

The Bulletin

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



What's New

EVENTS!

.....

DOAH TRIAL ACADEMY

.....

MEMBERSHIP

SPOTLIGHT

.....

BEYOND THE SECTION

.....

FUN COLUMNS

Greetings from Central Florida!

By Elizabeth Fernandez, Esq.,
Central Florida Chapter Co-Chair

Hello from Tampa! I'm Elizabeth Fernandez, a fairly recent ALS section member who jumped right into this section feet first! This year, I became a co-chair of the newly-created Central Florida Chapter of the Administrative Law Section. In the last few months, my friend, colleague, and co-chair Adrienne Vining and I have held three Administrative Law Section events in the Tampa Bay area, and we look forward to many more! There is a great community of lawyers that we work with regularly in our careers, many of whom live and work in the Tampa Bay and Central Florida area.



Central Florida Hello!

Cont.

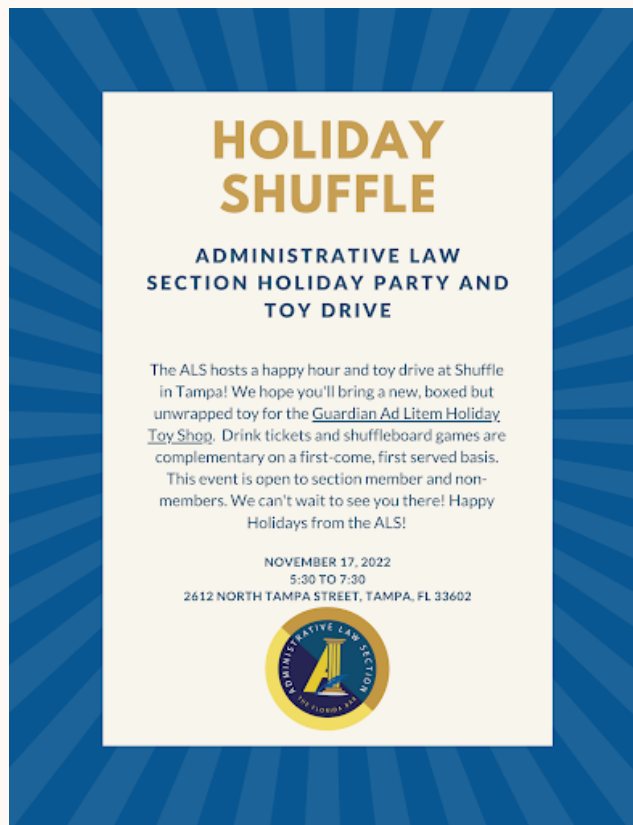
Admittedly, much Administrative Law is centered in Tallahassee for obvious reasons. However, administrative law practitioners throughout the State of Florida are also eager for more involvement in their communities. That was my goal in joining and participating in ALS! I love meeting other practitioners and building a community of administrative law practitioners who share advice, mentorship, and experience. Our events have gained momentum, and we've had the opportunity to meet with people who practice administrative law in many different legal fields.

During the Administrative Law Section Executive Council meeting in Tampa, Adrienne and I, along with Judge Mary Li Creasy, Judge Jodi-Ann Livingstone, Megan Albrecht, Jennifer Soberal, Joaquin Alvarez, Susan Martin, Grace Yang, and Gordon Schiff, planned four more events over the next year, the first of which will be held in November.

We owe a big "Thank you!" to our section Chair, Tabitha Jackson, and to section Administrator Calbrail Banner for all the help and support. We are looking forward to a great year of events. Keep an eye out for things to come in Tampa Bay!



Upcoming Section Events



11/17, 5:30PM-7:30PM at Mom and Dad's - 4th Annual Packing Party. The Administrative Law Section will be packing food to help 60 students at Oak Ridge Elementary School and their families in advance of the holidays. Come join the fun!

11/7, 12:00 to 2:00 at Cooley Law School in Tampa. The Administrative Law Section is sponsoring a pizza lunch for Judge Kilbride's presentation to the law students about Administrative Law. Additional guest speakers from the local ALS community will join, too.

11/17, Holiday Shuffle in Tampa. The Central Florida Chapter of the ALS is holding a holiday event at Shuffle in Tampa on November 17th from 5:30 to 7:30. Drink tickets and shuffleboard games are complementary. This event will be open to members of other sections of the Florida Bar as well as ALS members. RSVP to: Elizabeth Fernandez at e.m.fernandez85@gmail.com

1/30, lunchtime event at Stetson University, Gulfport Campus. The Administrative Law Section is sponsoring lunch for law students and inviting students to meet and hear from Judge Chisenhall and others about membership with the Administrative Law Section and Administrative Law in general. Stay tuned for additional updates.

DOAH Trial Academy

A Huge Success!

Special to The Bulletin

The DOAH Trial Academy reached new heights in 2022. This year, 80 applicants participated in the Trial Academy (up from 40 last year), and the number of mock hearings was expanded from 2 last year to 23 this year. Judge Gar Chisenhall said, "experience has taught us that people learn more by doing, so we radically increased the mock hearing opportunities this year. This decision paid off. We were amazed at the progress the participants made by the end of the week."



We have been told to expect the Trial Academy to return next year with more improvements and that DOAH remains committed to offering the Trial Academy at no charge to members of the Administrative Law Section. Judge Brian Newman credits generous financial support from the Administrative Law Section and countless hours of time donated by DOAH judges and other members of the Administrative Law community. "I remain amazed at the level of support from the Administrative Law community and for the continued financial support from the Section. This program reminds me why I became a lawyer and why I love the practice of Administrative Law. The Administrative Law community pulls together like no other section of the Florida Bar."

DOAH Trial Academy

A Cadet's Experience

By Jennifer Soberal, Esq.



In September, I was fortunate to participate in the annual DOAH Trial Academy in Tallahassee. It was a five-day, in-person training at DOAH whereby the participants were split into teams that competed in multiple mock-final hearings based on a fictitious case file. My team was made up of six practicing attorneys from various Florida agencies, and only one of my teammates regularly handled final hearings at DOAH. The first two days of the training were spent in break-out rooms preparing our cases. Each attorney on a team was assigned a different role (opening statement, direct examination, or cross-examination of a witness).

Our two coaches were current and former ALJs who spent each day helping us prepare for the mock hearings that lasted for three of the five days. Each team was given the chance to represent both the Petitioner and the Respondent before an ALJ at DOAH. The Trial Academy was very helpful as it allowed me to brush up on my trial skills, learn what the ALJs expect from attorneys at a final hearing, learn the personal preferences of some of the ALJs, and meet other attorneys from around the state who also practice administrative law.

Executive Council Super Star

Our Chair Extraordinaire, Tabitha Jackson!

The Bulletin Crew is delighted to share a feature from the Administrative Law Section Chair, Tabitha Jackson, for this season's edition. Many of you already know Tabitha from ALS events and meetings. She's shared some of her favorite things with us and given us a wonderful update to boot!



Favorite weekend hobby: Gardening at our home in Georgia, reading a good book on our porch, and tending to our chickens.

2 Non-Essential Items you'd want if you were on a deserted island: Toothpaste & a hair tie

Favorite Song to sing in the car: Whitney Houston, I want to dance with somebody.

Favorite Quote: Do no harm, but take no crap.

Best dish to make: Spaghetti and meatballs with homemade sauce and meat.

Fun news: We are expecting our first child, Baby James, in December.



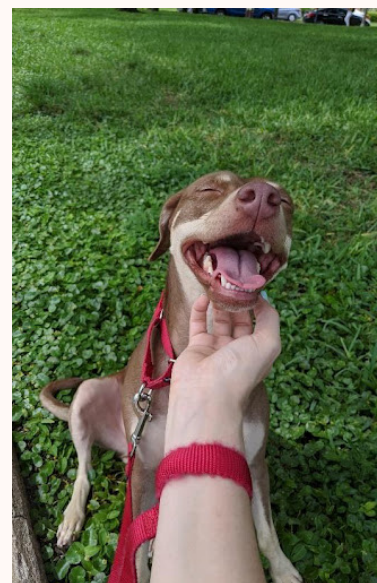
New Member Spotlight

Meet Rachael Simpson and her adorable puppy, Margie!

Rachael is a new member of the Administrative Law Section! She's an attorney living in St. Pete and working at the Southwest Florida Water Management District. As an introduction to the ALS, she shared five facts with us. Welcome to the Administrative Law Section, Rachael!



Welcome
**RACHEL &
MARGIE!**



New Member Fast 5!

1. Favorite Haunt: I love the St. Pete Pier! I take everyone who visits me there, and I encourage everyone who hasn't been to go.
2. Hobbies: I love to cook and spend a pretty large chunk of my time researching recipes and looking for ways to make them plant-based. When I'm not doing that, I'm either spending time outside (hiking, kayaking, swimming) or making good use of my Netflix account.
3. Favorite Bakery/Restaurant: Valhalla Bakery in St. Pete makes the best pastries, cookies, cakes, and pies in town.
4. Pets: I have the sweetest mixed-breed dog named "Margie." She is universally beloved by all who encounter her (except cats).
5. Useless Talents: I like to make up names and voices for animals I see on hikes.

Critter Corner

Meet Iggy!

Our featured pet for this month's bulletin is Iggy! He's a spry 15-year-old and has lived with section member Elizabeth Fernandez since he was about the size of a ping pong ball. Ig loves eating more than anything else in the world! After that, in no particular order, he likes Elizabeth, sitting out in the sun and hiding under the couch so no one can find him.



He's a vegetarian, so he eats lots of leafy greens and flowers. He also eats hay, but it is not his favorite, and he only eats it begrudgingly when there is nothing else around. Occasionally, he can have some strawberry, watermelon, or sweet potato as a special treat. Elizabeth doesn't know exactly what day Ig was born, but she insists that it was the 4th of July so they can share a birthday.



Recipe of the Month

Meatless Monday: Spicy Pumpkin Burritos

Creamy Garlic Roasted Red Pepper Pasta



Servings: 8

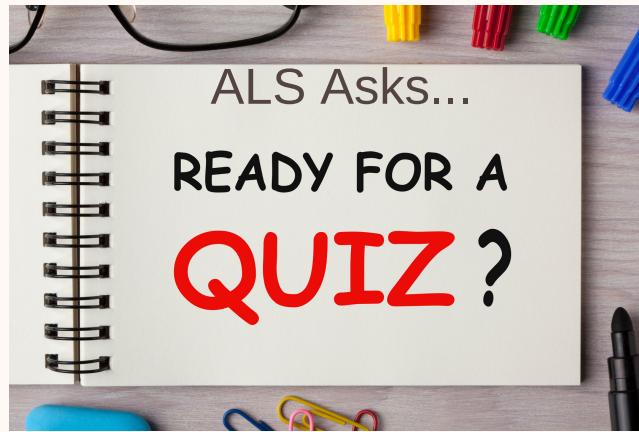
Serving Size: 1 burrito

- 1 teaspoon olive oil (extra virgin preferred)
- 1/2 cup frozen whole-kernel corn
- 1 15.5-ounce can no-salt-added black beans, rinsed and drained
- 1 15-ounce can solid-pack pumpkin (not pie filling)
- 1 cup cooked brown rice, cooked without salt and margarine
- 1/4 cup water
- 1 teaspoon ground cumin
- 1 teaspoon chile powder (made with ancho chiles preferred)
- 1/2 teaspoon dried oregano, crumbled
- 1/4 teaspoon cayenne
- 8 8-inch whole-grain tortillas (lowest sodium available)
- 1/2 cup sliced green onions
- 1/2 cup fat-free sour cream
- 1/2 cup shredded lettuce, such as romaine or spinach
- 1/2 cup chopped tomato

Directions:

1. In a medium saucepan, heat the oil over medium heat, swirling to coat the bottom. Cook the corn for 4 to 5 minutes, or until slightly browned, stirring occasionally.
2. Stir in the beans, pumpkin, rice, water, cumin, chile powder, oregano and cayenne. Bring to a simmer. Reduce the heat and simmer for 4 to 5 minutes, or until heated through.
3. Warm the tortillas using the package directions.
4. Spoon the filling down the center of each tortilla. Sprinkle the green onions over the filling. For each burrito, fold two sides of the tortilla toward the center.

Starting from the unfolded side closest to you, roll the burrito toward the remaining unfolded side to enclose the filling. Transfer with the seam side down to plates. Top with the sour cream. Sprinkle with the lettuce and tomato.



Thanks to Mike Bray, Asst. General Counsel, SWFWMD, for drafting the questions!
Questions on the last page!

1. How long does a question from JAPC toll the time for adoption of a rule?
 - a. 45 days
 - b. 20 days
 - c. until JAPC indicates the matter is resolved
 - d. It doesn't.

2. Which entity within the Executive Office of the Governor reviews proposed rules and rulemaking notices before they may be published in the Florida Administrative Register?
 - a. Office of General Counsel
 - b. Communications Office
 - c. Office of Fiscal Accountability and Regulatory Reform
 - d. Office of Legislative Affairs

3. Which of the following is not required to be specified in a petition for variance or waiver:
 - a. specific facts that demonstrate a substantial hardship or a violation of principles of fairness that would justify a waiver or variance.
 - b. the type of action requested.
 - c. specific facts that would justify a waiver or variance for the petitioner.
 - d. specific facts indicating whether a variance has previously been issued to the petitioner.

4. When at least one public hearing is held, a rule challenge must be filed within how many days after the final public hearing?
 - a. 21
 - b. 10
 - c. 7
 - d. 14

5. In the rulemaking process, after the final public hearing or the time for requesting a hearing has expired, which of the following are allowable grounds for a change (other than a technical change) to the proposed rule language:
 - a. the record of any public hearings that were held
 - b. management decision by the agency
 - c. JAPC has proposed an objection
 - d. materials have been submitted by the public within 21 days of publication of the intended agency action

Beyond the Section

Tallahassee Bar Association



CALLING ALL YOUNG LAWYERS

Are you interested in getting involved in your local bar association? The Tallahassee Bar Association Young Lawyers Section is looking for lawyers either 5 years or less removed from law school or ages 35 and under to be a part of the TBA YLS Board of Directors. This will be an opportunity to be involved in the development and decision-making process for TBA YLS events, charitable outreach, and sponsorships. Please email Tallahasseeyounglawyers@gmail.com with your resume and cover letter by October 28, 2022.



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. Submissions welcomed here:

<https://forms.gle/VNchnzuNG9D8d7x88>

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A publication from the Administrative Law Section of the Florida Bar

Pop Quiz Answers

1. d. The tolling provisions in Sec. 120.54(3)(e)6 are only triggered when JAPC advises an agency it is considering an objection. Mere questions do not implicate the tolling language.
2. c. Executive Order No. 11-01, superseded by Executive Order 11-72, and then again by Executive Order 11-211. See also the Directive dated 11/11/2019.
3. d. 120.542 and 28-104.002.
4. b. 120.56(2)(a).
5. a, c, d. 120.54(3)(d)1

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