



# 2021 Seminar Series

## **June 23, 2021 Webinar Florida Water and Land Conservation Amendment Implementation Update 1:00-4:00 pm**

**Webinar held via Zoom**  
**[Pre-registration is required](#)**

**1:00-1:05 pm**            **Opening remarks**

**1:05-2:20 pm**            **PANEL 1: Environmental Program Funding in Florida and Passage of Amendment 1**

**Historical look at environmental program funding in Florida 1:05-1:30 pm**  
Will Abberger (Trust for Public Land)

**Development and Passage of the Water and Land Conservation Amendment 1:30-1:55 pm**  
Clay Henderson (Retired, Stetson University College of Law)

**Implementation and changes to law due to passage of Amendment 1 1:55-2:20 pm**  
Matt Caldwell (Lee County Property Appraiser, Former Chair of House State Affairs Cte.)

**2:20-2:30 pm**            **Break**

**2:30-3:45 pm**            **PANEL 2: Amendment 1 Litigation Case Study**

**Discussion of conservationist plaintiffs' case 2:30-2:55 pm**  
David Guest (Lead Counsel, conservationist plaintiffs)

**Discussion of defendant's case 2:55-3:20 pm**  
Hala Sandridge (Buchanan, Ingersoll & Rooney)

**Case status update and potential appeal pathways 3:20-3:45 pm**  
Fred Aschauer (Lewis, Longman & Walker)

**3:45 pm**                **Closing remarks**

**FSBPA would like to thank the following for their support of  
the 2021 Seminar Series**

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## Meet the Speakers

### Will Abberger – Trust for Public Land

Will is Director of the Trust for Public Land's national Conservation Finance Program, helping state and local governments and citizen groups throughout the United States gauge public support for open space and craft ballot and legislative measures that generate new sources of funding for parks and land conservation. In 2013-2014, Will led the campaign to qualify for the ballot via the initiative petition process and win voter approval for the Florida Water Land Conservation Amendment, the largest state conservation land ballot measure in history. He has been directly involved in more than 100 local and state land conservation ballot measures and numerous legislative campaigns. In his thirty years with The Trust for Public Land, Will's responsibilities have also included serving as associate director for Conservation Finance in the eastern United States, directing Florida Programs for the Florida Office, directing the Conservation Services program for TPL's nine-state Southeast Region, and directing TPL's Southeast Land Trust program.

Before coming to the Trust for Public Land, he served as Associate with World Wildlife Fund's Successful Communities Program in Washington, D.C.; Field Representative for the Successful Communities Program in Florida, in partnership with 1000 Friends of Florida; and Senior Cabinet Aide for environmental affairs in the Florida Treasurer's office. He is also a former employee of the natural resources unit of the Florida Governor's Office of Planning and Budgeting.

Will received a Master's degree in Urban and Environmental Planning from the University of Virginia, School of Architecture, where he worked for the University's Institute for Environmental Negotiation, and a B.A. in English from Davidson College.

### **Clay Henderson – Stetson University College of Law (Retired)**

Clay Henderson has long been engaged environmental policy in Florida. Until his retirement in 2019, he served as Executive Director of the Institute for Water and Environmental Resilience at Stetson University, with a faculty appointment to the College of Law. Previously he served as senior counsel at the national lawfirm Holland & Knight LLP practicing in the public policy and environmental law. He also served as President of Florida Audubon Society, President of the Florida Trust for Historic Preservation, and was elected to two terms on the Volusia County Council.

Henderson is most associated with wildlife and land conservation. He served on the 1998 Florida Constitution Revision Commission and sponsored most of the environmental provisions in Florida's Constitution including the creation of the Fish and Wildlife Conservation Commission. He co-authored the Florida Water and Land Legacy Initiative, the largest conservation funding program our nation's history, ratified in 2014. He was also a leader in the development of Florida's signature land acquisition programs including Preservation 2000, Florida Forever, and Florida Communities Trust, and negotiated the acquisition of over 300,000 acres of conservation lands.

Henderson has been recognized for his body of work including the national public service award from The Nature Conservancy, lifetime achievement award from the Marine Resources Council, and Bill Sadowski Memorial Award from the Environment and Land Use Section of the Florida Bar.

### **Matt Caldwell – Lee County Property Appraiser**

Matt Caldwell is a 7th generation Florida native whose family came to Micanopy in 1826. Matt was a member of the Florida House of Representatives from 2010-2018, serving on and chairing several committees during his tenure, including tax policy, redistricting, insurance and banking, agriculture, natural resources and public lands, transportation and infrastructure, local, federal, and military affairs, & oversight of government operations, such as pensions & elections. He worked for nearly two decades as a real estate appraiser and consultant with Maxwell, Hendry, Simmons in Fort Myers, where he remains of counsel. Matt is also a partner at TM Strategic Consulting, focused on candidate and political consulting. In 2020, Matt was elected as the Lee County Property Appraiser, as well as the Lee County Republican State Committeeman.

### **David Guest – Lead Counsel, Conservationist Plaintiffs**

David Guest worked at Earthjustice from 1990 to 2016, as the managing attorney of the Florida regional office. His countless legal battles were, in one way or another, all about water. His motivation to protect Florida's water came from years of running boats in the state's rivers and lakes, which convinced him that waterways are many people's spiritual connection to nature. He received his undergraduate degree from Florida State University and his law degree from the University of Chicago Law School. Guest has been fighting legal battles on behalf of Florida's environment ever since. He is rated as an AV Preeminent attorney, which is the highest rating assigned by Martindale-Hubbell for legal ability and ethical standards.

## **Hala Sandridge – Buchanan Ingersoll & Rooney**

Hala Sandridge has produced some of Florida's most significant appellate decisions, including cases certified by the Eleventh Circuit Court of Appeals to the Florida Supreme Court and in the United States Supreme Court. She focuses on all facets of civil appeals and has directly handled hundreds of appeals in both state and federal appellate courts. Hala is one of the original Florida Bar Board Certified Attorneys in Appellate Practice. She is a member of Buchanan's Board of Directors, chair of the firm's Appellate Practice Group and co-head of the firm's Tampa office.

Hala is recognized for her expertise in land use appeals and has garnered astonishing results for property owners fighting local governments that seek to deprive them of valid land uses. In 2019, she court order enforcing an annexation agreement against a local government, along with a multi-million dollar award against that local government. In 2018, she successfully appealed a Hillsborough County Board of County Commissioners' rezoning denial, creating such favorable law, the decision is now frequently cited by landowners. Hala also routinely serves as appellate counsel against multi-million dollar jury verdicts with weighty legal issues, such as the 2013 reversal of one of Florida's largest jury verdicts at that time -- \$940 million and the 2020 reversal of a \$109 million verdict.

Hala is a strong leader in the legal and business community, including serving as the immediate past president of The Florida Bar Foundation and past chair of The Florida Bar Appellate Practice Section. Governor DeSantis recently re-appointed her to the Florida Supreme Court Judicial Nominating Commission. She was named a 2019 Business Woman of the Year by the Tampa Bay Business Journal and currently serves as Immediate Past President of the University Club of Tampa, only the sixth woman to hold that title in its 75-year history. As a strong supporter of pro bono legal services, Hala has spent countless hours providing free appellate legal services to low-income populations and has championed their cause through her participation in local and statewide legal aid organizations. She was also instrumental in creating the courthouse assistance project at the Hillsborough County Courthouse, which assists pro se litigants in navigating the court system and has garnered statewide praise.

## **Fred Aschauer – Lewis, Longman & Walker**

Mr. Aschauer has extensive experience representing clients on matters related to litigation and environmental regulation. Prior to joining LLW in 2017, Fred served as General Counsel for the Florida Department of Environmental Protection (FDEP), and prior to that as FDEP's Director of the Division of Water Resource Management. Since joining LLW, Fred has focused his practice on the litigation of complex Federal and administrative environmental permit challenges, environmental permitting, defending clients in enforcement actions brought by environmental regulatory agencies, and the legal issues associated with the remediation of contaminated property.

Fred is a Martindale Hubbell AV® Preeminent™ Peer Review Rated attorney. He has been involved in multiple cases before the Division of Administrative Hearings involving environmental resource permits, consumptive use permits, and water quality standards. His practice also involves Federal matters governed by the Clean Water Act (CWA), Endangered Species Act (ESA), Resource Conservation and Recovery Act (RCRA), National Environmental Policy Act (NEPA), and the Freedom of Information Act (FOIA).

Fred serves on the Executive Council of the Environmental and Land Use Law Section of the Florida Bar. He is also a member of the Florida Bar, the Florida Brownfields Association, the Florida Association of Environmental Professionals and is a past board member of the Alzheimer's Project.

He has published articles and presented on topics such as water quality credit trading, litigation under the Federal Administrative Procedure Act, numeric nutrient criteria, and regulatory issues. Fred served in the United States Army from 1993-1997. He graduated Cum Laude from the Florida State University College of Law in 2003.