



Benjamin E. Stearns

ASSOCIATE

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Overview

Benjamin Stearns' practice focuses on regulated industries, primarily medical marijuana and property and casualty insurance. Benjamin works with state regulators to resolve compliance matters and negotiate enforcement actions. He also lobbies the Florida Legislature and has testified before legislative committees.

In addition, Benjamin litigates insurance coverage matters and contests of government contract awards. He represented the state of Florida in an original action against Georgia in the U.S. Supreme Court over the apportionment of the waters in the Chattahoochee-Flint-Apalachicola river system.

Prior to joining Carlton Fields, Benjamin was an attorney for the Florida Senate where he drafted legislation, advised state senators, and developed an understanding of the legislative process. His background in journalism and previous work for a Miami public relations agency refined his ability to advocate on behalf of clients.

All Insights

- 08.27.2019 National Credit Union Administration Gives Credit Unions the Green Light to Serve Lawfully Operating Businesses
- 08.20.2019 Five Federal Financial Agency Heads Issue Letters Regarding Provision of Financial Services to the Hemp Industry
Canna We Talk Cannabis? Blog
- 07.10.2019 Florigrown v. DOH: Florida's Vertical Integration Requirement for Medical Marijuana Licensees Held Unconstitutional
- 05.14.2019 With All Eyes on "Implementation" of Amendment 4, Senate Bill 7066 Makes Significant Additional Changes to Florida Election Laws in Response to the 2018 Election

04.29.2019	Court Finds Jurisdiction Over Petition to Confirm Arbitration Award in Dispute Between Liquidator and Foreign Reinsurer
04.08.2019	Discovery Under Section 1782 Denied Based on Finding That Chinese Arbitration Organization Was Not a “Foreign or International Tribunal”
03.21.2019	English Court Enjoins Washington State Court Action in Favor of Arbitration in London
11.09.2018	SEC-ordered Disgorgement is an Uninsurable “Penalty,” not a Covered “Loss”
11.07.2018	Florida Election Recounts – Again
10.17.2018	Florida Insurance Commissioner Issues Hurricane Michael Emergency Order
09.12.2018	New Mexico Adopts NAIC Credit for Reinsurance Model Regulation
09.10.2018	Eleventh Circuit Reverses Sanction Imposed Against Party That Defaulted in Arbitration to Determine Whether Party Acted in Bad Faith
08.23.2018	National Flood Insurance Program Extended to November 30, 2018
08.21.2018	Minority Shareholders Utilize 28 USC § 1782 to Issue Subpoenas in Aid of Criminal Action They Plan to File Against Company Director in Luxembourg
07.11.2018	Texas Department of Insurance Proposes Regulations Implementing Reduced Collateral Credit for Reinsurance Law Passed by Texas Legislature in 2017
07.09.2018	New Federal Law Aims To Increase Transparency Of International Insurance Standard-Setting Bodies
06.18.2018	Court Applies Arbitration And Continued Performance Provisions Of One Contract To A Separate Performance Guaranty Agreement
05.31.2018	Minnesota Implements The 2011 NAIC Credit For Reinsurance Model Law And Regulations

05.29.2018	Supreme Court Upholds Employee Individualized Arbitration Agreements Against Challenges Based On The National Labor Relations Act
05.10.2018	Tax Counsel Ordered To Produce Documents Related To Odyssey Reinsurance's Continuing Quest To Collect \$3.2 Million Default Judgment Against Richard And Diane Nagby
05.08.2018	Decade-Long Battle Between Policyholder, Reinsurer, And Retrocessionaire To Continue As Reinsurer Files Notice Of Appeal
04.18.2018	West Virginia Amends Credit For Reinsurance Statute To Conform To NAIC Model, Effective January 1, 2019
04.16.2018	Court Applies The "Intertwined-Ness Test" To Find That A Non-Signatory Could Invoke Equitable Estoppel To Compel Arbitration
03.30.2018	Delegation Clause Must Clearly Contemplate Arbitrability of Disputes With Non-Signatories to Be Enforced in Those Disputes
03.27.2018	The FAA's Presumption in Favor of Arbitration Does Not Require Arguable Ambiguities in Arbitration Agreements to Be Interpreted as "Broadly as Possible"
03.23.2018	Objection, Interrupted
03.07.2018	Arbitration Agreement Selecting Maryland Law Held Unenforceable as to Private Attorney General Claims Brought Under California Law
03.05.2018	Participation in Litigation to Avoid a Default Judgment Does Not Waive a Party's Right to Compel Arbitration
02.26.2018	When Relying on a Prior Acts Exclusion to Deny Coverage, Be Sure to Connect the Dots
02.14.2018	Wyoming Enacts Legislation and Adopts New Regulations Governing Credit for Reinsurance and Term and Universal Life Insurance Reserve Financing
02.12.2018	Insurance Receiver's Preemption Argument Under McCarran-Ferguson Fails to Avoid Arbitration of Reinsurance Dispute
01.22.2018	The Federal Arbitration Act Does Not Grant Arbitrators the Power to Compel Pre-Hearing Production of Documents From Non-Parties

01.05.2018	Insurer's Attempt to Shield Documents From Discovery Through Assertion of the Mediation Privilege and a Relevancy Objection Is Unavailing
01.04.2018	Ninth Circuit: Unconscionability Arguments Directed Solely at Class Action Waiver Provisions in Arbitration Agreements Are Foreclosed by Concepcion
12.14.2017	The Allegation of Non-Arbitrable Private Attorney General Claims Does Not Prevent Arbitration of Individual Claims Raised Simultaneously
12.12.2017	Iowa and Virginia Insurance Regulators Adopt the NAIC's Term Model Rules Governing Term and Universal Life Insurance Reserve Financing
11.24.2017	Odyssey Reinsurance Obtains \$3.2 Million Default Judgment and Injunctions Stemming From Fraudulent Transfers Made by Underwriter
11.22.2017	Long-Time Reinsurance Attorney Ruled Not Qualified to Arbitrate 9/11 World Trade Center Reinsurance Dispute
10.12.2017	Procedural Arbitrability Questions Are for the Arbitrator, Not the Judge, Unlike Substantive Arbitrability Questions
10.10.2017	Applied Underwriters, Inc., Loses Argument to Enforce Mandatory Forum Selection Clause in Reinsurance Contract
09.21.2017	Lender-Affiliated Captive Reinsurer Obtains Dismissal of Mortgage Insurance Lawsuit Brought by Illinois Director of Insurance
09.19.2017	Seventh Circuit Affirms Dismissal of Post-Liquidation Reinsurance Claim as Time-Barred
08.30.2017	State Contract Law Governs Which Parties May Enforce an Arbitration Agreement
08.28.2017	CFPB Issues Final Rule Prohibiting Class Action Waiver Arbitration Agreements in Certain Consumer Financial Contracts
08.10.2017	Georgia Revamps Law Governing Captive Insurance Companies

08.08.2017	Eleventh Circuit Defers to Arbitrator's Interpretation of Forum Selection Clause in International Dispute and Affirms Award
08.01.2017	New Florida Law Addresses Time for Filing Corporate Tax Returns
05.03.2017	In Florida, House Bill 805 Will Likely Allow Insurance Policy Transfers
08.04.2016	SUN Trail-oriented Development: Capitalizing on Florida's Newest Attraction
07.13.2016	Proposed Rule Changes to Florida's Affordable Housing Allocation and Funding Process
06.24.2016	SCOTUS Gives Landowners New Tools to Challenge Wetlands Permitting Decisions

Credentials

EDUCATION

- Florida State University College of Law (J.D., *cum laude*, 2013)
- University of Florida (M.A., 2010)
- University of Miami (B.A., 2006)

COURT ADMISSIONS

- Florida State Courts

BAR ADMISSIONS

- Florida

LANGUAGES

- Japanese
- Spanish

Background

- Staff Attorney, Community Affairs Committee, Florida Senate, Tallahassee, FL (2014-2015)
- Law Clerk, General Counsel's Office, Florida Department of Economic Opportunity, Tallahassee, FL (2013)
- Law Clerk, General Counsel's Office, Florida Department of State, Tallahassee, FL (2012-2013)

Areas of Focus

PRACTICES

- Administrative Litigation and Appeals
- Appellate & Trial Support
- Cannabis Law
- Environmental Regulation & Litigation
- Government Affairs and Lobbying
- Government Law & Consulting
- Institutional Investment and Finance
- Property & Casualty Insurance