

RECENT DEVELOPMENTS*

This is the last time I will be so directly involved in your Annual Symposium. As many of you know, since the late 1980s, I have assembled Symposia topics and writers, edited their works, held their hands when changes were warranted, previewed important cases, supervised and trained student writers in the art of case digesting, written them myself, and edited student digests. I am proud of the books we have published for the Section over these years. I have been privileged to work with fine editors and writers, as well.

But I am most proud of the high standards of reporting achieved in this Recent Developments section. The judicial analysis involving City, County, and Local Government law is as, and sometimes more, doctrinal- and policy-oriented than judicial opinions about other fields of law. Our summaries of these major decisions have attempted to inform all readers of these matters in a highly readable, subsequently researchable format. I hope that those who follow will carry those standards even higher.

It has been a professional honor to have been trusted with such responsibilities and to have had this opportunity to make a difference for our now, much expanded Section of The Florida Bar and for the Florida League of Cities. I will remain an active member, particularly on the Executive Council, and look forward to talking to many of you at future programs and meetings.

PROFESSOR JAMES J. BROWN
Symposium Coordinator, Advisor

* Decisions editorially summarized as nationally reported through October 2001. Our editorial summaries in this Recent Developments section will emphasize subjects of direct interest to municipal-corporation and local-government-entity practitioners and academics. Citation style has been adapted for these purposes. For information about a case's procedure, pleadings, and other subjects, you should read the case directly.

STETSON LAW REVIEW
CITY, COUNTY AND LOCAL GOVERNMENT LAW
DIRECTORY OF TOPICS FOR RECENT DEVELOPMENTS

- Alcoholic Beverages Control**
 (see also Constitutional Law)
- Annexation**
 Land Use Planning 02-423
 Legal Requirements 01-1073
- Antitrust**
 (see also Governmental Contracting)
- Apportionment & Redistricting**
 (see also Voting Rights)
- City Government**
 Prerequisite Functions 01-1077
- Communications**
 Telecommunications Act
 of 1996 98-933
 Local Regulations
 Federal Preemption 00-827
- Condemnation & Eminent Domain**
 Attorney Fees 97-941, 945
 98-940, 943
 Inverse Condemnation 00-829
 Easements 97-944
 Settlement Agreements 97-942
 Valuation 00-836
- Constitutional Law**
 (see also Land Use and
 Public Employment)
 Civil Rights
 § 1983 97-955
 98-947, 950, 952, 958
 99-753, 756, 760, 819, 828; 02-427
 Affirmative Action 00-841
 Immunity 98-963, 967, 983;
 00-839
 Qualified Immunity 98-971, 973,
 977
 99-763, 884
 Regulatory Taking 98-986
 § 1985(3) & § 1986 98-988
 Due Process 97-1037, 1038
 98-990; 99-871; 916
 01-1081, 1086, 1090; 02-430; 02-433
 Education
 School Vouchers 02-436
 Eleventh Amendment 02-439
- Equal Protection 98-993
 01-1092
 Fifth Amendment 99-878
 01-1095
 First Amendment
 Adult Business Use 98-995, 1001
 99-765, 769
 01-1096; 02-447
 Association 00-965
 Curfew
 Handbills & Advertisements 97-949, 951; 98-1003
 Harrassment & Misconduct 00-848
 Homeless Shelters 97-1078
 Noise Nuisance 98-1007
 Prisoners' Rights 98-1010
 Religious Freedom 97-1078
 98-1012, 1014
 Qualified Immunity 99-771; 00-850
 Signs & Billboards 98-1018
 Sound Ordinance 02-449
 Standing 00-852
 Fourth Amendment 01-1099
 Search & Seizure 02-453
 Fourth & Fourteenth Amendments
 Elections 98-1023
 Qualified Immunity 00-855
 Search & Seizure 00-858
 01-1101
 Right to Safety 98-955
 Immunity 01-1105
 Inverse Condemnation
 Takings 97-953, 954; 00-945
 02-455
 Statutes: Retrospective
 Application 00-861
- Disaster Management** 97-959
 Federal Emergency
 Management Act
- Education**
 (see also Public Education)
- Elections**
 (see also Fourth &
 Fourteenth Amendment:
 Elections) 97-961, 968; 98-1029
 Ballot Summary 97-963; 99-775
 01-1109, 1110
 Campaigns 99-778
 Challenges 00-865
 Initiative/Referendum 97-968, 1004
 Protest 99-782, 784

Recall Petition 97-962, 98-1029

Environment

Dredge & Fill
DRI 97-971
Landfills
Operational Restrictions 97-973
Permit
Pollution Control 99-787
Solid Waste Handling/
Disposal 98-993
Water

Ethics Code 97-975, 976

Federal Preemption

Occupational License 00-912

Firefighters

(see also Public
Employment) 97-981

Franchises

Cable Communications
Taxicabs

Government Contracting . . . 98-1033

. 01-1115, 1129
Exclusive Contracts . . . 97-983; 98-1035
. 99-791
Indemnification 01-1118; 02-461
Indemnification &
Equitable Subrogation 00-869
Notice of Meeting 00-873
Performance Bonds
Public Bidding 97-984; 99-792
. 98-1034, 1035, 1036
. 01-1120
Redevelopment 98-1038

Government Property

Disability Access 98-1043
. 01-1123
Fee Titles & Easements 00-877
Nuisance 01-1125
Taxation 99-795

Governmental Immunity

(see also Police) 98-1043
Humor 97-990
Jails & Prisons 99-832; 00-879
Jurisdiction 98-1046
Liability Insurance 98-1048
. 99-801, 803, 805
Sovereign Immunity 97-987, 990
. 99-808
. 01-1129, 1131, 1133; 02-465

Swimming Area 01-1136

Health & Safety

Codes & Enforcement 97-995; 99-811
Drug Testing 98-1023
Emergency Ambulance
Services 97-999
. 98-983
Health Care & Clinics
Human Services
ADA 97-997, 998, 1043
AIDS
911 Services 99-812
Social Service

Home Rule (Charter

& Non-Charter) 97-1003, 98-1051
. 01-1109
Commission Powers 01-1141
Initiative & Referendum 97-1004
. 99-815
State Supremacy 00-861

Housing

Immunity

(see also Constitutional Law,
Governmental Immunity,
Police, Sovereign Immunity)
Local Government 99-819

Indigents Public Defense . . . 97-1011

Initiative & Referendum

(see also Home Rule)

Insurance

(see also Governmental
Immunity) 97-1013
Partner Benefits 99-823
Policy Exclusion 99-824
Public Education
Self Insurance 00-883
. 01-1145

Interstate Commerce

Inverse Condemnation

(see also Constitutional Law:
Fifth Amendment and Land
Use & Planning & Zoning)

Jails & Prisons

(see also Public Employment:
FLSA)

Employees 97-1019; 99-827
 Immunity 99-828
 Inmates 97-1021; 99-832
 Religious Freedom 98-1012

Judicial Funding

Labor Relations

(see also Public Employment)
 Fair Labor Standards Act 99-893
 01-1149

Land-use Planning & Zoning

Administrative/Judicial 97-1027
 Adult Business 01-1155
 Building Permits
 Block Grant 97-1023
 Communication Towers 98-933
 00-889
 Comprehensive Plan
 Amendments 01-1159; 02-468
 In Compliance 97-1024; 00-895
 01-1161; 02-473
 Zoning District 97-1025
 Contract Zoning 98-1056; 99-835
 Down Zoning 97-1027
 Enabling Act 98-1058
 Federal Preemption 02-477
 Impact Fees & Land Dedication
 Inverse Condemnation
 Mobile Modular Homes, Trailers
 & Recreational Vehicles 98-1060
 Nonconforming Use 98-1062
 Notice 99-837
 Permitting 01-1163, 1167
 Plat Dedication 97-1029
 PUD 97-1030, 1033
 Quasi-Judicial 97-1034
 98-1065, 1066
 Regulatory Taking 98-986, 1068
 Remedies 97-1034
 Rezoning 98-1053; 99-839
 Small Scale 01-1159
 Safety Codes 97-1035
 Spot Zoning 99-840
 Standard of Judicial
 Review 98-1065, 1070
 99-842, 846
 Standing 97-1036
 01-1171
 Streets 99-850
 Substantive Due
 Process 97-1037, 1038
 Takings 97-953, 954; 99-853
 01-1173; 02-480; 02-483
 Urban Redevelopment
 Variance 01-1176; 02-491

Vested Rights 97-1035; 99-855
 00-891

Landlord & Tenant

Legal Services 97-1011

License & Permits

(see also Land Use Planning
 & Zoning)
 Occupational License 99-861

Local Government Finance

Impact Fees 01-1179

Meetings & Procedures

Sunshine Law . . . 97-1041, 1043, 1044
 Open Meetings Law 00-899

Municipal Authority

(see also Ordinances
 & Regulations)
 Annexation 98-1073; 00-905
 Bonding Authority . . . 98-1076; 02-495
 Certiorari Review 98-1078
 Charitable Solicitations 00-906
 City Charters 01-1183
 Commission Powers 01-1141
 Delegation
 Domestic Partnership
 Ordinance 02-498
 Notice & Hearing 00-910
 Occupational Licensing 00-912
 Police Power Controls
 Begging 97-1047
 Littering 97-951
 Loitering
 Nuisance Abatement 97-954
 Parading 97-1048
 Street Management 02-502
 Quasi-Judicial Power 98-1081

Municipal Finance

Abatement for Development . . 01-1185
 Bond Financing 97-1051
 Budget 02-505
 Non-Tax Revenues
 Environment, Water
 & Waste Handling 97-1052
 Rights of Way 00-919
 Special Assessment 97-1053, 1055
 98-1083, 1088
 99-867; 00-921
 Taxation 01-1188
 Taxation 97-1056, 1057; 99-865
 Ad Valorem . . . 97-1060, 1061, 1064,
 1066; 98-1090, 99-795; 00-924,
 927, 987

Disabled Parking Permit	97-1067
Sales Tax	98-1098
Standing	98-1101
Local Option Tourist Development Act	98-1094, 1096

Ordinances

Constitutional Law First Amendment Noise Nuisance	01-1193
Special Assessment	02-509

Ordinances & Regulations

(see also Municipal Authority & Constitutional Law)	
Adult Uses	97-1071
Billboards	97-1073
Criminal	99-871
Curfew	97-1076
.	01-1086
Gambling	97-1075; 98-1103; 00-931
Homeless Shelters	97-1078
Loitering	01-1081
Mayor's Veto Power	00-932
Noise	00-933
.	01-1197
Public Nuisance	98-1105; 99-872
Residential/Business Parking	98-1107
Special Assessment	99-874
Sun & Sand	97-1080

Parks & Playgrounds

(see also Government Property)

Pensions & Benefits

(see also Public Employment)

Police

(see also Governmental Immunity)	97-1081
ADA	98-1109
City & County Sheriff	99-875
Civil Rights	98-947, 958; 00-855
.	01-1199
Constitutional Duties	98-955
Discharge & Resignation	97-955
.	98-990, 1118; 99-878, 881
Duty — Workers' Compensation	00-937
Forfeiture Statutes	00-939
Immunity	98-963, 967
.	99-760, 763, 884
.	01-1200
Public Duty Doctrine	00-941
Qualified	98-973, 977, 1115
.	99-884
.	01-1202, 1205; 02-511

Sovereign	97-1081
.	01-1208
Pursuit	99-886
.	01-1101
Retaliatory Suspension	97-1102
Stop and Frisk	01-1101
Training	99-893

Police Powers(see also Municipal
Authority)**Practice & Procedure**

Appellate	99-895
.	01-1211, 1213; 02-515
Attorney Fees	01-1215
Enforcement of Judgment	00-945
Evidence	02-516
Filing	02-518
Notice	99-896
Trial Attorney Fees	97-1113; 99-898
Diversity Claims	98-1123
Pleading	01-1218

Public Contracts

Contracts and Agreements Commission Powers	02-521
---	--------

Public Education(see also Public Employment,
Sovereign Immunity)

Boards	98-1127
Scope of Power	00-949
Disabilities (IDEA) 97-1083; 98-1133, 1136, 1139 (Rehabilitation Act)	99-901
Discipline	99-904; 02-527
Employee Promotion	00-951
Grievance Procedures	97-1084
Harassment & Misconduct	97-1085, 1087, 1089
.	98-1128; 99-905, 906
.	00-955
.	99-867
Immunity	98-1143, 1194; 00-960
.	01-1223, 1227
Insurance	99-908
Random Search	97-1090
Search & Seizure	00-962
Suicide	99-910
Taxation	97-1056, 1057; 99-865
Ad Valorem	97-1060, 1061, 1064,
.	1066; 98-1090; 99-795
Disabled Parking Permit	97-1067
Sales Tax	98-1098
Standing	98-1101
Local Option Tourist	

Development Act 98-1094, 1096

Public Employment

(see also Police)

ADA, Disability 97-981, 997, 998,
. 1093

Applicant Qualifications 97-995

Demotion 00-965

Discharge 98-1147; 99-915, 916
. 01-1183, 1231; 02-531

Discrimination . . . 97-1093, 1094, 1095
. 99-918, 925, 929
. 01-1199; 02-533

Title VII 98-1149, 1152; 99-932

FLSA 98-1156, 1159
. 98-893, 935
. 01-1149

Grievance 98-1162; 02-536

Independent Contractors 97-1096, 1098

Labor Relations 97-1101; 99-936

Pensions & Benefits 97-937, 938
. 00-968

Police 99-939

Retaliatory Suspension 97-1102
. 98-1152; 99-753

Tort Claims 98-1194

Volunteer 00-971

Whistleblowers
Act 99-942; 00-973, 975
. 01-1233

Workers' Compensation 01-1236

Wrongful Discharge 97-1104

Public Lands

Liability/Immunity 01-1136

Public Records

Public Services

Public Utilities

Defined 98-1167

Public Bidding 98-1036
. 01-1120

Rates 97-1107; 02-539

Utility Districts

Utility Ownership

Water & Sewer 99-945
. 01-1239

Referendum

(see also Home Rule)

Rent Control

Revenues

(see also Municipal Finance)

Signs & Billboards

(see also Constitutional Law) . 97-1073

Sidewalks 97-949, 1047

. 98-1003

Sovereign Immunity

(see also Governmental

Immunity) 98-1169

Counties 99-947

Public Education 98-1170, 1194

Public Lands 01-1136

Surface Waters 98-1174

Special Districts

State Preemption 00-981

Sunshine Law

(see also Practice & Procedures)

Pending Litigation 00-899

Taxation

(see also Municipal Finance)

. 01-1241

Ad Valorem 99-949; 00-924, 985
. 02-541; 02-543

Deeds 02-546

Service Fee 00-987

Spot Reappraisals 99-951

Tax Certificate 01-1244

Tax Deed Sale 02-547

Tort Liability

Claims Against Governmental

Entity . . 98-1177; 00-991, 994; 02-551

Hearsay 98-1180

Municipal Negligence 98-1181

Personal Injury 98-1183, 1186,
. 1189, 1194
. 01-1249; 02-552

Scope of Employment

(see also Sovereign
Immunity) 98-1194

Sexual Harassment 02-558

Transportation

Attorney Fees

Mass Transit 02-561

Motor Vehicles

Parking

Standing

Statute of Limitations

Streets & Highways 97-1109, 1110
. 99-955

Traffic Control Devices 00-997

Trial Practice 97-1113

Voting Rights 98-1197

.....	98-1130, 1204
Apportionment	97-1115
Judicial Offices	97-1126; 98-1203
Legal Fees	01-1253
Redistricting ...	97-1118; 1120; 00-999
.....	1121; 1130
.....	01-1257
School Boards	97-1124; 02-565
Vote Dilution ...	99-959; 00-1000, 1003
.....	01-1261
Voting Rights Act of 1965	02-567