**Florida Constitutional Law**

**LAW 6930**

**Section 30530 (In-Person)**

**3 Credit Hours**

**Monday & Tuesday: 1:15 PM – 2:40 PM**

**Spring 2022 Course Syllabus**

Professor Jon Mills

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**First Day of Class on January 18, 2022**

***Introduction and Michigan v. Long, xxxvii- lv (GUEST PRESENTER)***

## Course Syllabus

Will be posted online on CANVAS

## Student Office Hours

## Mondays, 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); 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

Florida Constitutional Law: Cases in Context, Mills, Adkins and McLendon (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 Canvas page, 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 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/currcnt/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. The law school policy on exam delays and accommodations can be found [here](http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form).

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://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies.](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](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/](http://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-](http://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

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| **Class Number** | **Date** | **Assignment / Reading** | **Guest Presenters****(Will be updated throughout semester)** |
| 1 | January 18  | Introduction and Michigan v. Long xxxvii- lv ARTCILE XI- INTRODUCTIONPages 1063-1065 | \*Prof. Mary Adkins |
| 2 | January 24 | DECLARATION OF RIGHTS -ARTICLE ITW, Eitel, Schiavo, Bar Exam, Pages 3- 29  |  |
| 3 | January 25 | Kurtz, Post-Newsweek, RollingsPages 29-45 |  |
| 4 | January 31 | Krisher, SEARCHES AND SEIZURESBernie, WellsPages 45-69 |  |
| 5 | February 1 | Hume, Elder and REVIEWPages 69-79 |  |
| 6 | February 7 | RIGHT TO ASSEMBLE, WORK AND RIGHT TO BEAR ARMSCate, Hillsborough, UTD, NormanPages 80-112 | \*Justice Labarga 84th Justice and 56th Chief Justice of the Florida Supreme Court  |
| 7 | February 8 | PROHIBITED LAWSShenfield, PomponioPages 112-134 |  |
| 8 | February 14 | ACCESS TO COURTSKluger, LaskeyDiamond, Damiano, Chevy VanPages 134-151 |  |
| 9 | February 15 | LaRosa, Bush v. HolmesPages 151-164 |  |
| 10 | February 21 | EXCESSIVE PUNISHMENTSJones v. State, Valle,Pages 179-196 |  |
| 11 | February 22 | PUBLIC RECORDSEarnhardt, Sarasota Herald Pages 196-215 |  |
| 12 | February 28 | SEPARATION OF POWERSAskew, Cross Keys, Chiles, Pages 217-245 |  |
| 13 | March 1 | Improper delegation and encroachment by one branch on anotherEY, Carnegie, Crist, Jones v. Chiles, SchiavoPages 245-270 |  |
| **SPRING BREAK**  | **MARCH 7-11** | **NO ASSIGNED READINGS** |  |
| 14 | March 14 | ARTICLE III – LEGISLATURESantos, Loxahatchee, Florida Defenders, Moffit, Expedia, Florida League of Women Voters. Pages 271-309 |  |
| 15 | March 15 | VETOMartinez v. LegislaturePages 309-313OphthalmologyPages 332-339LOCAL GOVERNMENT – Special LawsDeseret Ranch, CesaryPages 339-347 |  |
| 16 | March 21 | APPORTIONMENT**SKIM**–In re Joint Resolution Pages 348-405 Detzner Pages 405-426 |  |
| 17 | March 22 | ARTICLE IV– EXECUTIVEKirk, Women’s Emergency Network, Scott, AyalaPages 427-441Florida House of Rep v. Christ Whiley v. Scott Pages 442-463In re Advisory Opinion to Governor Pages 464-466 |  |
| 18 | March 28 | SuspensionsIsrael, Bruner, PizziPages 467-477Attorney GeneralPages 477-482 |  |
| 19 | March 29 | ARTICLE V– JUDICIARYLaborers’, State v. Johnson, In re Clarification of FRPP, Treadwell, PayretPages 483-498Jurisdiction DMT v. TMH, Raising Florida’s Minimum Wage, Jenkins, Dodi, Jollie, Harrison, State v. VickeryPages 499-530 |  |
| 20 | April 4  | Writ JurisdictionCrist, Dezner, Special Apportionment Pages 531-541District Courts of AppealCreighton, Amendments to FRAP, State v. MK Pages 541-557 |  |
| 21 | April 5  | Binding AuthorityPardo, Pleus, ThompsonPages 558-570 |  |
| 22 | April 11 | ARTCILE VII­–FINANCESt. 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 | April 12 | **SKIM**-Sale LeasebackSchool Board of Sarasota County, City of Largo, Strand, County of Volusia, City of PalatkaPages 705-732Tax Rates and AssessmentsStraughn, Southern Bell, Northern Palm Beach County Water Control DistrictPages 733-771 |  |
| 24 | April 18 | ARTICLE VIII–LOCAL GOVTVolusia 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, CapellaPages 772-822 |  |
| 25 | April 19 | PreemptionCity of Palm Bay, Barragan, City of HollywoodPages 823-838ConsolidationAlbury, Town of Baldwin, Metropolitan Dade County, BCC of Dade County, Brock, DemingsPages 839-862 |  |
| 26 | \*April 25 (Last Day of Classes) | ARTICLE IX–EDUCATIONSt. Johns County, Coalition for Adequacy, Bush, Citizens for Strong SchoolsPages 863-944**SKIM-** Duval County School Board, School Board of Collier County, Graham Pages 944-966ARTICLE XI –AMENDMENTSFine, Standards for Establishing Legislative District Boundaries, Voting Restoration Amendment, Prohibits Possession of Defined Assault WeaponsPages 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 |  |
| 28 | \*May 2 (Zoom) | REVIEW |  |
|  |  May 4 at 8:30 AM  | FINAL EXAM |  |