



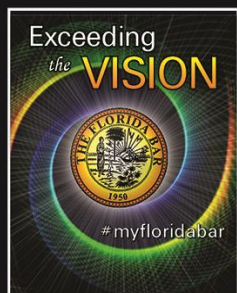
**2016  
Annual  
Florida Bar  
Convention**

**Hilton Orlando  
Bonnet Creek**

14100 Bonnet  
Creek Resort Lane  
Orlando, FL 32821  
(407) 597-3600

**Waldorf Astoria  
Orlando**

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The Florida Bar Continuing Legal Education Committee and the  
Environmental and Land Use Law Section present

# Environmental and Land Use Section June Program

COURSE CLASSIFICATION: INTERMEDIATE

Friday, June 17, 2016, 8:30 a.m. – 12:00 p.m.

Course 2173R

Staff Contact: Calbrail Bennett (cbennett@floridabar.org)

8:30 a.m.-8:40 a.m.

**Introduction**

David Bass, ELULS CLE Chair, *City of Orlando Attorney's Office*

8:40 a.m.-9:30 a.m.

**Administrative Law Update**

Francine Ffolkes, *Florida Department of Environmental Protection*  
Hon. Cathy Sellers, *Division of Administrative Hearings*

9:30 a.m.-10:20 a.m.

**Legislative Update**

Larry Sellers, *Holland & Knight, L.P.*  
Terry Lewis, *Lewis, Longman & Walker, P.A.*

10:20 a.m.-10:30 a.m.

**Break**

10:30 a.m.-12:00 p.m.

**Agency Counsel's Roundtable**

Tim Center (Moderator), *Centerfield Strategy*  
John Costigan, Deputy General Counsel  
*Florida Department of Agriculture and Consumer Services*  
Jim Poppell, General Counsel  
*Florida Department of Economic Opportunity*  
Kathleen P. Toolan, Special Counsel, Environmental Affairs  
*Florida Department of Transportation*  
Harold "Bud" Vielhauer, General Counsel  
*Florida Fish and Wildlife Conservation Commission*



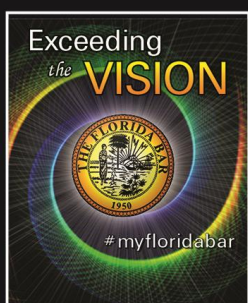
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## SPEAKERS

### ADMINISTRATIVE LAW UPDATE

**FRANCINE FOLKS**, Department of Environmental Protection is the Administrative Law Counsel in the Office of General Counsel for the Florida Department of Environmental Protection. She is responsible for reviewing recommended orders from administrative law judges, including the record of evidentiary hearings, drafting agency final orders, and advising the agency head regarding final agency action. She is Florida Bar Board Certified in State and Federal Government and Administrative Practice and is a member of the Certification Committee. She also updated the chapter on rule adoption for The Florida Bar's Florida Administrative Practice Manual (9th Ed., Fall 2011). Ms. Ffolkes received her Bachelor of Science degree in Marine Science and Biology from the University of Miami in 1985, and her Juris Doctorate degree from the University of Miami School of Law in 1989.

**THE HONORABLE CATHY M. SELLERS** is an Administrative Law Judge with the State of Florida, Division of Administrative Hearings. As an ALJ, Sellers presides over cases arising from state executive branch agency action affecting regulated persons and entities involving disputed issues of fact; challenges to state agency rules; and other cases as designated by state and federal law.

Prior to becoming an ALJ in 2011, Sellers practiced environmental and land use law for twenty-three years, representing private and public sector clients on a wide range of environmental law issues, including state and federal water, wetlands, air, and solid and hazardous waste regulatory matters before the Florida Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, United States Environmental Protection Agency, United States Army Corps of Engineers, and United States Fish and Wildlife Service. She also represented clients on state comprehensive land use plan matters before the Florida Department of Community Affairs and represented clients before local governments on a range of land use matters. She also represented clients before numerous other state agencies, including the Florida Department of Business and Professional Regulation, Florida Department of Transportation, Florida Department of Agriculture, and others.

Sellers has authored articles on Florida Administrative Law and on state and federal environmental law topics, and is a frequent speaker on Florida Administrative Law topics. She is the past Chair of the Florida Bar Administrative Law Section and Immediate Past Chair of the Bar's State and Federal Governmental and Administrative Practice Certification Committee.

### LEGISLATIVE UPDATE

**TERRY LEWIS** is a partner in the West Palm Beach office of Lewis, Longman & Walker, P.A. Since being admitted to the Florida Bar in 1979, Mr. Lewis has worked primarily in the fields of environmental and land use law, administrative law and state and local government administration and legislation. In the legislative field, Mr. Lewis has participated in and been responsible for legislative changes to Florida's general water and growth management laws relating to environmental resource permitting, water quality and water supply permitting, the preparation and adoption of comprehensive



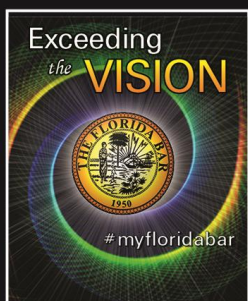
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plans, creation of special taxing districts, and local government finance and tax measures. Mr. Lewis represents large agribusiness concerns, major land developers, and numerous local governments with complex legislative issues.

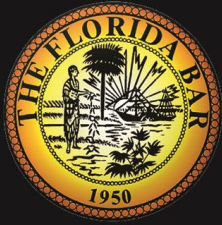
**LAWRENCE E. SELLERS JR.** is a partner in Holland & Knight's Tallahassee office. Mr. Sellers practices administrative and governmental law, with a concentration in environmental and land use matters. He regularly provides advice on permitting and enforcement matters involving a variety of federal, state, regional and local administrative agencies. He has substantial experience in administrative law, including rulemaking, adjudicatory hearings and appellate review. For more than 25 years, he has represented clients before the Florida Legislature, primarily on environmental, land use and administrative law issues. He represents clients on growth management matters. He also represents developers of affordable housing before the Florida Housing Finance Corporation.

Mr. Sellers has authored numerous articles published by The Florida Bar, including several on amendments to Florida's Administrative Procedure Act (APA). In addition, his comprehensive articles on the rulemaking provisions in the Florida APA have been published by the Florida Law Review and the Florida State University Law Review. A number of his articles have been cited by Florida's appellate courts and administrative law judges.

#### AGENCY COUNSEL ROUNDTABLE

**TIM CENTER** is an attorney and statewide leader focused on building better communities for everyone. He is the Chief Executive Officer of the Capital Area Community Action Agency - a \$8.4 million non-profit that helps people who have the will to move out of poverty positively change their lives. He serves as the Executive Director of Sustainable Florida which promotes sustainable practices in Florida that protect our natural resources, strengthen our economy, and improve our quality of life. Tim is the Principal of Centerfield Strategy, a consulting firm focusing on strategic planning, community engagement, public speaking and facilitation. He received the 2014 Hero of Service Award from City Year, and is a graduate of Leadership Florida and Leadership Tallahassee. A fourth generation Floridian from Tampa, Tim lives in Tallahassee with his wife, Amy, and their fabulous daughter, Hayden.

**JOHN W. COSTIGAN** is Deputy General Counsel for the Florida Department of Agriculture and Consumer Services and practices before the Division of Administrative Hearings and all Florida and Federal Courts, including the 5th and 11th U.S. Courts of Appeal and the United States Supreme Court. He received his Bachelor of Arts degree in History from Drake University in 1971 and his Juris Doctorate degree from the Florida State University College of Law in 1974. He was a partner with Parker, Skelding, Costigan, McVoy and Labasky specializing in civil litigation in federal courts until 1987, and subsequently served as head of the Environmental Law section of the Florida Department of Legal Affairs and as Deputy General Counsel of the Public Lands Section of the Office of General Counsel of the Florida Department of Environmental Protection prior to his current service.



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**JIM POPPELL** is General Counsel for the Florida Department of Economic Opportunity. Previously, Jim served as Executive Vice President for NextEra Energy, Inc. and as Vice President for Florida Power & Light Company. He has also served as Senior Counsel at Foley & Lardner and as a law clerk for the late Honorable D. Brook Bartlett, U.S. District Court for the Western District of Missouri. Jim holds a J.D. from the University of Missouri-Kansas City School of Law, a Master of Arts in Spiritual Formation and Leadership from Spring Arbor University, and a Bachelor of Arts from Eckerd College.

**KATHLEEN P. TOOLAN** currently serves as Special Counsel for Environmental Affairs in the Office of General Counsel for the Florida Department of Transportation (FDOT). Prior to this appointment, she served as Chief Counsel for FDOT's Administrative Law Section. Before joining FDOT, Kathleen practiced with the law firm of Levin, Papantonio concentrating on environmental law, mass torts, securities fraud and class action litigation. Kathleen also spent eleven years as an Assistant General Counsel with the Florida Department of Environmental Protection. She earned her bachelor's degree from Vanderbilt University and received her J.D. with honors from Florida State University College of Law, where she served as an editor on the Journal of Land Use & Environmental Law.

**HAROLD G. "Bud" VIELHAUER** is General Counsel for the Florida Fish and Wildlife Conservation Commission. Prior to joining FWCC, he was Deputy General Counsel for the Florida Department of Environmental Protection's Office of General Counsel, Public Lands Section. He represented the department's Land and Recreation Program including acting as counsel to the Board of Trustees of the Internal Improvements Trust Fund and the Acquisition and Restoration Counsel. He handled land acquisition, land management and sovereignty submerged lands issues for the Board. He also worked in the department's Enforcement Section as the waste supervisor, handling hazardous waste, solid waste and waste cleanup issues. Mr. Vielhauer also served as staff to the 2000- 2001 Florida Growth Management Study Commission. Prior to moving to Florida he was a Senior Assistant Attorney General in the Ohio Attorney General's Office where he managed the waste enforcement section and handled Clean Water Act issues. He has a JD from the University of Toledo (with honors) and a Master's degree from the University of Washington, Seattle, Washington in marine and environmental affairs.

## CLE CREDIT

General: 4.0 hours

State and Federal Government and Administrative Practice: 4.0 hours

