

**CHAIR:**

Richard J. Shoop  
 AHCA  
 2727 Mahan Dr., MS #3  
 Tallahassee, FL 32308-5407  
 (850)412-3630

**CHAIR-ELECT:**

Jowanna N. Oates  
 Joint Administrative Procedures Committee  
 680 Pepper Bldg.  
 111 W. Madison St.  
 Tallahassee, FL 32399-1400  
 (850)488-9110

**TREASURER:**

Garnett W. Chisenhall, Jr.  
 Division of Administrative Hearings  
 1230 Apalachee Pkwy.  
 Tallahassee, FL 32399  
 (850)488-9675

**SECRETARY:**

Robert H. Hosay  
 Foley & Lardner, LLP  
 106 E. College Ave., Ste. 900  
 Tallahassee, FL 32301  
 (850)222-6100

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## Administrative Law Section

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**IMMEDIATE PAST CHAIR:**

Daniel E. Nordby  
 215 S. Monroe St., Ste. 804  
 Tallahassee, FL 32301-1858  
 (850)521-0600

**BOARD LIAISON:**

Lawrence E. Sellers, Jr.  
 P.O. Box 810  
 Tallahassee, FL 32302-0810  
 (850)425-5671

**P.U.L.C. CHAIR:**

Michael G. Cooke  
 625 E. Twiggs St., Ste. 100  
 Tampa, FL 33602-3925  
 (813)318-5700

**EXECUTIVE COUNCIL:****Terms Expiring 2017:**

Frederick R. Dudley  
 Tallahassee  
 Stephen C. Emmanuel  
 Tallahassee  
 Clark R. Jennings  
 Tallahassee  
 Bruce D. Lamb  
 Tampa  
 Patricia A. Nelson  
 Tallahassee  
 Brian A. Newman  
 Tallahassee  
 Christina Shideler  
 Tallahassee

**Terms Expiring 2016:**

J. Andrew Bertron, Jr.  
 Tallahassee  
 Francine M. Ffolkes  
 Tallahassee  
 Brent McNeal  
 Tallahassee  
 Frederick J. Springer  
 Tallahassee  
 Lynne A. Quimby-Pennock  
 Tallahassee  
 Suzanne Van Wyk  
 Tallahassee  
 Amy Schrader  
 Tallahassee

**SECTION ADMINISTRATOR:**

Calbrail L. Bennett  
 651 E. Jefferson St.  
 Tallahassee, FL 32399-2300  
 (850)561-5623  
 Fax: (850) 561-9427  
 cbennett@flabar.org

2016 Annual Convention  
 Administrative Law Section Executive Council  
 Hilton Bonnet Creek, Orlando, FL

Madison Meeting Room  
 Friday June 17, 2016  
 1:00pm – 3:00pm

**Dial In Information (888) 376 -5050 Conference Code: 3789654123**

### AGENDA

- I. CALL TO ORDER- Richard J. Shoop, Chair
- II. PRELIMINARY MATTERS
  - A. Consideration of Minutes
    1. March 18, 2016 (Executive council meeting) **Exhibit A**
  - B. Treasurer's Report- Honorable Garnett W. Chisenhall
    1. Detailed Statement of Operations **Exhibit B**
  - C. Chair's Report- Richard J. Shoop
- III. LIAISON/COMMITTEE REPORTS
  - A. Continuing Legal Education- Bruce D. Lamb
    1. Pat Dore Conference (October 7, 2016)
    2. 2016-2017 Audio Webcast Series - *Postponed*
    3. Advanced Topics in Admin Law (Joint with ELULS & GLS)  
April 2017
  - B. Publications
    1. Newsletter- Honorable Elizabeth W. McArthur/Jowanna N. Oates **Exhibit C**
    2. TFB Journal- Stephen C. Emmanuel
    3. Florida Administrative Practice- Honorable Elizabeth W. McArthur
  - C. Legislative -Linda M. Rigot/Fred R. Dudley/Daniel E. Nordby
  - D. Public Utilities Law- Michael G. Cooke/Cynthia B. Miller

# THE FLORIDA BAR

E. Law School Liaison –Honorable Lynne A. Quimby-Pennock

F. Budget Committee – Honorable Garnett W. Chisenhall

G. Long Range Planning Committee- Jowanna N. Oates

H. Nominating Committee-Daniel E. Nordby

I. Ad Hoc Pro Se Consultation Committee- Richard J. Shoop

J. Ad Hoc Young Lawyers Committee- Christina A. Shideler

K. Ad Hoc Certification Review Study Guide Committee- Honorable John G. Van Laningham

L. Section/Division Liaison

1. Board of Governors Liaison- Lawrence E. Sellers, Jr.
2. Council of Sections- Clark R. Jennings
3. CLE Committee Liaison – Bruce D. Lamb
4. Environmental and Land Use Law- Francine M. Folkes
5. Health Law - Allen R. Grossman
6. Government Lawyer- Honorable Lynne A. Quimby-Pennock
7. YLD Liaison- Dustin W. Metz
8. RPPTL- Frederick R. Dudley
9. Labor and Employment Law- Honorable Robert Kilbride

IV. DOAH Update- Honorable Lynne A. Quimby-Pennock, Honorable Suzanne Van Wyk, Honorable Garnett Chisenhall

V. OLD BUSINESS

- A. Robert Downie, GLS Chair – Joint Membership Increase
- B. Restricting Access to Section Newsletters on Website to Members Only

VI. NEW BUSINESS

- A. Election of officers and council members **Exhibit D**
- B. The Florida Bar Journal – Vision 2016
- C. Updated Committee List **Exhibit E**
- D. Renewal of Legislative Positions

VII. INFORMATIONAL

- A. The Florida Board of Governors Report **Exhibit F**
- B. Section Bylaws **Exhibit G**
- C. Resort Map **Exhibit H**
- D. Save The Date ( Day of Service ) **Exhibit I**

VIII. TIME AND PLACE OF NEXT MEETING (\* denotes tentative date)

- A. Thursday October 6, 2016 – 2pm Tallahassee (Hotel Duval)
- B. \*November 2016 (budget call)

# THE FLORIDA BAR

C. Long Range Planning Retreat Friday March 10, 2017 – 11am Tallahassee –  
*2017 Leon County Spring Break March 13<sup>th</sup> -17<sup>th</sup>*

IX. ADJOURNMENT

Florida Bar Administrative Law Section  
Executive Council Meeting

Minutes

Date: Friday, March 18, 2016

The meeting was held on Friday, March 18, 2016, at the Hotel Duval, 415 North Monroe St, Tallahassee, FL 32301.

<p><b>Call to Order</b></p>	<p>The meeting was called to order at 10:07 a.m., Eastern Time by Mr. Richard J. Shoop (Chair). In attendance for roll call were the following: Judge Garnett W. Chisenhall, Jr., Robert H. Hosay, Jowanna N. Oates, Richard J. Shoop, Clark R. Jennings, Bruce D. Lamb, Linda Rigot, Christina Shideler, Brent McNeal, Stephen C. Emmanuel, Patricia A. Nelson and Francine M. Ffolkes</p>
<p><b>Consideration of Minutes</b></p>	<p>Mr. Clark R. Jennings moved to approve the October 16, 2015, Meeting Minutes; Mrs. Jowanna N. Oates seconded the motion; and the motion was approved unanimously.</p>
<p><b>Treasurer’s Report</b> (Garnett W. Chisenhall, Jr.)</p>	<p>Judge Garnett W. Chisenhall, Jr. presented the Treasurer’s Report and Budget Committee Report by reviewing and discussing Exhibit B to the meeting packet, which included the February 2016 Detailed Statement of Operations. Judge Chisenhall pointed out an item that was an outlier, line item 38499, which relates to investment allocation losses. The Sections expenses exceed revenue due to the investment allocation line item. Judge Chisenhall also noted that the fund balance went down, but that the current fund balance was \$183,361.</p>
<p><b>Chair’s Report</b> (Richard J. Shoop)</p>	<p>Chair Richard J. Shoop’s Chair Report was deferred to accommodate a polite gentlemen named Mr. Robert Downie, II who was present to share a membership fee issue regarding the Government Law Section. The discussion of this important issue is recorded below under New Business.</p> <p>Chair Shoop reported that he attended the Board of Governor’s meeting to represent the Administrative Law Section. The contents and details of the Board of Governor’s meeting were discussed and are detailed in the report attached to the meeting packet. Chair Shoop reported the good deeds of Judge Lynne Quimby-Pennock and highlighted the success of the Judge’s activities.</p>

	<p>Chair Shoop further reported the status of the annual report due for publishing in June. Chair Shoop also respectfully requested the submission of articles as the Administrative Law Section is in need of articles.</p>
<p><b>Liaison/Committee Reports</b></p>	<p><b><u>Continuing Legal Education</u></b> – Bruce D. Lamb submitted a written report, dated February 24, 2016, contained in the meeting packet as Exhibit C. The report indicated that the CLE committee is working on the advanced administrative topics seminar to be conducted on April 15, 2016, in Tallahassee, Florida. Jowanna N. Oates was very generous and agreed to serve as program co-chair from the Administrative Law Section. Russell Kent is serving as co-chair from the Government Law Section, and Ralph DeMado is serving as co-chair on behalf of the Environmental Land Use Law Section.</p> <p>The CLE committee is still looking to do a web series. They are searching for a chairperson and topics for the series. Please contact Bruce D. Lamb to help and support the web series.</p> <p>Bruce D. Lamb is the liaison to the CLE committee, but the Florida Bar CLE Committee has not met at this time this year.</p> <p>Upcoming events include Advance Topics in Administrative Law on April 15, 2016 and Practicing Before the Supreme Court in June 2016.</p> <p><b><u>Publications</u></b> –</p> <p><b><u>Newsletter</u></b> - Jowanna N. Oates provided the Publications committee report. The committee is highly encouraging the submission of agency snapshots. The newsletter editors are always in need of authors for feature articles in addition to snapshots. New articles are due April 15, 2016. Two featured articles include legislative session and DOAH procedures.</p> <p><b><u>TFB Journal</u></b> – Stephen C. Emmanuel reported and discussed the status of the TFB Journal article submissions. He was pleased and appreciative that Judge Garnett W. Chisenhall, Jr. wrote an article on non-final orders. He was also pleased that Lawrence E. Sellers, Jr., has agreed and is working on a new article. Mr. Emmanuel is strongly encouraging new articles and to visit with him on ideas for submission.</p>

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**Florida Administrative Practice** – Elizabeth W. McArthur reported to Chair Richard J. Shoop via electronic mail that she did not have any updates.

**Legislative** – Linda M. Rigot reported that the State of Florida Legislature concluded sine die at 6:46 pm Eastern Time on March 11, 2016. A final report will be completed and submitted to the Administrative Law Section soon.

HB 183, an APA bill was passed; this bill revises requirements related to administrative proceedings regarding rules, proposed rules, unadopted rules, & agency statements; revises authorities of administrative law judges; revises provisions regarding noticing of agency actions; authorizes petitioners to pursue collateral challenges; expands agency reporting requirements of certain minor rules; revises certain timeframes in administrative proceedings; requires certain challenges for regulatory permits for special events to follow summary hearing provisions. If approved by Governor it becomes effective July 1, 2016

HB 5101 regarding Medicaid appeals was passed and included the exemption from hearing by an Administrative Law Judge. It amends 409.285 by adding (2) to provide that appeals filed on or after March 1, 2017, related to Medicaid programs administered directly by AHCA, including appeals related to Florida's Statewide Medicaid Managed Care program and associated federal waivers, will be conducted by the Agency, its officials or appointees, with the hearing authority's decision to be final and binding on the agency; these hearings are exempt from the Uniform Rules of Procedure and need not be conducted by an ALJ. It is to become effective July 1, 2016.

HB 981 passed and is an APA bill that mends 120.541 by adding (5) which provides that in computing adverse impacts and regulatory costs likely to occur within five years from implementation of a rule, include those likely to occur within 5 years of the effective date of the rule plus those likely to occur within 5 years from the effective date of any provision of the rule for which implementation has been delayed. Effective July 1, 2016. Chapter No. 2016-232.

HB 1361 passed and is related to growth management. Adds subparagraph 3 to Section 163.3184(5)(e) regarding comprehensive plans and plan amendments. If state land planning agency does not submit ALJ's recommended order to the Administration Commission or enter its own final order within 90 days of the issuance of the ALJ's recommended order, the recommended order becomes the final order unless all parties consent in writing to an extension of the 90 days. For those expedited proceedings where ALJ finds plan amendment in compliance, state land planning agency shall enter final order within 45 days, and if it fails to timely do so, the recommended order immediately becomes the final order. It becomes effective July 1, 2016.

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**Public Utilities Law** – No update was reported.

**Law School Liaison** – Judge Lynne Quimby-Pennock reported that the event with Barry was canceled; 10 attended the Cooley event; the FIU event went well with 10 students in attendance and the food was the best; the UF event went well with approximately 25 students in attendance; the FSU event had approximately 10 students, 5-6 presenters and good participation; St. Thomas had over 25 students in attendance which likely was due to a professor encouraging participation. Judge Lynne Quimby-Pennock further reported that she found volunteers to support the south Florida events and that Jowanna N. Oates found a volunteer to support the Orlando area. All 12 law schools were contacted. Stetson and FAMU haven't followed up. All of the events included participation from private practitioners and government practitioners. Judge Lynne Quimby-Pennock has submitted expenses for reimbursement; she traveled over 1900 miles. Only requesting reimbursement for gas receipts, which is substantially less expensive than she is due. It was discussed that Judge Lynne Quimby-Pennock should be properly reimbursed. Robert H. Hosay made a motion to reimburse Judge Lynne Quimby-Pennock per diem for travel and expenses. The motion was seconded and passed unanimously.

**Nominating Committee** - Jowanna N. Oates reported that the Nominating Committee has not had time to meet but will be doing so to discuss gathering recommendations for qualified candidates.

**Long Range Planning Committee** – Jowanna N. Oates reported that the LRPC will be meeting later in the afternoon to discuss ideas and suggestions for increasing section membership; ideas and suggestions for increasing attendance at the Pat Dore Conference; ideas and suggestions for increasing participation in the ALS webinar series; continuation of the ALS service project; and increasing publications from the ALS' members.

**Budget Committee** – Please see the Treasurer's Report above which reflects the report and work of the Budget Committee.

**Ad Hoc Pro Se Consultation Committee** - Chair Richard J. Shoop reported that there are few or no cases that FSU Law students can work on. Connecting students to cases has been difficult. He has a conference call with FSU set for the end of March to further explore and encourage law student participation. The Commission on Human Relations may have some cases that could accommodate law student support. Judge Garnett W. Chisenhall, Jr. discussed the concept of qualified representatives. Judge Chisenhall spoke with a few colleagues about this concept and may have more information to share later. Qualified representatives can be very helpful, but there may be concerns there could be a loop hole here that would allow the unlicensed practice of law.

**Ad Hoc Young Lawyer Committee** – Christina Sideler reported that they are planning an event at DOAH. The event is called "Afternoon at DOAH." The event will consist of having a mock DOAH hearing and a panel of judges and attorneys.

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She is looking for panelist for April 8 from 1-5pm. She anticipates they will kick off the announcement of this event via Facebook page. Table of 8s have been going well. \$1500 budget looks to be sufficient. People may be willing to host.

**Ad Hoc Certification Review Study Guide Committee** - Judge John G. Van Laningham reported in detail on his efforts to work with others to develop a study guide for use in taking the certification exam. Judge John G. Van Laningham has worked with many colleagues and secured writers for many of the necessary topics. Currently he still needs writers in the areas of Florida and federal government litigation – tort claims; section 1983 litigation; federal bid protests; and Florida and federal constitutional law. He invited ideas and contact with anyone willing to help.

**Board of Governors Liaison** – Refer to Chair’s Report above.

**Section/Division Liaison**

1. Board of Governors – see Chair’s Report above and Exhibit D to the meeting packet.
2. CLE Committee Liaison – see the Continuing Legal Education Committee section above.
3. Council of Sections- Clark R. Jennings provided an update as the ALS representative for this Council. The Florida Bar Foundation made a presentation at the Council meeting and gave \$5.5M to legal services to support their services. The Council discussed that CLE revenue and participation are going down so marketing must get better and more attractive in order to maintain or grow CLEs. The Council wants to conduct a market survey/study to improve CLE offerings and services. It was discussed and made clear that ALS believes CLEs are too expensive. Mr. Jennings reported that a listserv for section leadership is being created to promote better communication. Mr. Jennings also reported that the Bar President spoke about his concern regarding the legal profession given technology advances. The Bar Leadership Conference has been set for July 21-22; lawyers can get CLE credit for this event; it costs approximately \$100.
4. Environmental & Land Use Law – Francine M. Ffolkes reported that there are a few CLEs coming up. She requested to please be aware and inform lawyers that may be interested.
5. Health Law – no update.
6. Government Lawyer – See the Law School Liaison Committee Report above.
7. YLD Liaison – See the Young Lawyer Committee Report above.

	<p>8. RPPTL – no update.</p> <p>9. Labor and Employment – Judge Robert L. Kilbride reported that the Labor and Employment Executive Council is active in the administrative arena and excited to participate. They would like to collaborate with the ALS on a regular basis. Judge Kilbride noted that the Advance Labor seminar is coming up, as well as their. Long Range planning retreat. They are interested in technology issues for long range planning. Their chair is concerned and wants to get ahead of technology opportunities and concerns.</p> <p><b><u>DOAH Update</u></b> – Judge Lynne Quimby-Pennock reported that DOAH has been very busy, but productive. Judge David M. Maloney is retiring; he is currently the Deputy Chief. She believes there are approximately 3 more ALJ’s retiring soon; Judges Quattlebaum, Parrish, Staros. All are retiring within the next 18-24 months. They built a softball team and there are many DOAH participants. They’ve also created a bowling team.</p>
<b>Old Business</b>	There was no Old Business discussed at this meeting.
<b>New Business</b>	<p>Mr. Robert Downie II was present on behalf of the Florid Bar Government Law Section (GLS). He reported that last year the GLS voted to increase dues from \$30 to \$40. Unfortunately, the increase was not reflected in the membership invoices. The Bar added \$10 per GLS section member to make up for the mistake. GLS looked at increasing Joint Membership dues for the \$45 but would like to go to \$55. GLS proposed to split with ALS 2.50 and 7.50 for GLS. Operating expenses have started to decrease the GLS accounts. GLS is losing money at the end of the year. ALS fund balance has gone down approximately \$40K over the last 4 years. This dues increase would impact approximately 427 people. GLS is also proposing an increase for the Criminal Law Section. Dues are set for next year already so this would not become effective until 2017-18.</p> <p>The ALS moved to table the issue until the June meeting. Moved to table issue to June meeting. Jowanna N Oates made the motion and Patricia A. Nelson seconded the motion. It passed unanimously.</p>
<b>Time and Place of Next Meeting</b>	The next meeting is anticipated to be on June 17, 2016 at the 2016 Annual Florida Bar Convention at the Hilton Orlando Bonnet Creek & Waldorf Astoria Orlando, Florida
<b>Adjournment</b>	Motion was made and seconded to adjourn the meeting.
<b>Attendance</b>	Judge Garnett W. Chisenhall, Jr., Robert H. Hosay, Jowanna N. Oates, Richard J. Shoop, Clark R. Jennings, Bruce D. Lamb, Linda Rigot, Christina Shideler, Brent McNeal, Stephen C. Emmanuel, Patricia A. Nelson and Francine M. Ffolkes

Respectfully Submitted,  
Robert H. Hosay, Secretary

Date of Approval: \_\_\_\_\_

	April 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Administrative Law =====				
31431 Sect Dues	25	25,602	26,875	95.26
31432 Affil Dues	0	200	350	57.14
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Total Dues Income Net	25	25,802	27,225	94.77
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32191 CLE Committee Course	1,372	5,853	6,300	92.90
32293 NonSect Mem Cost Dif	130	1,651	2,500	66.04
35700 Member Srvc Prog	0	0	2,400	0.00
38499 Investment Alloc	925	-5,889	6,376	-92.36
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Other Income	2,427	1,615	17,576	9.19
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Total Revenues	2,452	27,417	44,801	61.20
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36998 Credit Card Fees	0	5	50	10.00
51101 Employee Travel	0	0	411	0.00
71005 Internet Charges	31	281	450	62.44
84001 Postage	0	0	75	0.00
84002 Printing	0	3	1,300	0.23
84003 Officers Office Exp	0	0	500	0.00
84006 Newsletter	0	7,023	10,500	66.89
84007 Membership	0	0	715	0.00
84009 Supplies	0	0	50	0.00
84010 Photocopying	0	7	50	14.00
84051 Officers Travel Exp	0	0	1,250	0.00
84052 Mtg Travel Exp	0	0	1,000	0.00
84054 CLE Speaker Exp	0	0	100	0.00
84101 Committee Exp	0	41	500	8.20
84201 Board Or Council Mtg	32	133	300	44.33
84202 Annual Mtg	0	0	2,210	0.00
84205 Section Service Prog	0	0	750	0.00
84209 Retreat	1,183	1,183	3,000	39.43
84299 Public Utility Comm	0	0	1,750	0.00
84301 Awards	621	621	700	88.71
84310 Law School Liaison	217	643	3,000	21.43
84422 Website	286	1,478	2,500	59.12
84501 Legis Consultant	0	7,500	7,500	100.00
84701 Council Of Sections	0	300	300	100.00
84998 Operating Reserve	0	0	4,094	0.00
84999 Miscellaneous	0	0	100	0.00
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Total Operating Expenses	2,370	19,218	43,155	44.53
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31433 Section Mgmt Fee	18	18,885	19,495	96.87
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Total TFB Support Services	18	18,885	19,495	96.87
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	April 2016 Actuals	YTD 15-16 Actuals	Budget	Percent Budget
Total Administrative Law =====				
Total Expenses	2,388	38,103	62,650	60.82
Net Operations	64	-10,686	-17,849	59.87
21001 Fund Balance	0	198,014	212,545	93.16
Total Current Fund Balance	64	187,328	194,696	96.22

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# Administrative Law Newsletter Schedule 2016-2017

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<b>September Edition</b>	<b>December Edition</b>	<b>March Edition</b>	<b>June Edition</b>
Articles to Editors: July 15, 2016	Articles to Editors: October 14, 2016	Articles to Editors: January 13, 2017	Articles to Editors: April 14, 2017

## Potential Agency Snapshots

Agency Name	Date Last Snapshot was Published
Florida Parole Commission	12/2003
Department of Citrus	---
Department of Lottery	--
Department of Management Services	---
Space Florida	----
Department of Law Enforcement	---
Administration Commission	--
Department of Military Affairs	--
Department of Children and Families	---
Agency for Persons with Disabilities	---
Department of Corrections	--
Commission on Ethics	12/2006
Department of Health	9/2007
OPPAGA	3/2008
Auditor General	6/2008

Florida Housing Finance Corporation	12/2008
Department of Veterans Affairs	1/2010
Fish and Wildlife Conservation Commission	3/2010
Commission on Human Relations	6/2010
Department of Environmental Protection	9/2010

If you are interested in writing an “Agency Snapshot” please contact Jowanna N. Oates at [oates.jowanna@leg.state.fl.us](mailto:oates.jowanna@leg.state.fl.us)

2016-2017 Administrative Law Section

**Proposed Slate of Officers**

Jowanna N. Oates	Chair
Robert H. Hosay	Chair-Elect
Gar Chisenhall	Secretary
Brian Newman	Treasurer

**Executive Council: Terms Expiring in 2018**

Francine M. Ffolkes  
Lynne A. Quimby-Pennock  
Gigi Rollini  
Colin Roopnarine  
Amy Schrader  
Frederick J. Springer  
Suzanne Van Wyk

**Executive Council: Terms Expiring in 2017**

Daniel Nordby

## 2016-2017 Administrative Law Section Committees

BUDGET	
<b>Treasurer (TBD), Chair</b>	
Jowanna N. Oates	<a href="mailto:oates.jowanna@leg.state.fl.us">oates.jowanna@leg.state.fl.us</a>
Robert H. Hosay	<a href="mailto:rhosay@foley.com">rhosay@foley.com</a>
Richard J. Shoop	<a href="mailto:Richard.Shoop@ahca.myflorida.com">Richard.Shoop@ahca.myflorida.com</a>

LONG RANGE PLANNING	
Robert H. Hosay, Chair	<a href="mailto:rhosay@foley.com">rhosay@foley.com</a>
Patty Nelson	<a href="mailto:Patty.Nelson@LASPBS.STATE.FL.US">Patty.Nelson@LASPBS.STATE.FL.US</a>
Brent McNeal	<a href="mailto:Brent.McNeal@fldoe.org">Brent.McNeal@fldoe.org</a>
Gar Chisenhall	<a href="mailto:Gar.Chisenhall@doah.state.fl.us">Gar.Chisenhall@doah.state.fl.us</a>

CLE	
Bruce D. Lamb, Chair	<a href="mailto:blamb@gunster.com">blamb@gunster.com</a>
Brent McNeal	<a href="mailto:Brent.McNeal@fldoe.org">Brent.McNeal@fldoe.org</a>
Marc Ito	<a href="mailto:mito@phrd.com">mito@phrd.com</a>
Francine Folks	<a href="mailto:Francine.Ffolkes@dep.state.fl.us">Francine.Ffolkes@dep.state.fl.us</a>
Fred R. Dudley	<a href="mailto:dudley@mylicenselaw.com">dudley@mylicenselaw.com</a>
James Ross	<a href="mailto:James.Ross@ahca.myflorida.com">James.Ross@ahca.myflorida.com</a>
Jowanna N. Oates	<a href="mailto:oates.jowanna@leg.state.fl.us">oates.jowanna@leg.state.fl.us</a>

LEGISLATIVE	
Linda M. Rigot, Chair	<a href="mailto:lmr93@comcast.net">lmr93@comcast.net</a>
Fred R. Dudley	<a href="mailto:dudley@mylicenselaw.com">dudley@mylicenselaw.com</a>
Dan Nordby	<a href="mailto:DNordby@shutts.com">DNordby@shutts.com</a>

PUBLICATIONS	
Stephen C. Emmanuel, Co-Chair (Journal)	<a href="mailto:semmanuel@ausley.com">semmanuel@ausley.com</a>
Jowanna N. Oates, Co-Chair (Newsletter)	<a href="mailto:oates.jowanna@leg.state.fl.us">oates.jowanna@leg.state.fl.us</a>
Judge Elizabeth W. McArthur	<a href="mailto:Elizabeth.McArthur@doah.state.fl.us">Elizabeth.McArthur@doah.state.fl.us</a>
Marc Ito	<a href="mailto:mito@phrd.com">mito@phrd.com</a>

FLORIDA ADMINISTRATIVE PRACTICE MANUAL STEERING COMMITTEE	
Judge Elizabeth W. McArthur, Chair	<a href="mailto:Elizabeth.McArthur@doah.state.fl.us">Elizabeth.McArthur@doah.state.fl.us</a>
Judge F. Scott Boyd	<a href="mailto:Scott.Boyd@doah.state.fl.us">Scott.Boyd@doah.state.fl.us</a>
Judge Li Nelson	<a href="mailto:li.nelson@doah.state.fl.us">li.nelson@doah.state.fl.us</a>

## 2016-2017 Administrative Law Section Committees

PUBLIC UTILITIES LAW	
Michael G. Cooke, Co-Chair	<a href="mailto:cookem@gtlaw.com">cookem@gtlaw.com</a>
Cindy Miller, Co-Chair	<a href="mailto:milcindy@gmail.com">milcindy@gmail.com</a>

LAW SCHOOL OUTREACH	
Judge Lynne Quimby- Pennock, Chair	<a href="mailto:lynne.quimbypennock@doah.state.fl.us">lynne.quimbypennock@doah.state.fl.us</a>
Vilma Martinez, Co-Chair	<a href="mailto:vmartinez@avantegroup.com">vmartinez@avantegroup.com</a>
Sharlee Edwards, Co-Chair	<a href="mailto:Sharlee.Edwards@weston-ins.com">Sharlee.Edwards@weston-ins.com</a>
Suzanne Van Wyk	<a href="mailto:suzanne.vanwyk@doah.state.fl.us">suzanne.vanwyk@doah.state.fl.us</a>
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## *Report from*

# *The Florida Bar Board of Governors*

The Florida Bar Board of Governors met on May 20, 2016. The major actions of the Board and the reports received included:

A recommendation to the Supreme Court was approved to change rules [11-1.3](#) and [11-1.9](#) governing certified legal interns (CLIs) to allow them to begin work after applying to the Florida Board of Bar Examiners as a CLI registrant, being certified by their law dean and passing a Level 2 criminal background check, which can take one to two weeks. Currently, CLIs must pass a full Florida Board of Bar Examiners background check, which can take three to four months if there are no problems and up to six to eight months if not routine. Law deans say the timeframe for the full check discourages students from becoming CLIs with state attorneys, public defenders, and legal aid agencies. These proposed changes will be filed with the Florida Supreme Court in October.

Changes to a Bar rule that allow lawyers who are not [board certified](#) to say in advertising that they are experts or specialize in an area of law were approved as required by [a federal judge's ruling invalidating that rule last year](#). The proposed changes require that lawyers who claim they are experts or specialists be able to objectively verify experience that is reasonably **comparable to experience required of a board certified lawyer**. Additionally, if the lawyer's practice area is an area or sub-area where board certification is currently available, the ad must have a disclaimer that the lawyer is not certified. These proposed changes will be filed with the Florida Supreme Court in October.

An informational report on proposed amendments to [rule 4-7.22](#) regarding lawyer referral services, lawyer directories, and other entities that seek to link lawyers and potential clients was presented. The proposed amendments, which would not apply to bar-sponsored nonprofit lawyer referral services, **identify any such entities as "qualifying providers" and focus on preventing fee splitting and misleading, false or deceptive advertising**. An overview, a Q&A, a comparison chart, the procedural history and

other details are posted at [www.floridabar.org/proposedlrsamend](http://www.floridabar.org/proposedlrsamend). Comments may be sent to [eto@floridabar.org](mailto:eto@floridabar.org) and if received by June 30, they will be provided to the Board of Governors for its July 29 meeting when the vote will be taken. If approved, the amendments will be submitted to the Supreme Court by Aug. 15.

CosmoLex, law practice management software that includes managing cloud operations, was approved as a member benefit. For all current member benefits including discounts on products and services, visit [www.floridabar.org/memberbenefits](http://www.floridabar.org/memberbenefits). All technology and practice-related member benefits, along with many resources, are also listed on The Florida Bar Practice Resource Institute webpage at [www.floridabar.org/pri](http://www.floridabar.org/pri).

A new [certification area](#) for International Litigation and Arbitration, which will be filed with the Florida Supreme Court in October, and a new substantive law committee on Government Advocacy and Public Policy were approved. [All current Bar committees are listed on the website](#). More information on the new certification and the new committee will be published in upcoming issues of [The Florida Bar News](#).

The [Florida Courts Technology Commission](#) and the [Florida Court Clerks & Comptrollers](#) gave a demonstration of the new statewide system to give uniform access to court records regardless of where the records are located. Plans are for the entire system to be in place by the end of the year. Lawyers and others will be able to access records through a single source, records from multiple counties will be available at the same time, and records will have a uniform appearance so lawyers will not have to adapt to a different system each time they look for records in a different county.

A rule amendment to allow lawyers to keep IOTA trust accounts in credit unions is still under consideration by the [Board Disciplinary Procedures Committee](#). The Florida Bankers Association has objected to the amendment, while credit unions note that a number of other states allow IOTA accounts to be kept in credit unions. [Current rules regulating trust accounts are posted here](#).

**BYLAWS OF THE  
ADMINISTRATIVE LAW SECTION**

**ARTICLE I  
DESCRIPTION**

**Section 1. Name.** The name shall be "Administrative Law Section, The Florida Bar."

**Section 2. Purposes.** The purposes of this section are:

(a) to provide an organization within The Florida Bar open to members thereof in good standing having an interest in administrative law and procedure on both the state and federal levels, and

(b) to provide a forum for discussion and exchange of ideas leading to the improvement and development of the fields of administrative law and procedure and agency practice, and to serve the public generally and The Florida Bar in interpreting and carrying out the professional needs and objectives in these fields.

**Section 3. Aspirational Goal.** It is an aspirational goal to achieve fair balance between government attorneys and private practitioners among the executive council members of the section.

**ARTICLE II  
MEMBERSHIP**

**Section 1. Eligibility.** Any member in good standing of The Florida Bar interested in the purposes of this section is eligible for membership upon application and payment of this section's annual dues. Any member who ceases to be a member of The Florida Bar in good standing shall no longer be a member of the section.

**Section 2. Administrative Year.** The administrative year of the section shall run concurrently with the administrative year of The Florida Bar.

**Section 3. Annual Dues.** The annual dues shall be the amount fixed by the executive council and approved by The Florida Bar. After an applicant has become a member, dues shall be payable in advance of each membership year and shall be billed by The Florida Bar at the time that regular dues of The Florida Bar are billed.

**Section 4. Affiliate Membership.**

(a) *Eligibility.* Any person who is not a member of The Florida Bar but who has an interest in administrative law and processes may become an affiliate member of the Administrative Law Section. Such persons may include but are not limited to members of administrative boards, agency staff, law students, legal assistants, members of the legislature and legislative staff, and other administrative personnel.

(b) *Privileges and Responsibilities.* Affiliates shall be members of this section only. Affiliates shall have all the privileges accorded to members of the section except that affiliates shall not be entitled to vote on any matter or to hold any section office. Affiliate members shall pay annual dues as determined by the executive council.

(c) *Membership Limits and Administrative Expenses.* The number of affiliate members shall not exceed one-third of the section membership. The section shall reimburse the bar for expenses incurred by the bar in administering this section's affiliate membership.

### **ARTICLE III OFFICERS**

**Section 1. Officers.** The officers of this section shall be a chair, a chair-elect, a secretary and a treasurer.

**Section 2. Duties of Officers.** The duties of the officers shall be as follows:

(a) *Chair.* The chair shall preside at all meetings of the section and at all meetings of the executive council. The chair shall appoint all committees and committee chairs with the approval of the executive council, be responsible for all reports to be submitted to The Florida Bar, and perform all duties as customarily pertain to the office of chair. The chair shall be an ex-officio member of each committee of the section.

(b) *Chair-elect.* The chair-elect shall become chair in the event of the death, resignation, or failure of the chair to serve for whatever reason; provided, however, that in the case of temporary disability or absence of the chair, the chair-elect shall serve as acting chair only for the duration of the chair's disability or absence. The chair-elect shall be responsible for such other duties as the chair may designate. The chair-elect shall be an ex-officio member of each committee of the section.

(c) *Secretary.* The secretary shall be responsible for all permanent files and records of the section, including the minutes of the meetings of the section and the executive council and all committee reports. The secretary shall keep accurate minutes of the proceedings of all meetings of the section and the executive council and shall furnish copies of said minutes to the executive director of The Florida Bar and to the section coordinator.

(d) *Treasurer.* The treasurer shall serve as liaison to The Florida Bar and other sections on matters involving section finances and shall have the responsibility of accounting for all funds of the section, shall approve all disbursements, shall prepare annual financial statements under the supervision of the executive council and shall prepare budget requests and amendments in a timely manner in accordance with the procedures of the budget committee of The Florida Bar.

**Section 3. Term of Office.**

(a) *Chair.* The term of office of the chair shall begin at the conclusion of the next annual meeting of the section after the chair was elected chair-elect and shall end at the

conclusion of the next succeeding annual meeting. Upon expiration of the chair's term, the chair shall be automatically succeeded by the chair-elect.

(b) *Other officers.* The terms of office of the other officers shall run concurrently with that of the chair.

**Section 4. Election of Officers.** The chair-elect, secretary and treasurer shall be elected by a plurality of the membership of the section in attendance at its annual meeting. Nominations shall be made by the nominating committee of the executive council and may be accepted from the floor.

**Section 5. Vacancies.** Any permanent vacancy occurring in an office shall be filled for the balance of the unexpired term by vote of the executive council at its next meeting.

#### **ARTICLE IV EXECUTIVE COUNCIL**

**Section 1. Governing Body.** There shall be an executive council composed of 14 members of the section, plus the chair, chair-elect, immediate past chair, secretary, treasurer, and chair of the public utilities law committee, who shall be ex-officio voting council members. The executive council shall be the governing body of the section between the annual meetings of the section. The chair of the section shall be the chair of the executive council and the secretary of the section shall be the secretary of the executive council. It shall have general supervision and control of the affairs of the section, subject to the provision of the Rules Regulating The Florida Bar and the bylaws of this section. It shall authorize all commitments or contracts which entail the payment of money and it shall authorize the expenditures of all section funds. It shall not, however, authorize commitments, contracts or expenditures involving amounts of money in excess of the total amount which is anticipated as receipts from dues during the fiscal year plus the amount that has been previously collected from dues and remains unexpended. As the governing body of the section, it shall be vested with the power and authority to formulate, fix, determine and adopt matters of policy concerning the affairs and purposes of The Florida Bar. All recommendations of the section to The Florida Bar, any branch of the judiciary or to any other group or body to which recommendations by the section are authorized to be made, must first be approved by the executive council. Any recommendation made to other than The Florida Bar shall have the prior approval of The Florida Bar.

**Section 2. Term of Office.** All members of the executive council, excluding ex-officio voting council members, shall serve for a term of 2 years, the terms of the members being staggered so that 7 members shall take office at the conclusion of every other annual section meeting and shall serve until the conclusion of the annual meeting of the section 2 years thereafter, and 7 members shall take office at the conclusion of every other annual meeting and shall serve until the conclusion of the annual meeting of the section 2 years thereafter.

**Section 3. Election of Executive Council Members.** The members of the executive council to be elected each year for 2-year terms shall be elected by a plurality vote of the membership in attendance at the annual meeting of the section. Nominations shall be made by the executive council and may be accepted from the floor.

**Section 4. Vacancies.** Except as is otherwise provided herein, any permanent vacancy occurring in the membership of the executive council shall be filled for the balance of the expired term by vote of the executive council at its next meeting.

**Section 5. Duties.** In addition to attending meetings of the executive council and of the section, executive council members shall participate in at least 1 standing or ad hoc committee or serve as an executive council liaison to other Florida Bar committees or sections.

## **ARTICLE V MEETINGS**

### **Section 1. Meetings of the Membership.**

(a) The annual meeting of the section shall be held at each annual meeting of The Florida Bar. The active members of the section attending any meeting of the section shall constitute a quorum for the transaction of business and a majority vote of those present shall be binding.

(b) Special meetings of the entire membership of this section may be called by the executive council provided 30 days' notice thereof shall be given to each member of the section.

### **Section 2. Meetings of the Executive Council.**

(a) There shall be at least 3 meetings of the executive council each year, 1 of which shall be held in conjunction with the annual meeting of The Florida Bar.

(b) Regular meetings of the executive council shall be subject to call by the chair of the section upon 15 days' written notice to the members of the executive council.

(c) Special meetings of the executive council shall be subject to call by the chair of the section upon written notice that is reasonable under the circumstances. For a special meeting, the purpose of the meeting must be stated in the call of the chair and no vote may be taken on business other than that stated in the call.

(d) The executive council shall conduct its business at regular and special meetings as provided for in these bylaws; provided, however, the business of the executive council between regular meetings may be conducted by correspondence to the extent authorized by the chair.

(e) Those participating in a meeting or in transacting business by correspondence as authorized above shall constitute a quorum and majority vote of those participating shall be binding.

(f) In the event a member of the executive council is absent from any 2 regular meetings during the fiscal year, the member's office shall be deemed vacant, and such vacancy shall be filled as otherwise provided in these bylaws.

## ARTICLE VI COMMITTEES

**Section 1.** There shall be the following permanent, standing committees within the section:

(a) *Budget Committee.* The budget committee shall prepare and revise proposed budgets for submission to the executive council for approval. The budget committee shall be composed of the section chair, immediate past chair, chair-elect and treasurer.

(b) *Long Range Planning Committee.* The long range planning committee shall develop long-range goals for the section, review the present activities of the section and submit reports thereof and recommendations to the executive council for adoption. The long range planning committee shall be composed of the chair-elect of the section and such other persons as the chair may appoint.

(c) *Legislative Committee.* The legislative committee shall be composed of 3 members, appointed by the chair, who will also name the chair of the committee.

1) *Legislative Positions.* The legislative committee shall from time to time make recommendations to the executive council regarding requests for the section to adopt a legislative position. Such position shall require a 2/3 vote of the executive council to be adopted as the section position.

2) *Legislature in Session.* When the legislature is in session, the chair of the committee shall consult with the chair and, if available, the chair-elect of the section. The chair of the committee may then act upon pending or proposed legislation in accordance with section legislative positions if it is not reasonably possible or feasible for the executive council to act. The chair of the section shall notify all members of the executive council of such action taken as soon as it is reasonably possible to do so.

(d) *Publications Committee.* The publications committee shall be composed of the chair of the committee and the editors of the section's column in The Florida Bar Journal and the section's newsletter and any other section members appointed by the chair. The chair of the section will appoint the chair of the committee each year. The chair of the committee will appoint the editors for the section's publications, who will be responsible for the timeliness, quality, and contents of those publications.

(e) *Public Utilities Law Committee.* The public utilities law committee's purpose is to gather and disseminate information, share expertise and advise its members on the legal, technical, and economic issues related to regulated utilities providing electric, gas, water, sewer, and telephone services. Any member of the section may become a member of the committee by so notifying the chair of the committee in writing. The committee may present at least 1 CLE program which receives Bar approval for CLE credits each year. All CLE presentations must be approved by the executive council. The committee shall also be provided space in the section's newsletter featuring the committee's own column for matters of special interest to its members.

(f) *Law School Outreach Committee.* The law school outreach committee shall be composed of members appointed by the chair. The committee shall coordinate section activities

with Florida law schools to stimulate students' interest in administrative law with the goal of increasing the number of law students with an interest in administrative law.

(g) *Nominating Committee.* There shall be a nominating committee composed of 3 executive council members appointed by the chair to determine and propose a slate of candidates for any vacancy which occurs either during an executive council member's term or at the conclusion of any executive council member's term. For any executive council member seeking re-appointment at the expiration of that member's term, consideration for re-appointment will be based upon that member's contributions to the executive council during the term that is about to expire.

**Section 2. Ad Hoc Committees.** The chair shall establish ad hoc committees from time to time as the need arises.

## **ARTICLE VII MISCELLANEOUS**

**Section 1. Action of The Florida Bar.** No action of the section shall be represented or construed as the action of The Florida Bar until the same has been approved by The Florida Bar.

**Section 2.** No member of the section nor any committee thereof shall take any action or espouse any position as being the action or position of the section except as otherwise provided in these bylaws.

**Section 3. Financial Obligations.** Before payment, all financial obligations must first be approved in the manner specified by the executive council.

**Section 4. Compensation and Expenses.** No salary or other compensation shall be paid to any member of the section for performance of services to the section but the chair may authorize the payment of reasonable out-of-pocket expenses resulting from performance of such services.

**Section 5. Amendments.** These bylaws may be amended only by The Florida Bar upon recommendation made by the executive council of the section.

**Section 6.** No action of this section shall be contrary to the policies of The Florida Bar.

# CONFERENCE CENTER MAP



# *Save the Date*

## **SEPTEMBER 17, 2016**

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### **FLORIDA BAR ADMINISTRATIVE LAW SECTION 2ND ANNUAL DAY OF SERVICE**



ON SATURDAY, SEPTEMBER 17, 2016, FROM 9 A.M. TO 12:00 P.M., THE ADMINISTRATIVE LAW SECTION EXECUTIVE COUNCIL WILL HELP ORGANIZE DONATED FOOD ITEMS AT THE SECOND HARVEST FOOD BANK.

4446 ENTREPOT BOULEVARD  
TALLAHASSEE, FL 32310  
PHONE (850) 562-303

WEAR COMFORTABLE CLOTHES AND CLOSED-TOE SHOES.