FLORIDA A & M UNIVERSITY
LAW REVIEW

VOLUME 10  SPRING 2015  NUMBER 2

Florida A&M University College of Law
Originally Established—1949 (Tallahassee, Florida)
   Reopened—Fall 2002 (Orlando, Florida)

To contact the Florida A&M University Law Review, or to order subscriptions:

FAMU Law Review
Attention: Editor-in-Chief
Florida A&M University College of Law
201 Beggs Avenue, Room 138
Orlando, Florida  32801
(407) 254-3298

© 2015 Florida A&M University College of Law. All Rights Reserved.

Subscriptions in the United States and Canada are $15.00 per year, payable in advance; international subscription information is available upon request. Subscriptions are renewed automatically unless notice to the contrary is received. Address changes or other requests regarding subscription information should be directed to the Business Managing Editor, 407-254-3298.

Back issues may be obtained from Joe Christensen, Inc., 1540 Adams Street, Lincoln, Nebraska 68521. The telephone number is 1-800-228-5030. Prices are available upon request.

The Florida A&M University Law Review invites the submission of unsolicited manuscripts either through the mail or electronically. Directions for electronic submission can be found on ExpressO available at http://law.bepress.com/expresso/. Manuscripts should be sent to the attention of the Editor in Chief. The Florida A&M University Law Review requests that contributing authors disclose any economic interests and affiliations that may influence the views expressed in submissions.

The citations in the Florida A&M University Law Review conform to The Bluebook: A Uniform System of Citation (19th ed. 2010).

Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that (1) copies are distributed at or below cost, (2) author and journal are identified, (3) proper notice of copyright is affixed to each copy, and (4) the user obtains permission to make such copies from the Florida A&M University Law Review or the author.

The views expressed in the Florida A&M University Law Review are those of the authors and do not necessarily reflect the policies or opinions of the Florida A&M University Law Review, the Florida A&M University College of Law, or Florida A&M University.

Postage is paid at Orlando, Florida and additional mailing offices. POSTMASTER: Send address changes to Florida A&M University Law Review, Florida A&M University Law Review, 201 Beggs Avenue, Orlando, Florida 32801.
FLORIDA A & M UNIVERSITY
LAW REVIEW

Volume 10  Spring 2015  Number 2

EDITORIAL BOARD
2015-2016

Jacqueline Bertelsen
Editor-in-Chief

Felicia Thomas
Executive Editor

Nina Patterson
Notes & Comments Editor

Sabrina Persaud
Articles Editor

Shauntilla Hodo
Business Managing Editor

STAFF EDITORS

Mark Alonzo
Davidson Anestal
AArica Ardis
Stephanie Beauchemin-Villalobos
Julie Chek
Matthew Colgrove
Diana Coronel David
Karen Descafano
Melissa Escoffery
Tameka Franco
Caitlin Frenkel
Jack Grimsley
Aaron Humphrey
David Johnson
Kyle Marcil

LaVater Massie-Banks
Jahaida Numa
Maite Palazzolo
Marcus Prince
Ursula Remy
John Rogers
Robin Rogers
Michael Scott
Sarah Swyers
Alexis Trematerra
Clark Torbett
Kimberly Viner
Issa Velho
Lara Weems
Nicholas Wright

Faculty Advisor
Prof. Joseph K. Grant
STATEMENT OF EDITORIAL POLICY

The Florida A&M University Law Review is a journal that encourages thought-provoking scholarship by selecting articles that challenge existing assumptions and customary beliefs across a myriad of legal, cultural, and social issues. The opinions expressed in the included works are solely those of the contributing authors. The Florida A&M University Law Review and Florida A&M University do not necessarily share or endorse any particular views expressed in the articles published herein.
FLORIDA A & M UNIVERSITY
LAW REVIEW

VOLUME 10  SPRING 2015  NUMBER 2

FLORIDA A&M University-College of Law

ADMINISTRATION
Darryll K. Jones, B.A., J.D., LL.M., Interim Dean
Joan Bullock, B.A., M.B.A., J.D., Associate Dean for Teaching and Faculty Development & Professor of Law
Reginald M. Green, B.A., J.D., Associate Dean for Student Services & Administration

FACULTY OF LAW
Randall S. Abate, B.A., M.S.E.L., J.D., Director of Center for International Law and Justice & Professor of Law
Robert Abrams, B.A., J.D., Professor of Law
Deleso A. Alford, B.S., J.D., LL.M., Associate Professor of Law
Nicola Boothe-Perry, B.S., J.D., Associate Professor of Law
Patricia A. Broussard, B.S., J.D., Associate Professor of Law
Jeffery Brown, B.A., J.D., Associate Professor of Law
Eunice Caussade-Garcia, B.A., J.D., Director of the Housing and Homelessness and Legal Advocacy Clinics
Rhoda Pierre Cato, B.A., J.D., Associate Professor of Law
Ann Marie B. Cavazos, B.S., J.D., Director of Clinical Programs & Associate Professor of Law
Markita Cooper, A.B., J.D., Professor of Law
John Duncan, B.A., M.A., M.B.P.A., J.D., Ph.D., Professor of Law
Jonathan Finemar, B.A., J.D., Associate Professor of Law
Joseph Grant, A.B., J.D., Associate Professor of Law
Ronald Griffin, B.A., J.D., Professor of Law
Cori Harvey, B.A., M.B.A., J.D., Associate Professor of Law
William Henslee, B.A., M.F.A., J.D., Director of Legal Methods & Professor of Law
J. Richard Hurt, B.A., M.A., J.D., LL.M., Professor of Law
Alicia Jackson, B.S., M.P.A., J.D., Director of Academic Success and Bar Preparation
John Paul Jones, B.S., J.D., Professor of Law
Yolanda Jones, M.S.L.S., J.D., Ph.D., Professor of Law
Lundy R. Langston, B.S., J.D., LL.M., Professor of Law
Jeremy I. Levitt, B.A., J.D., Ph.D., Distinguished Professor of International Law
Reginal Mitchell, Sr., B.S., M.B.A., J.D., Associate Professor of Law
Nisé Nekheba, B.A., M.Div., J.D., Assistant Professor of Law
Leroy Pernell, B.A., J.D., Former Dean, Professor of Law
Beverly Perry, B.A., J.D., Associate Professor of Law
Shiv N. Persaud, B.A., J.D., Associate Professor of Law
RHONDA REAVES, B.A., J.D., Professor of Law
MARITZA REYES, B.A., J.D., LL.M., Professor of Law
OMAR SALEEM, B.A., J.D., LL.M., Professor of Law
JENNIFER M. SMITH, B.S., J.D., Associate Professor of Law
PHYLLIS C. TAITE, B.C.J., J.D., LL.M., Associate Professor of Law
KA’JUEL WASHINGTON, B.S., J.D., Clinic Staff Attorney

LEGAL METHODS INSTRUCTORS
KRISTY D’ANGELO-CORKER, B.A., J.D.
CAROLEEN DINEEN, B.A., M.B.A., J.D.
ROBERT MINARCIN, B.A., J.D.
REBECCA OLAVARRIA, B.A., M.B.A., J.D.
LORI ROSS, B.A., M.A., J.D.
TONYA WALKER, B.A., J.D.

BOARD OF TRUSTEES
CLEVE WARREN, CHAIR
KELVIN LAWSON, VICE CHAIR
MATTHEW M. CARTER II
THOMAS W. DORCH, JR.
TONNETTE S. GRAHAM
DAVID LAWRENCE JR.
MAJOR GENERAL (RET.) GARY T. MCCOY
KIMBERLY MOORE
CRAIG REED
NICOLE WASHINGTON
ROBERT L. WOODY
FLORIDA A & M UNIVERSITY
LAW REVIEW

VOLUME 10  SPRING 2015  NUMBER 2

TABLE OF CONTENTS
10TH ANNIVERSARY STUDENT SHOWCASE

INTRODUCTION
Student Showcase ......................... Executive Editorial Board  ix

ARTICLES
Is General Negligence the New
Exception to the Florida Impact Rule? .............. Stephan Krejci  267

Equitable Estoppel & Workers’
Compensation Immunity:
Why Litigants and the Courts Are
Getting Ahead of Themselves ....................... Neil A. Ambekar  309

NOTES
Free Trade Agreements and the Lacey Act:
A Carrot and Stick Approach to Prevent
and Deter Trade in IUU Fisheries .................... Ginna Arevalo  349

A Blanket of Immunity Will Not Keep
Florida Dry: Proposed Adjustments
To Florida’s Drainage Regulations
And Sovereign Immunity Laws To
Account for Climate Change Impacts .............. Theresa K. Bowley  387

“Take Back the Beach!” An Analysis of
the Need for Enforcement of Beach
Access Rights for U.S. Virgin Islanders ............ Aliya T. Felix  419

Executive Action on Immigration:
Constitutional or Direct Conflict? ................... Todd Curtin  451

You Get What You Pay For: The NFIP is
Underwater and Climate Change Adaptation
Is Essential to Reach Dry Land ..................... Alana Dietel  475
INTRODUCTION

Editorial Board

The 2015-2016 school year represents the tenth anniversary of the reestablishment of The Florida A&M University College of Law and the tenth anniversary of The Florida A&M University Law Review. To honor this milestone, the 2015-2016 Editorial Board dedicates Volume 10, Issue 2 to FAMU College of Law’s alumni, students, and faculty. Each article in this edition is authored by an alumnus or current student. We hope you enjoy the 2015-2016 Student Showcase.