

# Florida Constitutional Law

Spring 2023 Syllabus

Professor Ann Marie Cavazos

[ann.cavazos@famuedu](mailto:ann.cavazos@famuedu) or

Cell: 850-879-0247

Teacher Assistant: Derick Gaiter

[derrick1.gaiter@famuedu](mailto:derrick1.gaiter@famuedu)

JANUARY	
WEEK #1	
	<p><b><u>CONSTITUTIONAL REFERENCES</u></b></p> <p>Fla. Const. art. I §§ 2, 3, 4, 5, 6, 9, 10, 11, 12, 14,15,16,18, 21, 22, 23, and 24</p>
<p><i>The materials used in this course is for educational purpose ONLY.</i></p>	<p><b>INTRODUCTION: HISTORY AND PERSPECTIVE</b></p> <ul style="list-style-type: none"><li>○ Florida’s Constitution: How We Got Here</li><li>○ The State Constitutions and the U.S. Constitution</li><li>○ <b><u>Michigan v. Long (463 U.S. 1032 (1983))</u></b></li></ul> <hr/> <p><b>LIMITATION ON INHERENT POWER</b></p> <ul style="list-style-type: none"><li>● Constitutional Language that looks like a grant of Power.</li><li>● Constitutional language as a Reaffirmation of Existing Inherent Power.</li><li>● Constitutional language as an Allocation of Inherent power.</li></ul> <hr/> <p><b>FORMAL AMENDING PROCESS: Art. XI (1-5)</b></p> <ul style="list-style-type: none"><li>● Proposal by legislature §1</li><li>● Revision Commission §2</li><li>● Initiative §3</li><li>● Constitutional convention §4</li><li>● Amendment or revision election §5</li></ul> <p><b>DECLARATION OF RIGHTS AND THE TAKING OF PROPERTY</b></p>

	<p><b>Equal Protection:</b></p> <ul style="list-style-type: none"> <li>○ <b>Art 1§ 2-</b> Expressly forbids discrimination based on NORR plus physical disability</li> <li>○</li> </ul> <p><b>Basic Rights</b></p> <ul style="list-style-type: none"> <li>○ <i>Schreiner v. McKenzie Tank Lines, Inc (563 So. 2d 64 (Fla. 1990),</i></li> <li>○ <i>State v. J.P (907 So. 2d 1101 (Fla. 2004)</i></li> <li>○ <i>Florida Department of Children and Families v. Adoption of X.X. G. (45 So. 3d 79 (Fla. 3d. Dist. App. 2010)</i></li> <li>○</li> </ul> <p><b>Florida Rational Basis Test</b></p> <ul style="list-style-type: none"> <li>○ <i>Rollins v. State (354 So. 2d 61 (Fla. 1978)</i></li> </ul>
<b>WEEK #2</b>	<b>Continuation of Article I</b>
	<p><b>FUNDAMENTAL RIGHTS UNIQUE TO FLORIDA</b></p> <p><b>Right to Work; Art 1 § 6</b></p> <ul style="list-style-type: none"> <li>• <i>Hillsborough County Governmental Employees Associations, Ins v. Hillsborough County Aviation Authority, 522 So. 2d 358 (Fla 1988)</i></li> <li>• <i>United Teachers of Dade v. School District of Miami-Dade County, 68 So. 3d 1003 (Fla. 3d DCA 2011)</i></li> </ul> <p><b>Right to Work; Art 1 § 6</b> <i>Hypos</i></p> <p><b>Prosecution for crime; offenses committed by children. Art 1§15</b></p> <ul style="list-style-type: none"> <li>• <i>Smith v. State, 316 So. 2d 552 (Fla. 1975)</i></li> </ul> <p><b>Administrative Penalties Art 1 §18</b></p> <ul style="list-style-type: none"> <li>• <i>Broward County v. LaRosa, 505 So. 2d 422 (Fla. 1987)</i></li> </ul> <p><b>Access to court Art 1§ 21</b></p>

	<ul style="list-style-type: none"> <li>• <i>Kluger v. White</i>, 281 So.2d 1 (Fla. 2010)</li> </ul> <p><b>Right to Privacy Art 1 § 23</b></p> <ul style="list-style-type: none"> <li>• <i>In re T.W., a Minor</i>, 551 So. 2d 1186 (Fla. 1989).</li> <li>• <i>In re Guardianship of Schiavo</i>, 916 S0. 2d 814 (Fla. 2d DCA 2005)</li> <li>• <i>Florida Board of Bar Examiners re: Applicant</i>, 443 So. 2d.71(Fla. 1983)</li> <li>• <i>City of North Miami v. Kurtz</i>, 653 So. 2d 1025 (Fla. 1995)</li> </ul>
	<p><b>§ 3-Religious Freedom</b></p> <p><b>§4-Freedom of Speech and press</b></p> <ul style="list-style-type: none"> <li>• <i>State v. Elder</i></li> </ul> <p><b>§ 5-Right to assemble</b></p> <p><b>§ 7-Military Power</b></p> <p><b>§ 8-Right to bear arms</b></p> <p><b>§ 9-Due Process</b></p> <ul style="list-style-type: none"> <li>• <i>State v. Smith</i>, 547 So. 2d 13 (Fla. 1989)</li> </ul>