



Jennifer A. Tschetter

OF COUNSEL

TALLAHASSEE

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CONNECT

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Overview

Jennifer Tschetter is actively involved in all aspects of the medical marijuana industry through her representation of applicants for licensure, licensed medical marijuana treatment centers, and ancillary businesses. She has worked in both the public and private sector since the inception of this burgeoning industry in Florida and now works exclusively with clients in the private sector to find solutions to new and complex issues. Jennifer is familiar with all aspects of the industry, including licensure requirements, operational compliance, complex business transactions, and corporate governance.

Her administrative law and general government consulting activities on behalf of clients include assistance with rulemaking, licensing, disciplinary disputes, government procurement, regulatory compliance as well as all types of administrative litigation. Jennifer's clients benefit from her 10 years of public sector experience, predominantly at the Florida Department of Health, where she served as general counsel for nearly three years. As chief of staff and ultimately chief operating officer for the Department, she was responsible for more than 16,000 employees at 250 locations and a budget of \$2.8 billion. Jennifer started her public service career at the Department of Business and Professional Regulation.

Jennifer is co-chair of the firm's national Marijuana Task Force.

Experience

- **Administrative Litigation:** Counsel for state agencies in a range of administrative proceedings, including variance requests, declaratory statements, challenges to agency action, licensure disputes, and disciplinary proceedings.
- **Rulemaking:** Lead policymaker on several statewide rulemaking initiatives including trauma center apportionment, cannabis, and clinical eligibility for the Department's specialty managed care plan; lead counsel in several rule challenges proceedings including trauma center apportionment.
- **Appeals:** Appellate counsel for the state of Florida with opportunity to brief more than 50 cases on appeal and handle oral arguments in all the district courts of

appeal.

- **Government Procurement:** Created and supervised a centralized contract management unit for the Department of Health, participated in bid protest litigation, and provided counsel to the Department's purchasing unit.
- **Managed Care:** President of the Florida Department of Health's specialty Medicaid managed care plan, which was comprised of more than 500 employees in 20 locations around the state serving more than 66,000 children with an annual budget of approximately \$1 billion.
- **Federally Qualified Health Centers:** Provided legal counsel to two federally qualified health centers including drafting all necessary agreements, establishing policies and procedures, assisting with grant applications, all legal aspects of daily clinic operations, and discussions with the Health Resources and Services Administration.
- **Legislative Advocacy:** Delivered several legislative presentations, represented the department at estimating conferences, and was responsible for drafting and advocating for the department's legislative initiatives.

Representative Published Decisions

- *Fla. Med. Cannabis Ass'n v. Dep't of Health*, Division of Administrative Hearings, 14-4517RP.
- *Shands Teaching Hosp. & Clinics v. Dep't of Health*, Division of Administrative Hearings, 14-1022 RP.
- *Munroe Reg'l Health Sys., Inc. v. Dep't of Health*, No. 2012 CA 004096 (Fla. Cir. Ct. Leon Cty.).
- *Goodson v. Dep't of Bus. & Prof'l Regulation, Div. of Real Estate*, 978 So. 2d 195 (Fla. 1st DCA 2008).
- *Hurley v. Dep't of Bus. & Prof'l Regulation*, 965 So. 2d 359 (Fla. 4th DCA 2007).
- *Brother J Inc. v. Dep't of Bus. & Prof'l Regulation, Div. of Alcoholic Beverages & Tobacco*, 962 So. 2d 1037 (Fla. 1st DCA 2007).
- *Gonzalez v. Dep't of Bus. & Prof'l Regulation*, 958 So. 2d 494 (Fla. 1st DCA 2007).
- *Nicks v. Dep't of Bus. & Prof'l Regulation*, 957 So. 2d 65 (Fla. 5th DCA 2008).
- *Midgett Dev., Inc. v. Constr. Indus. Licensing Bd., Dep't of Bus. & Prof'l Regulation*, 947 So. 2d 1173 (Fla. 2d DCA 2007).

All Insights

08.06.2019 Canna We Talk Cannabis? Emerging Topics in Cannabis Law

07.10.2019 Florigrown v. DOH: Florida's Vertical Integration Requirement for Medical Marijuana Licensees Held Unconstitutional

05.03.2019 Florida Hemp: Is Green the New Orange?

09.10.2015 Negotiated Rulemaking: A Case Study

- 11.15.2013 Anticipating and Responding to Public Health Emergencies
-
- 11.08.2012 "Birds of a Feather:" The Dilemma of Emergency Orders: Mock Oral Argument
-
- 10.01.2004 Conquering the Maze of Certiorari Review of Local Government Quasi-judicial Land Use Decisions

All News

- 08.02.2019 Carlton Fields Attorney Jennifer A. Tschetter Affirms Accuracy of EVIO Labs' Cannabis Testing
-
- 01.01.2019 Florida Cases to Watch in 2019
-
- 01.01.2019 Florida Legislation and Regulation to Watch in 2019
-
- 08.24.2018 Carlton Fields Adds Ex-Fla. Health Official to Cannabis Team
-
- 08.15.2018 Carlton Fields Attorney Quoted in Politico Article About Medical Marijuana Rules
-
- 08.13.2018 Jennifer A. Tschetter Joins Carlton Fields in Tallahassee, Adding Medical Marijuana Regulatory Practice

Recognition

- Selected for inclusion in *Florida Trend*'s Legal Elite, Government and Non-Profit Lawyers (2013, 2015)

Professional & Community Involvement

- The Florida Bar (2001-present)
 - Health Law Section (2009– present)
 - Administrative Law Section (2009 – present)
 - Government Lawyer Section
- State Bar of South Dakota (2005)

Speaking Engagements

- "Regulatory Issues for Cannabis Businesses," New Leasing and Regulatory Issues for Medical Marijuana Businesses, Real Property Probate and Trust Law Section of The Florida Bar Webcast (February 13, 2019).

Credentials

EDUCATION

- University of South Dakota School of Law (J.D., Sterling Honors, 2001)
 - Winner of the Sam Masten Intramural Moot Court Competition (1999)
 - ABA Moot Court Tournament, Regional Champion and National Qualifier (2001)
- South Dakota State University (B.S.Political Science, 1998)

COURT ADMISSIONS

- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida

BAR ADMISSIONS

- Florida
- South Dakota

Areas of Focus

PRACTICES

- Appellate & Trial Support
- Business Transactions
- Corporate Law and Governance
- Government Law & Consulting
- Labor & Employment
- Litigation and Trials

INDUSTRIES

- Health Care