

Benjamin J. Grossman

Partner

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Benjamin J. Grossman is a partner with Foley & Lardner LLP, and is a member of the firm's Government Solutions Practice. Ben's practice is concentrated primarily in the areas of government procurement law, appellate and constitutional law, regulatory and administrative law, including the regulation of alcoholic beverages and cannabis, and public records and open government matters.

Government Procurement Law

Ben has extensive experience representing clients doing business with state and local government entities. He guides clients through all stages of the governmental procurement process, including assisting them in interpreting government business opportunities, formulating responses to solicitations, and challenging or defending agency award decisions at the agency, administrative hearing, civil litigation, and appellate levels. He also advises clients on both contractual disputes and compliance issues under existing government contracts.

Appellate Representation

Ben has appeared in more than 40 Florida appellate proceedings and has represented clients in a wide variety of appellate matters before Florida's District Courts of Appeal and the Florida Supreme Court.

Regulatory Law and Administrative Litigation

Ben has experience advising and assisting entities and individuals doing business within heavily regulated industries and professions, including the alcoholic beverage and cannabis industries. He represents and advises hospitality and beverage industry clients regulated by the federal Alcohol and Tobacco Tax and Trade Bureau (TTB), the Florida Division of Alcoholic Beverages & Tobacco (ABT), and the Florida Division of Hotels and Restaurants.

Ben also represents clients doing business in the heavily regulated, and rapidly expanding, cannabis industry. He assisted one of Florida's first licensed medical marijuana treatment centers in the regulatory process to

obtain licensure, represented the entity in substantial administrative, civil, and appellate litigation relating to the licensure process, and has assisted other entities in the licensure and regulatory process.

In addition, Ben has experience across a broad spectrum of regulated industries through all phases of the regulatory process, including licensure, compliance, and disciplinary matters.

Sunshine Law and Open Records Representation

Ben has advised both private and governmental clients on public records and open government obligations, and has resolved numerous public records and open meetings disputes. In addition, he has successfully litigated cases arising under public records laws and the Florida Sunshine Law, including protecting records from public disclosure, obtaining records from government bodies, and litigating and defending cases alleging Sunshine Law violations.

Prior Experience

Prior to joining Foley, Ben was a judicial intern for the Honorable James S. Moody, Jr., Magistrate Judge Thomas B. McCoun, III and Bankruptcy Judge Catherine Peek McEwen with the United States District Court for the Middle District of Florida. He also interned for the Office of Congressman Adam Putnam where he researched issues including the provision of healthcare services and the development of offshore energy resources.

Representative Experience

- Successfully defended winning bidder for contract under Florida's multi-billion dollar Medicaid Managed Care program against appeal challenging dismissal of the losing incumbent bidder's protest to the procurement and contract award, *AHF MCO of Florida, Inc. v. Agency for Health Care Administration*, 308 So. 3d 1136 (Fla. 1st DCA 2020)
- Successfully defended contract award to client against appeal challenging conduct of negotiations by state agency and rejection of the bid protest filed by losing incumbent vendor, *Securus Technologies, Inc. v. State of Florida, Department of Corrections*, 308 So. 3d 282 (Fla. 1st DCA 2020)
- Obtained reversal of order certifying a statewide class of customers in challenge to retailer's sales tax collections, *BJ's Wholesale Club, Inc. v. Bugliaro*, 273 So. 3d 1119 (Fla. 3d DCA 2019)
- Obtained reversal on appeal of all counts of trial court order finding Sunshine Law and public records violations, *National Council on Compensation Insurance v. Fee*, 219 So. 3d 172 (Fla. 1st DCA 2017)
- Successfully defended a district court decision on review to Florida Supreme Court in case interpreting PIP statutory discovery requirements, *State Farm Mutual Automobile Ins. Co. v. Shands Jacksonville Medical Center, Inc.*, 210 So. 3d 1224 (Fla. 2017)
- Successfully defended *forum non conveniens* order on appeal involving claim brought against Italian corporation sued for claims relating to Bolivian dam project, *GLF Constr. Corp. v. Credinform Int'l, S.A.*, 225 So. 3d 377 (Fla. 3d DCA 2017)
- Successfully defended winning bidder against appeal challenging rejection of the incumbent losing bidder's protest in case involving substantial state contract, *AT&T Corp. v. Dep't of Mgmt. Servs.*, 201

So. 3d 852 (Fla. 1st DCA 2016)

- Successfully defended on appeal \$25 million fee award made to the trustees of the Robert Rauschenberg Revocable Trust, *Robert Rauschenberg Found. v. Grutman*, 198 So. 3d 685 (Fla. 2d DCA 2016)

Awards and Recognition

Florida Trend Magazine recognized Ben as a Legal Elite “Up & Comer” in 2021, a recognition for attorneys under the age 40 who have exhibited leadership in the law and in their community.

Sectors

- [Cannabis](#)

Practice Areas

- [Corporate](#)

Education

- Columbia University School of Law (J.D., 2011)
 - Harlan Fiske Stone Scholar
 - Articles Editor, *Columbia Journal of Tax Law*
- University of Florida (B.A., summa cum laude, 2008)

Admissions

- Florida
- The United States District Court for the Southern District of Florida