



# THE ENVIRONMENTAL AND LAND USE LAW SECTION REPORTER

Vol. XXII, No. 4  
July 2001

www.eluls.org

• Richard Hamann, Chair • Robert A. Manning, Co-editor • Joseph D. Richards, Co-editor •

## SPECIAL ISSUE

### Legislative Update

by Eric Olsen and Angela Dempsey

The 2001 legislative session started off by introducing Tallahassee and everyone else to more than 60 new legislators. It ended with the House, the Senate, and the Governor at loggerheads over growth management and several other pieces of legislation.

The work product of the session includes the passage of just under 300 general bills, with the House passing 100 bills, and the Senate passing 197. Even though the overall bill quantity was light, some very significant legislation passed which will have long-term impacts on the citizens of Florida.

#### **ENVIRONMENTAL**

#### **Solid Waste Management Facilities/Recycling (CS/HB 9)**

Effective: July 1, 2001

Status: Approved by Governor on June 13, 2001, Chapter No. 2001-224.

This bill requires an applicant for a permit to construct or substantially modify a solid waste management facility to notify the local government having jurisdiction over the facility of such filing on or before the day the application for a permit is filed. The applicant will also be required to publish notice in a newspaper of general circulation of the filing of the application for a permit. Additionally, the DEP shall not issue the permit

until the applicant demonstrates the required notices have been given.

The bill also amends section 403.71851, F.S., to replace lead-containing materials grants with electronics recycling grants. The bill authorizes the use of funds from the Solid Waste Management Trust Fund as grants to certain Florida businesses that recycle certain electronic equipment, such as computers and televisions. The bill also provides that counties may use the provided grants to develop methods to collect and transport electronics to be recycled, provided that such methods are comprehensive in nature.

DEP is currently authorized to enter into a memorandum of agreement with the Florida Ports Council, the Florida Inland Navigation District and the West Coast Inland Navigation District for a supplemental permitting process for the issuance of a joint coastal permit for certain maintenance dredging, spoil disposal, beach nourishment, and environmental protection of activities of navigation channels, port harbors, turning basins, harbor berths, and inland waterways. This bill specifically gives DEP the authority to adopt rules relating to such memoranda of agreement.

Finally, the bill requires the DEP to review the waste reduction and recycling goals found in part IV of Chapter 403, F.S. (Resource Recov-

ery and Management) in view of the reduced funding for these purposes. DEP shall issue a report with recommendations to the Governor, Senate President and House Speaker by October 31, 2001.

#### **Palm Beach County Solid Waste Authorization (HB 945)**

Effective: Upon Becoming a Law

Status: Approved by Governor on May 25, 2001.

The Solid Waste Authority of Palm Beach County (Authority) is a dependent special district created by chapter 75-473, Laws of Florida. The Authority provides a coordinated resource recovery and waste management program to the residents of Palm Beach County. This bill codifies, or brings up to date, all prior special acts relating to the Solid Waste Authority of Palm Beach County into a single act and then repeals said prior acts as required un-

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## LEGISLATIVE UPDATE

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der section 189.429, F.S.

Section 189.429, Florida Statutes, requires that all special district charters be codified by December 1, 2004. HB 945 complies with that provision by reenacting the majority of the Authority's current provisions, including provisions for permitting, assessments and enforcement, and it adds provisions for severability and liberal construction.

### **Environmental Litigation Reform Act (HB 1635)**

Effective: Upon Becoming a Law  
Status: Approved by Governor on June 15, 2001, Chapter No. 2001-258.

This bill's primary goal is to simplify and pull-together the DEP's various administrative fine authority provisions. It provides a more predictable and efficient process to resolve less serious environmental disputes by creating an administrative penalty schedule for cases with a penalty of \$10,000 or less. It does not apply to hazardous waste, asbestos or underground injection cases.

Cases will continue to be negotiated as they are currently, however, if a resolution cannot be reached these less serious environmental cases will be directed to the administrative process instead of more time consuming civil court. Single violations range from \$500 to \$5,000 each and may be increased by the administrative law judge (ALJ) based on previous violations, economic benefit to the violator or multi-day violations. The bill defines previous violations as consent orders which include a finding of violation. However, the total penalty imposed by the ALJ may not exceed \$10,000. Additionally, the ALJ may consider evidence in mitigation and reduce the penalty by up to 50% or if the violation was caused by circumstances beyond the reasonable control of the respondent and was not preventable by due diligence, the ALJ may reduce the penalty by more than 50%.

Further protections afforded violators include a requirement that the hearing be held within 180 days of referral to the Division of Adminis-

trative Hearings (DOAH), unless both parties agree to a later date. Any corrective actions must be pursued in the Notice of Violation (NOV) or they are waived. The ALJ, not DEP, will issue the final order and attorney's fees of up to \$15,000 shall be ordered if DEP issued the NOV for an "improper purpose."

In the House Natural Resources and Environmental Protection Committee, at the urging of industry, this bill was made voluntary, allowing the respondent to "opt out" of the administrative process by filing a written notice within 20 days of service. DEP can then pursue the case in civil court as it does currently. DEP is also required to submit a report to the legislature in two years describing the number of NOV's issued, penalties assessed and collected, and the efficiencies gained from the Act.

### **Water Management District Legislation (HB 1221)**

Effective Date: Upon Becoming a Law  
Status: Approved by Governor on June 15, 2001, Chapter No. 2001-256.

This bill deals primarily with changes to internal budgeting and land acquisition procedures for water management districts (districts). In addition, the districts are granted the authority to secure patents, copyrights, and trademarks in light of scientific breakthroughs which are anticipated as part of the Everglades research and development. Specifically, various changes were made to the districts' land acquisition and disposal proceedings, including an option given to districts that includes a conveyance of their mineral interest in properties that they sell. The districts may also withhold title information to prospective sellers, and they are authorized to disclose appraisal and offer information with third parties, assuming the district has contracted to assist in the purchase of certain properties. In addition, district land management responsibilities have been broadened to authorize activities by the soil and water conservation district and other non-governmental entities.

Districts are also authorized to lease cell towers and other similar structures on district-owned prop-

erty. Districts are granted the right to suspend or prohibit certain vendors from doing business with the district in the event that the vendors are found to have materially breached a contract. Numerous notices and scheduling information are revised with respect to the districts' adoption of budgets and the input they receive, specifically from the Governor's Office. Sections 373.507 and 373.589, F.S., dealing with district audits are repealed.

This bill allows any investor-owned utility regulated by the Public Service Commission to obtain 100 percent of its costs for the construction of alternative water supply facilities as defined in this section of law, including aquifer storage and recovery wells, provided the PSC finds those costs prudently incurred.

Finally, the bill adjusts the composition of the Manasota Basin Board (three members from Manatee County, and three from Sarasota) and it expressly provides \$100 million for South Miami to construct a drinking water facility.

### **Comprehensive Everglades Restoration (CS/SB 1524)**

Effective Date: Upon Becoming a Law  
Status: Approved by Governor on June 6, 2001, Chapter No. 2001-172.

This bill establishes an expedited permitting program for project components of the Comprehensive Everglades Restoration Plan (CERP), which is a joint effort of the State of Florida and the U.S. Army Corps of Engineers intended to restore, protect, and preserve the water resources of the central and southern Florida ecosystem. Although CERP is still conceptual at this time, it currently includes more than 60 project components to be implemented over the next 40 years.

The bill creates section 373.1502, F.S., which provides for issuance of special permits for CERP project components in lieu of all other permits required under Chapters 373 and 403, F.S., except those required under federally delegated programs. DEP is required to issue 5-year permits for the construction, operation, modification, or maintenance of any

individual project component if the permit application provides reasonable assurances that: the project component will achieve the design objectives set forth in the application; state water quality standards will be met to the maximum extent practicable; discharges from the project component will not endanger public health, safety, or welfare; and any impacts to wetlands or threatened or endangered species will be avoided, minimized, or mitigated, as appropriate.

Construction activities may begin upon submission of a permit application and completion of DEP's review of the project component under section 373.1501, F.S., but before final agency action or notice of intended agency action. However, a permit must be obtained before the commencement of operation. Permits must include conditions to ensure appropriate water quality monitoring during construction and operation. Permits may authorize multiple project components and establish reporting requirements that are consolidated with reports required for other purposes.

### **Environmental Protection Disposal Fee (CS/SB 1662)**

Effective Date: July 1, 2001

Status: Approved by Governor on June 8, 2001, Chapter No. 2001-193.

Private and governmental utilities in select counties that dispose of wastewater residual sludge by land application in the Lake Okeechobee basin are authorized to impose a line item on local sewer rates to cover the cost of wastewater residual treatment and disposal if it is done by an approved alternative treatment methodology at a facility located in and approved by the Governor as a rural area of critical economic concern. The select counties are Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, Highlands, Hendry and Glades Counties. Such utilities disposing of wastewater residual sludge from utility operations and septic removal by land spreading in the Lake Okeechobee basin may impose a line item fee called an "environmental protection disposal fee" on local sewer rates if they meet

certain disposal requirements.

The bill also contains specifications on the use of the fee proceeds and requires an audit at least every 3 years by the Florida Public Service Commission or the county for those facilities receiving compensation from the fee.

### **Water and Wastewater Regulation (CS/HB 41)**

Effective Date: Upon Becoming a Law

Status: Approved by Governor on June 1, 2001, Chapter No. 2001-145.

This bill affects the process used in rate regulation of investor-owned water and wastewater systems at the county level. In addition, the bill addresses the recovery of rate case expense by all water and wastewater utilities.

The provisions of sections 120.569 and 120.57, F.S., are no longer explicitly made applicable to county regulatory proceedings. The Office of Public Counsel is now authorized to provide legal representation in proceedings before counties pursuant to section 367.171(8), F.S. The bill requires the reduction in rates of water and wastewater companies upon conclusion of the period over which rate case expenses were apportioned. The reduction is to be in the amount of rate case expense included in rates.

### **Onsite Sewage Treatment Systems (HB 1863)**

Effective Date: July 1, 2001

Status: Approved by Governor on June 13, 2001, Chapter No. 2001-234.

The Department of Health is given regulatory authority over maintenance entities for performance-based treatment systems and aerobic treatment unit systems. Maintenance entities will be required to employ certain licensed professionals who will be responsible for maintenance and repair of systems under contract. The bill also addresses specific permitting requirements and fees for these systems. For example, operating permits for commercial wastewater systems will be valid for 1 year; operating permits for an aerobic treatment unit will be valid for 2 years.

The Department of Health will

now regulate and permit entities maintaining performance-based treatment systems and aerobic treatment unit systems. Minimum qualifying criteria will be established by rule, and must include matters such as training, access to spare parts, and service response time.

The Department of Health will adopt rules to regulate the maintenance entities covered by this bill. The Department's Technical Review and Advisory Panel will study the need for regulation of the portable restroom industry and must submit a report to the Legislature by January 2, 2002.

### **Water Resources (CS/SB 1030)**

Effective Date: July 1, 2001

Status (as of 6/18/01): Approved by Governor on June 19, 2001, Chapter No. 2001-270.

This relatively technical water legislation is most significant to water supply and wastewater operations. It contains numerous definitional changes that have regulatory consequences on operating and maintaining water and wastewater facilities. The definition of local government agencies eligible to receive water pollution control financial aid is enlarged to include entities providing wastewater sewage and stormwater services to airports, research parks, industrial parks, and ports. For example, the bill revises the definitions of "public water system," "noncommunity water system," "nontransient noncommunity water system," and "transient noncommunity water system."

Primary and secondary drinking water regulations apply to nontransient and transient noncommunity water systems. Variances and waivers are authorized for transient noncommunity water systems from certain disinfection and certified operator requirements if the systems use groundwater as a source of their water supply.

Public water supply system construction permit requirements are revised, and DEP may require data showing that water delivered to the customer's tap meets applicable drinking water standards. This could cause retrofitting requirements for certain older systems using copper pipes.

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## LEGISLATIVE UPDATE

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DEP also must also amend its public water supply and water well contractor licensing rules to conform them to the legislation. Additionally, DEP is directed to adopt by rule a method for renewal of these licenses, including continuing education requirements of not less than 12 classroom hours for each renewal cycle. New licensure and fee requirements are imposed on water distribution system operators. The classification scheme for water and wastewater treatment systems by size, complexity and level of treatment is expanded to include water distribution systems. Water well contractors must take 12 hours of DEP approved course work to be licensed and to have their licenses renewed. DEP may prescribe by rule the renewal of such licenses.

This bill repeals sections 403.1821, 403.1822, 403.1823, 403.1826, and 403.1829, F.S.

### **Local Government Utilities Assistance Act (CS/HB 589)**

Effective Date: July 1, 2001

Status: Approved by the Governor on June 13, 2001, Chapter No. 2001-229.

A pilot program within DEP is established to assist local governments in acquiring privately owned water and wastewater utilities having public health or economic problems. DEP is to report to the Legislature by January 1, 2004, on the Pasco County pilot program. The bill also includes an appropriation (\$500,000) to DEP to develop a uniform fiscal impact analysis model to assist local governments in evaluating the cost of infrastructure to support development.

Local governments covered by the Pasco County pilot program may be eligible for financial assistance from the state to acquire troubled water and wastewater utility systems. In order to receive any funds, the local government must show that the utility it wishes to acquire: 1) has provided service consistently inadequate to meet public health or water quality standards; 2) is unable to alleviate a public health or water quality threat through its own resources

without increasing rates beyond those commensurate with "community standards"; 3) desires to sell; and 4) presents a public health or water quality threat that would be more effectively addressed through public management or ownership.

### **FFWCC Technical Amendments (CS/CS/SB 1204)**

Effective Date: July 1, 2001

Status (as of 6/18/01): Approved by Governor on June 19, 2001, Chapter No. 2001-272.

This technical bill relating to the Florida Fish and Wildlife Conservation Commission (FFWCC) contains various provisions, including: (1) designating the Railroad Retirement Board as an agency to make certain disability determinations; (2) changing the permit standards for marine aquaculture producers who are engaged in the culturing of shellfish; (3); providing for legislator appointees to the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission; (4) transferring responsibilities for artificial reef permits to the Department of Environmental Protection; (5) providing that the FFWCC must approve posting and maintaining of regulatory markers in navigable waters; and (6) encouraging the release and feeding of quail on lands managed by state agencies and water management districts.

### **Demineralized Concentrate (SB 536)**

Effective Date: Upon Becoming a Law

Status: Approved by Governor on June 8, 2001, Chapter No. 2001-188.

At the outset of the 2001 legislative session, DEP sought to relax the requirements and regulations attending disposal of demineralized concentrate and to promote zones of discharge for aquifer storage and recovery (ASR) facilities. The ASR legislation (SB 854) was greatly sensationalized and became national news late in the session, and that legislation did not pass. The demineralized concentrate legislation affords some relief to desalination and reverse osmosis facilities in the disposal of the brine created from these facilities.

The bill provides for the definition of "demineralization concentrate" and "small water utility business," and it directs DEP to initiate rules no later than October 1, 2001 to address facilities that discharge demineralization concentrate. The rules are to be developed in conjunction with the Technical Advisory Committee, which will consist of industry representatives, local governments, water and wastewater utilities, the engineering profession, environmental organizations, and one member representative from the five water management districts and one member representative from the Florida Marine Research Institute. The direction for rulemaking includes a specific requirement that toxicity violations due to naturally occurring water constituents, including calcium, potassium, sodium, magnesium, chloride, bromide, and other constituents designated by the Department, may not be the basis for a permit denial if the volume of water necessary to achieve water quality compliance is available within a distance not exceeding 2 times the natural water depth at the point where concentrate is discharged. This effectively provides a mixing zone for dilution, and it should assist in the permitting of these facilities.

Small water utility businesses are specifically provided additional relief and variance mechanisms providing for a minimum of a 4 to 1 dilution ratio. Certain exceptions are provided to this presumption, including discharges which occur into Outstanding Florida Waters, Class I and II waters, and waters which would result in a violation of a total maximum daily load.

## **LAND USE**

### **Land Acquisition (CS/SB 1468)**

Effective Date: July 1, 2001

Status (as of 6/18/01): Approved by Governor on June 19, 2001, Chapter No. 2001-275.

One of the last bills to pass the 2001 Legislature made relatively minor changes to the Florida Forever acquisition and land management criteria. The legislation also expressed a legislative intent to repay in fiscal year 2002-2003 the \$75 mil-

lion redirected from the Preservation 2000 program to Everglades restoration during this budget year.

The acquisition criteria for the Florida Forever program were rewritten. The subtle changes seem to place more emphasis on water quality and quantity-based acquisitions and more recreation-based parcels. A new definition of "conservation lands" is added to section 253.034, F.S. The exchange of conservation lands must be approved by the Board of Trustees of the Internal Improvement Trust Fund on a two-thirds vote with a finding of a net positive conservation benefit.

The evaluation of whether lands should be surplus or disposed of by the Trustees is lengthened to every 5 years instead of every 3 years. Surplus lands are to be offered to the state and local governments for 30 days at appraised value unless the Trustees determine a different sale price is in the public interest. Lands which were donated to the state without payment of money may be surplus based on one appraisal unless the value is greater than \$1 million, in which case a second appraisal is required. Similarly, if lands acquired by the state which are 10 acres or less in size are appraised at less than \$250,000, they may be surplus by using one appraisal.

Miscellaneous provisions include a grant of rulemaking authority to the Office of Coastal and Aquatic Managed Areas of DEP regarding the management and use of state owned lands; water control districts created under Chapter 298, F.S., are authorized to construct and manage resource-based recreational facilities such as greenways and trails; the power to create and fund "green" utilities to control invasive plants and urban forests is expanded from counties to include municipalities with populations of 200,000 or more; and \$2.9 million is specifically earmarked for the Florida Keys area of critical state concern for land acquisition.

### **Financial Protection for Mining Operations (CS/CS/SB 1376)**

Effective Date: July 1, 2001

Status: Approved by Governor on June 1, 2001, Chapter No. 2001-134.

As a result of the bankruptcy of

the Mulberry Phosphate plant, DEP and the Florida Phosphate Council agreed to create a funding source for DEP to respond to what may be imminent hazard abatement activities resulting from the facility's financial difficulties. The legislation provides relatively broad authority for DEP to take the necessary measures to prevent or abate imminent hazards to the public by tapping into the Nonmandatory Land Reclamation Trust Fund and creating a \$75,000 per month registration fee for phosphogypsum stack owners. In an unrelated matter, the legislation also eliminates the geographic limitation on the 500 acre per year development-of-regional-impact (DRI) threshold applicable to heavy mineral mines.

The moneys made available from the Nonmandatory Land Reclamation Trust Fund (\$50 million) are expected to be repaid by the imposition of a \$75,000 per year stack fee which would apply to existing stacks in the amount of \$75,000 for each of the five 12 month periods following July 1, 2001, unless the operator has already provided a performance bond, letter of credit, trust fund agreement, or closure insurance for that facility. This \$75,000 per year fee covering a 5 year period will also be applied to any new stacks constructed that do not have the same financial responsibility provisions as noted above. DEP is directed to provide notice to phosphogypsum stack owners regarding payment of this fee on or about August 1 of each year, and the fee is payable before August 31 of each year.

In addition to the funding source, the Department is authorized to take necessary closure steps through agreement with the mine owner or by court order. The court receives authority to seek appointment of a receiver to oversee the operation during the closure period. Furthermore, the Department is authorized to impose a lien on the real property and their assets equal to the amount of moneys expended from the Nonmandatory Land Reclamation Trust Fund. These liens do not supersede or take priority over other prior perfected and existing liens on the real property, personal property, or mining reserves at these facilities.

## **MISCELLANEOUS**

### **Electronic Noticing and Contracting (SB 1738)**

Effective Date: Upon Becoming a Law

Status (as of 6/18/01): Approved by Governor on June 19, 2001, Chapter No. 2001-278.

SB 1738 directs DEP, along with the State Technology Office, to develop a pilot program for publishing official notices on the Internet by December 31, 2001. The pilot project ends July 1, 2003.

Internet notices of DEP rulemaking must remain on the DEP web page for at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of a rule. All other notices must remain on the DEP web page for at least 3 months. DEP must provide a searchable database of the Internet notices. DEP and the State Technology Office must provide a report by January 31, 2003 of the cost-effectiveness of publishing notices on the Internet.

The legislation also provides that the 60-day time period for taking action under the One-Stop Permitting System does not apply in the case of a development permit application evaluated under a federally delegated or approved permitting program. The legislation transfers responsibility for the One-Stop Permitting System from the Department of Management Services to the State Technology Office.

### **Municipally Owned Utilities/ Public Records Exemption (HB 385)**

Effective Date: October 1, 2001

Status: Approved by Governor on May 30, 2001, Chapter No. 2001-87.

HB 385 retains the public records exemption for materials used by a municipally owned utility to prepare bids to customers. The exemption would have expired on October 2, 2001 if the Legislature had failed to extend it.

### **City of Jacksonville Environmental Protection Board (HB 901)**

Effective Date: October 1, 2001

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Status: Approved by Governor on May 30, 2001.

The City of Jacksonville Environmental Protection Board, previously scheduled to expire on October 1, 2001, is extended indefinitely. When the Environmental Protection Board seeks to impose a penalty it shall, at the option of the citizen, follow the procedures of sections 120.569 and 120.57, F.S., including the hiring of an Administrative Law Judge.

**Trust Fund Bills**

Effective Dates: July 1, 2002, July 1, 2004, November 4, 2004, or Upon Becoming a Law

Status: Approved by Governor on April 25, 2001.

The following trust fund bills were re-created without modification:

- SB 592 – Florida Panther Research and Management Trust Fund.
- SB 594 – Florida Preservation 2000 Trust Fund.
- SB 596 – Florida Preservation 2000 Trust Fund.
- SB 598 – Florida Forever Program Trust Fund.
- SB 600 – Land Acquisition Trust Fund.
- SB 602 – Lifetime Fish and Wild-

life Trust Fund.

- SB 604 – Marine Resources Conservation Trust Fund.
- SB 606 – Nongame Wildlife Trust Fund.
- SB 608 – Save The Manatee Trust Fund.
- SB 610 – State Game Trust Fund.
- SB 612 – Federal Law Enforcement Trust Fund.
- SB 614 – Federal Law Enforcement Trust Fund.
- SB 616 – Conservation and Recreation Lands Program Trust Fund.

**2002 Regular Session (HB 1935)**

Effective Date: Upon Becoming a Law

Status: Approved by Governor on May 31, 2001, Chapter No. 2001-128.

In order to accommodate reapportionment, the 2002 Regular Session of the Florida Legislature will convene on Tuesday, January 22, 2002. The purpose of the early meeting date is to assure that reapportionment activities are completed by early summer. Reapportionment is always a contentious and difficult time for the legislators who must redraw all of the state legislative and Congressional districts in order to meet the population information contained in the 2000 U.S. Census. Florida will be reapportioning its Congressional delegation by adding 2 additional U.S. House of Representatives seats. All members of the Leg-

islature will run in the November 2002 election in new districts created by the 2002 reapportionment session.

**High-Speed Rail (HB 489)**

Effective Date: Upon Becoming a Law

Status: Approved by Governor on June 1, 2001, Chapter No. 2001-153.

The bill creates the “Florida High-Speed Rail Authority” as an agency of the state to plan, administer, and manage the preliminary engineering and environmental assessment of the intrastate high-speed rail system. The bill begins to carry out the mandate of Art. X, Section 19 of the State Constitution, which requires the Legislature, the Governor, and the Cabinet to proceed to develop a high speed ground transportation system consisting of a monorail, fixed guideway, or magnetic levitation system, capable of speeds in excess of 120 miles per hour. The constitutional mandate is to provide high speed ground transportation in Florida by innovative, efficient, and effective technologies consisting of dedicated rails or guideways separated from motor vehicular traffic that will link the 5 largest urban areas of the state (initially St. Petersburg, Tampa, and Orlando, with future service to Miami). The constitutional mandate was adopted by Florida voters in November 2001. The bill contains an appropriation of \$4,500,000 to the Authority to perform its duties under the bill.

The governing board of the Authority consists of 9 voting members who are not subject to Senate confirmation. The members serve 4-year terms, except the initial membership, which serves terms of 2 years, 3 years, and 4 years so as to stagger the 4-year membership terms. The governing board elects its chair to serve at the pleasure of the board. The Florida Secretary of Transportation serves as an ex officio, nonvoting member of the governing board. The Governor appoints 3 members for 4-year terms, one of whom must have a background in environmental concerns, one with legislative experience, and one with a business background. The Senate President appoints 3 members for 3-year terms,



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one of whom must have a background in civil engineering, one with a background in transportation construction, and one with a business background. The House Speaker appoints the remaining 3 members for 2-year terms, one of whom must have a legal background, one who has a financial background, and one with a business background. The members serve without compensation, but are entitled to per diem and travel expenses. The Authority may not contract with any of its members or their firms, nor may members or their firms have a financial or economic interest in the Authority.

The Authority is assigned to the Department of Transportation for administrative purposes, but is not subject to the Department's control. The Department is directed to provide administrative support and service to the Authority as requested by its chair. DEP, the Florida Transportation Commission, and the Department of Community Affairs are directed by the bill to provide technical, scientific, or other assistance as requested by the Authority.

The Department of Transportation is authorized to prepare and issue requests for information from the private sector regarding interest in financing, building, and operating the high-speed rail system. The Department may issue requests for proposals in fulfilling its requirements under the bill. The Department also is directed to collect and organize existing high-speed rail research, studies, and reports to prepare for the Authority's initial meeting.

The Florida High-Speed Rail Authority must prepare a report of its actions, findings, and recommendations for submission to the Governor, the Senate President, and the House Speaker by January 1, 2002. The report is directed to contain proposed legislation to implement any statutory changes that the Authority recommends.

**Agriculture Package (CS/SB 1922)**  
Effective Date: July 1, 2001, Except as Otherwise Provided  
Status (as of 6/18/01): Approved by Governor on June 19, 2001, Chapter No. 2001-279.

CS/SB 1922 represents the annual

agriculture package. Among many other items, it provides for new water conservation best management practices to be developed by the Department of Agriculture and Consumer Services (DACS). It also creates the Rural and Family Lands Protection Act allowing for the purchase of conservation type easements to protect agricultural lands.

Other miscellaneous provisions include: (1) The bill allows DACS to lease, loan, or otherwise make available without charge new or used fire protection equipment, vehicles, or supplies to state or local governments having fire/rescue responsibilities; (2) It authorizes DACS, in conjunction with DEP, to adopt rules governing the distribution of funds to implement agriculture best management practices to protect water quality; (3) It gives DACS the authority to require data demonstrating the efficacy of pesticide products containing label statements that include directions for use as preventative treatments for termites for new construction. Label claims for protection from damages must be supported by data showing that the product will prevent damages to a structure and its contents for at least 5 years under Florida conditions; (4) It gives DACS authority to charge fees to recover the cost of each reinspection of a food establishment when the reinspection is conducted to verify compliance; (5) It gives DACS the authority to commence legal proceedings if DACS believes that a violation of Florida's consumer protection laws has occurred or is occurring; (6) It specifies that seafood and aquaculture economic development program disaster loans; (7) It directs DACS to establish a grant program to aid agribusinesses in market development; (8) It provides that official certificates of veterinary inspection for control of animal diseases may only be completed by a veterinarian accredited under the National Veterinary Accreditation program; (9) It prohibits persons from buying, selling, giving, receiving, transferring, marketing, or holding nonambulatory animals without providing proper care within 24 hours. A nonambulatory animal is any livestock that is unable to stand and

walk unassisted; (10) It allows legal actions to recover the lost value of any agricultural product defined in Section 468.382, F.S., if the agricultural product is willfully and knowingly damaged or destroyed by another person. The prevailing party in any such action may recover attorney's fees; (11) It directs DACS to establish an agricultural water conservation program. The program must include cost sharing for irrigation system retrofit and mobile irrigation laboratory evaluations for water conservation and water quality improvement to implement total maximum daily loads (TMDLs); voluntary best management practices to increase water use efficiency; and assistance to the water management districts to develop and implement a method for efficient allocation of water for agricultural irrigation; (12) It directs water management districts, when evaluating consumptive use permit applications, to give special consideration to agriculture entities that implement DACS established agricultural water conservation program practices; (13) It provides that DACS must compensate homeowners who have lost citrus trees as part of the citrus canker eradication program. The compensation amount is \$100 per tree; (14) It creates the Rural and Family Lands Protection Act. This Act directs DACS to bring under public protection lands that serve to limit subdivision and conversion of agricultural and natural areas; (15)

DACS is directed to acquire perpetual, less-than-fee interests in land, to enter into agricultural protection agreements, and to enter into resource conservation agreements; (16) The Department of Community Affairs, in conjunction with DACS, must assist local governments in designating rural land stewardship areas in their local comprehensive plans; (17) Within rural land stewardship areas, local governments are to assign transferable rural land use credits. The density of land within rural land stewardship areas can only increase by the conveyance or use of transferable rural land use credits; and (18) The bill directs that owners of lands within rural land stewardship areas be provided incentive to enter into rural land steward-

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## LEGISLATIVE UPDATE

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ship agreements.

### **Damage or Destruction of Agricultural Products (CS/CS/HB 719)**

Effective Date: October 1, 2001

Status: Approved by Governor on June 7, 2001, Chapter No. 2001-182.

CS/CS/HB 719 gives certain agricultural growers or producers the right to recover damages resulting from willful and knowing damage or destruction of specified agricultural products. The bill provides that any private, public, or commercial agricultural grower or producer of any agricultural product as defined in Section 468.382, F.S., who suffers from another person's willful and knowing damage or destruction of that agricultural product can recover double the value of the product damaged or destroyed as well as punitive damages and attorneys fees (for the prevailing party). In awarding damages under this legislation, the courts must consider the market value of the product prior to damage or destruction and production, research, testing, replacement, and product development costs directly related to the product that has been damaged or destroyed as part of the value of the product.

The bill provides that a person who trespasses on an agricultural site used for testing or research purposes, which is posted with signs identifying the site as such, is guilty of a third degree felony.

### **Bills That Did Not Pass**

- **Growth Management.** Bills which were considered, but failed passage, include a significant growth management package designed to encourage school concurrency and full-cost accounting for development. Nevertheless, the budget contains \$500,000 to fund a pilot study by DEP on full-cost accounting.

- **Water Concurrency.** Representatives Johnnie Byrd and David Russell introduced a bill which would require "water concurrency" as part of growth management rezoning and

comprehensive plan decisions. Their proposal was later turned into an informational coordination requirement between local comprehensive plans and water management district regional supply plans. Even this "watered-down" version failed to pass.

- **APA Reforms.** Reforms to Florida's Administrative Procedure Act which would have introduced Federal Rule 11 sanctions to the state's procedural act, and which would have revised citizen standing provisions in environmental cases, failed on the last day for the second year in a row.

- **Performance Based Permitting.** These bills (SB 2112/HB 1627) made little progress this session, but will probably return in 2002. Under the proposal, DEP would be required to consider a permit applicant's compliance history during the five years preceding the application before issuing a permit. Points would be assigned for prior violations and if enough points are accumulated in a several-year period, the violator's permit applications would face higher standards of review and other hurdles. The bill also contained incentives for those who are in compliance with pollution control laws for the 5 years preceding the permit application.

- **Voter Initiatives.** A resolution for a constitutional amendment failed that would have required 55 percent of votes of the electors in order to approve any proposed constitutional amendment.

- **Electric Deregulation and Merchant Plants.** Attempts to make it easier for merchant plants to be constructed failed, but electric lifeline provisions for disabled persons passed (CS/SB 224). The 2020 Energy Study Commission's final report is due late in 2001, which should generate additional activity in this area.

- **Aquifer Storage and Recovery.** After a considerable media and environmentalist campaign, the aquifer storage and recovery (ASR) legislation, which is part of the Everglades restoration plan, failed passage.

- **Gasoline Pricing.** Repeal of the below-cost gasoline pricing law

failed.

- **CCA Treated Wood.** There has been a great deal of media coverage on this issue. Representative Greenstein attempted to introduce two amendments on the floor to require greater regulation of wood treated with chromated copper arsenate (CCA), both amendments failed. PRIDE Enterprises treats wood used by the State of Florida using CCA at a plant in Raiford, Florida. DEP requested a \$500,000 appropriation to convert the PRIDE plant to Alkaline Copper Quaternary (ACQ) — a safer preservative, clean up the property, and establish a grant program for the conversion of other plants. The legislature appropriated \$50,000 to help convert the Raiford Plant. At least one other privately owned plant in Florida is currently converting its plant to use ACQ.

- **Global RBCA.** HB 1569 / SB 1952. Risk based corrective action (RBCA), although passed by the legislature for petroleum, brownfields and drycleaning sites which constitute approximately 95% of all clean-up sites in Florida, was again rejected as a required concept at hazardous waste sites. Industry sought to allow voluntary compliance with the bill and the House Natural Resources and Environmental Protection Committee spent a good deal of time discussing Applicable or Relevant and Appropriate Requirements (ARARs) and EPA's support of RBCA. However, the bill was temporarily passed and then died in that Committee. It included a 10<sup>6</sup> statewide cleanup standard.

### **The 2002 Session**

**Reapportionment.** In addition to the issues listed above which did not pass and which will in all likelihood return, next year also will focus on reapportionment. In order to handle its reapportionment responsibilities, the Florida Legislature will meet in regular session on January 22, 2002, instead of the first Tuesday in March. Reapportionment battles and concerns will flavor the entire 2002 session. The House and Senate are planning to "ramp up" for this reapportionment session by conducting hearings



around the state this summer. Battle lines will be drawn between Republicans and Democrats over the 2 new Congressional seats, all of the state Senate seats, and all of the state House of Representative seats. With 25 legislators (14 representatives and 11 senators) being term-limited out of office in 2002, reapportionment may be easier than it was 10 years ago. Much of the substantive legislation could become victim or hostage, or may even benefit from the reapportionment battles.

**Tax Reform.** Senate President John McKay has declared tax reform to be his number one legislative priority for the 2002 session. He and Senator Jim Horne have proven themselves very effective on

complex crusades.

**Schedule.** Because the 2002 session will begin on January 22, legislative committees will undertake significant work during the first week of interim committee meetings scheduled for September 10-14, 2001. Bills which failed this year will be re-filed. New issues and glitch bills will be considered.

Alas, there will be no rest for the weary.

**Angela Dempsey** is a Senior Assistant General Counsel at the Florida Department of Environmental Protection. Ms. Dempsey specializes in civil litigation enforcing the Resources Conservation and Recovery Act (RCRA) and related state statutes

concerning hazardous waste. She received her J.D., with honors, from the University of Florida College of Law in 1993, and her B.S. degree from San Diego State University in 1990. Ms. Dempsey was previously an Assistant State Attorney in Orlando.

**Eric T. Olsen** is a shareholder with Hopping, Green, Sams & Smith, P.A., concentrating his practice in areas involving wetlands, water use, water supply, Environmental Resource Permitting and legislation. He was formerly a Senior Assistant General Counsel with the St. Johns River Water Management District. He received his J.D. from the University of Florida in 1989, and his B.A. from Clemson University in 1986.



## Environmental & Land Use Law Section Membership Application

This is a special invitation for you to become a member of the Environmental & Land Use Law Section of The Florida Bar. Membership in the Section will provide you with interesting and informative ideas and keep you informed on new developments the field of Environmental & Land Use Law. As a Section member, you will meet lawyers sharing similar interests and problems and work with them in forwarding the public and professional needs of the Bar.

To join, complete this application form and return it with your check in the amount of \$25 made payable to The Florida Bar. Mail both to THE ENVIRONMENTAL & LAND USE LAW SECTION, THE FLORIDA BAR, 650 APALACHEE PARKWAY, TALLAHASSEE, FL 32399-2300.

NAME: \_\_\_\_\_ ATTORNEY NO.: \_\_\_\_\_

OFFICE ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

*Note: The Florida Bar dues structure does not provide for prorated dues. Your Section dues cover the period from July 1 to June 30.*



The Florida Bar Continuing Legal Education Committee  
and the Environmental & Land Use Law Section present

2001

*Environmental and Land Use Law*

*Annual Update*

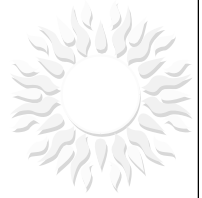
COURSE CLASSIFICATION: ADVANCED LEVEL

One Location: August 23-25, 2001

Amelia Island Planation • Highway A1A South

Course No. 5160R

Audio No. 5197R



## *Schedule of Events*

### **THURSDAY, August 23, 2001**

8:35 a.m. – 11:55 a.m.

**Don't Jump the Fence: Liability and Ethics of Environmental and Land Use Professionals Practicing Outside of Their Field (Separate Workshop Registration Fee)**

11:55 a.m. – 12:45 p.m.

**Annual Update Late Registration**

12:45 p.m. – 1:00 p.m.

**Opening Remarks**

*Melissa Gross-Arnold, Lewis Longman & Walker, P.A., Vice Chair, ELULS CLE Committee*

1:00 p.m. – 1:40 p.m.

**2001 Florida Legislative Update**

*Land Use: Terrell K. Arline, Legal Director, 1000 Friends of Florida*

*Environmental: Lawrence E. Sellers, Jr., Holland & Knight, LLP*

1:40 p.m. – 2:10 p.m.

**Redevelopment of Brownfields and Disaster Recovery Areas: Tradeoffs and Challenges**

*Julia A. Trevarthen, AICP, Assistant Director, South Florida Regional Planning Council*

2:10 p.m. – 2:40 p.m.

**Challenges in Permitting and Building Urban Mixed Use Development**

*Lynda J. Harris, Carlton Fields*

2:40 p.m. – 3:10 p.m.

**Florida and Federal Takings Update**

*Timothy J. Dowling, Community Rights Counsel*

3:10 p.m. – 3:30 p.m. **Break**

3:30 p.m. – 4:00 p.m.

**Administrative Law Update**

*Mary F. Smallwood, Ruden, McClosky, Smith, Schuster & Russell, P.A.*

4:00 p.m. – 5:00 p.m.

**Ethical Jeopardy**

*Hon. James R. Wolf, Judge, First District Court of Appeal*  
*Moderator: Gary K. Oldehoff, Esq.*

5:00 p.m. – 6:30 p.m.

**Reception**

### **FRIDAY, August 24, 2001**

8:30 a.m. – 8:45 a.m.

**Opening Remarks**

*Susan L. Trevarthen, Weiss Serota Helfman Pastoriza & Guedes, P.A., Vice Chair, ELULS CLE Committee*

**Agency Updates**

8:45 a.m. – 9:15 a.m.

**Water Management Districts**

*William S. Bilenky, General Counsel, Southwest Florida Water Management District*

9:15 a.m. – 9:45 a.m.

**Department of Environmental Protection**

*Teri L. Donaldson, General Counsel, Department of Environmental Protection*

9:45 a.m. – 10:15 a.m.

**U.S. Army Corps of Engineers Update**

*Brooks Wilkerson Moore, Assistant District Counsel for Jacksonville District, U.S. Army Corps of Engineers*

10:15 a.m. – 10:30 a.m. **Break**

10:30 a.m. – 11:00 a.m.

**Department of Community Affairs Update**

*Cari L. Roth, General Counsel, Department of Community Affairs*

11:00 a.m. – 12:00 noon

**Endangered Species Act Litigation: The Manatee Settlement**

*Eric R. Glitzenstein, Meyer & Glitzenstein (Counsel for Save the Manatee Club)*

*Brooks Wilkerson Moore, Assistant District Counsel for Jacksonville District, U.S. Army Corps of Engineers*

*Dave Hankla, Field Supervisor, U.S. Fish & Wildlife Service*

*Virginia S. Albrecht, Hunton & Williams (Counsel for Assoc. for Fla. Community Developers, Marine Indus. Assoc. of Fla. Nat'l Marine Manu. Assoc. & Marina Oper. Assoc. of America)*

12:00 noon – 2:00 p.m.

**Luncheon and Section Annual Meeting with Presentation of Awards**

*Richard Hamann, Chair, Environmental and Land Use Law Section*

# Concurrent Sessions

## Land Use

2:00 p.m. – 2:30 p.m.

### **Regulating Religious Land Uses After Religious Land Use and Institutionalized Persons Act**

*Nancy E. Stroud, Weiss Serota Helfman Pastoriza & Guedes, P.A.*

2:30 p.m. – 3:00 p.m.

### **Land Use Law Update**

*Thomas G. Pelham, Law Office of Thomas G. Pelham*

3:00 p.m. – 3:30 p.m.

### **New Life for Growth Management Based on the Availability of School Facilities**

*Barbara Alterman, Assistant County Attorney, Palm Beach County*  
*Frank M. Duke, A.I.C.P., Director of Planning, Palm Beach County*

*Leo S. Noble, P.E., Consultant to Palm Beach County and Palm Beach County School District for School Concurrence*

## Environmental

2:00 p.m. – 2:30 p.m.

### **Cleaning Up the Neighborhood: Petroleum, Dry Cleaning, Brownfields and Quality Assurance Programs**

*Robert D. Fingar, Huey, Guilday & Tucker, P.A.*

2:30 p.m. – 3:00 p.m.

### **Regulation of Wetlands**

*Cindy Lee Bartin, Rogers, Towers, Bailey, Jones & Gay, P.A.*

3:00 p.m. – 3:30 p.m.

### **Minimum Flows and Levels for South Florida Waters**

*Irene M. Kennedy Quincey, Pavese, Haverfield, Dalton, Harrison & Jensen, LLP*

3:30 p.m. – 4:00 p.m. **Break**

4:00 p.m. – 5:00 p.m. **Making Government Decisions Based on Limited Scientific Information - The Case Study of Aquifer Storage and Recovery**

*Eric Draper, Conservation Director, Audubon of Florida*  
*Mimi A. Drew, Water Resources Mgt. Division Director, DEP*  
*Jim Ash, The Palm Beach Post, Capital Bureau Reporter*  
*Frank E. Matthews, Hopping Green Sams & Smith, P.A.*

5:00 p.m. **Closing Remarks**

*Michelle Diffenderfer, Lewis Longman & Walker, P.A., Chair, ELULS CLE Committee*

5:15 p.m. – 6:30 p.m. **Reception**

6:30 p.m. – 9:00 p.m. **Live Entertainment: The Non-Essentials featuring John Hankinson**

## SATURDAY, August 25, 2001

### **ELULS Committee Meetings**

8:30 a.m. – 10:00 a.m.

**Affiliate Membership**

10:00 a.m. – 11:30 a.m.

**Continuing Legal Education**

11:30 a.m. – 12:00 noon

**Access to Justice**

12:00 noon – 2:00 p.m.

**Public Interest Representation**

## *Hotel Information*

A block of rooms has been reserved at The Amelia Island Plantation, at the rate of \$156 single/double occupancy. To make reservations, call the Amelia Island Plantation direct at (888)261-6165 and reference our group number 749499. Reservations must be made by 7/22/01 to assure the group rate and availability. After that date, the group rate will be granted on a "space available" basis.

## *Ethics Workshop*

**Don't Jump the Fence: Liability & Ethics of Environmental and Land Use Law Professionals Practicing Outside of Their Field.**

Thursday, August 23, 8:35 a.m.  
(Separate Registration Fee Required)

For registration information, check our website @ [www.eluls.org](http://www.eluls.org) or call Jackie Werndli at (850)561-5623.

# Registration

**REFUND POLICY:** Requests for refund or credit toward the purchase of the course book/audiotapes of this program **must be in writing and postmarked** no later than two business days following the course presentation. Registration fees are non-transferrable, unless transferred to a colleague registering at the same price paid. A \$15 service fee applies to refund requests. Registrants that do not notify The Florida Bar by 5:00 p.m., August 16, 2001, that they will be unable to attend the seminar, will have an additional \$80 retained. Persons attending under the policy of fee waivers will be required to pay \$80.

## Register me for "2001 Environmental and Land Use Law Annual Update" Seminar

### (060) AMELIA ISLAND PLANTATION (8/23-25/01)

TO REGISTER OR ORDER TAPES/BOOKS, MAIL THIS FORM TO: The Florida Bar, CLE Programs, 650 Apalachee Parkway, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5831. ON SITE REGISTRATION, ADD \$15.00. **On-site registration is by check only.**

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(JMW) \_\_\_\_\_

Course No. 5160R



Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

### REGISTRATION FEE (check one):

- Member of the Environmental and Land Use Law Section: \$305
- Non-section member: \$320
- Full-time law college faculty or full-time law student: \$200
- Persons attending under the policy of fee waivers: \$80

Includes Supreme Court, DCA, Circuit and County Judges, General Masters, Judges of Compensation Claims, Administrative Law Judges, and full-time legal aid attorneys if directly related to their client practice. *(We reserve the right to verify employment.)*

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- Credit Card (Advance registration only!)  MASTERCARD  VISA

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Enclosed is my separate check in the amount of \$25 to join the Environmental and Land Use Law Section. Membership expires June 30, 2001.

### COURSE BOOK — AUDIOTAPES Private taping of this program is not permitted.

Delivery time is 4 to 6 weeks after August 22, 2001. PRICES BELOW DO NOT INCLUDE TAX.

\_\_\_\_\_ COURSE BOOK ONLY: Cost \$30 plus tax TOTAL \$ \_\_\_\_\_

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Cost: \$305 plus tax (section member)  
\$320 plus tax (nonsection member) TOTAL \$ \_\_\_\_\_

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The Florida Bar Environmental & Land Use Law Section presents



# Don't Jump the Fence: Liability & Ethics of Environmental and Land Use Law Professionals Practicing Outside of Their Field

COURSE CLASSIFICATION: INTERMEDIATE LEVEL

One Location:

August 23, 2001 • Amelia Island Plantation • Highway A1A South

Course No. 5133R

8:00 a.m. – 8:30 a.m.

**Late Registration**

8:30 a.m. – 8:40 a.m.

**Opening Remarks/Introductions**

*Neil D. Hancock, Golder Associates Inc., Program Co-Chair*

8:40 a.m. – 9:25 a.m.

**The Ethics of Maintaining the Independence of Consultants/  
Planners/Geologists/Engineers/Architects/Attorneys**

*Mary D. Hansen, Storch Hansen & Morris  
Kennard F. Kosky, Golder Associates Inc.*

9:25 a.m. – 10:10 a.m.

**Federal & State Reporting Requirements: When Are You  
Ethically Obligated to Report?**

*George F. Gramling III, Frank & Gramling*

10:10 a.m. – 10:25 a.m.

**Break**

10:25 a.m. – 11:10 a.m.

**The Ethical Limits of Interaction with Agencies After  
Litigation Begins**

*David L. Jordan, Department of Community Affairs  
Robert J. Riggio, Riggio & Mitchell*

11:10 a.m. – 11:55 a.m.

**Consultants' Ethical/Legal Obligations**

*Thomas M. Missimer, CDM/Missimer International  
Gary V. Perko, Hopping Green Sams & Smith*

This workshop is in conjunction with the Section's 2001 Annual Update (5160R). Update registration information is available by calling (850)561-5831 or at [www.eluls.org](http://www.eluls.org).

**CLER PROGRAM**

(Maximum Credit: 3.5 hours)

General: 3.5 hours

Ethics: 3.5 hours

**CERTIFICATION PROGRAM**

(Maximum Credit: 2.0 hours)

Appellate Practice ..... 2.0 hours  
Business Litigation ..... 2.0 hours  
Civil Trial ..... 2.0 hours

Credit may be applied to more than one of the programs above but cannot exceed the maximum for any given program. Please keep a record of credit hours earned. RETURN YOUR COMPLETED CLER AFFIDAVIT PRIOR TO CLER REPORTING DATE (see Bar News label). (Rule Regulating The Florida Bar 6-10.5)

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Robert J. Riggio, Daytona Beach

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**Register me for "Don't Jump the Fence: Liability and Ethics of Environmental and Land Use Law Professionals of Practicing Outside of Their Field"**

**(060) AMELIA ISLAND PLANTATION (8/23/01)**

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Name \_\_\_\_\_ Florida Bar # \_\_\_\_\_

Address \_\_\_\_\_

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**(JMW)**

**Course No. 5133R  
(EL007)**



Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

**REGISTRATION FEE (check one):**

- Member of the Environmental and Land Use Law Section: \$30
- Attorney non-section member: \$55 (includes section membership)
- Non-attorney, non-affiliate: \$80 (includes section affiliate membership)

**METHOD OF PAYMENT (check one):**

- Check enclosed made payable to The Florida Bar
- Credit Card (Advance registration only. May be faxed to 850/561-5825.)  MASTERCARD  VISA

Name on Card: \_\_\_\_\_ Card No. \_\_\_\_\_

Expiration Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Signature: \_\_\_\_\_  
(MO./YR.)

**COURSE BOOK — AUDIOTAPES**

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***FSU Journal of Land Use and Environmental Law***

***Call for articles...***

The *Journal of Land Use and Environmental Law* is currently accepting articles for consideration for its Spring 2002 edition. All correspondence should be received before September 30, 2001 and addressed to the *Journal of Land Use & Environmental Law*, FSU College of Law, Tallahassee, FL 32306-4027. Electronic submissions should be addressed to: [lsyerloc@mail.law.fsu.edu](mailto:lsyerloc@mail.law.fsu.edu). For further information, the *Journal* may be contacted by telephone at (850) 644-4240.





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