FLORIDA SHORE & BEACH PRESERVATION ASSOCIATION

2021 Seminar Series

June 9, 2021 Webinar
Customary Use & Public Beach Access in Florida

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

1:05-1:55 pm **Panel 1: The Doctrine of Customary Use**

History and Development of the Customary Use Doctrine
Presenter: Josh Eagle, University of South Carolina School of Law, Columbia, SC
Solomon Blatt Professor of Law and School of Law
Director, The Coastal Law Field Lab

Application of the Customary Use Doctrine in Florida
Presenter: Joni Armstrong Coffey, Partner, Akerman
Adjunct Professor at Florida International University and St. Thomas University Law Schools.
Board certified in City, County and Local Government Law

1:55-2:05 pm **Break**

2:05-2:55 pm **Panel 2: Analysis, Implementation and Impacts of HB 631 (2018)**

Analysis of Changes to Law from HB 631
Presenter: Diana Ferguson, Associate, Rutledge Ecenia

Implementation and Implications to Local Governments of HB 631
Presenter: Brendan Mackesey, Assistant County Attorney – Pinellas County
Board certified in City, County and Local Government Law

2:55-3:05 pm **Break**

3:05-3:55 pm **Panel 3: Litigation Stemming from HB 631**

Case Study – Walton County
Presenter: David Theriaque, Founder, Theriaque & Spain

Case Study – Indian River County
Presenter: Dylan Reingold, County Attorney – Indian River County
Board certified in City, County and Local Government Law

3:55-4:00 pm **Closing remarks**

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2021 FSBPA Seminar Series

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Speaker Bios

Josh Eagle – University of South Carolina

Josh Eagle is the Solomon Blatt Professor of Law and the Director of the Coastal Law Field Lab at the University of South Carolina. He is a graduate of the Johns Hopkins University (B.A., Humanities), Colorado State University (M.S., Forest Sciences), and Georgetown University (J.D.), and he began his legal career at the United States Department of Justice. Professor Eagle has published on a wide range of topics, including coastal land use, fisheries, public lands, conservation easements, and endangered species. He has been named an Atlantic Fellow in Public Policy, a Fulbright Scholar, and an international research scholar at the Peter Wall Institute for Advanced Studies. Professor Eagle has previously served on two National Academy of Science panels, one on the 2010 BP Deepwater Horizon oil spill and another on property rights in fisheries. He has also served as a member of the South Carolina Blue Ribbon Panel on Shoreline Management.

Joni Armstrong Coffey – Akerman

Joni Armstrong Coffey has extensive experience in a full range of local government law issues, with particular legal expertise in land use law. She focuses her practice on helping clients achieve optimal results from governmental approval processes and, where appropriate, litigation.

Most recently, Joni served as the County Attorney for Broward County, Florida. Prior to her work with the Broward County Attorney's Office, she served as assistant county attorney for Miami-Dade County and headed its Zoning, Land Use and Environment Section. Board Certified in City, County and Local Government Law, Joni is past chair of The Florida Bar's Board of Legal Specialization and Education, and a former chair of The Florida Bar's City, County and Local Government Law Section. Along with her work at Akerman, she is currently an adjunct law professor at Florida International University Law School and St. Thomas University Law School. Her work has earned her several awards for public law service. Joni received her B.A. from Florida State University, where she was Summa Cum Laude and Phi Betta Kappa, and a J.D. from the University of Florida Levin College of Law, with honors.

Diana M. Ferguson – Rutledge & Ecenia

Diana M. Ferguson joined Rutledge & Ecenia in January 2011 as an attorney and registered lobbyist. Her practice is concentrated in the areas of environmental and administrative law, regulated industries and government relations. Prior to joining the firm, Mrs. Ferguson provided legislative counsel to the Florida Association of Counties.

Ferguson currently uses her extensive advocacy experience in representing several associations and other clients that have wide-ranging policy needs, including telecommunications, professional regulation and environmental permitting, community association law, beach policy and project funding. She has also participated in numerous rulemaking processes with multiple natural resource agencies throughout Florida and served on statewide task forces and commissions. She was on the frontlines of beach issues during the passage of HB 631 (2018).

Ferguson graduated from the University of Missouri – Kansas City with a political science degree. She earned her Juris Doctorate from the Oklahoma City University School of Law. She is a member in good standing of the Texas Bar Association and of the Florida Bar Association, where she is a member of the Environmental and Land Use and City, County, and Local Government Law Sections.

Brendan Mackesey – Assistant County Attorney, Pinellas County, FL

Brendan Mackesey is an assistant county attorney at the Pinellas County Attorney's Office, where he has practiced for approximately seven years. Mackesey is a member of the Office's Infrastructure and Land Use Section and specializes in coastal law. He has recently written articles about submerged lands issues that have been or will be published in the *University of Miami Law Review*, the *Stetson Law Review*, and the *Florida Bar ELULS Reporter*. He is a "Triple Cane": After receiving his Bachelor's Degree from the University of Miami, he graduated law school Magna Cum Laude and served as Articles & Comments Editor for the University of Miami Law Review. He then received a Master's of Professional Science Degree in Marine Affairs from the prestigious Rosenstiel School of Marine and Atmospheric Science. Before joining the Pinellas County Attorney's Office, Brendan completed a fellowship with the White House Office of Management and Budget, where he worked closely with the Department of the Interior. Mackesey is Florida Bar Board Certified in City, County, and Local Government Law.

David Theriaque - Theriaque & Spain

David Theriaque earned his law degree with high honors from Florida State University College of Law. Mr. Theriaque also holds a Master's degree in Urban and Regional Planning from Florida State University. He practices primarily in land use planning law, growth management law, and local government law. Mr. Theriaque has represented public and private entities in comprehensive plan proceedings, land use regulation, and development of regional impact review, and has been involved in state and federal litigation and administrative hearings concerning environmental and land use issues. He has also served as special counsel for numerous local governments throughout Florida on a wide variety of growth management and land use issues. Mr. Theriaque is rated as an AV Preeminent attorney, which is the highest rating assigned by Martindale-Hubbell for legal ability and ethical standards, and has been recognized in the 2010 through 2021 editions of Florida Super Lawyers as among the top attorneys in Florida in the area of land use and zoning law.

Dylan Reingold – County Attorney, Indian River County, FL

Dylan Reingold has been the County Attorney for Indian River County for over seven and a half years. Before serving as County Attorney, he worked as an Assistant General Counsel and eventually, as the Chief of the Land Use Division, in the Office of General Counsel for the City of Jacksonville. Prior to his time serving in the public sector, he was an associate with the law firm of Bilzin Sumberg Baena Price & Axelrod in Miami. He went to law school at the University of Florida, and has a Master's Degree in Biological Oceanography from Florida Tech and undergraduate degrees from the George Washington University. Reingold is Florida Bar Board certified in City, County & Local Government Law.