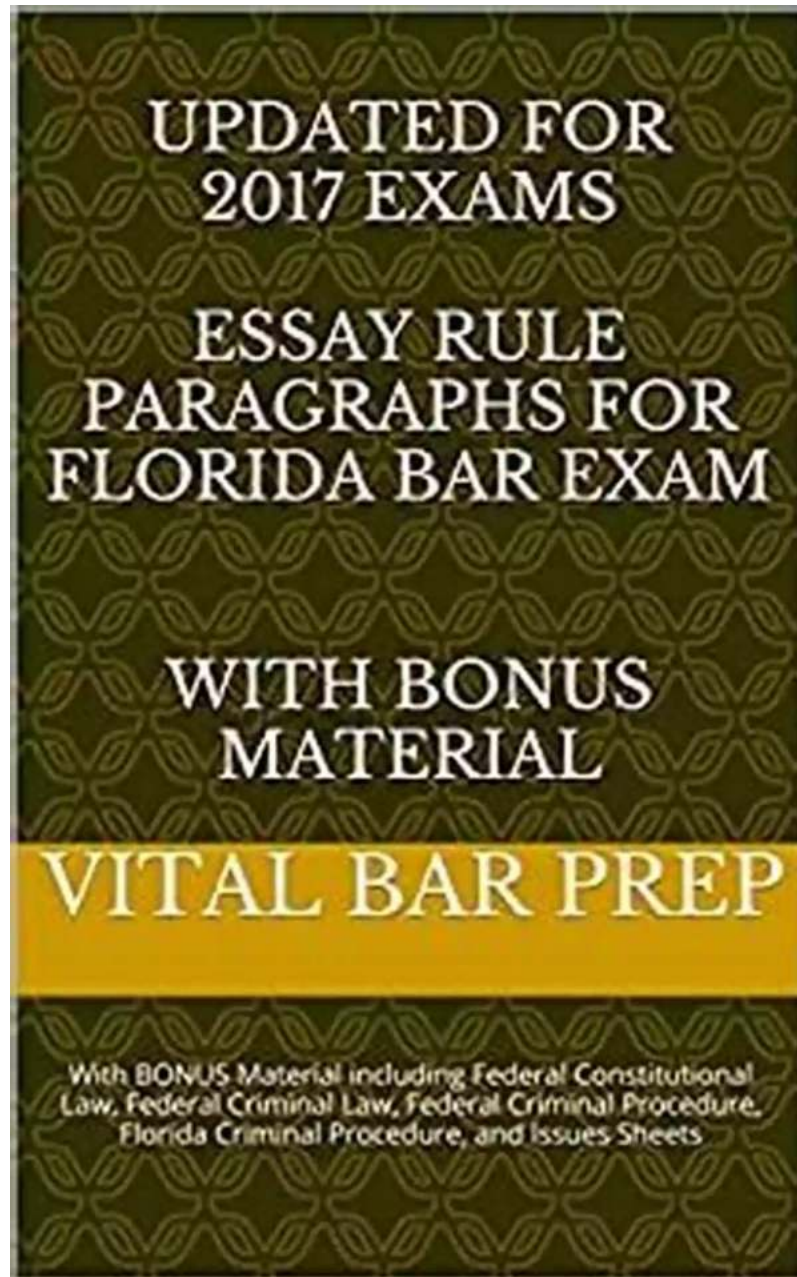


Florida Constitutional Law Essay Rule Paragraphs For Florida Bar Exam



Preparing for the Florida Bar Exam can be a daunting task, especially when it comes to constitutional law. With its intricate framework and numerous cases, it's essential to have a solid understanding of the subject to succeed on the exam. In this article, we will dive into the rule paragraphs for Florida constitutional law

essays on the Florida Bar Exam, providing you with the knowledge and tools to excel in this area.

to Florida Constitutional Law

Before we delve into the rule paragraphs, let's first get acquainted with Florida constitutional law. Florida's constitution is the foundational legal document that outlines the powers and limitations of the state government. It establishes various branches, such as the executive, legislative, and judicial branches, and outlines their respective functions.



Florida Constitutional Law Essay Rule Paragraphs for Florida Bar Exam: BONUS material includes Federal Constitutional Law, Federal Criminal Law and Procedure, Florida Criminal Procedure, Issues

Sheet by DK Eyewitness(Kindle Edition)

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Language : English

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Enhanced typesetting : Enabled

Print length : 147 pages



The Florida Constitution is distinct from the United States Constitution and provides additional rights and protections for Florida residents. Studying Florida's constitutional law is essential to not only passing the Florida Bar Exam but also for practicing law in the state.

Key Rule Paragraphs for Florida Constitutional Law Essays

When it comes to constitutional law essays on the Florida Bar Exam, there are several key rule paragraphs that you should have a firm grasp on. These rule paragraphs serve as the foundation for your analysis and argumentation. Let's explore some of the most crucial ones:

1. Separation of Powers

The principle of separation of powers is the cornerstone of constitutional law. It refers to the division of powers among the three branches of government: executive, legislative, and judicial. Understanding the concept and its practical applications is crucial for answering questions related to the balance of power in the state of Florida.

2. Due Process

Due process is a fundamental constitutional principle that ensures fair treatment under the law. It protects individuals' rights to notice and an opportunity to be heard before the government takes action that could deprive them of life, liberty, or property. Familiarizing yourself with the different aspects of due process will enable you to effectively address questions on the Florida Bar Exam.

3. Equal Protection

Equal protection refers to the principle that all individuals are entitled to equal treatment under the law. It prohibits the government from discriminating against individuals based on race, gender, religion, or other protected characteristics. Knowledge of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and its application in Florida is essential to successfully tackle essay questions related to this concept.

4. Freedom of Speech

Free speech is a fundamental right protected by both the Florida Constitution and the U.S. Constitution. Understanding the limitations and exceptions to this right, as well as the balancing tests used by courts, will allow you to provide a comprehensive analysis of free speech issues in your essays.

5. Right to Privacy

Although the right to privacy is not explicitly mentioned in the Florida Constitution, it has been recognized and protected by the courts. Familiarize yourself with the various privacy rights recognized in Florida to effectively address questions related to this topic on the Florida Bar Exam.

Mastering Florida constitutional law is crucial for success on the Florida Bar Exam. By familiarizing yourself with the key rule paragraphs discussed in this article, you'll develop a strong foundation to tackle constitutional law essay questions effectively. Remember to build your answers by applying the relevant law to the given fact patterns and provide thorough analysis and reasoning.

As you prepare for the Florida Bar Exam, don't underestimate the importance of mastering constitutional law. It's an area that carries significant weight in determining your success on the exam. Be diligent in studying the various rule paragraphs and practice applying them to hypothetical scenarios. With dedication and preparation, you'll be well on your way to passing the Florida Bar Exam and launching a successful legal career in the state of Florida.

INTESTACY - die without a will

Basic Vocabulary

- Decedent ("D") - dead person
- Descendant - individual directly related to someone through parentage
- Collateral heir - related to D through a common ancestor but are not descendants
- Descend - transfer of D's property to D's heirs according to intestacy statute
- Heir - individual entitled to D's property under intestacy statute
- Intestate - die in possession of property subject to probate that does not pass according to will
- Probate - formal process involving the state by which ownership of property is transferred from D to someone else

Intestacy - Who Inherits What?

- (1) Surviving Spouse (SS)
 - SS = no kids or just their kids
 - SS = 100%
 - SS = either had kids w/ anyone else
 - SS = 50%
 - Marriage Requirement
 - Must have been legally married at the time of D's death
 - Florida does not recognize common law marriage
- (2) Surviving Children
 - Per Stirpes - requires estate be divided by number of descendants who survived
 - If one pre-deceased, if that one has surviving children, then their share goes to their children
- (3) Parents
 - Both alive → split; one alive → whole estate
 - If parental rights are terminated before D's death, then right to take is terminated (treated as pre-deceasing D)
- (4) Siblings and their Descendants
 - Distribution to siblings of D, or to the surviving children of the sibling, per stirpes
- (5) Paternal/Antepaternal Kinship
 - Distribution to maternal and paternal relatives 50/50
 - First to grandparents
 - If no grandparents, then to descendants of grandparents (aunts, uncles, cousins)
- (6) Escheat
 - No relatives → property escheats to the state

Family Relationships

- Adoption
 - Legal Adoption - court order
 - Rule: adopted child becomes descendant of the adopting parent as well as kindred
 - Rule: child is no longer a descendant for natural parent/family
 - Exceptions
 - Step-Parents
 - Close Relative Adoption
 - Virtual Adoption - equitable doctrine
 - Alien child who was not legally adopted to share in the intestate estate of an individual who was going to adopt
 - Child must prove by clear evidence:
 - (1) An agreement for adoption existed;
 - (2) Natural parents performed (gave up custody);
 - (3) Child performed by living w/ those intending to adopt;
 - (4) Part performance by alleged adoptive parents (took child in); and
 - (5) Person who intended to adopt died intestate
- Non-Marital Children - "born out of wedlock"
 - Mother - child inherits from mother; mother and family may inherit from child
 - Father - inheritance rights exist if:
 - (1) Natural parents got married before or after child's birth;
 - (2) Adjudication of paternity is established before or after father's death; or
 - (3) Natural father acknowledges paternity in writing



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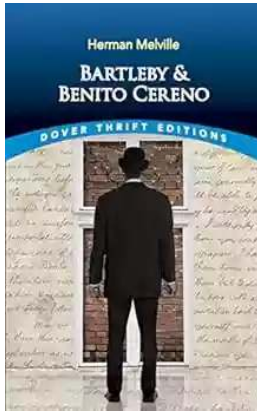
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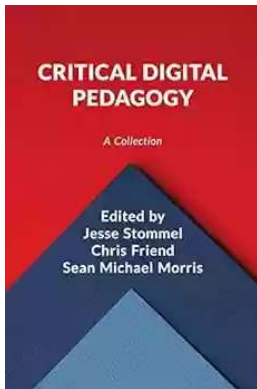
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