Readings..... X-14

ARTICLE XI

Introduction

ARTICLE XI, SECTION 3 - Initiative

Fine v. Firestone, 448 So. 2d 984 (Fla. 1984) XI-2

In re Advisory Opinion to the Atty. Gen'l - Re Standards for Establishing
Legislative District Boundaries, 2 So. 3d 175 (Fla. 2009) XI-16

In re Advisory Opinion to the Atty. Gen'l - Re Standards for Establishing
Legislative District Boundaries (FIS), 2 So. 3d 161 (Fla. 2009) XI-27

ARTICLE XI, SECTION 1 - Proposal by Legislature

Florida v. State Conference of NAACP, 43 So.3d 662 (Fla. 2010)..... XI-31

Supplemental Readings XI-40