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February 23, 1990

The Honorable Raymond Ehrlich
Chief Justice
The Florida Supreme Court
Supreme Court Building
Tallahassee, Florida 32399

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CLERK, SUPREME COURT

By _____
Deputy Clerk

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Dear Mr. Chief Justice:

1000 FRIENDS OF FLORIDA is a nonprofit, public interest law firm dedicated to the implementation of Florida's landmark growth management laws, e.g., Chapters 163, 186, 187 and 380, Florida Statutes. The successful operation of these laws requires a significant degree of negotiation between public and private entities. We anticipate that unresolved negotiations will result in cases being filed in the circuit courts that are eligible for mediation and arbitration.

We have recently reviewed the Final Report of the Standing Committee on Mediation and Arbitration Rules, dated December 1, 1989. We would respectfully like to comment on proposed changes to Rule 1.720(f)(1) Mediation Procedures, Appointment of the Mediator. We support the position that the parties should have a period of time to mutually request that the Chief Judge certify a mediator agreeable to all parties, who may be a technical expert or prominent mediator who is not a member of the Florida Bar, or a retired judge.

In 1985, the Florida Legislature recognized the unique aspects of negotiating growth management/environmental conflicts in a state growing as rapidly as Florida. The Legislature created the Florida Growth Management Conflict Resolution Center as part of the State University System. The Center provides a service to governments and individuals throughout the state who are trying to resolve conflicts without undue time and expense.

1000 FRIENDS has participated in several circuit court proceedings that indicate to us that the expanded use of professional mediators would be advantageous to improved growth management in Florida. We also believe that professional mediators from the Center and other institutions would be successful in resolving growth management, e.g., land use and environmental conflicts.

1000 FRIENDS OF FLORIDA

1000 FRIENDS OF FLORIDA is a statewide growth management advocacy group founded in 1986 by Nathaniel P. Reed and other concerned Floridians. The group's mandate is to monitor implementation of the state's landmark growth management legislation, which requires every local government in the state to prepare and submit to the state for approval a "comprehensive plan" detailing how and where growth will occur.

1000 FRIENDS OF FLORIDA's board of directors is made up of 25 respected Floridians representing an array of interests involved in the growth management process --businesspeople, conservationists and academia. The organization employs a staff of full- and part-time planners, attorneys and support staff who engage in a variety of growth management-related activities, including lobbying, plan review and legal proceedings.

Central to the group's mandate to monitor implementation of the state's comprehensive planning process is its plan review staff. They review every county comprehensive plan submitted to the state, as well as selected city plans, and also comment on regional and state plans. These reviews, which focus on issues identified by **1000 FRIENDS'** board of directors and more than 2500 members, identify shortcomings in the plans and suggest ways communities can more effectively plan their future. Reviews are submitted to both local and state officials; in many cases, they become the basis for changes to a community's comprehensive plan.

1000 FRIENDS' legal staff becomes involved in legal and administrative challenges to local comprehensive plans, as well as other precedent-setting growth management legal cases. The organization has been instrumental in settling disputes between the state and numerous counties.

Also located at **1000 FRIENDS** office is the state's Successful Communities field representative. A joint project of **1000 FRIENDS OF FLORIDA** and The Conservation Foundation, Successful Communities offers information and technical assistance to help selected communities plan for their future. In Florida, the program is working with Palm Beach County and the City of Lake Wales.

Educational efforts also play an important role in the day-to-day activities of **1000 FRIENDS OF FLORIDA**. The group's staff speak at more than 100 gatherings a year, from small town civic groups to major statewide conferences. **1000 FRIENDS** publishes a quarterly newsletter that is sent to more than 3,000 members, media, other interested citizens, and other publications.

1000 FRIENDS OF FLORIDA

Board of Directors

The board of directors of **1000 FRIENDS OF FLORIDA** is made up of **24** men and women from around the state who are dedicated, respected advocates of effective growth management.

The organization's goal is to include on its board a broad representation of Floridians, emphasizing geographic diversity as well as a *mix* of backgrounds, experience and expertise.

Present members of the board are:

Nathaniel Reed, President

Reed, of Hobe Sound, is president of Hobe Sound Company, a real estate and holding company. Reed is a former member of the National Audubon board, as well as the board of the Nature Conservancy, and currently serves on the boards of the Natural Resources Defense Council and the National Geographic Society. Reed served as Assistant Secretary of the Interior from 1971-77, and as Chairman of the Florida Department of Air and Water Pollution Control from 1968-71. Governor Bob Martinez chose him as Chairman of the Commission on the Future of Florida's Environment in December, 1988.

Jerry Sokolow, Treasurer

Sokolow, of Miami, is a partner with the accounting firm of Sokolow & Sokolow. He is a certified public accountant specializing in litigation support, and has served on the American Institute of CPAs' technical standards subcommittee as well as its professional ethics executive committee. He is a member of the Florida Institute of CPAs' committee on accounting principals and auditing standards, and has served as an adjunct professor at the University of Miami.

Mary Kumpe, Secretary

Kumpe, of Sarasota, is a private consultant. She completed the Harvard University Program in Environmental Policy and Management, and is a former governing board member of the Southwest Florida Water Management District. Kumpe served as a regional planning commissioner on the Southwest Florida Regional Planning Council, and chaired the Sarasota County Chamber of Commerce committee which formulated the Chamber's contribution to the comprehensive plan. She served on the 1987 State Comprehensive Plan (Zwick) Committee and is a senior consultant to the Site Selection Committee of Tampa Electric Company.

Other board members include:

Harry Adley,

of Sarasota, president of Adley Associates, Planner/Economists, Inc. Adley is a member and past president of the American Society of Consulting Planners, and a member and past chairman of the American Institute of Urban and Regional Planning. He is a former member of Southwest Florida Regional Planning Council as well as the Planning and Management Advisory Council of the Florida Department of Commerce. Adley currently serves as chairman of the advisory committee to the University of Florida's Urban and Regional Planning Department.

Jim Apthorp,

of Tampa, executive vice president of Gulfstream Holding Company. Apthorp is a member of the Tampa Chamber of Commerce's Board of Governors, a director of University Community Hospital, and serves on the Florida Judicial Council.

Bernard Budd,

of Hollywood, vice chairman of Hollywood, Inc., and chairman of the South Florida Coordinating Council. Budd is past president of the Broward Committee of 100, past president of the Economic Development Council of Broward County, and director and past president of the Association of Florida Community Developers. Budd is a licensed professional engineer and general contractor, and serves a three-year term as city manager of Parsons, Kansas, before entering private business. He has been with Hollywood, Inc., since 1976.

Robert S. Davis,

of Seaside, president and chief executive officer of Seaside Community Development Corporation. Davis is the developer of Seaside, an award-winning development in Florida's Panhandle that is attracting national attention for its return to small-town planning traditions. He is a member of the Governor's Coastal Resources Citizens Advisory Committee and the Seaside Institute.

John M. DeGrove,

of Fort Lauderdale, director of FAU/FIU Joint Center for Environmental and Urban Problems. DeGrove served as Secretary of the Florida Department of Community Affairs under Governor Bob Graham. He is a member of the American Institute of Certified Planners, the Florida Advisory Council for Intergovernmental Relations, the Wetlands Forum of the Conservation Foundation, the Governor's Task Force on Urban Growth Patterns, and serves as a Fellow of the Urban Land Institute. He is a former member of the executive committee of the Southern Growth Policies Board and The Douglas Commission.

Ane Deister,

of North Miami, director of the South Florida Water Management District's Miami Area Office. Deister is a member of the American Water Resources Association, the American Water Works Association, and the South Florida Planning and Zoning Association. She is a former executive director of planning and resource management for Keith and Schnars, P.A., and also formerly served as executive director of South Florida Regional Planning

Council and the Apalachee Regional Planning Council. She is a former director of Water Resources at Florida State University's Institute of Science and Public Affairs, and a former Assistant Secretary of Resources for the State of California.

Edgar M. Dunn, Jr.,

of Daytona Beach, an attorney. He served as state senator from 1974 to 1986. During that time, Dunn served as chairman of the Senate Committee on Judiciary/Civil, Rules & Calendar, Executive Business, Governmental Operations, and Judiciary/Criminal. He was also a member of the Florida Advisory Council on Intergovernmental Relations and the Environmental Lands Management Study Committee II. Dunn served as general counsel to Governor Reubin Askew, and is a recipient of the Florida Audubon Society's 1982 Legislative Excellence Award and the Sierra Club's 1982 Legislative Leadership Award.

Larry Durrence,

of Lakeland, a professor of history and political science at Florida Southern College. He also serves as part-time executive director of the Ridge League of Cities, Inc., a regional league of Central Florida cities. Durrence is past president of the Florida League of Cities. He was a Lakeland City Commissioner from 1981 to 1988, and served as mayor in 1982 and 1986. Durrence is a past member of the board of directors of the Florida Downtown Development Association, a past member of the Florida Advisory Council on Intergovernmental Relations, and served as a delegate to the Florida Growth Management Conference in 1983.

Robin Gibson,

of Lake Wales, an attorney. Gibson is former chairman of the State University System's Board of Regents and currently serves as chairman of the Lake Wales Community Redevelopment Agency and of Lake Wales Downtown, Inc.

Warren S. Henderson,

of Venice, former state senator and chairman of the board of Guaranty Bank of Southwest Florida. Henderson serves as director of the Florida League of Anglers, is on the advisory board of Florida Defenders of the Environment, and is past state director of the Florida Audubon Society. He is director of the Florida League of Conservation Voters.

Stanley W. Hole,

of Naples, chairman of the board and principal engineer for Hole, Montes and Associates, Inc., Consulting Engineers, Planners and Surveyors. Hole is a member and former chairman of the Southwest Florida Regional Planning Council, the Urban Land Institute, the South Florida Water Management District Governing Board, the Florida Keys Aqueduct Authority board, the Environmental Lands Management Committee, and the Big Cypress Sub-Basin Governing Board. He was also vice chairman and a member of the Ridge and Lower Gulf Coast Water Management District and the Florida Keys Bridges Study Committee.

Phillip D. Lewis,

of West Palm Beach, a developer and realtor specializing in commercial and industrial real estate and investments. He is a former President of the Florida Senate. Lewis is a member of the Florida Council of 100, the Florida State Chamber of Commerce, Florida TaxWatch, and the Society of Industrial Realtors. He is also a founding member and past director of

the Home Builders and Contractors Association of Palm Beach County. Lewis served in the Florida Senate from 1970-80, during which time he helped create the state's water management districts and the Department of Environmental Regulation, and helped reorganize the Department of Natural Resources. He also served on the 1975 Property Rights Study Commission and the Speaker's Water Task Force.

Lenore McCullagh,

of Orange Park, a conservationist and chemist. McCullagh is a trustee of the Florida Chapter of the Nature Conservancy, a board member of the Florida Audubon Society, the Duval Audubon Society, and the Jacksonville Zoological Society, and former trustee of Florida Defenders of the Environment. She served on the Environmental Lands Management Study Committee II. McCullagh received the Sol Feinstone Environmental Award from the State University of New York at Syracuse in 1986, and was named Environmentalist of the Year by the Florida Audubon Society in 1982.

Arsenio Milian,

of Miami, a consultant with the firm of Milian, Swain and Associates, Inc., which provides engineering and utility management consulting services. He has been a member of the South Florida Water Management District Governing Board since 1987, and is a past member of the City of Miami's Planning Advisory Board and Zoning Board. He is founder and president of Citizens for a Better South Florida, Inc., and a member of the board of directors of the Marjorie Stoneman Douglas Biscayne Nature Center.

Lee Moffitt,

of Tampa, an attorney. Moffitt served in the Florida House of Representatives from 1974-84, and was Speaker of the House from 1982-84. He served on the Speaker's Committee on the Future in 1985, the Worldwide Unitary Tax Commission in 1983-84, and the Public Service Commission Nominating Commission in 1978-80. Moffitt received the National Wildlife Federation's Conservation Legislator of the Year Award in 1984.

Bob Parks,

of Miami, an attorney and environmentalist. He is chairman of the Miami River Coordinating Committee, and former chair of the Environmental Regulation Commission. Parks served on the Environmental Lands Management Study Committee II from 1982-84, and was on the Board of Trustees of the Nature Conservancy from 1986-89. He received the Florida Defenders of the Environment's 1983 Florida Environmental Service Award and was named 1986 Conservationist of the Year by the Florida Audubon Society.

Carol Rist,

of Miami, vice president of Kendall Plastics. Rist is past president of the Dade and Broward Leagues of Women Voters of Florida, and chairman of the environmental subcommittee of the Miami River Coordinating Committee. She is a member of the Dade County Zoning Code Committee and served on the Florida Environmental Efficiency Study Commission.

Hudson C. Smith,

of White Springs, vice president and general manager of Occidental Chemical Corporation's Florida Operations. He serves on the board of directors of the Florida Phosphate Council and was elected to the board of directors of the Barnett Bank of Columbia County in 1987. Smith was appointed by Governor Martinez in 1988 to serve on the Suwannee River Task Force.

Earl Starnes,

of Alachua, professor and past chairman of the Department of Urban and Regional Planning at the University of Florida. Starnes has served as State Planning Director and as a Dade County Commissioner. He is a member of the American Institute of Certified Planners and a Fellow with the American Institute of Architects.

Ted Taub,

of Tampa, managing partner of the Tampa law firm of Taub and Williams, where he also administers the environmental and land use section. He has been a member of the American College of Real Estate Lawyers since 1981, and was chairman of the American Bar Association's Real Property Litigation Committee from 1981-86. Taub was a member of the Florida Environmental Efficiency Study Commission and served as chairman of the Tampa-Hillsborough County Expressway Authority from 1974-84. He is also City Attorney for the City of Temple Terrace.

Victoria Tschinkel,

of Tallahassee, senior consultant specializing in environmental matters with the law firm of Landers and Parsons. Tschinkel served as Secretary of the Florida Department of Environmental Regulation from 1981 to 1987. She is a member of the National Academy of Public Administration, and currently serves on the U. S. Department of Energy's Advisory Committee on Nuclear Facility Safety, as well as the Advisory Council of the Electric Power Research Institute. She is a member of the Tallahassee/Leon County Local Planning Agency, the board of trustees of Florida Defenders of the Environmental and the board of directors of the Environmental and Energy Study Institute. Tschinkel received the Tropical Audubon Society's Conservation Award and the Environmental Protection Agency's Service Award in 1984.

Carl Feiss (Board Member Emeritus),

of Gainesville, is a planner and former chairman of the University of Florida's Urban and Regional Planning Department. Feiss is a former director and member of the board of trustees of the National Trust for Historic Preservation, and former chairman of the Planning & Housing Division of Columbia University, as well as the Architectural School at the University of Denver. He served as chief of planning and engineering for the federal Housing & Home Finance Agency, and **has** been a planning and urban development private consultant for a number of cities and regions in Florida. In 1988 he received a Presidential Citation from the American Institute of Architects.

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Thank you for considering our views on this matter.

Sincerely,


James F. Murley
Executive Director

JFM/ec
Enclosures

cc: The Honorable Parker Lee McDonald