

Can We Afford Our Future?

2020 NSU ENVIRONMENTAL LAW SYMPOSIUM

APRIL 3, 2020

Living in, and Defending our
Communities in a Shrinking,
Warming South Florida:
Legal and Policy Challenges
for the 2020s

Shepard Broad College of Law
NOVA SOUTHEASTERN UNIVERSITY

NSU
Florida



This year's symposium will explore the legal and policy implications of the costs facing south Floridians as they work to protect their homes and environmental support system from global warming, sea level rise, pollution, degradation and congestion. Skyrocketing housing costs, gentrification, higher construction, building and infrastructure relocation or retrofitting, and insurance costs, and the loss of ecosystem services are just a few of the major economic and social issues facing south Floridians. Tort liability and financial sanctions arising from public advocacy and legal challenges about these issues are another.

The symposium will explore the legal and policy implications, and mechanisms available or needed to ensure that all south Floridians can continue to afford to live in south Florida and use their constitutional and legal rights to protect their homes, quality of life and future.



PROGRAM

**NSU CLE ENVIRONMENTAL LAW SYMPOSIUM
FRIDAY, APRIL 3, 2020 | 9:30 AM- 4:45 PM
NSU SHEPARD BROAD COLLEGE OF LAW,
PANZA MAURER LAW LIBRARY, 3RD FLOOR**

9:30 am Welcome

Student Leader, Environmental Law Society

9:45 – 10:45 am

Can We Afford Our Future?

Mitch Chester, Esq., Law Office of Mitchell A. Chester. P.A.

Mr. Chester will address the economic, legal, and policy issues and potential solutions of sea level rise and climate change relative to trust and estate planning, mortgages & "blue lining", Truth in Lending, disclosures in real estate transactions, consumer credit scores, cooperative relocation (Forced Retreat) and property issues, HOA and Condo Special Assessments, reserves and liabilities, insurance and housing affordability, municipal bonds ratings and infrastructure

10:45 am - 11:00 am Break

11:00 – 11:45 am

**Report from the General Counsel - Fla. Dep't of
Agricultural & Consumer Services**

Steven Hall, General Counsel,
Fla. Department of Agricultural & Consumer Services

Mr. Hall will address the current environmental and land use legal and policy issues of interest in South Florida within the Department's purview, including Best Management Agricultural Practices, the Right to Farm Act, renewable energy and efficiency issues, hemp cultivation, and others.

11:45 am - 12:45 pm Lunch & Networking



12:45 - 1:30 pm

Barriers to Participation: Third Parties in Planning, Land Use and Zoning Decisions

Susan Trevarthen Esq., FAICP, Weiss Serota Helfman Cole & Bierman, P.L.

Recent court decisions and changes to state law have increased the difficulty, risk and cost for citizens and interest groups to formally participate in planning, zoning and land use processes and to file challenges to decisions with which they disagree. News coverage of local decision-making continues to shrink, making it harder for motivated citizens to stay informed and able to take action in a timely manner. Ms. Trevarthen will explore these changes, along with their impacts and potential options for assuring that growth decisions will be informed by the preferences and interests of the public, permit applicants, and government.

1:30-2:15 pm

Can We Afford It? The Struggle to Comply with New State Requirements Regarding Inclusionary Zoning.

D'Wayne M. Spence, Esq., B.C.S.; Assistant City Attorney, City of Fort Lauderdale

Mr. Spence will discuss the struggle of municipalities to understand and development affordable housing strategies in light of the new inclusionary zoning requirements of HB 7103.

Break

2:30 - 3:15 pm

Water Quality Law & Policy Issues

Elizabeth Fata Carpenter,
Staff Attorney, Everglades Law Center

Ms. Carpenter will speak on water quality issues affecting South Florida and governmental and private initiatives aimed at addressing these issues including the South Florida Water Management's "works of the district" rulemaking, basin management action plans, and Everglades Restoration projects impacting water quality.





3:15 - 4:00 pm

Climate & Sea Level Rise Costs & Investments

Erin Deady, Esq., Erin L. Deady, P.A.

Ms. Deady will discuss the key pending legal and policy initiatives related to Climate change and sea level rise resiliency, including initiative from the Florida Keys and nation-wide.

4:00- 4:45 pm

Meeting the Legal and Policy Challenges of the Roaring '20s.

Moderator: Richard Grosso, Esq., Professor of Law,
Shepard Broad College of Law

NSU Law Professor Richard Grosso, will moderate an interactive discussion among panelists and attendees, including his NSU Law colleagues Brion Blackwelder and Joel Mintz, to share reactions and responses to the day's presentations, and law and policy ideas and insights for meeting the financial, social environmental and other challenges facing south Florida in the coming decade.

Closing Remarks

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