

REVIEW OF FLORIDA LEGISLATION

PREFACE

The *Review of Florida Legislation* is an annual publication of the *Florida State University Law Review*, which offers articles examining significant legislation enacted during the preceding legislative session, important issues the Florida Legislature has not yet addressed, and federal issues and legislation affecting Florida. The *Review's* purpose is two-fold: First, articles that review recent legislation provide a resource for those seeking legislative history and possible legislative intent; and second, articles that propose changes to current law are aimed at policy makers and lawmakers as a framework for evaluating possible legislative action.

Legislative Editor Clifford W. Mayhall has compiled a slate of articles addressing several important and timely legal issues. The Honorable Reubin O'D. Askew and Lance DeHaven-Smith provide an introduction to Volume 27's *Review of Florida Legislation* and examine the reform era of the 1970s, revealing patterns and insights that may prove useful to state leaders and policy makers as they confront today's challenges.

The first article is a case study that explores the conflict between water management in the Everglades ecosystem and the implementation of the Endangered Species Act. The next article critiques the Florida Tort Reform Act, places tort reform in a constitutional requirement context, and criticizes the scholarship used to justify Florida's move toward tort reform. In contrast, the next article takes an opposing view and argues that the Florida Tort Reform Act provides common sense, predictability, and balance to Florida's civil justice system.

The next article summarizes key provisions in the 1999 amendments to the Florida Administrative Procedures Act and discusses the new limitations on agency rulemaking authority. Next, a federal administrative rulemaking table illustrates the analytical task that federal agencies confront when promulgating rules. Designed as a comprehensive resource, the rulemaking table provides statutory and executive order mandates that a federal agency must follow when adopting a rule. Finally, the student note addresses and criticizes the applicability of the standard set forth in *United States v. Fordice*, and, specifically, examines the impact of the Court's decision on Historically Black Colleges and Universities.

Many have contributed to make this year's legislative edition possible. First, we thank the authors who brought this edition to fruition through their scholarship. Second, we thank the Florida State University Student Government whose continued funding permits distribution of complimentary copies of this edition to law students and members of the Florida Legislature. Third, our members are to be commended for the many hours spent checking citations and sources for accuracy and veracity. Finally, we extend our most heartfelt thanks to our Office Manager and dear friend, Lou Wright, and to our undergraduate assistant Daniel Wardeh. For nearly fourteen years, Lou has provided support and kindness to *Law Review* members, and has been the organization's heart and soul. Lou continues to provide continuity to an endeavor that would otherwise lose its

history and tradition as our membership changes. Each one of us is truly grateful for Lou's essential guidance and support.

The Editors