

# The Bulletin

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



## What's New

SFGAP REVIEW  
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SECTION EVENTS  
.....

MEMBERSHIP  
SPOTLIGHTS  
.....

SERVICE REFLECTION  
.....

FUN COLUMNS

## Happy Spring!

By Adrienne Vining, Esq., Central Florida Chapter Co-Chair

Hello from Adrienne Vining. I am a long-time administrative law practitioner at the Southwest Florida Water Management District, but fairly new to the Administrative Law Section Executive Council. My practice at the District focuses on environmental resource permitting, with a special emphasis on mitigation banks and the development of minimum flows and levels for water systems within the District. My dedicated Central Florida Chapter Co-Chair, Elizabeth Fernandez, and I have been able to undertake several events in the Central Florida area over the last year in an ongoing effort to bolster the involvement of administrative law practitioners in this area with the Section. Participation has increased steadily, and we have enjoyed meeting administrative law practitioners in our area we would not otherwise interact with in our day-to-day practice.

We had a great turnout for the After Gasparilla Bead Cleanup at the end of January that we conducted with the Environmental and Land Use Law Section. Everyone enjoyed the amazing weather while making Tampa a little bit cleaner, with brunch afterward as our reward for our hard work.

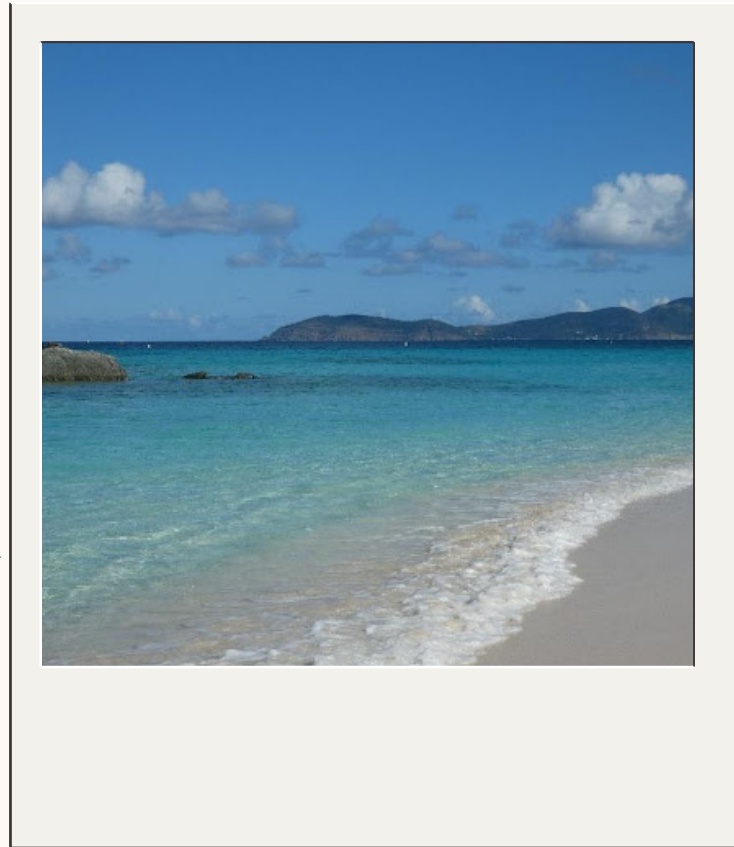


# Spring Is Here!

Cont.

We were very lucky to have ALJs Brian Newman, Gar Chisenhall, and Megan Silver join us for the event from Tallahassee. We plan to maintain our efforts to put on local events and continue to increase the participation of administrative law practitioners in our area with the Section.

Any success we have had would not have been possible without the tremendous support of our Chair, Tabitha Jackson, and the ALJs at DOAH, especially Chief Judge Brian Newman. Several ALJs have traveled to Tampa for our events, and we are so appreciative of the opportunity for local members to interact with the ALJs. We are actively planning activities for the spring and summer, so please stay tuned for those announcements!



*Adrienne on vacation in St. John, U.S. Virgin Islands.*

*The scenery in St. John was so postcard-perfect that her friends required her to include a selfie for proof she was actually there!*

## **INTRODUCING EXECUTIVE COUNCIL MEMBER: Christina Arzillo Shideler**

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### **Chief Legal Counsel Florida Department of Health Prosecution Services Unit**

I resisted law school at all costs, but here I am 10+ years later, practicing law and loving it, thanks, mom. I never thought I'd find such an interesting and collegial area of law as administrative law has been for me. I had an aversion to litigation all throughout law school but was thrust into a job shortly after taking the Bar that required it (can anyone remember the economy in 2011?). I completed my first final hearing at the Division of Administrative Hearings (DOAH) when I was a baby prosecutor at the Department of Business and Professional Regulation (DBPR). I'll never forget my boss at the time telling me, compassionately, to not feel bad if we lost the case. I would have been disappointed had we lost, but we didn't, and I loved the excitement of the trial. That was when I first realized that administrative law was the right place for me. I left administrative law for a few years just to explore other options, and the entire time I longed for the day I could return to prosecuting at DOAH.

Thankfully, the Department of Health (DOH) took a chance and hired me as an attorney supervisor in 2017. For approximately four years, I was a lead attorney over the Board of Massage Therapy, Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, among various other boards. I have enjoyed the diversity of my caseload and helping other attorneys become passionate about refining their legal skills. In 2022, I was promoted to Chief Legal Counsel in our Allied Section, and I have the privilege of leading more attorneys in prosecuting on behalf of 17 boards and counsels for DOH. I am forever grateful that I was placed in such an incredible agency with the best colleagues.

I have a beautiful family with my husband, Adam, who is a deputy Sheriff at Leon County Sheriff's Office, and our son, Edward. Edward turns five in April, and I will continue to be in denial over this. Adam and Edward are the lights of my life. We have a travel trailer we take all over the southeast on camping trips. We want our son to have cherished memories of his childhood roasting marshmallows on a fire and playing in the woods. We also enjoy going to the beach as much as we possibly can between April and October. Our family wouldn't be complete without our dog, Trixie. She loves people and kids and, despite being almost 13, acts like a puppy. I also love crafting and my Cricut Maker (a vinyl cutter). I enjoy making t-shirts for friends and our family for holidays and birthdays, among other homemade decorations and gifts.



# SFGAP ADVICE

## *Work Smarter, Not Harder!*

By Brittany B. Griffith

This membership year, each Bulletin has addressed study tips for the State & Federal Government & Administrative Practice (SFGAP) exam. These articles have discussed how to plan out your study time, skills to learn or practice, and resources to use. This article takes a slightly different tack and explains my “work smarter, not harder” approach to studying for the SFGAP exam.

Let’s begin with a seemingly controversial statement: the SFGAP exam is simply a minimum competency exam. Let that sink in. You do not get extra credit for being extra right, and you are not competing against fellow test takers for a higher ranking. You just need to pass by earning 140 of the 200 points available (or 70% of the available points) on the exam. 100 points are available from 100 multiple choice questions worth one point each, and 100 points are available from three essay questions worth 35 points (two essay questions) or 30 points (one essay question). Approximately 80% (160 points) of the exam addresses Florida law, and approximately 20% (40 points) of the exam addresses federal law.

Based on the relative number of available points, you should study less for the federal law portion of the exam. Hypothetically, you could miss every federal question and still pass the exam. Additionally, in previous CLEs, members of the SFGAP Certification Committee (the exam’s drafters) have confirmed that the majority, if not all, of the federal points, come from multiple-choice questions. Therefore, focus your efforts on learning federal concepts that are easily testable in a multiple-choice format. Examples of these questions are items like amounts of money, days, or years; important concepts and cases; procedural steps and their importance; different types of Xs where one is incorrect; and different types of Xs where one is the answer.

In contrast, Florida questions will be both multiple-choice and essay questions. Expect essay questions to look like law school fact patterns. Assume you will argue multiple sides of a case and the likely results. Envision how you will set up those arguments. Remember to discuss issues like standing; standard of review; burden of proof; relevant deadlines, procedural rules, cases, and laws; evidentiary issues; intervention opportunities; basic process points; the available and likely remedies; and methods to appeal. Finally, think about what types of legal issues are sufficiently dense for essays. For example, declaratory statements, rules, rule variances, rule waivers, and licensing or permitting requirements may be easily grouped for discussion. Be sure to understand the interplay between common administrative law topics so you are prepared to write about them.

On behalf of the Section’s Ad Hoc SFGAP Committee, we wish you the best of luck with your exam preparation. Hopefully, this article will help you “work smarter, not harder” during that process. Please feel free to reach out to any of us if you have questions or would like additional resources.

# New Member Welcome

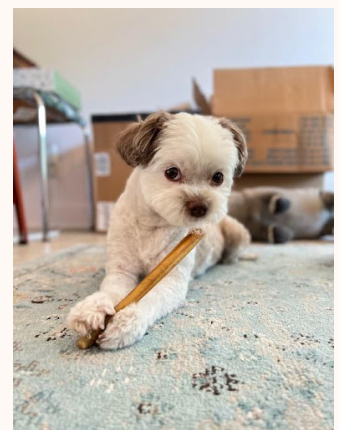
## Ryan Edmiston



Ryan is a new member of the Administrative Law Section. He came to hang out for the Holiday Shuffle event that the Central Florida Chapter hosted in Tampa, and we all had a great time at the event! Naturally, we wanted to introduce him to the ALS Bulletin readers! Ryan shared a few fun facts about himself, and we're so glad he did for many reasons, but significantly, that puppy is adorable! Here's some interesting information about Ryan, in his own words:

### *New Member Fast 5!*

1. I am a staff attorney with the Southwest Florida Water Management District. Prior to working with the District, I practiced primarily in criminal law as an Assistant Attorney General in the Criminal Appeals Division and, before that, as a Judicial Staff Attorney at the 13th Judicial Circuit.
2. My hobbies include outdoor activities such as gardening, hiking, and camping. I am also unashamedly a pretty big video game nerd.
3. My wife, Tiffany, and I have an almost 2-year-old baby girl in our house, so most of our time is taken up chasing her around. We still get outdoors often, just now, our hikes are either much slower (at the pace of her tiny steps) or with a 28-pound kicking and wiggling cannonball strapped to one of our bodies.
4. We love to travel, especially for nature-based site seeing. We have traveled throughout the US, Canada, Hawaii, and China. Our next trip we are planning is to visit Acadia National Park in Maine.
5. We also have an energetic but super sweet 4-year-old shi-poo (shiatzu-poodle) named Sam. He and my daughter, Sydney, are best buds!



# Upcoming Section Events

Be sure to watch your emails and our social media for information, updates, and more about our Section Events!

@FLABARALS

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- **4/27, Tallahassee:** Happy Hour @ Miller's Ale House (Tallahassee) to benefit the Kearney Center on April 27th.
- **4/15, Tallahassee:** Meet up in Cascades Park behind the Edison at 10 AM for a Wellness Walk. Meet to join 1-2 groups to walk a few loops around Cascades Park and then stay to socialize and play yard games. Family and friends are welcome.
- **Pat Dore Conference: Thursday, May 18 - Friday, May 19.**
- **Tampa:** Check out the ALS website and social media accounts for upcoming happy hour events!
- **Miami:** Upcoming CLE at Holland & Knight in Miami in April. Dates are being confirmed but expect this event to occur approximately April 13 or April 27. The event will likely be a round table with Judge Newman and attorneys in Miami so hold your calendars and keep up with the ALS social media and website to learn more soon!
- **4/6, Agency Open House – PERC – 1-5 PM**
- **4/20, Online:** Louise St. Laurent – Online CLE -- 12 – 1 PM
- **5/4, Agency Open House – AG's Office – (1 – 5 PM)**
- **6/15, Online:** Joaquin Alvarez – Online CLE – Zoom – 12 – 1 PM – Subpoena Enforcement/Domestication

# Admirable Administrative Law

## AFTER GASPARILLA BEAD CLEAN UP EVENT!

The After Gasparilla Bead Cleanup occurred on 1/29 in conjunction with the Environmental and Land Use Law Section. The event was well attended, and everyone enjoyed the beautiful weather while making Tampa a little cleaner.



# April Wellness Event

## Wellness Walk

April 15, 2023 at 10AM  
Cascades Park  
Meet behind the Edison



Join the Administrative Law  
Section for gathering, walking, and  
outdoor fun!



# Ride with Judge Kilbride!

By the Honorable Robert Kilbride, ALJ



## ***Munson Hills Trail System***

How about a nice, easy, and relaxing bike ride through an enchanted and sunny pine forest? Where the only sound is the soft crunching leaves and pine needles disappearing behind you in a flurid swirl of natural colors. Where there are no voices or mechanical sounds of the city disturbing your tranquility. Sound like fun? You might ask- where in Tallahassee can mountain biking be considered tranquil and peaceful? Is it really possible to find such a delightful place nearby where access is quick and simple?

For bikers in Tallahassee, the answer is “Yes.” Located in the Apalachicola National Forest and only a short drive south of town off Monroe St., immediately past Capital Circle is the Munson Hill Trail system. This 8-mile trail loop is ideal for the “weekender” who would like to get his/her spouse or kids out for a safe and fun mountain bike ride. There is plenty of convenient parking and a restroom facility at the start of the trail. The trail system is well marked, and there are a variety of listed trails in the “loop system” to keep the ride safe and for the distance you choose. As the name implies, a loop trail allows you to ride essentially in a circle, bringing you back to your starting point.

Munson Hills offers a dry, comfortable, hard-packed trail covered with leaves or pine straw and runs an undulating course through the open pine forest. You have a wide view ahead, and there is something to be said for being able to see the landscape ahead of you as you ride. This is a nice feature while riding Munson Hills. Along the way, you may glimpse a deer bounding through the forest and pass lush oak hammock areas where a few sinkholes are forming.

For the more hearty and adventurous at heart, Munson Hills offers an extension trail on the south side of the tract called the Twilight Trail. On this longer, 12-mile mountain bike trail, be sure to pack a few snacks and water as it is more isolated and remote - but it offers a sense of peace and solitude that is hard to beat on any trail in this area.

So, get out and have some fun by yourself, with a friend, or with the family. Quit talking about it, and just do it!

# ALS Critter Corner

## *Meet Lucy and Shrimp!*

This bulletin is full of adorable puppies! Next up, meet Lucy and Shrimp! ALS section member, and one of our new ALJs, Megan Silver, is the proud momma of these two cuties!

Lucy is the blonde (shaded cream), and Shrimp is the long-haired red dapple one with the soulful eyes. Lucy has the mannerisms of a cat. Shrimp has over 10 buttons that he uses to communicate, including “food,” “water,” “couch,” “walk,” and “bedtime.” Judge Silver shared with us that Shrimp will try really hard to get his momma’s attention by standing on the “momma” button and staring at her with those soulful eyes while she’s working on other things around the house. How cute is that?

*Lucy &  
Shrimp*



# *Recipe of the Month*

## **Meatless Monday: Stuffed Shells**

*Have you ever considered reducing your meat intake? You may not be ready to give it up entirely, but perhaps try once a week? Introducing your Meatless Monday recipe! This newsletter edition has a meatless Monday appetizer perfect for any holiday or event!*

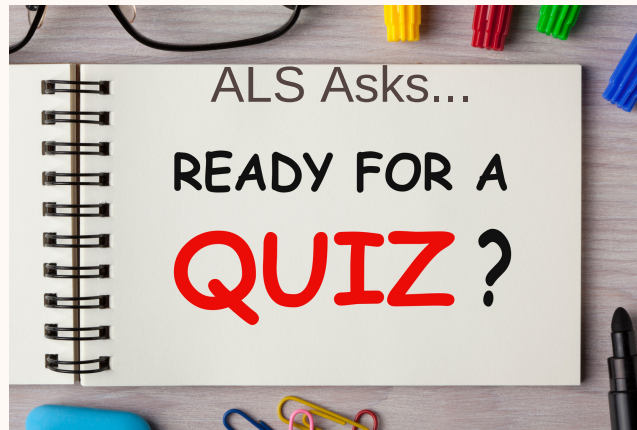


### **Ingredients**

- 12 ounce box 30 jumbo pasta shells
- 1/4 teaspoon kosher salt
- 1/4 teaspoon ground black pepper
- 1 pound ricotta cheese (about 2 heaping cups)
- 12 ounces (3 cups) shredded mozzarella cheese, divided
- 24-ounce jar marinara sauce, divided
- 2 tablespoons finely grated Parmesan cheese

### **Directions:**

- Preheat the oven to 375°F, with the rack in the middle.
- Boil a large pot of salted water. Add the shells to the boiling water and cook the pasta according to the package directions.
- Remove the pot and drain the cooked pasta, then briefly rinse with cold water until cool enough to handle.
- Place the ricotta, 2 cups of the mozzarella, salt, and pepper in a large bowl and stir to combine.
- Stuff each shell with about 1 heaping tablespoon of the mozzarella filling.
- Spread 1 cup of the sauce on the bottom of a 9x13-inch baking dish. Place each shell filling-side up in the dish on top of the sauce.
- Using the remaining 2 cups of sauce, top the shells with the marinara sauce. Sprinkle with the remaining 1 cup mozzarella and Parmesan.
- Bake uncovered until the cheese is melted and the sauce is bubbling, about 30 minutes.



Answers on the last page!

- 1. The procedures that govern administrative proceedings are known as the:**
  - A) Rules of Procedure;
  - B) Uniform Rules;
  - C) Litigant's Handbook;
  - D) Court Rules.
  
- 2. The procedures described in question 1 apply in all administrative proceedings unless an exception is granted by:**
  - A) a court;
  - B) the Legislature;
  - C) JAPC;
  - D) the Administration Commission.
  
- 3. Once granted, exceptions to the procedures described in question 1 must be:**
  - A) published in a separate chapter in the F.A.C.;
  - B) incorporated into existing agency rules;
  - C) provided to citizens participating in an administrative matter;
  - D) published on a separate webpage on the agency's website.
  
- 4. An agency rule providing an exception to the procedures described in question 1, despite no exception having been granted, is:**
  - A) void ab initio;
  - B) voidable;
  - C) void;
  - D) valid if good cause is shown for no exception having been obtained.

# Call for Authors!

One of the strengths of the Administrative Law Section is access to scholarly articles on legal issues faced by administrative law practitioners. The Section is in need of articles for submission to the Florida Bar Journal and the Section's newsletter.

If you are interested in submitting an article for the Florida Bar Journal, please email Lylli Van Whittle at

([Lyyli.VanWhittle@perc.myflorida.com](mailto:Lyyli.VanWhittle@perc.myflorida.com)),

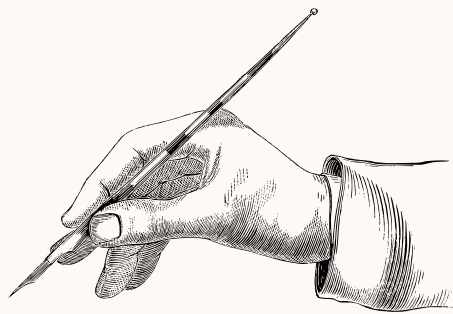
If you are interested in submitting an article for the Section's newsletter, please email Jowanna N. Oates

([oates.jowanna@leg.state.fl.us](mailto:oates.jowanna@leg.state.fl.us)).

**The next article submission deadline for the newsletter is April 14, 2023.**

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## 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>

# *The ALS Bulletin*

*A publication from the Administrative Law Section of  
the Florida Bar*



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## Pop Quiz Answers

### QUIZ ANSWERS

1. Answer: B) "Uniform Rules." See 120.54(5), F.S.
2. Answer: D) the Administration Commission. See 120.54(5)(a)2., F.S.
3. Answer: A) published in a separate chapter in the F.A.C. See 120.54(5)(a)3.
4. Answer: C) void. See Section 120.56(3)(b), stating "[t]he administrative law judge may declare all or part of a rule invalid. The rule or part thereof declared invalid shall become void when the time for filing an appeal expires."

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# **ALS IS ONLINE**

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

