



STATE AND FEDERAL GOVERNMENT & ADMINISTRATIVE PRACTICE CERTIFICATION



STUDY GUIDE

This list is not intended to be an exclusive list from which to study for the examination, but is provided only as a guide to assist the examinee in selecting study materials.

STATUTES

- Florida Administrative Practice Act
 - Chapter 120
- Federal Administrative Practice Act
 - Chapter 5, Subchapter II, Administrative Procedure
 - Chapter 7, Judicial Review
- Other Florida Statutes
 - Chapter 112 (Part III)
 - Chapter 119
 - Chapter 286
 - Chapter 287
 - Chapter 337

OTHER ACTS

- Freedom of Information Act (5 U.S.C. § 552)
- Federal Advisory Committee Act (5 U.S.C. § app. II.)
- Government in the Sunshine Act (5 U.S.C. §552b)
- Equal Access to Justice Act (28 U.S.C. § 2412)

CASES

- *Chevron*
- *Mead*
- *Skidmore*

SUB-TOPICS THAT MAY BE COVERED UNDER EACH HEADING

1. FLORIDA ADMINISTRATIVE LAW

- A. **Adjudication** – Point of Entry, Standing, Proceedings Involving Disputed Issues of Material Fact, Proceedings Not Involving Disputed Issues of Material Fact, Alternative Dispute Resolution, Attorney's Fees
- B. **Rulemaking and Rule Challenges** – Authority to Adopt Rules, Duty to Adopt Rules, Rule Adoption Procedures, Emergency Rulemaking, Rule Challenges, Legislative Oversight, Attorney's Fees
- C. **Declaratory Statements** – Purpose and Limitations, Standing to Request, Hearing Procedures
- D. **Competitive Procurement Disputes** – Time Limits, Points of Entry, Standing, Purpose, Use and Types of Competitive Solicitation
- E. **Exceptions to and Exemptions from Applicability of APA**
- F. **Variations and Waivers**
- G. **Exhaustion of Administrative Remedies and Primary Jurisdiction**
- H. **Judicial Review of Agency Action** – Judicial Review under Section 120.68, F. S., Judicial Review Outside of Chapter 120, F.S.
- I. **Licensing**
- J. **Uniform Rules of Procedure**
- K. **Enforcement of Agency Action**

2. FEDERAL ADMINISTRATIVE LAW

- A. **APA Adjudication** – Due Process Principles; 5 U.S.C. §§ 554, 556, 557, and 558; Type A and Type B Adjudications
- B. **Federal APA Litigation/Scope of Judicial Review** – APA § 706 Standards, Deference and *Chevron, Mead, Skidmore Chevron* Two-Step, Administrative Records, Agency Delay/Unreasonable Delay Claims, Federal Statute of Limitations
- C. **Federal APA Litigation/Availability of Judicial Review** – Federal Jurisdiction, Special Courts and Forums, Federal Circuit Jurisdiction

- D. **Federal APA Rulemaking** – Authority, Information of Quality Act, Supplemental Non-APA Requirements, Notice and Comment, Logical Outgrowth, Adequacy of Record/Reversal of Course, Formal and Informal Rulemaking, Non-legislative Rules/Guidance
- E. **Attorney’s Fees** – Equal Access to Justice Act, Fee Recovery Based on Statutory Citizen Suit Provisions

3. **FLORIDA CONSTITUTIONAL LAW**

Note: Covers language of Constitutional provisions and Florida Supreme Court decisions only.

- A. **Executive Powers**
- B. **Legislative Powers**
- C. **Judicial Powers**
- D. **Privacy, Open Meetings and Public Records**

4. **FEDERAL CONSTITUTIONAL LAW**

Note: Covers language of Constitutional Provisions and U.S. Supreme Court decisions only.

- A. **Sovereign Immunity**
- B. **Federalism**
- C. **Separation of Powers**
- D. **Due Process**
- E. **Equal Protection**
- F. **Bill of Rights**

5. **FLORIDA AND FEDERAL GOVERNMENT LITIGATION**

- A. **Challenges to Statutes** – Pleading Requirements, Jurisdiction and Venue, Standing, Presumption Accorded Statutes, Due Process Challenge, Equal Protection Challenge, Title Defect Challenge, Single-Subject Challenge
- B. **Florida Tort Claims** – Conditions Precedent to Filing Suit, Jurisdiction and Venue, Pleading Requirements, Defenses; Sovereign Immunity, Proprietary/Governmental, Attorney’s Fees and Costs
- C. **Federal Tort Claims** – Conditions Precedent to Filing Suit, Jurisdiction and Venue, Pleading Requirements, Defenses; Sovereign Immunity, Proprietary/Governmental, Attorney’s Fees and Costs

- D. **1983 Civil Rights** – Pleading Requirements (sufficiency of allegations), Elements of a Cause of Action, Jurisdiction and Venue, Status/Capacity of Defendant(s)/Suable Entity

6. FLORIDA AND FEDERAL ETHICS, SUNSHINE, AND PUBLIC RECORDS

- A. **Chapter 112, Fla. Stat. (Part III)**
- B. **Chapter 119, Fla. Stat.**
- C. **Chapter 286, Fla. Stat.**
- D. **Freedom of Information Act --5 U.S.C. §552**
- E. **Federal Advisory Committee Act -- 5 U.S.C. app. II.**
- F. **Government in the Sunshine Act -- 5 U.S.C. §552b**