

**MINUTES OF THE MEETING  
of the  
HARRIS CHAIN OF LAKES RESTORATION COUNCIL**

**January 5, 2007**

The regular meeting of the Harris Chain of Lakes Restoration Council (Council) was held at 9:00 AM on January 5, 2007 at the Lake County Board of County Commissioners' Chambers, 315 West Main Street, Tavares, Florida.

**Members Present**

Skip Goerner, Chairman  
Hugh (Dave) Davis II, Vice Chairman  
Rick Powers, P.G., Secretary  
Keith Farner  
Robert Kaiser, P.E.  
Richard Royal  
Ted Woodrell

**Members Absent**

Don Nicholson  
Edward M. Schlein, M.D.

**1. CALL TO ORDER**

Chairman Skip Goerner called the meeting to order at 9:00 AM.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

An Invocation was given by Councilman Bob Kaiser, followed by the Pledge of Allegiance.

**3. ROLL CALL**

Chairman Goerner called roll. Council members Don Nicholson and Edward Schlein were absent.

**4. APPROVAL OF MINUTES**

A call was made for discussion of the minutes from the November 3, 2006 meeting. No comments or edits were suggested. A vote to approve the November meeting minutes passed unanimously.

**5. DISCUSSION ITEMS**

**Report on the Legislative Delegation Presentation – Chairman Goerner**

Chairman Goerner discussed his meeting with the Florida Delegation and the Community Issue Budget Request (CIBR) to be presented by the Council. He said the \$3.5 million CIBR is due to

the Delegation by Friday, January 12<sup>th</sup> and he is currently working on the final version. Chairman Goerner said that once the CIBR is finalized, he will provide copies to the Council and then he outlined the individual elements of the CIBR:

- \$2.5 million for the Lake Beauclair Nutrient Reduction Facility;
- \$500,000 for largemouth bass restocking;
- \$250,000 for toxic algae monitoring, and ;
- \$250,000 habitat restoration and cypress tree plantings

Gene Caputo, of the St. Johns River Water Management District (SJRWMD) then informed the Council that their 2006 Report to the Legislature had been delivered and that no public comments were received. He also noted that Chairman Goerner will be presenting the Report to the SJRWMD Governing Board on January 9<sup>th</sup>.

#### Status of Council Vacancy

Chairman Goerner notified the Council that Councilman Keith Farner would not be vacating his position on the Council, due to his election to the Lake County Water Authority (LCWA) Board of Directors (Board). He explained that after a review of the matter by the Office of General Counsel determined that Councilman Farner would be eligible to remain on the Council. A copy of that opinion is provided as Attachment 1 of these minutes. Chairman Goerner also understands that Councilman Farner may not be eligible to vote on all matter of the Council when it comes to funding.

Vice (V.) Chairman Dave Davis asked if Councilman Farner were part of a quorum present at a Council meeting and not eligible to vote on a funding issue, would that affect the ability of the Council to achieve a quorum vote. Dr. Dan Canfield, of the University of Florida (UF) and member of the Technical Advisory Group (TAG) to the Council explained that according to “Roberts Rules of Order” by which the Council governs their meetings, the presence of a quorum is all that is required and that any Council member can refuse to vote on any matter. He said that a vote would pass by the majority of the voting members present.

Councilman Kaiser then expressed his opinion on Council members attending the monthly meetings and that is any member is not able to schedule and attend meetings on the first Friday of every month, then they should consider resigning from the Council. He said he understands about medical situations and family emergencies, but repeated absences by Council members are unacceptable.

Chairman Goerner agreed saying that attendance at the meetings is critical to continue with the work of restoring the Harris Chain of Lakes (HCOL).

## **6. PRESENTATIONS**

### Status of Lake Apopka Marsh Flow-way and North Shore Restoration – Dr. Mike Coveney

Mr. Caputo (SJRWMD) reminded the Council that Dr. Mike Coveney (SJRWMD) had notified them that he would not be available to provide updates on the Lake Apopka Marsh Flow-way (LAMF) and the Lake Apopka North Shore Restoration Area (NSRA) at the January meeting,

but would be available for the February meeting. Chairman Goerner believes that an update on those projects is important and he would like it scheduled as soon as possible.

#### Agency Updates

Dr. Canfield discussed the Lake Apopka Marsh Flow-way (LAMF) and other SJRWMD projects in the Lake Apopka North Shore Restoration Area (NSRA) during his updates to the Council.

- Operational costs of the LAMF are approximately \$700,000 per year and the total cost of operation over the 25 year planned use of the flow-way would be \$17 million; taking inflation into account. He explained the initial estimates were that the flow-way would remove 30,000 kilograms (kg) [or 66,000 pounds] of phosphorus per year and those expectations are not being met. Dr. Canfield said that in order to improve phosphorus removal, an alum treatment system is being proposed for the flow-way. He believes that the total costs for construction and operation will far exceed the original \$20 million estimate for the project. Dr. Canfield also reminded the Council that the flow-way concept remains experimental and they should continue to review other technologies for lake restoration.
- Dredging versus treatment for phosphorus reduction; Dr. Canfield explained that if the volume of water being pumped through the flow-way were instead dredged from the bottom of Lake Apopka, that it would remove 400 times the phosphorus from the lake. He suggested that the dredged material could be deposited in the NSRA to help build up the approximate 9,000 acres of the 11,000 acres of former farmlands which are below the current water level of the lake. Dr. Canfield also explained that aquatic plant coverage in Lake Apopka is less than 3% of the lake's surface area and well below desired levels. He suggested that this is in part due to the volume of fluid muck in the lake. Dr. Canfield offered his opinion that the Council pursue technologies that provide the greatest benefit for the lowest cost.

Chairman Goerner said that the flow-way projects appeared to have good potential to reduce phosphorus in the HCOL and asked what Dr. Canfield would suggest where the Council should concentrate their efforts. Dr. Canfield said that habitat restoration and improved fisheries would derive the greatest benefit in keeping with the purview of the Council.

Chairman Goerner said the Council has done so with their funding requests to the Legislature for habitat restoration and fish restocking, but he is concerned with water quality due to pumping nutrient-rich water into Lake Apopka. Dr. Canfield explained that proper aquatic habitat will improve water quality in Lake Apopka, even if nutrient-rich water is continued to be pumped into the lake. Additionally, he believes the Council should support the Lake Beauclair Nutrient Reduction Facility (NuRF) project to improve water quality in downstream lakes and meet the goals of the Florida Department of Environmental Protection (FDEP) Total Maximum Daily Load (TMDL) program.

Councilman Rick Powers said that he was involved with dredging projects in Polk County on Lake Hollingsworth and Banana Lake, which are much smaller than Lake Apopka. He explained that although they saw water quality improvements initially, the water quality began to decline over time.

Dr. Canfield explained that aquatic habitat will have a greater affect on long-term water quality improvements than dredging. He said that the fluid muck in Lake Apopka is destroying or minimizing the aquatic vegetation and kills fish spawning beds. Dr. Canfield also said that improved aquatic habitat and fisheries will have substantial economic return for the area.

Chairman Goerner said that he believes that connecting the lakes to marshes was going to be most beneficial to water quality in the lakes, but perhaps now the Council considers greater emphasis on improving near-shore aquatic habitat.

Councilman Richard Royal agreed with Dr. Canfield on the costs of the LAMF versus habitat restoration. He suggested that the NSRA could be used to store greater quantities of [storm] water as opposed to pumping the [nutrient-rich] water back into the lake. He also said that the Zellwood Drainage District in the NSRA was built with a good system to move water and questioned how much research has been done to offer the stored water to the City of Apopka and other local municipalities for use in irrigation.

Councilman Farner agreed with Chairman Goerner that connecting lakes to marshes would be a beneficial restoration effort. He also expressed concern for the City of Apopka's desire to draw water directly from Lake Apopka for use in irrigation. Councilman Farner understands that restoration of the lakes encompasses many elements and believes the Council should continue to review technologies that produce the greatest results for the lowest costs.

Dr. Canfield agreed with Councilman Farner that there are other restoration technologies available and the Council should review these technologies. He said there is much more to lake restoration than reducing phosphorus and that perhaps the Florida Fish and Wildlife Conservation Commission (FWCC) should take the lead in some of the restoration efforts. Dr. Canfield then continued with his update to the Council:

- They have moved 500 [largemouth] bass into Lake Griffin.
- The Orlando International Airport (OIA) continues to provide access to their lakes for fish used for restocking.
- The Orlando Executive Airport is also offering their lakes as a source for bass.
- The Mission Inn at Howey-in-the-Hills has offered their lakes as a source of fish however, they have not been able to access those lakes due to recent rains in the area.
- The mechanical harvester purchase on behalf of the Council is complete and is in the possession of Florida LAKEWATCH.

Councilman Farner asked if he or the Council could view the harvester. Dr. Canfield said yes and suggested it may be viewed when in operation at Venetian Gardens.

Chairman Goerner asked if there were any plans to use the harvester in Lake Griffin canals that need vegetation removal prior to dredging. Mike Perry, Executive Director of the LCWA said

there are several areas being proposed for aquatic plant removal by the harvester and they were working on prioritizing those areas.

Councilman Farner asked how deep the harvester is effective. He also asked about the chemical treatment of hydrilla and the subsequent nutrient loading to the lake. Dr. Canfield explained that the harvester is most effective when removing vegetation in the 4 to 6 foot depth range. With respect to loading, the amount of phosphorus added to lakes is inconsequential as compared to the amount of phosphorus the plants would add if allowed to grow. He also added that water clarity is usually greater in lakes where hydrilla and other plants were allowed to grow. Dr. Canfield said that treatment with contact herbicides to kill hydrilla leads to decreased water clarity and lakes with up to 50% aquatic plant coverage tend to have optimum clarity. He believes that managing the uncontrolled growth of hydrilla is better than eradication and the Council should focus their restoration efforts toward elements other than just phosphorus removal.

Councilman Farner then asked about the feasibility of dredging sediments from Lake Apopka and the associated costs. Councilman Powers explained that canal dredging is considerably more costly per cubic yard than whole-lake dredging however, the cost of disposing millions of cubic yards from whole-lake dredging is much greater.

Councilman Kaiser asked about any possible uses for the dredged material that may help offset the cost of dredging. Councilman Powers explained that there have been many studies conducted on possible uses and they indicate there are no economically feasible uses for the material.

Councilman Royal asked approximately how much land would be needed to dispose of the dredged material from Lake Apopka. Councilman Powers said that it is dependent on the rate at which the material is being pumped, but believes there is plenty of land available in the NSRA.

Chairman Goerner reminded the Council of the presentation by Roger Bachmann of Florida LAKEWATCH who explained that even if all the fluid muck were dredged from the bottom of Lake Apopka, the sediments below would resuspend over time and put the lake back in a similar condition. Dr. Canfield did not agree saying that any resuspension would occur over a very long period of time.

Councilman Farner asked about the feasibility of utilizing the dredge which is already in operation on Lake Griffin to remove a portion of the up to 20 feet of muck in that lake. He suggested that this might greatly reduce the overall cost of dredging and may make the permitting process much easier.

Dr. Canfield said that whole-lake dredging is still experimental and the long-term results are not known. Additionally, he said that the costs and lack of long-term data do not justify this as an effective method of restoration.

Councilman Powers said that muck accumulating in lakes is a geologic process and even if you dredge the muck from all the lakes, it would re-accumulate over time and the lakes would need to be dredged again.

Chairman Goerner reminded the Council that previous estimates to dredge all of Lake Griffin were \$200 million and without the dredging the lake has seen substantial improvements in water quality and an increase in eel grass. He believes that the Council should continue to support the smaller projects that have proven successful in Lake Griffin and to reconnect the lake to the marsh. With respect to Lake Apopka, Chairman Goerner suggested that the Council reevaluate Dr. Canfield's earlier proposal to install concrete barriers at some distance off-shore to contain or inhibit the movement of fluid muck and allow for near-shore revegetation.

Dr. Canfield then continued with his updates to the Council saying that the gizzard shad study will continue for another year. He also said that the UF is currently considering a research study project entitled; Bioaccumulation, Transfer, and Fate of Algal Toxins in Fresh Water and Marine Food Chains. Dr. Canfield suggested that if Chairman Goerner were to contact the President of the UF saying that the Council supports such research, that it may help with its approval and would lead to toxic algae studies in the HCOL. Councilman Powers agreed that perhaps the Chairman should contact the UF and offer the Council's support for the study.

John Benton of the FWCC provided an update to the Council in the absence of Bill Johnson (FWCC). He reminded the Council that Dr. Jan Landsberg, Ph.D., an algal expert with the FWCC Research Institute is scheduled to make a presentation to the Council during their February meeting.

Mr. Benton also updated the Council on recent fish studies being conducted on 30 lakes across the State including lakes Apopka, Harris, and Griffin. He said that components of the studies include electrofishing for bass, gill netting for other species, and creel counts. Mr. Benton explained that the information obtained will go into a database which will be studied for many years to come. Chairman Goerner gave his appreciation for these efforts by Mr. Benton and the FWCC, saying that there are many benefits for having this information available.

Councilman Farner asked about the status of the Richloam Fish Hatchery. Mr. Benton explained that the facility is being dedicated later in January and understands the Council has a tour of the facility scheduled in either March or April.

Councilman Royal suggested that it may be more beneficial for the individual Council members to attend the dedication ceremony for the hatchery, than to take the time away from a monthly meeting to tour the facility. Mr. Benton said he would look into the matter.

Chairman Goerner said he favored a Council site visit to the hatchery and also asked about the latest hydrilla management efforts being conducted in the Kissimmee Chain of Lakes. He also asked Mr. Benton for his opinion on the issue of hydrilla management versus eradication. Mr. Benton explained that the FWCC is only involved in reviewing the results of those efforts and the FDEP is the lead agency in hydrilla management. It is his understanding that the FDEP tried to greatly reduce the volume of hydrilla in those lakes and it did not work; primarily due to the resistance of the hydrilla to the herbicides. Mr. Benton believes that in the future, hydrilla will become more difficult to maintain because of this resistance to herbicides.

Mr. Benton then notified the Council that the dredging contractors are having problems with bass tournament fishermen who are ignoring the signs and trying to access canals that are being

dredged. He said that their boats have broken dredge lines which has led to delays in the project. Mr. Benton suggested that if the Council has contact with any of the tournament organizers, that they notify them of this problem. Chairman Goerner said that no large bass fishing tournaments are currently scheduled for the HCOL.

Mr. Benton also mentioned the dredging project at Lake Trafford in southwest Florida where the center of the lake has been dredged and there appears to have been some [favorable] response to the fisheries. He said that the lake is larger than the other lakes that have been dredged and suggested that the Council may want to review some of the information on that project.

As an additional update, Dr. Canfield told the Council that LAKEWATCH volunteers conducted sampling of the HCOL for algal toxins last quarter and found levels of just over 1 micrograms per liter ( $\mu\text{g/L}$ ). He said this is a little higher than the World Health Organization (WHO) drinking water standard of 1  $\mu\text{g/L}$  but well below the recreational standard of 20  $\mu\text{g/L}$ .

Mr. Perry (LCWA) provided the following updates to the Council:

- They are in the process of completing dredging in Channel #15 on Lake Griffin and will continue to move west towards Lake Griffin State Park. He said the dredging contractor has been encountering less sand and the project continues to move along well.
- The Lake Beauclair dredging project is in its final design phase prior to obtaining full approval by the LCWA Board. Mr. Perry also mentioned that a private engineering firm has conducted a pilot study on sediments from Lake Beauclair using a belt press to dewater the sediments. He said they appear to have favorable results, although a use for the sediments has not been identified.
- The Lake Beauclair NuRF project is moving along with revisions being made to the final plans. Mr. Perry said once that is complete the FDEP will approve the permit, then the LCWA will issue their Notice of Intent to begin construction of the facility. He believes this should occur in the next couple of months.

Chairman Goerner asked if the Friends of Lake Apopka (FOLA) will continue to raise opposition to the NuRF project. Mr. Perry said he is not sure but the footprint of the facility falls outside of the delineated wetlands and their mitigation has included giving the FOLA a Conversation Easement around a 30 acre parcel of one of their properties. Mr. Perry said that further objections to the project may come during the upcoming Chapter 120 permit meetings.

Mr. Perry also mentioned that the LCWA Board is conducting further review of the issue of aquatic herbicide application to control hydrilla in the HCOL. He said they are scheduling a meeting to review this issue and the FDEP, FWCC, and other local governmental agencies are going to attend to discuss this method and other methods of hydrilla management. He suggested that Council members may want to attend this meeting.

Barbara Bess of the FDEP provided the Council with the following updates:

- In response to the question as to whether the Channeled Apple Snail (CAS) can carry the Rat Lung Worm parasite, she explained that the parasite does infest CAS. However, the Rat Lung Worm is not known to infest bivalves so the parasite probably is not a risk to those who consume clams and oysters. Ms. Bess cautioned that snails should only be eaten if thoroughly cooked because the parasites infest CAS; they pose a potential meningitis threat to people who might consume them. A copy of the information presented is provided in Attachment 2 of these minutes.
- In response to the question of TMDLs and loadings from Lake Apopka into Lake Beauclair, Ms. Bess determined that the TMDL for Lake Beauclair does take into account phosphorus loading from Lake Apopka and approximately 93% of the phosphorus in Lake Beauclair comes from Lake Apopka.
- With respect to “Chapter 120” permit hearings she explained that they are held before a permit is issued to allow anyone who may have objections to a permit or project and to voice their objections before construction of the project begins or at some point after. Ms. Bess said that once an agency has published the intent to issue a permit, the public has a period of time to submit an objection. If nothing is received within the timeframe, then no further objections will be entertained. Ms. Bess said that this is the case with the FOLA and the NuRF project; once their objections have been heard and resolved, then can not raise any further objections. She said the Chapter 120 hearings protect the applicants.
- FDEP has completed another round of water sampling in the Ocklawaha River Basin, in connection with the TMDL program. Ms. Bess suggested that additional lakes may appear on the Draft Impaired Water bodies List, which is due out by the end of May, as a result of this latest round of sampling.

## **7. COUNCIL MEMBER COMMENTS**

### Council Member Comments

Chairman Goerner mentioned the upcoming meeting of the LCWA Board on January 24<sup>th</sup> regarding herbicide application to control aquatic vegetation including hydrilla. He encouraged Council members to attend because at some point the Council may be asked to make recommendations on this issue.

No additional Council member comments were made.

### Discussion of February 3, 2007 Meeting

Mr. Caputo outlined the agenda items for the next scheduled meeting of the Council:

- Dr. Mike Coveney (SJRWMD) presentations on the LAMF and NSRA Projects
- Dr. Jan Landsberg (FWCC) presentation on algae.

**8. PUBLIC COMMENTS**

David Wampler (a private citizen) asked the Council about the possibility of dredging private canals along the Apopka-Beauclair Canal during the Lake Beauclair dredging project. He said that over the past several months he has noted that very few boats are using the canals due mostly to the liquefied sediments clogging their engine intakes.

Chairman Goerner explained that the Lake Beauclair dredging is not a Council project and referred the question to Mr. Perry.

Mr. Perry explained that the project only focuses on navigation between the Apopka-Beauclair Canal and Lake Beauclair, especially during periods of lowered lake levels as part of the approved fluctuation schedule. He said the dredging of canals on Lake Griffin is also to accommodate navigation during lake fluctuation for the purpose of improving near-shore aquatic vegetation. Mr. Perry said there are no plans to dredge any canals along the Apopka-Beauclair Canal.

Councilman Farner added that at some point in the future there may be a plan to fluctuate all the lakes in the chain, at which time access for property owners must be provided during lowered lake levels. He cautioned that this may be a long way into the future.

No further public comments were made.

**9. ADJOURNMENT**

The meeting was adjourned at 11:15 AM.

Respectfully submitted by:

---

Chairman Skip Goerner

---

Secretary Rick Powers, P.G.

**Attachment 1**

**Opinion by the Office of General Counsel  
on the Status of Council Members Positions  
when Elected to a Public Office**

**December 13, 2006**

5-B  
1-5-07

**MEMORANDUM**

Date: 13 December 2006  
To: Keith Farner, Council Member  
Through: Kathryn Mennella, Dir. Office of General Counsel *KLM*  
From: Kevin Seamon, Senior Paralegal *KS*  
Re: Dual Office-Holding

---

**QUESTION:**

Must an appointed member of the Harris Chain of Lakes Restoration Council resign that position upon election to the Board of Trustees of the Lake County Water Authority?

**ANSWER:**

No. There is no statutory provision that mandates resignation by the Council member.

**DISCUSSION:**

*The Enabling Laws*

Section 373.467(1)(a), Florida Statutes, of the Harris Chain of Lakes Restoration Council ("Council") enabling law, provides, in pertinent part:

The council shall consist of nine voting members, which include: a representative of waterfront property owners, a representative of the sport fishing industry, an environmental engineer, a person with training in biology or another scientific discipline, a person with training as an attorney, a physician, a person with training as an engineer, and two residents of the county who do not meet any of the other qualifications for membership enumerated in this paragraph, each to be appointed by the Lake County legislative delegation. No person serving on the council may be appointed to a council, board, or commission of any council advisory

group agency. The council members shall serve as advisors to the governing board of the St. Johns River Water Management District.

Nothing in this provision prohibits a member of the Board of Trustees of the Lake County Water Authority ("LCWA") from appointment and service on the Council, provided the member otherwise satisfies the qualifications of section 373.467(1)(a). The only prohibition is that a serving Council member cannot also serve on any Council advisory body.

Likewise, the enabling law of the LCWA does not prohibit an elected Trustee from serving on other public bodies. See Ch. 2005-314, Laws of Fla.

#### The Dual Office-Holding Laws

Article II, section 5(a), Florida Constitution, states in pertinent part:

#### SECTION 5. Public officers.—

(a) ... No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that ... any officer may be a member of a... statutory body having only advisory powers.

This provision prohibits a state, county or municipal officer from concurrently holding another state, county or municipal office. The Florida Supreme Court has determined this provision does not apply to an officer of a special district. In Re: Advisory Opinion To The Governor—Dual Office-Holding, 630 So.2d 1055 (Fla. 1994); Op. Att'y Gen. Fla. 86-55 (1986) (the provision does not prohibit a water management district basin board member from simultaneously holding office as a mayor of a municipality). The Council is an advisory body within the St. Johns River Water Management District ("District"). § 373.467(1)(a), Fla. Stat. ; Op. Att'y Gen. Fla. 05-07 (2005) (the Council was created to advise the District). The District is an independent special taxing district. State ex rel.

City of Gainesville v. St. Johns River Water Mgmt. Dist., 408 So.2d 1067 (Fla. 1<sup>st</sup> DCA 1982) (water management districts are special taxing districts). Also, the LCWA is an independent special taxing district. Ch. 2005-314, Laws of Fla.; Sutron Corp. v. Lake County Water Auth., 870 So.2d 930 (Fla. 5<sup>th</sup> DCA 2004). Consequently, because a Council member is an officer of a special district, article II, section (5)(a), Florida Constitution, would not prohibit the Council member from simultaneously holding office as a Trustee of the LCWA.<sup>1</sup>

Additionally, the Resign-to-Run Law, sections 99.012 (3)(a), Florida Statutes, provides:

No officer may qualify as a candidate for another public office, whether state, district, county, or municipal, if the terms or any part thereof run concurrently with each other, without resigning from the office he or she presently holds.

The Resign-To-Run Law requires an elected or appointed officer at all levels of government to resign when seeking an elective office where the term of office would run concurrently with the current office. Orange County v. Gillespie, 239 So.2d 132 (Fla. 4<sup>th</sup> DCA 1970). However, the law provides an exception for “[p]ersons serving without salary as members of an appointive board or authority.” § 99.012(7)(b), Fla. Stat. A Council member falls within this exception because such member is appointed and serves without compensation. § 373.467(1)(a) and (6), Fla. Stat.; see Div. of Elections Op. 84-20 (an uncompensated, appointed member of a fire control district need not resign to

---

<sup>1</sup> Even if the provision was applicable to a special district officer, the exclusion of a “statutory body having only advisory powers” would be applicable since the Council serves in such capacity. See Op. Att’y Gen. Fla. 86-105 (local planning agency whose function is information gathering and advisory only falls within exception to dual office-holding prohibition); Op. Att’y Gen. Fla. 72-179 (legislator may serve as member of ad hoc charter revision commission appointed by municipal governing body to serve in purely advisory capacity to study and recommend changes to municipal charter).

run for the county commission); Div. of Elections Op. 85-07 (1985) (an uncompensated, appointed trustee of a community college need not resign to run for the district school board); Div. of Elections Op. 84-27 (1984) (an uncompensated, appointed member of a planning and zoning board need not resign to run for city council).<sup>2</sup> Therefore, because of the exception in section 99.012(7)(b), a Council member is not obligated to resign to run for, and serve, in an elective office.<sup>3</sup>

### Conclusion

There is no statutory law that would preclude a Council member from simultaneously serving in an elective office.

---

<sup>2</sup> The Division of Elections is charged with providing advisory opinions regarding any election laws. § 106.23(2), Fla. Stat.

<sup>3</sup> Also, even without the exception, section 99.012 would be inapplicable because a Council member has no specific term of office that could run concurrently with another office as required by the statute. Abramson v. Beer, 940 So.2d 586 (Fla. 4<sup>th</sup> DCA 2006) (because a civil traffic hearing officer has no specific term in office that would intersect with the judicial office he seeks, the Resign-To-Run law is inapplicable).

**Attachment 2**

**Information on the Rat Lung Worm Parasite**

**as provided by Barbara Bess**

**of the Florida Department of Environmental Protection**

**January 5, 2007**

**Centers for Disease Control  
Division of Parasitic Diseases**



***Angiostrongylus cantonensis* Infection** (ann-gee-o-stronge-uh-luss can-tun-en-sis)

Updated May 13, 2004

What is *Angiostrongylus cantonensis* (ann-gee-o-stronge-uh-luss can-tun-en-sis)? It is a parasite, a worm, of rats. Infected rats pass immature forms of the worm in their feces. Snails and slugs get infected by eating infected rat feces. The young forms of the parasite mature in snails and slugs but do not become adult worms. The life cycle of the parasite comes full circle when rats eat infected snails or slugs and the immature parasites become adult worms.

Can people get infected with this parasite? Yes. People can get infected, under unusual circumstances. However, even if infected, most people recover fully without treatment.

How can people get infected? People can get infected by eating raw or undercooked snails or slugs that are infected with the parasite. In some cultures, snails are commonly eaten. Children have gotten infected by swallowing snails "on a dare." People can get infected by accident, by eating raw produce that contains a small snail or slug or part of one. We don't know if the slime left by infected snails and slugs can infect people (for example, if the slime gets on produce that is eaten). Other ways of getting infected might include eating raw or undercooked freshwater prawns, crabs, or frogs.

Can an infected person infect other people? No.

Can people get infected by handling infected rats or rat feces? No. The immature forms of the parasite passed in rat feces cannot infect people.

Can people get infected by handling infected snails or slugs – or only by eating them? We don't know if the slime left by snails and slugs can infect people. (For example, if the slime gets onto hands and into the mouth or nose.)

Can giant African land snails be infected with this parasite? Yes. This type of snail, which can grow larger than a person's hand, is just one of many types that can be infected. But snails can be infected only if they have eaten infected rat feces. We don't know if any of the giant African land snails in the continental United States are infected. These snails pose a major threat to agriculture because they multiply quickly and have ravenous appetites for plants and produce. It is illegal to own these snails without a special government permit. For more information about these snails, go to the United States Department of Agriculture's Web site:

<http://www.aphis.usda.gov/lpa/issues/gals/gals.html>.

What are the symptoms of infection with this parasite? Some infected people don't have any symptoms -- or have only mild symptoms that don't last very long. Sometimes the infection causes a rare type of meningitis (eosinophilic meningitis). The symptoms can include headache, stiff neck, tingling or painful feelings in the skin, low-grade fever, nausea, and vomiting.

What should I do if I think I might have this infection? See your health care provider.

How will my health care provider know if I have this infection? Your health care provider will ask you about any symptoms, exposures to snails and slugs, and foreign travel you've had. You might have routine blood tests, special blood tests to look for an immune response to the parasite, and tests for meningitis.

Does the infection need to be treated? Usually not. The parasite dies over time, even without treatment. Even people who develop eosinophilic meningitis usually don't need antibiotics. Sometimes the symptoms of the infection last for several weeks or months, while the body's immune system responds to the dying parasites. The most common types of treatment are for the symptoms of the infection (such as pain medication for headache) rather than for the infection itself. Patients with severe cases of meningitis may benefit from some other types of treatment.

In what parts of the world does this infection occur? Most of the known cases of infection in people have occurred in Southeast Asia and the Pacific Islands. Some cases have occurred in other areas, such as the Caribbean.

Have cases occurred in the continental United States? Yes. In 1993, a boy got infected by swallowing a raw snail "on a dare." The type of snail he swallowed isn't known. He became ill a few weeks later, with muscle aches, headache, stiff neck, a slight fever, and vomiting. Although he had eosinophilic meningitis, his symptoms went away in about 2 weeks, without treatment of the infection.

How can I keep from getting infected with this parasite? Don't eat raw or undercooked snails or slugs. If you handle snails or slugs, wear gloves and wash your hands. Always remember to thoroughly wash fresh produce.

*This fact sheet is for information only and is not meant to be used for self-diagnosis or as a substitute for consultation with a health care provider. If you have any questions about the disease described above or think that you may have a parasitic infection, consult a health care provider.*

The information shown above was adapted from the original CDC document and provided to the Harris Chain of Lakes Restoration Council. If you wish to review the original, please use the web address shown below:

[http://www.cdc.gov/NCIDOD/dpd/parasites/angiostrongylus/factsht\\_angiostrongylus.htm#whatangiostrongylus](http://www.cdc.gov/NCIDOD/dpd/parasites/angiostrongylus/factsht_angiostrongylus.htm#whatangiostrongylus)

**Bess, Barbara**

---

**From:** Bess, Barbara  
**Sent:** Wednesday, January 03, 2007 12:49 PM  
**To:** 'gcaputo@sjrwmd.com'  
**Cc:** 'HunterECI@aol.com'  
**Subject:** FW: channeled apple snails and more

I'll provide this information to the Harris Council on Friday. I'll bring enough hard copies for everyone. BB

-----Original Message-----

**From:** Denson, Dana  
**Sent:** Wednesday, January 03, 2007 8:10 AM  
**To:** Bess, Barbara  
**Subject:** RE: channeled apple snails and more

I don't think that rat lung worm should be a concern for consumers of oysters, but I really don't know for sure. To my knowledge, rat lung worm uses only gastropods (not bivalves) as an intermediate host.

Some more information about rat lung worm can be found at these websites:

[http://www.cdc.gov/NCIDOD/dpd/parasites/angiostrongylus/factsht\\_angiostrongylus.htm#whereoccur](http://www.cdc.gov/NCIDOD/dpd/parasites/angiostrongylus/factsht_angiostrongylus.htm#whereoccur)  
<http://content.nejm.org/cgi/content/abstract/346/9/668>  
<http://www.phac-aspc.gc.ca/msds-ftss/msds8e.html>  
[http://animaldiversity.ummz.umich.edu/site/accounts/information/Angiostrongylus\\_cantonensis.html](http://animaldiversity.ummz.umich.edu/site/accounts/information/Angiostrongylus_cantonensis.html)  
[http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list\\_uids=12017820&dopt=Abstract](http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=12017820&dopt=Abstract)  
<http://www.medscape.com/viewarticle/432072>

Steve would be more knowledgeable about this, but I understand that the salinity of the IRL approaches that of full-strength seawater, especially near the inlets.

Hope this helps.

Dana

-----Original Message-----

**From:** Bess, Barbara  
**Sent:** Tuesday, January 02, 2007 4:31 PM  
**To:** Denson, Dana  
**Cc:** Pluchino, Eric; Bess, Thomas  
**Subject:** channeled apple snails and more

Dana! (Welcome back. Happy New Year).

Gene Caputo, a SJRWMD intergov coordinator (and Harris Council liaison) asked me at the November meeting whether the rat lung worm could survive saltwater conditions. Apparently the channeled apple snail can tolerate some salinity (8 parts per thousand according to your fact sheet). If the CAG can live in slightly salty conditions, then arguably the rat lung worm can. Since the parasite has other hosts in addition to CAG (e.g., oysters and other molluscs), do you have any sense as to whether consumers of shellfish (I'm thinking specifically oysters) need to be concerned about the possibility of this parasite in shellfish sold in FL? Does the heating/cooking/steaming of molluscs kill the parasite? What's the salinity of the Indian River, in general? (I'm thinking the areas between Malabar and Vero that are opened and closed periodically to shellfish harvesting)...