

Chair's Report



I hope everyone had a great Holiday Season and is ready for a great year ahead for the section. I'd like to congratulate Michael Grogan for a job well done for putting together the 32nd Annual Public Employment

Labor Relations Forum held last October in Orlando. Our Section and the Labor and Employment Section co-sponsor this seminar each year. The program was outstanding, and I would encourage you to attend this seminar next year.

There are some exciting events coming up, so be sure to mark your calendars. First, the 30th Annual

Local Government Law in Florida Seminar will again be held at the beautiful Hyatt Regency Coconut Point in Bonita Springs. Elizabeth Hernandez, the Section's Chair-Elect, has been working hard putting together the speakers and topics, and I am sure it will be an exciting and informative seminar! Also, Alexandra "Sandy" MacLennan and Kaye Collie (both past Chairs of the Section), are organizing the 2007 Public Finance Seminar. This Seminar will be held at the Hilton Daytona Beach Oceanfront Resort, July 27 and 28, 2007.

Marion Radson has agreed to represent the Section and all local government attorneys on the Florida Bar's Special Committee on Attorney Client Privilege. Marion has served the Section in the past

on a myriad of attorney client and conflict issues, even appearing before the Florida Supreme Court. I am sure he will provide valuable input to this Committee on this very important topic.

Please remember to submit your nominations for the 31st annual Marsicano Award! This award is one of the oldest and most prestigious awards given by a Section of the Florida Bar. Nominations can be sent to Ricky Libbert, our Program Administrator, at 651 E. Jefferson St., Tallahassee, FL 32399 (fax: 850/561-5825).

Again, I would like to encourage members of our Section to take advantage of the many benefits the Section has to offer. I am honored to have the opportunity to serve the Section as Chair.

Case Summaries

In *Mitchell v. Hillsborough County*, the 11th Circuit Court of Appeals outlined the parameters of First Amendment rights for government employees. Mr. Mitchell sued the County for wrongful termination after his part-time, temporary employment was terminated by the County following Mr. Mitchell's comments aimed at one County Commissioner during the public comment portion of a Board meeting. Mr. Mitchell testified that he wanted to ridicule this particular Commissioner for her position on an issue that clearly was a matter of public concern. However, Mr. Mitch-

ell's never mentioned that issue in his comments, and instead he referred to the Commissioner in a crude, vulgar manner. The 11th Circuit ruled that even though Mr. Mitchell spoke at a public meeting in his role as a citizen, not as an employee, and even though he spoke during a time that was designated for public comment on an issue that was a matter of public concern, his comments were so personal, crude, and inappropriate, that the County was justified in terminating his employment.

In *Redner v. Hillsborough County*,
See "Case Summaries," page 2

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CASE SUMMARIES

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Mr. Redner alleged a variety of constitutional violations as a result of the County passing a policy that it would abstain from recognizing or promoting gay pride events. Mr. Redner alleged that the County was singling out one particular group or class for different treatment than other groups or classes. The County argued that the policy represented

government speech, and that the County, as a speaker, enjoyed the same First Amendment protections as an individual speaker to favor one particular viewpoint over another. After the Court granted a Motion to Dismiss the individual Commissioners who voted in favor of the policy, the parties resolved the case by simply inserting an additional sentence into the original policy, which provided that the policy would not be construed in a manner that would limit the First Amendment rights of citizens.



2006 - 2007 Calendar of Events

EXECUTIVE COUNCIL SCHEDULE

May 10, 2007

Hyatt Regency Coconut Point
Bonita Springs

May 11, 2007

Section Annual Meeting
Hyatt Regency Coconut Point
Bonita Springs

SEMINAR SCHEDULE

May 10, 2007

2006 Certification Review Course
Hyatt Regency Coconut Point
Bonita Springs

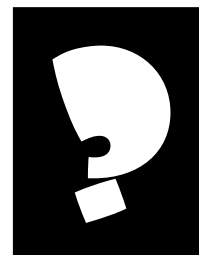
May 11-12, 2007

30th Annual Local Government Law in Florida
Hyatt Regency Coconut Point
Bonita Springs

This newsletter is prepared and published by the City, County and Local Government Law Section of The Florida Bar.

- Mary Helen Farris, Tampa Chair
- Elizabeth Miranda Hernandez, Coral Gables Chair-elect
- Grant Williams Alley, Ft. Myers.....Secretary-Treasurer
- Kathryn Kaye Collie, Orlando.....Immediate Past Chair
- Joseph Jarret, Bartow..... Editor
- Carol J. Kirkland, Tallahassee Associate Editor
- Ricky Libbert, Tallahassee Program Administrator
- Colleen Bellia, Tallahassee..... Layout

Statements or expressions of opinion or comments appearing herein are those of the editor(s) or contributors and not of The Florida Bar or the Section.



**If you've got questions,
we've got answers.**

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The Florida Bar Continuing Legal Education Committee and the City, County and Local Government Law Section present the



30th Annual Local Government Law in Florida

COURSE CLASSIFICATION: INTERMEDIATE LEVEL

One Location

May 11-12, 2007

Hyatt Regency Coconut Point • 5001 Coconut Road
Bonita Springs, FL 34134 • 239-444-1234

Course No. 0460R

CLE CREDITS

CLER PROGRAM

(Maximum Credit: 14.5 hours)

General: 14.5 hours

Ethics: 1.0 hour

CERTIFICATION PROGRAM

(Maximum Credit: 14.5 hours)

City, County & Local Government: 14.5 hours

Civil Trial: 1.0 hour

Labor & Employment Law: 2.0 hours

Real Estate Law: 1.0 hour

State/Federal Gov't Administrative Practice: 14.5 hours

Seminar credit may be applied to satisfy both CLER and Board Certification requirements in the amounts specified above, not to exceed the maximum credit. Refer to Chapter 6, Rules Regulating The Florida Bar, for more information about the CLER and Certification Requirements.

Prior to your CLER reporting date (located on the mailing label of your Florida Bar *News*) you will be sent a Reporting Affidavit or a Notice of Compliance. The Reporting Affidavit must be returned by your CLER reporting date. The Notice of Compliance confirms your completion of the requirement according to Bar records and therefore does not need to be returned. You are encouraged to maintain records of your CLE hours.

Refund Policy

Requests for refund or credit toward the purchase of audio/CD or course books 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 \$25 service fee applies to refund requests. Registrants that do not notify The Florida Bar by 5:00 p.m., May 4, 2007 that they will be unable to attend the seminar, will have an additional \$60 retained. Persons attending under the policy of fee waivers will be required to pay \$205.

Hotel Reservations

A block of rooms has been reserved at the Hyatt Regency Coconut Point Hotel, at the rate of \$169 single/double occupancy. To make reservations, call the Hyatt Regency Coconut Point Hotel direct at (239) 444-1234. Reservations must be made by 4/6/07 to assure the group rate and availability. After that date, the group rate will be granted on a "space available" basis.

continued on next page

Schedule of Events

The 30th Annual Local Government Law in Florida seminar is the annual seminar sponsored by The Florida Bar City, County and Local Government Law Section. Our goal is to update practitioners from the private and public sector of local government law on newly developing cases and issues. This course assumes that attendees are conversant with basic issues of local government law, and this seminar's goal is to provide a board based approach to issues facing local government lawyers.

Thursday, May 10, 2007

5:00 p.m. – 6:30 p.m.

Executive Council Meeting of the City, County and Local Government Law Section

(all section members welcome)

6:30 p.m. – 8:00 p.m.

Section Chair's Reception

(section members, seminar attendees and guests are invited)

8:00 p.m. – 10:00 p.m.

Past Chairs' Circle Dinner

(past chairs of the section and executive committee)

Friday, May 11, 2007

8:15 a.m. – 8:50 a.m.

Late Registration

8:50 a.m. – 9:00 a.m.

Opening Remarks

Mary Farris, Chair, City, County and Local Government Law Section, Tampa

9:00 a.m. – 10:00 a.m.

Employee First Amendment Rights and Governments Right to Function!

Rob Brazel, Tampa

10:00 a.m. – 11:00 a.m.

Defamation and the Government Official, Volunteer or Employee

Lynn Carrillo, Miami

11:00 a.m. – 11:15 a.m.

Break

11:15 a.m. – 12:00 noon

Communicating in a Crisis: Challenges for the Public Sector Attorney

Joe Jarret, Bartow

12:00 noon – 1:30 p.m.

Luncheon (included in registration fee)

Keynote Speaker: Marco Rubio, Speaker of the House, Miami

Nominations: Chair-elect, Grant Alley, Ft. Myers

Secretary-Treasurer: Jim Bennet, Clearwater

1:30 p.m. – 2:00 p.m.

How to Navigate the Cabinet - Cabinet Affairs and Local Governments

Pat Gleason, Tallahassee

2:00 p.m. – 2:45 p.m.

Avoiding Pitfalls in Historic Preservation

Tom Logue, Miami

2:45 p.m. – 3:45 p.m.

Land Use and Zoning Update: Affordable Housing, Urban Infill, School Concurrency and New Challenges to Old Problems

Joni Armstrong Coffey, Miami

David Tucker, Tallahassee

3:45 p.m. – 4:15 p.m.

Recent Changes in Florida Tort Law - How they Impact Local Government

Luis Perez, Coral Gables

4:15 p.m. – 5:00 p.m.

Public Records and the Modern Government Office - The latest in the Law

Rafael Suarez-Rivas, Miami

6:00 p.m. – 7:30 p.m.

Reception

(all section members, seminar attendees and guests welcome)

Saturday, May 12, 2007

8:15 a.m. – 8:45 a.m.

Continental Breakfast

8:45 a.m. – 9:45 a.m.

Civil Rights and Police Action

Michael Fertig, Miami

Tucker Ronzetti, Coral Gables

9:45 a.m. – 10:30 a.m.

Whistleblowers in the Local Government Setting

Marlene Quintana, Miami

10:30 a.m. – 10:45 a.m.

Break

10:45 a.m. – 11:30 a.m.

Ethics Update: The Status of the Attorney Client/ Work Product Privilege: To Represent or Not?

Marion Radson, Gainesville

Jennifer Glasser, Miami

11:30 a.m. – 12:00 noon

Legislative Update

Virginia Delegal, Tallahassee

Kraig Conn, Tallahassee

Registration

Register me for "30th Annual Local Government Law in Florida" Seminar

(284) HYATT REGENCY COCONUT POINT, BONITA SPRINGS (MAY 11-12, 2007)

TO REGISTER OR ORDER AUDIO/CD OR COURSE BOOKS, MAIL THIS FORM TO: The Florida Bar, CLE Programs, 651 E. Jefferson Street, 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 \$25.00. **On-site registration is by check only.**

Name _____ Florida Bar # _____

Address _____

City/State/Zip _____ Phone # _____

RDL: Course No. 0460R

REGISTRATION FEE (CHECK ONE):

- Member of the City, County and Local Government Law Section: \$320
- Non-section member: \$345
- Full-time law college faculty or full-time law student: \$205
- Persons attending under the policy of fee waivers: \$60
Includes Supreme Court, DCA, Circuit and County Judges, Magistrates, 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.)

METHOD OF PAYMENT (CHECK ONE):

- Check enclosed made payable to The Florida Bar
- Credit Card (Advance registration only. May be faxed to 850/561-5816)
 - MASTERCARD VISA Exp. Date ____/____(MO/YR.)

Signature: _____

Name on Card: _____

Card No. _____



- 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.

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Private taping of this program is not permitted. **Delivery time is 4 to 6 weeks after 5/11/07. TO ORDER AUDIO/CD OR COURSE BOOKS**, fill out the order form above, including a street address for delivery. **Please add sales tax to the price of tapes or books. Tax exempt entities must pay the non-section member price.**

Please include sales tax unless ordering party is tax-exempt or a nonresident of Florida. If this order is to be purchased by a tax-exempt organization, the course book/tapes must be mailed to that organization and not to a person. Include tax-exempt number beside organization's name on the order form.

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Cost \$35 plus tax
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(includes course book)
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\$345 plus tax (non-section member)

TOTAL \$ _____

AUDIO CD

(includes course book)
\$320 plus tax (section member)
\$345 plus tax (non-section member)

TOTAL \$ _____

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Related Florida Bar Publications can be found at <http://bookstore.lexis.com/bookstore/catalog>. Click on "Jurisdictions," then "Florida" for titles.



The Florida Bar Continuing Legal Education Committee and the
City, County and Local Government Law Section present

City, County and Local Government Law Certification Review Course 2007

COURSE CLASSIFICATION: ADVANCED LEVEL

One Location: May 10, 2007

Hyatt Regency Coconut Point • 5001 Coconut Road • Bonita Springs, FL 34134

Course No. 0459R

8:10 a.m. – 8:30 a.m.

Late Registration

8:30 a.m. – 8:35 a.m.

Welcome

Mary Helen Farris, Tampa

8:35 a.m. – 9:05 a.m.

Public Finance

Grace E. Dunlap, Tampa

Alexandra M. MacLennan, Tampa

9:05 a.m. – 9:35 a.m.

Conflicts of Interest/Financial Disclosure

C. Christopher Anderson, Tallahassee

9:35 a.m. – 10:15 a.m.

Ethics

David R. Ristoff, New Port Richey

10:15 a.m. – 10:30 a.m.

Break

10:30 a.m. – 11:30 a.m.

Public Sector Employment Liability

Erin G. Jackson, Tampa

11:30 a.m. – 12:15 p.m.

Eminent Domain

James A. Moreland, Orlando

12:15 p.m. – 1:30 p.m.

Lunch

1:30 p.m. – 2:15 p.m.

Sunshine Law and Public Records Law

Patricia R. Gleason, Tallahassee

2:15 p.m. – 3:00 p.m.

Home Rule and Exercise of Police Powers

Robert L. Nabors, Tallahassee

3:00 p.m. – 3:15 p.m.

Break

3:15 p.m. – 3:45 p.m.

Procurements

Michelle A. Wallace, St. Petersburg

Dennis Long, St. Petersburg

3:45 p.m. – 5:00 p.m.

**Land Use/Zoning and Practice & Procedures Before Local
Government Legislative and Quasi-Judicial Bodies**

Mark P. Barnebey, Bradenton

Herbert W.A. Thiele, Tallahassee

6:30 p.m. – 8:00 p.m.

**Chairs Reception – All section members, seminar
attendees, and guests are welcome**

COURSE BOOKS: COURSE BOOKS WILL BE MAILED TO ALL REGISTRANTS PRIOR TO THE REVIEW COURSE BUT NOT AFTER April 6, 2007. IF YOU REGISTER AFTER April 6, 2007 YOU WILL RECEIVE THE COURSE BOOK ON-SITE ONLY. Bring your book with you or you will be required to purchase the book on-site if you desire a copy during the review course. A limited number of books will be available on-site.

Those who have applied to take the certification exam may find this course a useful tool in preparing for the exam. It is developed and conducted without any involvement or endorsement by the BLSE and/or Certification committees. Those who have developed the program, however, have significant experience in their field and have tried to include topics the exam may cover. Candidates for certification who take this course should not assume that the course material will cover all topics on the examination.

CITY, COUNTY AND LOCAL GOVERNMENT SECTION

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Elizabeth Hernandez, Coral Gables — Chair-elect
Kenneth Buchman, Plant City — CLE Chair
Herbert W. A. Thiele, Tallahassee — Program Chair

CLE COMMITTEE

Virginia Tanner-Otts, Chair
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CLE CREDITS

CLER PROGRAM

(Max. Credit: 8.0 hours)

General: 8.0 hours

Ethics: 1.0 hour

CERTIFICATION PROGRAM

(Max. Credit: 8.0 hours)

City, County & Local Government: 8.0 hours

Labor & Employment Law: 1.0 hour

State/Federal Gov't. Administrative Practice: 8.0 hours

Seminar credit may be applied to satisfy CLER/Certification requirements in the amounts specified above, not to exceed the maximum credit. See CLE link @ www.floridabar.org for more information.

How to register:



ON-LINE: www.FLORIDABAR.org

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MAIL:
Completed form
w/check.



FAX: 850/561-5816
Form with
credit card information.

REFUND POLICY: Requests for refund or credit toward the purchase of the audio/CD or course books of this program **must be in writing and postmarked** no later than two business days following the course presentation. Registration fees are non-transferable, unless transferred to a colleague registering at the same price paid. A \$25 service fee applies to refund requests. Registrants who do not notify The Florida Bar by 5:00 p.m., May 1, 2007 that they will be unable to attend the seminar, will have an additional \$50 retained. Persons attending under the policy of fee waivers will be required to pay \$50.

HOTEL RESERVATIONS: A block of rooms has been reserved at the Hyatt Regency Coconut Point Hotel, at the rate of \$169 single/double occupancy. To make reservations, call the Hyatt Regency Coconut Point directly at (239) 444-1234. Reservations must be made by 4/6/07 to assure the group rate and availability. After that date, the group rate will be granted on a "space available" basis.

Register me for the "City County and Local Government Law Certification Review Course 2007" Seminar

ONE LOCATION: (284) HYATT REGENCY COCONUT POINT, BONITA SPRINGS (MAY 10, 2007)

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Name _____ Florida Bar # _____

Address _____

City/State/Zip _____ Phone # _____

RDL: Course No. 0459R

REGISTRATION FEE (CHECK ONE):

- Member of the CCLG Law Section: \$190
- Non-section member: \$215
- Full-time law college faculty or full-time law student: \$135
- Persons attending under the policy of fee waivers: \$50
Includes Supreme Court, DCA, Circuit and County Judges, Magistrates, 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.)

METHOD OF PAYMENT (CHECK ONE):

- Check enclosed made payable to The Florida Bar
- Credit Card (Advance registration only. Fax to 850/561-5816.) MASTERCARD VISA

Signature: _____ Exp. Date: ___/___ (MO./YR.)

Name on Card: _____

Card No. _____



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Please include sales tax unless ordering party is tax-exempt or a nonresident of Florida. If this order is to be purchased by a tax-exempt organization, the course book/tapes must be mailed to that organization and not to a person. Include tax-exempt number beside organization's name on the order form.

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\$190 plus tax (section member)
\$215 plus tax (non-section member)

TOTAL \$ _____

AUDIO CD

(includes course book)
\$190 plus tax (section member)
\$215 plus tax (non-section member)

TOTAL \$ _____



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Related Florida Bar Publications can be found at <http://bookstore.lexis.com/bookstore/catalog>. Click on "Jurisdictions," then "Florida" for titles.

City, County & Local Government Law Section CLE Audiotapes Available

The Audio/Video department is not equipped to take orders by phone. Phone inquiries: (850) 561-5629

PRICE: S=Section Member
N=Non-Section Member

COURSE NO.	COURSE TITLE	DATE TAPE EXPIRES	AUDIO	VIDEO
0267R	31st Annual Public Employment Labor Relations Forum Audio Cassette Only Gen. Cr. 11.5 Ethics 2.0	4/27/2007	S=\$290.00 N=\$315.00	N/A N/A
0308R	2006 City, County & Local Gov't Law Cert. Review Course Audio Cassette Only Gen. Cr. 8.0 Ethics 1.5	11/11/2007	S=\$185.00 N=\$210.00	N/A N/A
0309R	29th Annual Local Gov't Law in Florida Audio Cassette Only Gen. Cr. 12.5 Ethics 1.0 Professionalism 1.0	11/12/2007	S=\$295.00 N=\$320.00	N/A N/A

To order tapes (course materials included) mail this entire sheet (or a copy) to: The Florida Bar, CLE Programs, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300. Please include TAX if you live in Florida. Out-of-State residents do not pay tax.

Florida Bar Number: _____ Attorney's Name: _____
 Firm Name: _____ Phone Number: _____
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If you are a tax-exempt entity, please include your ID number on the order form or a copy of the tax-exempt certificate. The tapes must be shipped to the tax-exempt organization. Tax Exempt ID#: _____

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PLEASE ALLOW FOUR WEEKS FOR DELIVERY. TAPE ORDERS ARE PROCESSED IN THE ORDER RECEIVED. FLORIDA BAR COURSES ARE AVAILABLE FOR CREDIT ON-LINE 24/7 AT: www.floridabar.org CLICK ON 'CLE'

Course Number: _____	Course Title: _____	Cost _____
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6% Sales Tax + your County surtax \$ _____
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