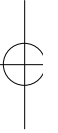


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Third Edition

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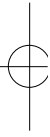

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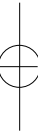
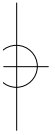
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To my beloved wife, Nancy,
amica usque ad aras.

Thomas C. Marks, Jr.

To my wife Denise for her gentleness,
support, kindness, humor —
and most importantly for not
leaving me when she should have.

John F. Cooper



Contents

Table of Cases	xix
Preface	xxvii
Preface to the Second Edition	xxviii
Preface to the Third Edition	xxix
Chapter 1 An Introduction to Studying The Florida Constitution	1
A. Introduction	1
1. The Social Contract	1
2. Governmental Power in the American System	2
3. The Modern View of the State's Inherent Power	4
B. The Concept of the State Constitution	4
1. The State Constitution as a Limitation on Inherent State Governmental Power	4
a. In general	4
Peters v. Meeks	4
b. Constitutional language that looks like a grant of power	6
(1) Constitutional language as a legitimate limitation on power	6
(2) Constitutional language as a reaffirmation of existing inherent power	7
(3) Constitutional language as an allocation of inherent power	9
c. State constitution as a limitation on all branches of state government.	10
2. Self-executing and Non-Self Executing Provisions	10
St. Johns Medical Plans, Inc. v. Gutman	10
3. The Formal Amending Process	14
a. In general	14
Advisory Opinion To the Attorney General	17
b. The ballot substance/summary problem	25
Armstrong v. Harris	25
CONSTITUTIONAL AMENDMENT ARTICLE 1, SECTION 17	32
c. The integration of the formal amendment with the then existing constitution	40
State v. Division of Bond Finance	40
Folks v. Marion County	41
d. Amendment by interpretation	43
4. Aids in Interpreting the Constitution	43
City of St. Petersburg v. Briley, Wild & Associates, Inc.	44
Burnsed v. SCL Railroad Company	48
State v. Town of Davie	50

Nichols v. State ex rel. Bolon	52
State v. City of St. Augustine	53
Greater Loretta Improvement Association v. State ex rel. Boone	55
Chapter 2 Separation of Powers	61
A. In General	61
B. Encroachment by One Branch of Government on the Powers of Another Branch	63
1. Encroachment on Power of Legislative Branch by the Judicial Branch	63
a. Judicial Modification of the Common Law	63
Shands Teaching Hospital and Clinics, Inc. v. Smith	65
Connor v. Southwest Florida Regional Medical Center, Inc.	68
b. The Temptation a Court May Face to Rewrite a Statute in Order to Avoid Holding it Unconstitutional.	73
Brown v. State	73
c. The Temptation a Court May Face to Rewrite a Statute in Order to Avoid Serious Problems That the Statute as Written May Cause.	76
Town of Loxley v. Rosinton Authority	76
Dade County C.T.A. v. Legislature	79
2. Encroachment on Power of Legislative Branch by Executive Branch	80
Blood Service Plan Insurance Company v. Williams	80
State v. Florida Police Benevolent Association	82
Chiles v. United Faculty of Florida	91
3. Encroachment on Power of Executive Branch by Judicial Branch	100
State ex rel. Dept. of H.R.S. v. Sepe	100
Florida Power & Light Company v. Glazier	102
4. Encroachment on Power of Executive Branch by Legislative Branch	103
Jones v. Chiles	103
5. Encroachment on Power of Judicial Branch by Executive Branch	107
In re Advisory Opinion to the Governor	107
6. Encroachment on Power of Judicial Branch by Legislative Branch	109
Rich v. Ryals	109
Note on Procedure and Substance	110
Jones v. Seminole County	113
C. Delegation of Power as a Separation of Powers Problem	114
1. Legislative Delegation of Legislative Power	114
Delta Truck Brokers, Inc. v. King	114
Astral Liquors v. Department of Business Regulation	115
2. Judicial Delegation of Judicial Power	117
M.A.R. v. State	118
Carnegie v. State	118
Chapter 3 The Legislature	121
A. In General	121
B. Constitutional Limitations	122
1. Subject Matter and Title Requirement	122
a. Single subject limitation	122
State v. Thompson	122

Salters v. State	129
Trapp v. State	134
Crawford v. State	138
Hill v. State	139
Santos v. State	139
State v. Combs	140
North Ridge General Hospital v. City of Oakland Park	141
2. Appropriation Bills	143
Department of Education v. Lewis	143
3. When Laws Take Effect	145
Opinion of the Attorney General	146
4. General Laws, Special Laws and General Laws of Local Application	148
a. General laws	150
St. Johns River Water Management District v. Deseret Ranches of Florida, Inc.	150
State, Department of Legal Affairs v. Sanford-Orlando Kennel Club	152
b. Special laws	156
Pinellas County Veterinary Medical Society, Inc. v. Chapman	156
c. General laws of local application	157
State v. Bessenger	157
d. Operation of the categories set out in article III, section 11	160
City of Cape Coral v. GAC Utilities, Inc., of Florida	160
State v. Roberts	163
e. Precedence between general and special laws	164
Town of Palm Beach v. Palm Beach Local, 1866, I.A.F.F	164
5. The Governor’s Veto Power	166
Florida Society of Ophthalmology v. Florida Optometric Association	167
Chiles v. Phelps	170
Chapter 4 Courts	175
A. In General	175
B. Constitutional Jurisdiction of Florida Courts	176
1. Supreme Court	176
a. Shall hear appeals from final judgments of trial courts imposing the death penalty and from decisions of district courts of appeal declaring invalid a state statute or a provision of the state constitution. (article V, section 3(b)(1))	176
b. When provided by general law, shall hear appeals from final judgments entered in proceedings for the validation of bonds or certificates of indebtedness and shall review action of statewide agencies relating to rates or service of utilities providing electric, gas, or telephone service. (Article V, Section 3(b)(2))	179
c. Discretionary review	180
(1) In General	180
(2) “May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution. . . .” (Article V, Section 3(b)(3))	182

(3) May review any decision of a district court of appeal that . . . expressly affects a class of constitutional or state officers. . . .” (Article V, Section 3(b)(3))	182
Florida State Board of Health v. Lewis	182
Sarasota Classified/Teachers Association v. Sarasota County School District	183
Spradley v. State	184
(4) “May review any decision of a district court of appeal . . . that expressly and directly conflicts with a decision of another district court of appeal or of the Supreme Court on the same question of law.” (Article V, Section 3(b)(4))	187
City of Jacksonville v. Florida First National Bank of Jacksonville	188
Niemann v. Niemann	189
Skinner v. State	190
Bailey v. Hough	191
Jenkins v. State	191
Dodi Publishing Company v. Editorial America, S.A.	194
Stevens v. Jefferson	194
Ford Motor Company v. Kikis	196
Jollie v. State	197
Harrison v. Hyster Company	200
Hamman v. Worling	201
Stupack v. Winter Park Leasing, Inc.	201
City of Miami v. Arostegui	202
Jenkins v. State	203
Order Aviation Services v. Dar	203
State v. O’Neal	204
(5) “May review any decision of a district court of appeal that passes on a question certified by it to be of great public importance. . . .” (article V, section 3(b)(4))	204
Rupp v. Jackson	204
Petrik v. New Hampshire Insurance Company	207
(6) “May review any decision of a district court of appeal, . . . that is certified by it to be in direct conflict with a decision of another district court of appeal.” (Article V, section 3(b)(4)).	208
Davis v. Mandau	209
Curry v. State	209
(7) “May review any order or judgment of a trial court certified by the district court of appeal in which an appeal is pending to be of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court.” (Article V, Section 3(b)(5))	210
Department of Insurance v. Teachers Insurance Company	211
(8) “May review a question of law certified by the Supreme Court of the United States or a United States Court of Appeals which is determinative of the cause and for which there is no	

controlling precedent of the Supreme Court of Florida.” (Article V, Section 3(b)(6))	215
d. Writs	215
(1) “May issue writs of prohibition to courts. . . .” (Article V, Section 3(b)(7))	216
Moffitt v. Willis	216
English v. McCrary	220
(2) “May issue . . . all writs necessary to the complete exercise of its jurisdiction.” (Article V, Section 3(b)(7))	224
Besoner v. Crawford	224
St. Paul Title Insurance Corporation v. Davis	225
(3) “May issue writs of mandamus and quo warranto to state officers and state agencies.” (Article V, Section 3(b)(8))	228
(4) “May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge. (Article V, Section 3(b)(9))	229
Florida Parole and Probation Commission v. Baker	229
2. District Courts of Appeal	231
a. In general	231
b. “District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgment or orders of trial courts including those entered on review of administrative action not directly appealable to the supreme court or a circuit court.” (Article V, Section 4(b)(1))	232
City of Deerfield Beach v. Vaillant	233
Seminole Board of County Commissioners v. Long	235
Educational Development Center, Inc. v. City of West Palm Beach Zoning Board of Appeals	237
Cherokee Crushed Stone v. City of Miramar	242
c. “[The district courts of appeal] may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.” (Article V, Section 4(b)(1))	246
d. “District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.” (Article V, Section 4(b)(2))	246
Sweetwater Utility Corp. v. Hillsborough County	247
Eckert v. Board of Commissioners of the North Broward Hospital District	248
State Commission on Ethics v. Sullivan	252
Ford Motor Company v. Ward	259
e. “A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court.” (Article V, Section 4(b)(3))	262
Futch v. State	262
f. “A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary	

to the complete exercise of its jurisdiction.” (Article V, Section 4(b)(3))	263
(1) In general	263
Cash v. Smith	263
(2) Common law certiorari.	264
Haines City Community Development v. Heggs	265
State v. Pettis	273
Metropolitan Dade County v. Blumenthal	283
G.B.V. Intern, Limited v. Broward County	287
Stilson v. Allstate Insurance Company	288
3. Circuit Courts and County Courts	290
G-W Development Corporation v. Village of No. Palm Beach Zoning Board of Adjustment	291
Board of County Com’rs. v. Casa Development, Ltd.	294
Board of County Commissioners of Brevard County v. Snyder	296
Section 28 Partnership, Ltd. v. Martin County	303
Board of County Commissioners of Sarasota County v. Kard	305
Martin County v. Yusem	308
Grace v. Town of Palm Beach	316
C. Other Limitations on the Exercise of Judicial Power	318
1. Case or Controversy and Separation of Powers	318
a. In General	318
Ervin v. City of North Miami Beach	319
b. Mootness	321
Southeastern Utilities Service Co. v. Redding	321
Montgomery v. H.R.S.	322
c. Ripeness	325
Bryant v. Gray	325
d. Taxpayer standing	329
North Broward Hospital District v. Fornes	329
School Board of Volusia County v. Clayton	333
Clayton v. School Board of Volusia County	335
e. Citizen standing	338
United States Steel Corporation v. Save Sand Key, Inc.	338
f. Associational Standing	341
g. Standing to Challenge Administrative Action	342
2. Political and Other Non-Justiciable Questions	343
Harden v. Garrett	343
3. The Avoidance, Where Possible, of the Exercise of Judicial Review	346
Stembridge v. Harwitz	346
4. Relationship Between Levels of State Courts	348
Pardo v. State	350
State v. Lopez	352
Mikolsky v. Unemployment Appeals Commission	354
5. En Banc Rehearings by the District Courts of Appeal	357
Chase Federal Savings and Loan Association v. Schreiber	357
6. The Effect of Lower Federal Court Decisions	361
Brown v. State	362
7. A Judge’s Duty to Follow the Law	363

Department of H.R.S. v. L.M.D.	363
Garcia v. Manning	364
Chapter 5 Local Government	367
A. In General	367
City of Miami v. Lewis	367
B. Counties	369
1. In General	369
2. Non-Charter Counties	369
Speer v. Olson	370
Misty's Cafe, Inc. v. Leon County	373
3. Charter Counties	375
a. In General	375
Hollywood, Inc. v. Broward County	375
McLeod v. Orange County	378
b. Duty to Fellow Charters	379
Miami Heat Ltd. Partnership v. Leahy	379
C. Municipal Corporations	381
1. In General	382
State ex rel. Lee v. City of Cape Coral	382
2. Municipal Home Rule Power	385
Opinion of the Attorney General	385
City of Venice v. Valente	390
City of Ocala v. Nye	392
Basic Energy Corporation v. Hamilton County	395
3. Creation and Merger of Municipal Corporations and Annexation	
by Municipal Corporations	397
Sullivan v. Volusia County Canvassing Board	397
City of Long Beach Resort v. Collins	398
a. Annexation under the provisions of general law	401
SCA Services of Florida v. City of Tallahassee	401
b. Annexation by special law	403
North Ridge General Hospital v. City of Oakland Park	403
D. Other Units of Local Government	404
Dunbar Electric Supply Inc. v The School Board of Dade County	405
Eldred v. North Broward Hospital District	405
E. State-Local Relationships	408
1. Preemption by the State	408
Hillsborough County v. Florida Restaurant Association	408
Abreau v. Cobb	413
2. Non-Preemption Type Conflict between State and Local Government	415
City of Temple Terrace v. Hillsborough Ass'n., Etc.	415
F. Local-Local Relationships	422
1. Consolidation	422
Albury v. City of Jacksonville Beach	422
Town of Baldwin v. City of Jacksonville	425
Opinion of the Attorney General	427
Opinion of the Attorney General	428

2. The Tension Between Article VIII, Section 4, Transfer of Powers and the Preemption Power of Charter Counties	429
City of New Smyrna Beach v. Volusia County	429
Chapter 6 Taxation and Finance	435
A. Taxation	435
1. What is a Tax?	435
a. Impact Fees	435
Contractors and Builders Association v. City of Dunedin	435
b. Special Assessments	440
Lake County v. Water Oak Management Corporation	440
Sokol v. Mimmins Recycling Corporation	446
2. Constitutional Limitations— Who is Allowed to Tax?	449
City of Tampa v. Birdsong Motors, Inc.	450
Alachua County v. Adams	453
Gallant v. Stephens	459
State v. City of Daytona Beach	463
3. Constitutional Limitations On How Those Taxing May Tax	465
a. Ad Valorem Taxation	465
1. Rate	465
Hayes v. Walker	466
2. Assessments of Value for Purposes of Ad Valorem Taxation	469
Miami Atlantic Development Corporation v. Blake	471
Schantz v. TM Florida-Ohio Realty Partnership Ltd.	472
Havill v. Lake Port Properties	474
Appleby v. Nolte	479
Oyster Pointe Resort Condominium Association v. Volte	481
Straughn v. GAC Properties, Inc.	486
Straughn v. K and K Land Management, Inc.	487
4. Constitutional Limitations — Exemptions and Who Cannot Be Taxed or Taxed Beyond a Certain Point	490
a. Ad Valorem Tax Exemption	490
Canaveral Port Authority v. Department of Revenue	491
City of Sarasota v. Mikos	500
Colding v. Herzog	503
Walden v. Berkeley Preparatory School, Inc.	505
Underhill v. Edwards	506
Markham v. Evangelical Covenant Church	510
Metro Dade Co. v. Bros. of Good Shepherd	511
b. Restrictions on Estate, Inheritance, and Income Taxes	512
Department of Revenue v. Golder	513
Department of Revenue v. Leadership Housing, Inc.	515
c. Homestead Exemption from ad valorem tax	517
1. The Nature of the Exemption	518
Robbins v. Welbaum	518
Horne v. Markham	519
2. The Monetary Value of Exemption	522
Osterndorf v. Turner	522

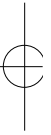
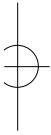
Smith v. Welton	531
d. Limitation on which property can be taxed to provide services in unincorporated areas.	534
Alsdorf v. Broward County	534
ALSDORF v. BROWARD COUNTY	538
B. Finance	542
1. Limitations on State and Local Aid to the Private Sector	542
Nohrr v. Brevard County Educational Facilities Authority	544
State v. Jacksonville Port Authority	547
Orange County Industrial Development Authority v. State	550
Linscott v. Orange County Industrial Development Authority	552
Northern Palm Beach County Water Control District v. State	554
2. Controls on the Pledging of the Credit of the State	563
State v. Division of Bond Finance	564
Division of Bond Finance v. Smathers	565
3. Local Bonds	566
County of Volusia v. State	567
Murphy v. City of Port St. Lucie	571
Wilson v. Palm Beach County Housing Authority	574
4. Arbitrage Bonds	575
State v. City of Panama City Beach	575
State v. City of Orlando	583
 Chapter 7 The Declaration of Rights	 587
A. Introduction	587
Traylor v. State	588
Michigan v. Long	591
B. Basic Rights	594
Shriners Hospital for Crippled Children v. Zrillic	595
Schreiner v. McKenzie Tank Lines, Inc.	600
Rollins v. State	603
Shriners Hospital for Crippled Children v. Zrillic	606
McElrath v. Burley	609
C. Right to Assemble	611
D. The Right to Work and the Right to Bargain Collectively	611
Hillsborough County Governmental Employees Association v. Hillsborough County Aviation Authority	612
E. Prohibited Laws	617
Pomponio v. The Claridge of Pompano Condominium, Inc.	618
Dugger v. Williams	626
F. Substantive Due Process	629
1. In General	629
L. Maxcy, Inc. v. Mayo	630
State v. Saiez	634
Lite v. State	637
Department of Insurance v. Dade County Consumer Advocate	638
2. A Higher Level of Scrutiny	640
3. Due Process and Conclusive Presumptions	640

Hall v. Recchi America, Inc.	640
4. Distinguishing Substance from Procedural Due Process	643
G. Imprisonment for Debt	645
Faircloth v. Faircloth	645
H. Search and Seizure	648
State v. Hume	649
I. Administrative Penalties	654
Broward County v. La Rosa	654
J. Access to Courts	658
Kluger v. White	659
Owens-Corning Fiberglass v. Corcoran	662
Don's Sod Co., Inc. v. Department of Revenue	666
Kennedy v. Guarantee Management Services, Inc.	670
K. Privacy	671
1. In General	671
Winfield v. Division of Pari-Mutuel Wagering	671
2. The Existence of A Reasonable Expectation of Privacy	674
Department of Health and Rehabilitative Services v. Cox	675
Cox v. State Department of Health & Rehabilitative Servs.	677
City of North Miami v. Kurtz	680
3. Privacy and Public Trials	683
Barron v. Florida Freedom Newspapers	683
4. Privacy and Abortion	688
In Re T.W.	688
State v. Presidential Women's Center	696
5. Privacy and the Refusal of Medical Treatment	702
In Re Guardianship of Browning	702
Note	712
Singletary v. Costello	712
6. Privacy and Physician Assisted Suicide	719
Krischer v. McIver	719
7. Privacy and Statutory Rape	729
J.A.S. v. State	729
State v. A.R.S.	736
8. Privacy and Grandparent Visitation Statutes	739
Beagle v. Beagle	739
Von Eiff v. Azicri	744
Saul v. Brunetti	750
L. The Taking of Property	752
Department of Agriculture v. Mid-Florida Growers	753
Chapter 8 Homestead	759
A. Introduction	759
B. Establishment of a Homestead	760
1. Natural Person Requirement	760
2. Permanent Residence Requirement	760
3. The Owner Requirement	761
4. Size and Contiguity Requirements	761

CONTENTS

xvii

C. Duration of and Protection Afforded to a Homestead	762
1. Duration of Protection from Creditors	762
McGann v. Gerald E. Halker	762
Orange Brevard Plumbing & Heating Co. v. La Croix	763
2. Extent of Protection from Creditors	765
Butterworth v. Caggiano	765
D. Exceptions from Homestead Exemption	769
E. Inured Homestead Exemptions— Who is an Heir?	769
Bartelt v. Bartelt	770
Public Health Trust of Dade County v. Jorge Lopez	772
Snyder v. Davis	775
F. Restrictions on Intervivos Transfers of Homestead Property	784
Pitts v. Pastore	784
Jameson v. Jameson	787
G. Restriction on the Devise of Homestead Property	791
1. Homestead Owner Is Survived by Spouse and Minor Children	792
2. Homestead Owner Is Survived by Spouse and No Minor Children	792
In re Estate of Finch	793
H. Jointly Held Property	794
Ostyn v. Olympic	795
I. Termination of Homestead	796
In re Estate of Scholtz	797
J. Homestead Summary	799
Appendix Florida Constitution	801
Index	899



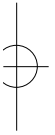


Table of Cases

Principal cases are in bold.

- A Community Health, Inc. v. Department of Health and Rehabilitative Services, 229
- Abreau v. Cobb, 381,413**
- Adams v. Gunter, 17
- Advisory Opinion to the Attorney General, 17,20-22,25,172**
- Advisory Opinion to the Governor—1996 Amendments (Everglades), 12
- Aetna Ins. Co. v. LaGasse, 761
- Agency for Health Care Administration of Mount Sinai Medical Center of Greater Miami, 228
- Alachua County v. Adams, 453**
- Albury v. City of Jacksonville Beach,422,425**
- Aldana v. Holis, 610
- Allen v. Butterworth, 228
- Allied Fidelity Insurance Company v. State, 110
- Alsdorf v. Broward County, 463,534,538**
- Alsdorf v. Broward County 4th DCA, 538**
- American Bankers Insurance Company v. Chiles, 59
- Amos v. Department of Health and Rehabilitative Services, 111
- Appleby v. Nolte,479**
- Ard v. Ard, 256, 349
- Armstrong v. City of Tampa, 178
- Armstrong v. Harris,25**
- Astral Liquors v. Department of Business Regulation,115**
- Avila South Condominium Association, Inc. v. Kappa Corporation, 111
- Bailey v. Hough,191**
- Bankston v. Brennan, 64
- Barron v. Florida Freedom Newspapers,683, 691, 727**
- Bartelt v. Bartelt, 770,779,781, 783,800**
- Basic Energy Corporation v. Hamilton County, 395**
- Beagle v. Beagle, 700,728,739,744,747, 751**
- Bemis v. State, 196
- Bernie v. State, 34, 653-654
- Besoner v. Crawford,224-225,264**
- Beta Eta House Corporation v. Gregory, 112
- Blood Service Plan Insurance Company v. Williams,80**
- Board of Clinical Laboratories v. Association of Blood Banks, 610
- Board of County Commissioners of Brevard County v. Snyder, 287, 306**
- Board of County Commissioners of Sarasota County v. Kard,305**
- Board of County Commissioners of the County v. Dexterhouse, 361
- Board of County Com'rs v. Casa Development,Ltd,294**
- Board of County Commissioners v. Casa Development, Ltd, 232
- Briley, Wild, 44, 46, 534-535, 538, 540-541
- Broward County v. La Rosa,654**
- Brown v. Lewis, 797
- Brown v. Saint City Church of God, 51
- Brown v. State,73,362**
- Bryant v. Gray, 325,328**
- Burke v. Washington, 101
- Burnsed v. SCL Railroad Company, 48**
- Butterworth v. Caggiano, 765-766,768,778**
- Caldwell v. Mann, 159
- Caloosa Property Owners v. Palm Beach County, 111
- Canaveral Port Authority v. Department of Revenue,491**

- Cantor v. Davis, 178
 Carlile v. Game and Freshwater Fish Commission, 64
Carnegie v. State, 118
 Carroll v. State, 2, 4
 Carter v. Sparkman, 75, 112, 343, 604, 659
Cash v. Smith, 263
 Cawthon v. Town of De Funiak Springs, 10
Chase Federal Savings and Loan Association v. Schreiber, 357
Cherokee Crushed Stone v. City of Miramar, 242, 249
 Chiles v. Department of State, Division of Elections, 354
Chiles v. Phelps, 170
Chiles v. United Faculty of Florida, 91, 625-626
 Ciravolo v. The Florida Bar, 110
 Citizen Savings and Loan v. Topeka, 2
 City National Bank v. Tescher, 794
City of Cape Coral v. GAC Utilities, 160, 669
 City of Cleburne v. Cleburne Living Center, 609
City of Deerfield Beach v. Vaillant, 233, 235, 239, 241, 243-244, 249, 303
City of Jacksonville v. Florida First National Bank of Jacksonville, 188
 City of Long Beach Resort v. Collins, 398, 403
 City of Miami Beach v. Frankel, 159
City of Miami v. Arostegui, 202
City of Miami v. Lewis, 159, 367
City of New Smyrna Beach v. Volusia County, 429
City of North Miami v. Kurtz, 675, 680, 727, 747
City of Ocala v. Nye, 392, 396
 City of Punta Gorda v. Burnt Stone Hotel, Inc., 440
City of Sarasota v. Mikos, 500
City of St. Petersburg v. Briley, Wild and Associates, INC., 44, 534
 City of Tallahassee v. Mann, 228
City of Tampa v. Birdsong Motors, Inc., 49, 450
 City of Tampa v. Tampa Water Works, 8
City of Temple Terrace v. Hillsborough Ass'n., Etc., 415
City of Venice v. Valente, 390
Clayton v. School Board of Volusia County 5th DCA, 333, 335
 Clayton v. School County, 333-335, 337
 Coastal Petroleum Company v. Chiles, 625
Colding v. Herzog, 503
 Colonial Inv. Co. v. Nolan, 122, 128
 Combs, 129, 132, 140-141, 237, 265-266, 269-273, 276-277, 285, 288-289
 Commission on Ethics v. Barker, 177
 Company v. Desalvo, 351
Connor v. Southwest Florida Regional Medical Center, Inc., 68
Contractors and Builders Association v. City of Dunedin, 377, 435
 Corn v. State, 78, 594
County of Volusia v. State, 567, 572
 Couse v. Canal Authority, 210, 225, 228
Cox v. State Department of Health and Rehabilitative Services, 677
Crawford v. State, 128, 138
Curry v. State, 209
Dade County C.T.A. v. Legislature, 12, 78-79
 Daniels v. Katz, 784
Davis v. Mandau, 209
 De Bock v. State, 110
 Dean v. Heimbach, 799
 Deason v. Florida Department of Corrections, 46
 Delano v. Dade County, 178
 Delgado v. T.N. Courtesy Pontiac, G.M.C. Truck, 77
Delta Truck Brokers, Inc. v. King, 114
Department of Agriculture v. Mid-Florida Growers, 753
Department of Education v. Lewis, 88, 143
 Department of Environmental Protections v. Millender, 59
Department of H.R.S. v. L.M.D., 363
Department of Health and Rehabilitative Services v. Cox, 675
Department of Insurance v. Dade County Consumer Advocate, 638
 Department of Insurance v. Teachers Insurance Company, 211
 Department of Law Enforcement v. Real Property, 638, 643, 678, 726, 767
Department of Revenue v. Golder, 513
 Department of Revenue v. GTE Mobilnet, 450
 Department of Revenue v. Kuhnlein, 318

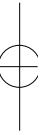
- Department of Revenue v. Leadership Housing Inc., 515
- Division of Bond Finance v. Smathers, 228, 565
- Dodi Publishing Company v. Editorial America, S.A., 194
- Don's Sod Co., Inc. v. Department of Revenue, 666
- Dresner City of Tallahassee, 265, 282
- Dreyer v. Illinois, 6, 62
- Dugger v. Williams, 626
- Dunbar Electric Supply, Inc. v. the School Board of Dade County, 405
- Eberle v. Nielson, 6
- Eckert v. Board of Commissioners of the North Broward Hospital District, 248
- Educational Development Center, Inc. v. City of West Palm Beach Zoning Board of Appeals, 237
- Eldred v. North Broward Hospital District, 405
- English v. McCrary, 220, 264
- Ervin v. City of North Miami Beach, 318-319, 327
- Estate of Murphy, 783, 794, 800
- Estes v. City of North Miami Beach, 184
- Ex Parte Smith, 229
- Faircloth v. Faircloth, 645, 647
- Feller v. State, 181
- Fields v. Zinman, 349
- Fine v. Firestone, 17, 20, 29
- Flannery v. Green, 760
- Florida Cities Water Company v. State, 101
- Florida Parole and Probation Commission v. Baker, 229
- Florida Power & Light Company v. Glazier, 102
- Florida Power and Light Company v. The Canal Authority of the State of Florida, 9
- Florida Power Corporation v. Pinellas Utility Board, 43
- Florida Society of Ophthalmology v. Florida Optometric Association, 43
- Florida State Board of Health v. Lewis, 182, 184-185
- Florida Welding v. American Mutual Insurance Company, 121
- Floridians Against Casino Takeover v. Let's Help Florida, 17
- Folks v. Marion County, 41
- Ford Motor Company v. Kikis, 196
- Ford Motor Company v. Ward, 252, 259
- Frase v. Branch, 759
- Futch v. State, 262
- G.B.B. Investments, Inc. v. Hinterkopf, 343, 659, 671
- G.B.V. Intern., Limited v. Broward County, 287
- G.W. Development Corporation v. Village of North Palm Beach Zoning Board of Adjustment, 242
- Gallant v. Stephens, 459, 537
- Garcia v. Manning, 364, 648
- Godales v. Y.H. Investments, Inc., 64
- Grace v. Town of Palm Beach, 316
- Graham v. Vann, 228
- Gray v. Bryant, 11-12, 328, 380, 461, 535, 538
- Greater Loretta Improvement Association v. State ex rel Boone, 55
- Gulf Coast Electric Cooperative, Inc. v. Johnson, 180
- Gulf Power Co. v. Bevis, 594
- Gutman, 10, 12
- Haines City Community Development v. Heggs, 265, 283, 287, 289
- Hall v. Recchi America, Inc., 640
- Hamilton v. State, 177, 635
- Hamman v. Worling, 201
- Hancock v. Board of Public Instruction, 40
- Harden v. Garrett, 343
- Harrell's Candy Kitchen v. Sarasota-Manatee Airport Authority, 177, 398
- Harrison v. Hyster Company, 200
- Havill v. Lake Port Properties, 474
- Hayes v. Walker, 466
- Heggs v. State, 131, 134, 136, 138-139, 214
- Heinman v. Capital Bank, 761
- Hernandez v. Garwood, 349
- Hill v. First National Bank, 761
- Hill v. State, 129, 139
- Hillsborough County Governmental Employees Association v. Hillsborough County Aviation Authority, 81, 87, 612
- Hillsborough County Hospital and Welfare Board v. Taylor, 408
- Hillsborough County v. Florida Restaurant Association, 341, 369, 408
- Hoffman v. Jones, 63, 65-66, 187, 348, 350

- Holden v. N.L. Industries, 215
Holley v. Adams, 328
Hollywood, Inc. v. Broward County, 375
Horne v. Markham, 519
Horne v. Vic Potamkin Chevrolet, 64
In re Advisory Opinion to the Governor, 7, 45, 54-55, 107, 144, 170, 173, 178, 514, 577, 597
In re Apportionment Law, 13-14, 49
In re Emergency Amendment to Rules of Appellate Procedure, 177-179, 182, 215
In re Estate of Cleeves, 794
In re Estate of Endres, 348
In re Estate of Finch, 793
In re Estate of Kat
In re Estate of Scholtz, 797
In re Estate of Van Meter, 761
In re Florida Rules of Criminal Procedure, 111
In re Guardianship of Browning, 702-703, 710, 721, 724, 726-727
In re Matter of Patricia Dubreuil, 712
In re T.A.C.P., 64, 727
In re T.W., 675-676, 688, 699, 701, 703, 705, 714-715, 721, 728, 731, 743, 747
Interlachen Lakes, 318, 481
J.A.S. v. State, 706, 729
Jackson v. Consolidated Government of Jacksonville, 40-41, 387, 423, 427
Jameson v. Jameson, 786-787
Jenkins v. State, 176, 191, 194-195, 203, 209, 212, 225
Johnson v. United States, 121
Jollie v. State, 196-198, 200-202
Jones v. Chiles, 103
Jones v. Jones, 63, 65-66, 103, 113, 187, 269, 274, 276-279, 285, 348, 350, 490, 494, 507, 577, 730, 734, 737-738, 768, 786, 794
Jones v. Seminole County, 113
Kansas v. Colorado, 3
Kennedy v. Guarantee Management Services, Inc., 670
Kennedy v. Kennedy, 68, 191, 670, 706-707, 710
Key Haven, 101, 251-252, 255-260
Key Haven v. Board of Trustees of the Internal Improvement, 101, 251-252
Kionka v. State, 100
Kitchen v. K-Mart Corporation, 64
Kluger v. White, 343, 659, 663-664
Kohn v. Coats, 763
Krischer v. McIver, 719
L. Maxcy, Inc. v. Mayo, 630, 635
Lake County v. Water Oak Management Corporation, 440
Lawrence v. Florida East Coast Railway, 181
Leaf v. Clark, 342
Leisure Resorts, Inc. v. Frank J. Rooney, Inc., 181
Levine v. Whalen, 121
Lewis, 25, 39, 41, 77, 88, 134, 138-139, 143, 159, 182, 184-185, 254, 268, 325, 367-368, 403, 453, 561-562, 669, 684-685, 697, 752, 797
Linscott v. Orange County Industrial Development Authority, 543, 552, 579
Lite v. State, 637
Local 444 v. Winter Haven Hospital, Inc., 611
Loxahatchee River Environmental Control District v. School Board., 132, 136
M.A.R. v. State, 118
M.O. Logue Sod Service, Inc. v. Logue, 796
Markert v. Johnson, 111-112
Markham v. Evangelical Covenant Church, 510
Martin County v. Yusem, 308-309, 314
Massie v. University of Florida, 349
Matter of Cooke, 761
Matter of V, a Child Under Seventeen Years of Age, 13
Maxwell v. Good Samaritan Hospital Association, 184
McCulloch v. Maryland, 1, 3
McElrath v Burley, 609
McGann v. Gerald E. Halker, 762
McGann v. Halker, 762, 797
McGowan v. Maryland, 608
McLeod v. Orange County, 378
McNamara v. State, 182
Menendez v. Rodriguez, 761
Metro Dade Co. v. Bros. of a Good Shepherd, 511
Metropolitan Dade County v. Blumenthal, 283
Metropolitan Dade County v. State, 99
Miami Atlantic Development Corporation v. Blake, 471
Miami Heat Ltd. Partnership v. Leahy, 379
Michigan v. Long, 591

- Mikolsky v. Unemployment Appeals Commission**,354
Miller v. Higgs, 449
Miller v. Highlands Insurance Company, 187
Misty's Cafe, Inc. v. Leon County, 373
Miznahi v. North Miami Medical Center, 640
MKT Railroad v. May, 61
Moffitt v. Willis,216
Montgomery v H.R.S.,322
Morgan v. State, 348
Mosher v. Speedstar Division of A.M.C.D. International, Inc., 215
Speedstar Division, 215
Murphy v. City of Port St. Lucie,444,571
Nationwide Financial Corp. Of Colo. v. Thompson, 797
Newell v. Awbrey, 184
Nichols v. State ex rel Bolon,10,52
Niemann v. Niemann,189
Nohrr v. Brevard County Educational Facilities Authority, 544, 550,553, 574,579
North Broward Hospital District v. Fornes, 329,334,336
North Ridge General Hospital v. City of Oakland Park, 141,398,401, 403
Northern Palm Beach County Water Control District v. State,554
Ogle v. Lepin, 177
Ong v. Mike Guido Properties, 111
Opinion of the Attorney General,146,319-320,385,427-428
Opinion of the Attorney General 071-81 (April 20, 1971), 427
Opinion of the Attorney General 073-267 (July 17, 1973), 385
Orange Brevard Plumbing & Heating Co. v. La Croix,763
Orange County Industrial Development Authority v. State,550,552-554,578-579
Order Aviation Services v. Dar, 203
Oregon v. Hass, 587-588
Osterndorf v. Turner, 505,522,529
Ostyn v. Olympic,795
Owens-Corning Fiberglass v. Corcoran,662
Oyster Pointe Resort Condominium Association v. Volte,481
Panama Refining Co. v. Ryan, 114
Pardo v. State,350,356
Peoples v. Pilcher, 111
Percy v. Maistrelli
Perez v. State, 34, 653
Peters v. Meeks,4,7-9
Petrik v. New Hampshire Insurance Company, 207
Phoenix v. Kolodziejski, 54
Pinellas County Veterinary Medical Society, Inc. v. Chapman,156
Pitts v. Pastore, 784
PK Venture Inc. v. Raymond James and Association, Inc., 178
Poe v. Hillsborough County, 553
Pomponio v. the Claridge of Pompano Condominium, Inc.,618
Psychiatric Associates v. Siegel, 659, 667
Public Health Trust of Dade County v. Lopez, 759,771-772
Raulerson v. Peeples, 761
Rich v. Ryals,109, 177
Riddoch v. State, 4
Robbins v. Welbaum,518
Robison v. First Judicial District Court, 7
Rojas v. State, 178, 181
Rollins v. State, 603
Rome v. St. Johns County, 372, 573
Rome v. Winn Dixie Stores, 351
Rupp v. Jackson,204
Salters v. State,124,129,136,138-139
Santos v. State, 129,132,139,141,144, 736
Sarasota Classified/Teachers Association v. Sarasota County School District,183
Sarmiento v. State, 648-649, 652, 673
Sas v. Postman, 224
Saul v. Brunetti,750
SCA Services of Florida v. City of Tallahassee, 401
Schechter Poultry Corp. v. United States, 114, 489
School Board of Volusia County v. Clayton, 333-335, 337
School Board of Broward County v. Price, 112
School Board of Broward County v. Surette, 113
School Board of Pinellas County v. District Court of Appeal, 185-186
School Board of Volusia County v. Clayton, 333
Schreiner v. McKenzie Tank Lines, Inc.,600
Schultz v. Crystal River three Participants, 542

- Schultz v. TM Florida-Ohio Realty Partnership, Ltd.**, 472
Scopes v. State, 13
Section 28 Partnership, Ltd. v. Martin County, 303, 310, 312, 314
Seminole Board of County Commissioners v. Long, 235
Service Insurance Company v. Chiles, 47
Shaktman v. State, 653, 675, 682, 725-726
Shands Teaching Hospital and Clinics, Inc. v. Smith, 65
Shevin, 148, 172, 225, 227, 261, 381, 389, 527, 644, 689
Shevin ex rel State v. Public Service Commission, 225, 227
Shingleton v. Bussey, 112
Shriners Hospital for Crippled Children v. Zrillic, 595, 606
Simmons v. Faust, 176
Singletary v. Costello, 712
Skinner v. State, 190
Smith v. State, 119, 159, 268, 274-275, 278-279, 284, 755
Smith v. Unkefer, 761
Smith v. Welton, 531-532
Snyder v. Board of County Commissioners, 296, 298, 309, 600
Snyder v. Davis, 775
Soca v. State, 653
Sokol v. Mimmins Recycling Corporation, 446
Southeastern Utilities Service Co. v. Redding, 321
Southern Bell Telephone and Telegraph Company v. Broward County, 481
Sparkman, 75, 112-113, 343, 412, 492, 525-527, 604, 659
Speer v. Olsen, 370, 372, 412
Spooner v. Askew, 143, 486
Spradley v. State, 184, 187
Springer v. Phillipine Islands, 61
St. Johns Medical Plans, Inc. v. Gutman, 10
St. Johns Water Management District v. Deseret Ranches of Florida, Inc., 150
St. Paul Title Insurance Corporation v. Davis, 225
Standford v. Rubin, 178, 374
State Commission on Ethics v. Sullivan, 252
State Department of Health and Rehabilitative Services v. Hollis, 61
State ex rel Dept. Of H.R.S. v. Sepe, 100
State ex rel Lee v. City of Cape Coral, 382
State ex rel Pettigrew v. Kirk, 229
State ex rel Pittman v. Stunjeski, 113
State ex rel Reynolds v. Roan, 40
State ex rel v. City of Cape Coral, 382
State of Florida ex rel Dade County v. Dickin-son, 43
State v. A.R.S., 736
State v. Allen, 33, 197, 232, 248
State v. Ashley, 63
State v. Bessenger, 157
State v. City of Daytona Beach, 433, 463, 573
State v. City of Miami, 142, 367, 398, 404, 437-438, 550-551, 553, 572-573, 576, 579, 675
State v. City of Orlando, 396-397, 561, 583-584
State v. City of Panama City Beach, 561, 575, 584-585
State v. City of St. Augustine, 53
State v. Combs, 129, 132, 140, 237, 265-266, 269-270, 276-277, 285, 288-289
State v. Conforti, 674, 747
State v. Creighton, 208, 232, 274, 277
State v. Digma, 78
State v. Division of Bond Finance, 40, 53, 564
State v. Florida Police Benevolent Association, 82, 86, 91, 93
State v. Furen, 232, 236, 244, 296
State v. Grawien, 176
State v. Hamilton, 65, 177, 635
State v. Housing and Finance Authority of Polk County, 553
State v. Hume, 649, 653, 727
State v. Hutchins, 178
State v. J.M., 101
State v. Jacksonville Port Authority, 543, 546-549, 578
State v. Lee, 83, 122, 125, 127-128, 140, 144, 154-155, 218, 227, 382, 404
State v. Lopez, 352
State v. O'Neal, 204
State v. Presidential Women's Center, 696
State v. Pettis, 270, 273
State v. Riley, 353
State v. Roberts, 163, 178, 328
State v. Saiez, 634
State v. Soud, 223

- State v. Thompson**,35,122,124,129,131,
 133-134,138-139,218
State v. Town of Davie,50
**State,Department of Legal Affairs v. Sanford-
 Orlando Kennel Club**, 152
Stede v. Avatar Development Corporation,
 657-658
Stembridge v. Harwitz,346
Stevens v. Jefferson,194-195
Stilson v. Allstate Insurance Company, 288
Straughn v. GAC Properties, Inc.,486
Straughn v. K and K Land Management, Inc.,
 487
Straughn v. O’Riordan, 117
Stupack v. Winter Park Leasing, Inc.,201
Sturdivart v. Blanchard, 228
Sullivan v. Volusia County Canvassing Board,
 397
Sunbeam Television Corporation v. State, 322
**Sunspan Engineering and Construction Com-
 pany v. Springlock Scaffold Company**, 181
**Sweetwater Utility Corp. v. Hillsborough
 County**, 247,294
Tarbor Springs v. Tarbor Springs Arcade, Ltd.,
 440
Taylor v. Dorsey, 52
Taylor v. State, 191
**Thompson v. Intercounty Telephone and Tele-
 graph Company**, 129
Town of Baldwin v. City of Jacksonville,425
Town of Loxley v. Rosinton Authority, 76
Town of Palm Beach v. Palm Beach Local,
 1886,I.A.F.F.,164
Trapp v. State, 134
Traylor v. State, 33, 588, 654, 714, 726
Tucker v. Underdown, 372, 460, 463
Tullis v. Tullis, 766, 768, 795-796
Underhill v. Edwards,506
**United States Steel Corporation v. Save Sand
 Key, Inc.**, 338
**Valdez et al v. Chief Judge of the Eleventh Ju-
 dicial Circuit of Florida**, 322
**Van Bibber v. Hartford Accident and Indem-
 nity Company**, 111
Von Eiff v. Azicri,744-752
Walden v. Berkeley Preparatory School, Inc.,
 505
Wale v. Barnes, 189
Walker v. Bentley, 12, 63, 110
**Warning Safety Lights v. Department of Rev-
 enue**, 450
**Water Control District of South Brevard v.
 Davidson**, 367-368
Watson v. Lee, 227
Weaver v. State Department of Insurance, 99
Weber v. Smathers, 17
Weinberger v. Board of Public Instruction, 6
Weitzner v. United States, 769
White Construction Co., Inc. v. Dupont, 202
**Williston Highlands Development Corpora-
 tion v. Hogue**, 179
Wilson v. Fla. Nat. Bank, 762
**Wilson v. Palm Beach County Housing Au-
 thority**, 574,576,579
Winfield v. Division of Pari-Mutuel Wagering,
 671, 676,682,690,698, 705,715,721,726,
 732,742,747
Y.H. Investments, Inc. v. Godales, 64
Zorc v. City of Venice Beach, 412
Zrillic, 595-596, 600, 606, 608



Preface

This book is designed to serve as an introduction of the Florida Constitution to the law student. Although state constitutional law has always been important, it has recently assumed a more prominent role. In recent years the federal courts have reduced or restricted expansive interpretations of the Federal Constitution. This has resulted, particularly in the area of individual rights, with the state courts after expanding their state constitutional provisions beyond federal minimums. Florida has been a leader in the area, particularly in regards to the right of privacy guaranteed by the state constitution.

In addition, this work can be valuable to the practitioner. As Florida constitutional law increases in importance, the competent practitioner must be familiar with this expanding area. This book contains most all important cases, currently available, in this area.

The current Florida Constitution was adopted by the electorate in 1968. Prior to that time Florida was governed by 5 separate constitutions enacted respectively in 1838, 1861, 1865, 1868, and 1885. Although the 1885 Constitution is occasionally referenced in the text, all references to the Florida Constitutions are intended to be references to 1968 Constitutions unless otherwise specifically indicated.

We wish to express our appreciation to the people who have helped to make these teaching materials a reality: to Harold L. Sebring and Everett Cushman who pioneered work in this field at Stetson; to our colleagues whose friendship and support nurtured this work; to our research assistants, whose conscientious and enthusiastic efforts have improved the quality of this work; to our students who have made helpful suggestions; to the faculty secretaries, who put up with us during the production of this work and without whom it could not have been accomplished; and to our wives and families for their love and understanding throughout the preparation of this manuscript. Special thanks go to Louise Petren who bore the primary responsibility for manuscript preparation.

John F. Cooper
Thomas C. Marks, Jr.
St. Petersburg, FL
October 1991

Preface to the Second Edition

The theory and organization of the Second Edition remains basically unchanged. New cases have been added and, in some instances, old cases deleted. Also, there does appear some new subject matter e.g., 1) the relationship between judicial review of agency action and an original action for declaratory and injunctive relief and 2) evolving material concerning the right of privacy guaranteed by the state constitution.

The names have changed to some extent. Our appreciation of the efforts of our research assistants would now include Michael J. Bertolini, Tabatha Liebert, and Shawn C. Nagel. The same appreciation to faculty secretaries would now include Choung-Mi Akehurst, Connie Evans, Sharon Gisclair, Barbara Lernihan, Marge Masters, Shad Mullins and Sue Stinson. While our students have changed our appreciation of their interest in the Florida Constitution remains the same. As before, special thanks to Louise Petren for preparation of most of the manuscript. And finally, what should have been in the original preface, to our friends at Carolina Academic Press. Better late than never.

The book remains dedicated to our wives in the terms expressed in the First Edition.

John F. Cooper
Thomas C. Marks, Jr.
St. Petersburg and Gulfport, Florida
April 1996

Preface to the Third Edition

Close to ten years have passed since the publication of the first edition of this text. During this decade the Florida Constitution has been frequently amended, and the Florida appellate courts have repeatedly found the need to interpret and construe the provisions of the organic law of Florida.

While these developments have caused a lengthening of the text, the theory and organization of the first and second editions remain unchanged. While all chapters of the text have evolved, the materials involving the courts, individual rights, and the legal sufficiency of initiative petitions have experienced the greatest expansion and evolution.

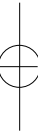
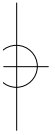
There is one significant change in the way the text is organized. In earlier versions, brackets were placed around footnotes that accompanied cases included in the material. This was done to distinguish these footnotes from footnotes prepared by the authors. In this edition that distinction was not possible. As a result, occasionally author footnotes are commingled with footnotes in cases. These instances can be identified where footnotes do not appear sequentially, and the footnotes can be distinguished by context.

Once again we wish to express our appreciation for the outstanding efforts of our research assistants Joelle Aboytes, David Blum, Victoria Cecil, Dennis Hudson, Carol McCrory, Shakonda McDaniel, Susan Mitchell, Neil Morales, Patrice Parker, Thomas Townsend, and Lisa Wilcox.

We would also like to acknowledge the outstanding administrative and secretarial support we have received from the Faculty Support Staff at Stetson University College of Law. We would particularly like to thank Connie Evans, the director of the faculty support staff, for her thoroughness, efficiency, diligence, and good humor. We would also like to thank Sharon Gisclair who was responsible for the preparation of most of the text of the third edition. Through endless changes, rewrites, and edits, Sharon remained even tempered and committed to the completion of the project. Once again, our thanks to the folks at Carolina Academic Press for their support.

Finally, and certainly not least, this book remains dedicated to our spouses, as expressed in the First and Second Editions.

John F. Cooper
Thomas C. Marks
St. Petersburg, FL.
December 2000



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