

# *The Bulletin*

THE OFFICIAL NEWSLETTER OF THE ADMINISTRATIVE LAW SECTION  
OF THE FLORIDA BAR



## *What's New*

### EVENTS!

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### SFGAP TIPS

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### DOAH UPDATE

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### ALS SPOTLIGHTS

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### FUN COLUMNS

## **The Seasons Are Changing!**

by Brittany B. Griffith and  
Mallory Neumann

Welcome back for another edition of the Administrative Law Section's Bulletin! In true Administrative Law style, we thought it might be nice to give you an update on the Bulletin in the Bulletin - like the Rules on Rulemaking in Chapter 1-1 of the Florida Administrative Code. The Bulletin Team has recently undergone a slight reorganization. As always, the big brains behind the operation are our Editor-in-Chief (and Runner-in-Chief), Maria Pecoraro-McCorkle; our Chair, Tabitha Jackson; and one of the Bulletin's most frequent contributors, Judge Garnett Chisenhall.

The Bulletin is now being assembled on a bi-monthly basis by two alternating teams, with Team A consisting of Adrienne Vining and Elizabeth Fernandez and Team B consisting of us (Brittany Griffith and Mallory Neumann). We're fortunate to have several frequent contributors, including Brittany Dambly, Jackie Bourdon, Coco Jackson, Richard Shoop, and the Administrative Law Judges of DOAH. Thank you all for your efforts in making the Bulletin possible!

So, without further ado, let's get back to the Bulletin.

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# Upcoming Events

## September

- **September 19-23:** DOAH Trial Academy
- **September 23 (5PM to 7:30PM):** Happy Hour & DOAH Trial Academy Awards at Miller's Ale House
- **September 29 (12PM to 1PM):** Free CLE on "Bid Protests: Process and Issues" by Doug Dolan via Zoom

## October

- **October 6 (1PM to 5PM):** DOAH's Agency Open House Series CLE at the Florida Department of Health - Happy Hour to Follow
- **October 27 (5:30PM to 7:30PM):** Halloween Social (details forthcoming)

### ALS South Florida Chapter Event!

The South Florida Chapter is hosting a happy hour in Miami in early October for members to network and connect.

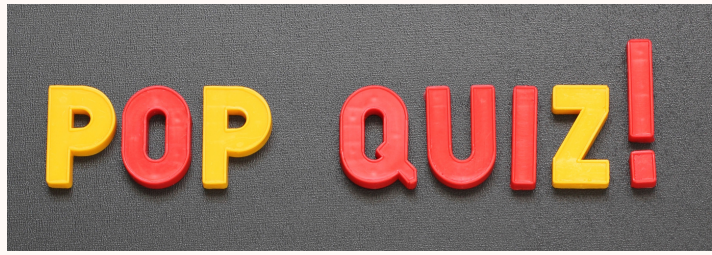
The date and location are to be determined.

For more information, please contact Johnny ElHachem (850-567-3527; [jelhachem@advllp.com](mailto:jelhachem@advllp.com)) or Paul Drake (352-460-7965; [ppdfsu@gmail.com](mailto:ppdfsu@gmail.com))

## November

- **November 3 (1PM to 5PM):** DOAH's Agency Open House Series CLE (details forthcoming) - Happy Hour to Follow

**More events are still in the planning stages. Be sure to watch your email and the Administrative Law Section's social media account for further announcements and updates, or visit [flaadminlaw.org](http://flaadminlaw.org)!**



*(Answers provided at the end of the Bulletin)*

1. Which stage of the rulemaking process is not required for the repeal of a rule?
  - A. Notice of Rule Development
  - B. Notice of Proposed Rule
  - C. Public Comment Period
  - D. Rule Adoption
  
2. Which is not a requirement for a competitive solicitation under section 287.057, Florida Statutes?
  - A. The competitive solicitation must be made available to all potential vendors simultaneously.
  - B. The date and time of the public opening must be advertised in the solicitation.
  - C. The competitive solicitation must include a question-and-answer period.
  - D. The competitive solicitation must include a pre-response conference.
  - E. Neither C nor D are correct.
  
3. What type of procedure seeks an agency's opinion as to the applicability of a statutory provision, or of any rule or order of the agency, as it applies to the petitioner's particular set of circumstances?
  - A. Petition for Rulemaking
  - B. Petition for Declaratory Statement
  - C. Petition for Adjudication
  - D. Petition for Waiver
  
4. How long does an agency have to notify an applicant for licensure of any errors or omissions or request any additional information the agency is permitted to request by law?
  - A. 30 days
  - B. 45 days
  - C. 60 days
  - D. 90 days

# Section Leadership Spotlight



## **Meet Executive Council Member: Louise St. Laurent**

**Panza, Maurer & Maynard, P.A.**  
**Main office: Fort Lauderdale.**  
**Satellite offices:**  
**Tallahassee and Miami.**

- **Practice Area:** My expertise is in Administrative Law with a special emphasis on Health Care Regulatory matters. However, I have successfully represented clients before the Department of Financial Services, the Administration Commission, and in other local government areas.
- **Recent experience:** I recently experienced my first Miami-Dade County Bid Protest. For anyone that believes that chapter 120 bid protests are fast, you haven't seen anything until you've done one with Miami-Dade County! I had to learn technology and an area of specialized services faster than I'd ever had to do anything before. It was exhilarating and fun!
- **Fun Fact:** I teach a 5:15 a.m. indoor cycling class in Crawfordville on Mondays and Wednesdays. To everyone's surprise, I am not a friendly or feel-good instructor. There's a lot of yelling!
- **Why I'm a Member of the Administrative Law Section:** This section, at its core, is what I am most talented at. However, more than just loving administrative law practice, the significant value of the connections made with members and learning from their experiences I have had in this section have advanced my career in ways I could never have imagined. I could not be prouder to be the Treasurer this year after looking up to all of the Officers and Executive Council members I observed once I became a member. There are so many practitioners in this section, both experienced and new, that can offer something to everyone about their practice area or experience in the law. It is honestly the most well-rounded section I think anyone could be a part of.



# Section Award Winners

## *The S. Curtis Kiser Administrative Lawyer of the Year*

The S. Curtis Kiser Administrative Lawyer of the Year Award was awarded to the Honorable E. Gary Early of the Division of Administrative Hearings (“DOAH”)! Judge Early had a long and distinguished career at the Department of Environmental Protection and private practice before transitioning to DOAH in 2011. As a litigator and an ALJ,

Judge Early has been involved in many cases that contributed to the development of Administrative Law in Florida. Judge Early has been board certified in State and Federal Government and Administrative Practice (“SFGAP”) for many years and has been an integral member of the Steering Committee responsible for the Florida Administrative Practice Manual. In addition, Judge Early frequently counsels his DOAH colleagues on difficult evidentiary and environmental law issues.



## *The Section Service Award*

The Section Service Award was awarded to Bruce Lamb! Mr. Lamb has spearheaded the Section’s CLE efforts for many years as the Chair of the CLE Committee. Fortunately for us, Mr. Lamb’s service to the Section continues.

He is currently Chair of the SFGAP Certification Committee. He is using that role to update the SFGAP exam so that it is more reflective of one’s proficiency in Administrative Law.



# ***DOAH Corner***

by the Honorable Suzanne Van Wyk

## ***♪ The Times They Are A-Changin' ♪***

Changes are in the works at the Division of Administrative Hearings as we continue to improve processes and elevate the agency's profile statewide. Among the recent changes is consolidating the clerk's offices for the ALJ (Administrative Law Judge) and JCC (Judge of Compensation Claims) units. Julie Hunsaker has been promoted to Clerk of the unified DOAH, while Loretta Slone has accepted the DOAH's Deputy Executive Director position. In other news, to better meet the needs of Florida's residents, and in keeping with the efforts to unite the two units, we have assigned two ALJs to central Florida, where they will operate out of the Tampa JCC office, at least temporarily. Please congratulate Judge Jodi-Ann Livingstone, who made the transition in June, and Judge Mary Li Creasy, who will make the transition next June. Stay tuned for more changes as the year unfolds.

## ***DOAH Trial Academy***

DOAH's signature Trial Academy returns September 19-23, 2022, bigger and better than ever! Thus far, we have admitted 80 students to the Academy and are moving to a new format which will include many more mock hearings to allow more participants to engage in this unique learning experience. Thank you to all who have recruited, coached, or otherwise participated in past programs and for the feedback that allows us to improve each time!

## ***Kudos***

Some DOAH ALJs are busy in leadership outside the agency. We are proud to congratulate Judge Bruce Culpepper, President-Elect of the National Association of Administrative Law Judiciary. When he takes the helm as President next year, he will join the ranks of Judges Robert Cohen, Mary Li Creasy, and June McKinney. They have previously led this prestigious national organization.

The ranks of DOAH also include two new legal faculty members. Judge Bruce Culpepper is teaching Florida Administrative Law at the University of Florida, while Judge John Newton is teaching the course at the Florida State University. We wish them well and thank them for serving law students and the universities in this capacity. We would also like to recognize Judge Cathy Sellers, who taught the course at UF for 20 years and has decided to take a well-earned retirement from teaching. Her commitment to the field of administrative law is truly remarkable!

***Thank you, Judge Van Wyk, and best wishes for your next role as the Florida Bar Foundation President!***

# *SFGAP Tips*

by the Honorable Garnett Chisenhall

Studying for a Florida Bar certification exam is not an easy task under any circumstances. But, there is no reason to make it any harder than it should be. This article describes the three most important things you can do to minimize your stress level while improving your chances of passing the State and Federal Government Administrative Practice ("SFGAP") Exam.

The first thing you should do is formulate a study plan for how much time you will need to prepare for the exam and when you are going to get that preparation done. If you have devoted most of your practice to Administrative Law for several years, you may think that an intense weekend of cramming will be all you need. But, those of us who spend the vast majority of our time practicing Administrative Law usually find that our practices are primarily confined to a few narrow aspects of Administrative Law. However, a cursory review of the specifications for the SFGAP Exam quickly reveals that the exam is comprehensive and very much like a mini Bar Exam. Therefore, when formulating your study plan, honestly assess how much time you will need to study. For example, I had been practicing administrative appeals for approximately 12 years when I decided to pursue Appellate Practice certification. While I was very knowledgeable about administrative appeals and the general rules of appellate procedure/practice, I knew next to nothing about the substantive and procedural law specific to other types of appeals, such as family law, criminal law, workers' compensation, and juvenile justice. Accordingly, I quickly realized that a weekend-long cram session wouldn't get the job done.

In formulating your study plan, you also need to figure out when you are going to study. Holding down a full-time job, by itself, can make that task difficult. But, it becomes even more challenging if you factor in other commitments such as family life and volunteer activities.

# *SFGAP Tips*

Continued from page 7

breaks and a few hours on weekends are the only times you can study, then take that into account when deciding whether you will apply to take the next SFGAP Exam or the one after that.

Once you have your study plan in place, then you must be disciplined enough to stick to it. There will be many times when it will be very tempting to skip a study session. When temptation strikes, focus on the reward you will achieve by being disciplined. It may also be helpful to spend a few days before the exam being “out of sight and out of mind.” While modern technology makes it extremely difficult to completely unplug from our normal lives, isolating yourself in a hotel room for a day or two will make it easier to put the finishing touches on your preparation.

Finally, gather your study materials as soon as possible. The Administrative Law Section and the Florida Government Bar Association have free and low-cost study materials available on their websites that make this the easiest aspect of your exam preparation.





# ALS Spotlight: Annual Back to School Bash for Boys Town North Florida

While the rain prevented us from celebrating the annual Back to School Bash together, it didn't stop our members from donating school supplies and backpacks for over 80 children! Thanks to the generosity of our members, children in foster care and other programs provided by Boys Town North Florida started the school year off on the right foot with the tools they need to succeed. We look forward to continuing this partnership with Boys Town North Florida. Thank you to everyone who donated!



*Young Lawyers/Social Co-Chair, Mallory Neumann (right), pictured with Margaret Farris (left), Director of Development for Boys Town North Florida.*



## *Furry Friends of ALS*



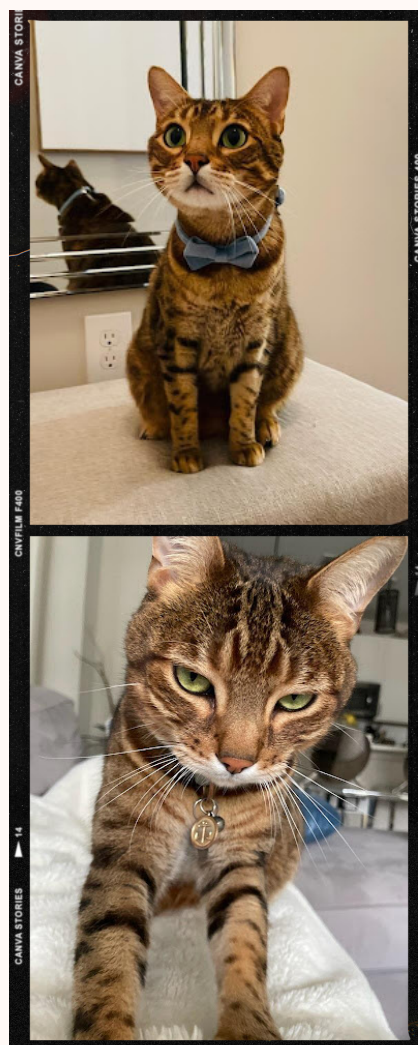
Special thank you to Shirley Sharon for sharing a few pictures of Benzy, this dapper, gentlemanly cat .

LOVE

Section member, Mallory Neumann, and her husband, Bryan Hesser, welcomed a new puppy into the pack.

Luna Blue ("Luna") is a husky, shepherd, wolf mix who has already made herself at home with the rest of the pack, including Icee and Daisy, and felines, Autumn and Tuxie (not pictured).

THE BULLETIN



# *Recipe of the Month*

## **Meatless Monday:**

### **Creamy Garlic Roasted Red Pepper Pasta**



#### **Ingredients**

##### **For the sauce:**

3 red bell peppers  
1 cup almond milk  
1 tablespoon olive oil  
1 teaspoon salt  
1 clove garlic  
½ cup tahini or almond  
butter

##### **For the Zucchini Noodles:**

1 tablespoon olive oil  
4 zucchinis

#### **Directions:**

1. To create the noodles, use a spiralizer on the zucchini or cut the zucchini into long strips
2. To make the sauce, begin by roasting the red peppers. Remove the ribs, seeds, and stems from each of the peppers and place down flat onto a foil lined baking sheet. Turn on the broiler and place the peppers close to the heating source until black spots appear. Turn over the peppers and continue roasting until all sides have been blackened.
3. Add the 3 roasted bell peppers to a blender along with the almond milk, olive oil, salt, garlic, and tahini or almond butter. Blend all ingredients into a blender until smooth.
4. To make the pasta, begin by heating a large skillet on medium high heat. Place the olive oil in the skillet, add the onion and sauté until the onion is softened (but not browned). Place the zucchini noodles into the skillet and sauté the noodles until softened. Sprinkle the zoodles with salt and add the sauce, cooking until the sauce is heated.

*Special thanks to Brittany Dambly for sharing these great, healthy recipes with us! Recipe courtesy of Pinch of Yum: <https://pinchofyum.com/creamy-garlic-roasted-red-pepper-pasta>*

# ***Fitness, Administratively Speaking***

Maria P. McCorkle, Runner-In-Chief

@saltwaterrun

Here I go again on my own.

No, I don't mean in the 80's hair band sense, but rather, in the context of having to face cancer again. Curious, isn't it, that last month I wrote about my friend being diagnosed, only to find myself facing the same battle again. The universe can be funny like that. Thankfully, it's been caught early, resulting in just six weeks of medications and blood work to hopefully get back to remission.

Fitness, if anything, is a relationship. You have your good times, challenging times, and everything in between. Right now, my relationship with fitness is strained, to say the least. I began running so many half marathons this year, only to come to a screeching halt this summer. Like an unexpected breakup, the hard stop and decline in my health have hit me hard. Taking medication multiple times a day hasn't been fun, nor has the major swings in energy that seem to come and go throughout the day. Talk about #tiredasamother!

Nonetheless, fitness is still there for me. Unlike a few months ago, I am proud of myself for walking once this week and working out three times. Running remains on the back burner as I navigate this temporary new normal. I'd be lying if I didn't confess my disappointment with my body and my health for seemingly betraying me once again. However, one cannot focus on the negative if one is to move forward. So this month, I hope you'll join me in some deep stretches. I've suggested some below.

Now is also an excellent time to get some walking in during the cooler hours of the day (yes, I know it's Florida in September, so there's really no such good timing). Join me for thirty minutes of walking at a fast pace (think power walking), with the occasional jog for ten seconds or so. Let's plan to both stretch and walk twice a week each while listening to our bodies.

Do you have a solid playlist? Share it with me! Next month, I'm going to offer some spooky/autumn playlists, so if you've got a song that really gets the blood moving, email me or @ me on Instagram! Right now? I'm power walking to Halsey and Journey. Who knows? Maybe our Section will have the playlist of the year!

Until next month, let's keep going, one foot in front of the other.

Until the next run,  
Maria



# COMING UP



## Write For the Bulletin!

Are you interested in sharing your hobbies, favorite recipes, life updates, or other information with other Administrative Law Section members? The Bulletin team would love to share your content. Email your content to Maria McCorkle, [mvpmmccorkle@gmail.com](mailto:mvpmmccorkle@gmail.com) and it will be provided to the Bulletin Team!

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## *The ALS Bulletin*

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### Pop Quiz Answers

Question 1: A [120.54(2)(a)]

Question 2: E [287.057(1)-(2)]

Question 3: B [120.565]

Question 4: A [120.60]

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# **ALS IS ONLINE**

[www.fladminlaw.org](http://www.fladminlaw.org)

