



# Administrative Law Section



## **CHAIR:**

Patrick L. "Booter" Imhof  
Florida Senate  
404 S. Monroe St.  
Tallahassee, FL 32399-1100  
(850)487-5957

## **CHAIR-ELECT:**

J. Andrew Bertron, Jr.  
1983 Centre Pointe Blvd., Ste. 200  
Tallahassee, FL 32308-7823  
(850)224-7091

## **SECRETARY:**

Elizabeth W. McArthur  
P.O. Box 10967  
Tallahassee, FL 32302-2967  
(850)425-6654

## **TREASURER:**

Seann M. Frazier  
101 E. College Ave.  
Tallahassee, FL 32301-7742  
(850)222-6891

## **IMMEDIATE PAST CHAIR:**

Deborah K. Kearney  
327 The Capitol  
404 S. Monroe St.  
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## **BOARD LIAISON:**

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

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

Cynthia B. Miller  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-7019  
(850)413-6082

## **EXECUTIVE COUNCIL:**

### **Terms Expiring 2007:**

Donna E. Blanton  
Tallahassee  
Mary Ellen Clark  
Tallahassee  
Allen R. Grossman  
Tallahassee  
Lisa S. Nelson  
Tallahassee  
Linda M. Rigot  
Tallahassee  
W. David Watkins  
Tallahassee  
William E. Williams  
Tallahassee

### **Terms Expiring 2008:**

F. Scott Boyd  
Tallahassee  
Clark R. Jennings  
Tallahassee  
Bruce D. Lamb  
Tampa  
M. Catherine Lannon  
Tallahassee  
Wellington H. Meffert  
Tallahassee  
Cathy M. Sellers  
Tallahassee  
T. Kent Wetherell, II  
Tallahassee

## **SECTION ADMINISTRATOR:**

Jackie Werndli  
651 E. Jefferson St.  
Tallahassee, FL 32399-2300  
(850)561-5623

Administrative Law Section Executive Council Meeting  
Friday, February 9, 2007 – 8:30 a.m.

## **EXECUTIVE COUNCIL AGENDA**

- I. CALL TO ORDER – Patrick L. "Booter" Imhof, Chair
- II. PRELIMINARY MATTERS
  - A. Consideration of Minutes
    1. September 8, 2006
    2. January 12, 2007
  - B. Treasurer's Report – Seann M. Frazier
    1. 1/11/07 Detail Statement of Operations
  - C. Chair's Report – Patrick L. "Booter" Imhof
- III. COMMITTEE/LIAISON REPORTS
  - A. Continuing Legal Education – Seann M. Frazier
  - B. Publications – Deborah K. Kearney
    1. Newsletter – Elizabeth W. McArthur/Donna E. Blanton
      - a. Agency Snapshots – Mary Ellen Clark
    2. *TFB Journal* – Deborah K. Kearney
  - C. Legislative – J. Andrew Bertron/Linda M. Rigot/William E. Williams
  - D. Public Utilities Law – Cynthia B. Miller
    1. 2006 Florida Telecom and Energy Legislation Update
  - E. Membership – T. Kent Wetherell, II
  - F. Webpage – Daniel E. Nordby
  - G. Uniform Rules of Procedure – Linda M. Rigot
  - H. Long Range Planning – J. Andrew Bertron, Jr.
  - I. Board of Governors Liaison – Lawrence E. Sellers, Jr.
    1. BOG Report – 12/8/06
  - J. Law School Liaison – Cathy M. Sellers
  - K. CLE Committee Liaison – M. Catherine Lannon/Seann M. Frazier
  - L. Council of Sections – Mary Ellen Clark/Patrick L. Imhof/Clark R. Jennings
  - M. Section/Division Liaison
    1. Environmental and Land Use Law – Cathy M. Sellers
    2. Health Law – Allen R. Grossman
    3. YLD Liaison – Rhonda Chung-DeCambre Stroman
  - N. DOAH Update – Lisa S. Nelson/Linda M. Rigot/T. Kent Wetherell, II
  - O. Appellate Court Rules ad hoc Committee – M. Catherine Lannon/William E. Williams
- IV. OLD BUSINESS

V. NEW BUSINESS

VI. INFORMATIONAL

- A. Executive Council List
- B. 2006-07 Committee List

VII. TIME AND PLACE OF NEXT MEETING

June 28, 2007 – in conjunction with The Florida Bar Annual Convention

VIII. ADJOURNMENT

MINUTES  
ADMINISTRATIVE LAW SECTION EXECUTIVE COUNCIL MEETING  
September 8, 2006  
Tallahassee, Florida

**I. CALL TO ORDER:** Executive Council Chair Booter Imhof called the meeting to order at 2:05 pm.

Present: Booter Imhof, Clark Jennings, Debby Kearney, Andy Bertron, Li Nelson, Elizabeth McArthur, Kent Wetherell, Cathy Sellers, Wellington Meffert, Bruce Lamb, Linda Rigot, Bill Williams, Donna Blanton, Cynthia Miller, Mary Ellen Clark, Cathy Lannon, Dave Watkins, Scott Boyd, Larry Sellers, Amy Schrader, and Jackie Werndli.

Absent: Seann Frazier and Allen Grossman.

**II. PRELIMINARY MATTERS:**

A. Minutes — June 23, 2006

The minutes of the June 23, 2006, Executive Council meeting were approved.

B. Treasurer's Report

Jackie Werndli presented the treasurer's report and reviewed the reviewed budget statements with the council, noting that reports should be available soon to show on a monthly basis the expense allocations under new expense sharing process.

C. Chair's Report

Deferred to new business.

**III. COMMITTEE/LIAISON REPORTS**

A. Continuing Legal Education

Andy Bertron provided an update on planning for the upcoming Pat Dore Conference, noting that the final brochure has been circulated, and urging council members to send brochures to anyone who might have an interest in attending. Andy also reported on the upcoming Young Lawyers' Division Basic Administrative Law CLE that will be held in December. Seann Frazier, Li Nelson, and Cathy Sellers put this program together, and it will be presented live in Tallahassee with videotaped showing elsewhere in state.

Booter Imhof asked for help identifying section members who can be available at out of town seminar sites to help with the section membership drive.

B. Publications

Debby Kearney reported that she has an article for The Florida Bar *Journal*, and has completed two agency snapshots for the Section's Newsletter.

Elizabeth McArthur reported on upcoming features for the Newsletter, including a two-part series on Administrative Law Judge biographical summaries compiled by DOAH Chief Judge Bob Cohen and Administrative Law Judge Linda Rigot.

Mary Ellen Clark provided an update of agency snapshots, completed and in the works. Cathy Sellers volunteered to prepare a snapshot for the Agency for Persons with Disabilities. As part of the agency snapshot feature, it was suggested that the council keep a directory or roster of general counsels, which could be published in the Newsletter and kept on the section website. Cathy Lannon suggested a feature for the Newsletter like The Florida Bar Newsletter's "on the move" for general counsels.

#### C. Legislative

Bill Williams reported no legislative activity. Linda Rigot reported that the Senate Committee on Governmental Oversight was conducting a study on all APA exemptions in sections 120.80 and .81 (not on those in other statutes). The Committee is contacting agencies with exemptions, requesting explanations on why there is an exemption and if the exemption is still needed or not. Cathy Lannon noted that she received inquiries on some exemptions that are not in the APA.

#### D. Public Utilities Law

Cindy Miller reported on an upcoming CLE offered by the Federal Communications Bar Association, on November 16 at the Mary Brogan Museum, covering telephone and energy issues.

#### E. Membership

Kent Wetherell reported that section membership appears down slightly, but Jackie Werndli explained that there is a timing issue with the reports, with some overlaps, and the membership count would catch up as of the Pat Dore Conference. Kent Wetherell noted that a new service that the section will be able to offer new members will be the Listserv idea to be discussed under new business.

#### F. Web Page

Kent Wetherell agreed to substitute for Elizabeth McArthur as a member of the Web Page committee. The committee will be looking into whether to enter into a new contract to replace the Black Group given William Black's decision to close business.

#### G. Uniform Rules of Procedure

Linda Rigot reported that a notice of rule development on the uniform rules of procedure was published in the September 1, 2006 issue of the *Florida Administrative Weekly*. Linda Rigot contacted one of the identified contact persons and was told that the person who would be in charge of this rule development was June McKinney Bartelle in the Attorney General's office. Linda Rigot called Ms. McKinney Bartelle and offered the council's report that summarized the rationale for considering certain changes. Ms. McKinney Bartelle said that she had not reviewed the council's work product, but would consider it as a comment received for rule development. She said that council members could attend the workshop and could provide a draft of a declaratory statement rule, and that too would be considered as a comment received. The rule development workshop is September 21 at The Capitol, 10am, Conf Room 2103, 21<sup>st</sup> floor.

Donna Blanton moved that the council agree to have Linda Rigot go to the workshop to give a history of the uniform rule development and the council's involvement, and to discuss the process and time put into developing the council's proposal and explanations. Elizabeth McArthur seconded the motion, and the motion passed.

#### H. Long Range Planning

Andy Bertron reported that some concern had been expressed about the proposed date of January 5 for the long range planning retreat because it was so close to the holidays. There was general agreement to try to identify alternative dates. Melhana Plantation is the likely site; they just completed a renovation and are being competitive in an attempt to get business. Andy Bertron solicited suggestions for the agenda.

#### I. Board of Governors Liaison

Larry Sellers provided substantial material and information for the council, including the prospect of repealing the new requirement for designation of an inventory lawyer as to government lawyers; reconsideration of an old ethics opinion regarding representing members of a local government commission by an attorney who has represented the commission, with the conclusion that there may be cases where it is allowable to represent individual members; issuance of a report by the Cox Commission regarding updating the Bar's disciplinary system; the Judiciary Committee's consideration of new ways to evaluate judges; and consideration of a recommendation to expand the areas for the 5-hour CLE requirement to cover ethics, professionalism, and bias elimination in the legal system.

#### J. Law School Liaison

Cathy Sellers reported that the panel discussion event at FSU will be held on October 4, from 4:30 to 7 pm. The panel discussion will be held until 6 pm, following by a reception. The event is open to students, lawyers, professors. Panel members will be DOAH Chief Judge Bob Cohen, and executive council members Mary Ellen Clark, Andy Bertron, and Scott Boyd. Cathy Sellers has spoken with APA-related professors, who will strongly encourage students to attend. The SBA is also publishing notice. Jackie Wernkli will try to add notice of this event in *The Florida Bar News*, in the September issue of the section newsletter which is in the final stages of preparation, and on the Section's website.

#### K. CLE Committee Liaison

Cathy Lannon reported that there is an upcoming meeting and retreat in Ponte Vedra, and she will attend.

#### L. Council of Sections

Mary Ellen Clark reported that there will be a meeting on Saturday, and she will attend. Clark Jennings reported that he attended the last meeting, which was abbreviated with no news to report.

#### M. Section Liaison

1. Environmental and Land Use Law – No report.

2. Health Law – No report.
3. YLD Liaison – No report.

N. DOAH Update

New Administrative Law Judge Li Nelson reported that she is thoroughly enjoying her new position.

O. Appellate Court Rules ad hoc Committee

Bill Williams reported that there was a subcommittee meeting on Aug 17 of appellate rules committee to address Fla.R.App.P. 9.310 (b)(2), automatic stays for public bodies and whether there is a conflict with Section 120.68. The subcommittee voted to add a clause to do away with automatic stays for public bodies appealing order arising under APA. This will go to full appellate rules committee for vote, and Bill Williams has been asked to come to the committee meeting to answer APA-related questions. It was noted that the council had voted previously not to take a position on this issue, and it was agreed that Bill Williams' appearance before the appellate rules committee at its request would not be on behalf of the council.

**IV. OLD BUSINESS**

None.

**V. NEW BUSINESS**

Listserv

Jackie Werndli reported about the new Listserv mechanism, noting that she was sorry Daniel Nordby was not here to talk about it, but that there were materials in the agenda packet for members to review. Daniel Nordby has ability to set up a Listserv email notification system now. The Environmental and Land Use Law Section set up a Listserv 4 years ago, and their experience could point the way to some problems and solutions, such as use of a gatekeeper to control what gets posted to the Listserv group. Some potential uses of Listserv include posting the newsletter right away and circulating ads for CLE courses. Overall, Jackie Werndli thinks this is a good idea if we consider some of the problems and address them.

Certification

Linda Rigot expressed a concern about the process used to identify recommended persons to serve on the certification committee. Booter Imhof noted this concern, and stated that the letter reflected his individual position.

Larry Sellers gave an overview of the process, noting that the package of applications for certification committee membership had been sent to President Cox, and he will be reviewing it. It is not uncommon for the President to ask for input by the relevant section chairs, and he thought the President understood that the input provided was individual input by the chairs.

On motion, duly seconded, the meeting was adjourned at 4 pm.

Respectfully submitted,  
Elizabeth McArthur  
Secretary

MINUTES  
ADMINISTRATIVE LAW SECTION EXECUTIVE COUNCIL  
SPECIAL MEETING TO REVIEW BUDGET  
January 12, 2007  
Tallahassee, Florida (Telephone conference)

**I. CALL TO ORDER:** Executive Council Chair Booter Imhof called the meeting to order at 4:12 pm.

Present: Booter Imhof, Andy Bertron, Li Nelson, Elizabeth McArthur, Linda Rigot, Bill Williams, Donna Blanton, Dave Watkins, Seann Frazier, Clark Jennings Cynthia Miller, Allen Grossman, Kent Wetherell, Scott Boyd, Bruce Lamb, and Jackie Werndli

Absent: Debby Kearney, Cathy Sellers, Wellington Meffert, Mary Ellen Clark, Cathy Lannon

**II. CONSIDERATION OF 2007-08 PROPOSED BUDGET**

Seann Frazier explained the format of the proposed budget document circulated by Jackie Werndli with notice of this special meeting (copy attached hereto). The proposed budget for 2007-08 projects a substantial Section loss, attributable to the new allocation of expenses by The Florida Bar. Section dues from members is stable but the Section gets a smaller percentage because The Florida Bar is taking more of the Section dues, while the Section is allocated a greater percentage of expenses and is also allocated certain overhead of The Florida Bar. The Florida Bar is now retaining \$17.50 per dues-paying section member.

There was extended discussion of many of the charges that The Florida Bar is imposing on section activities. Concerns were expressed over the registrar line item, which reflects a flat \$15 (approximate) charge imposed by The Florida Bar on the CLE sponsor each time an individual registers for a CLE course (even if done on-line), and each time a CLE registration is changed (such as a cancellation). Concerns were also expressed about the multiple charges imposed on CLE tape and CD sales, including a flat charge per format for setting up the recording equipment that appears higher than private sector charges, plus another unit charge for each tape or CD sold, plus another charge for the processing of each order. The charges do not appear to bear a relationship to the actual costs. Several of these charges will be referred to the Council of Sections as being beyond the charges initially disclosed by The Florida Bar and agreed to by the Council of Sections. The focus of prior discussions by The Florida Bar was on the allocation of the time value of direct administrative support for section activities.

Some of the expense allocations are not complete at this time. For example, expense allocations are not complete for the recent Administrative Law conference. In addition, The Florida Bar may be allocating additional expense items or amounts that have not been identified yet.

Several members expressed concern that the Section might need to reduce services to its members in the future or seek services from the private sector for services previously provided by The Florida Bar. Although one possibility would be to consider raising dues, at this point the

consensus was to try to have the Section's concerns addressed and revisit the subject at the next Executive Council meeting.

Jackie Werndli went over a number of proposed adjustments to the proposed budget.

Allen Grossman made a motion to approve the proposed budget as revised by the proposed adjustments. Clark Jennings seconded the motion. The motion carried unanimously.

On motion, duly seconded, the meeting was adjourned at 5 pm.

Respectfully submitted,

Elizabeth McArthur  
Secretary

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Jackie M Werndli/The Florida Bar  
12/29/2006 03:07 PM

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Subject

Administrative Law Section Executive Council

The Administrative Law Section Executive Council will meet  
Friday, January 12, at 4:00 p.m., via conference call to approve the 2007-08  
budget. To  
participate, dial 877-394-0659. The conference ID number is 614802.

Budget information will be forwarded to you by January 8. Please  
RSVP for the meeting by replying to this e-mail and completing the form  
below, by January 8.

Administrative Law Section

Executive Council Conference Call - January 12, 2007 - 4:00 p.m.

\_\_\_\_\_ I plan to attend the conference call.

\_\_\_\_\_ I am unable to attend the conference call.

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	December 2006 Actuals	YTD 06-07 Actuals	Budget	Percent Budget Spent
<b>Administrative Law</b> ~~~~~				
31435 Admin Fee Adj	0	0	650	0.00
31431 Section Dues	23	26,957	28,125	95.85
31432 Affilliate Dues	0	0	125	0.00
31433 Admin Fee to TFB	-18	-19,587	-19,788	98.98
<b>Total Dues Income-Net</b>	<b>5</b>	<b>7,370</b>	<b>9,112</b>	<b>80.88</b>
32191 CLE Courses	34	772	5,000	15.44
32395 Mat Sales-Sect Shr	0	0	5	0.00
35700 Member Service Progr	0	0	2,000	0.00
38499 Investment Allocatio	5,319	9,042	10,004	90.38
39999 Miscellaneous	0	0	150	0.00
<b>Other Income</b>	<b>5,353</b>	<b>9,814</b>	<b>17,159</b>	<b>57.19</b>
<b>Total Revenues</b>	<b>5,358</b>	<b>17,184</b>	<b>26,271</b>	<b>65.41</b>
51101 Employee Travel	0	0	1,190	0.00
001 Postage	0	73	200	36.50
4002 Printing	29	116	2,700	4.30
84003 Officers Office Expe	0	0	500	0.00
84006 Newsletter	0	852	2,500	34.08
84007 Membership	0	0	500	0.00
84009 Supplies	0	0	50	0.00
84010 Photocopying	0	88	150	58.67
84051 Officers Travel Expe	0	0	2,500	0.00
84052 Meeting Travel Expen	0	0	3,000	0.00
84054 CLE Speaker Expense	0	0	100	0.00
84101 Committee Expenses	0	0	500	0.00
84201 Board Or Council Mee	0	143	600	23.83
84202 Bar Annual Meeting	0	0	1,700	0.00
84205 Section Service Prog	0	320	5,000	6.40
84209 Retreat	0	0	4,500	0.00
84299 Public Utility Comm	0	0	500	0.00
84301 Awards	0	0	600	0.00
84310 Law School Liaison	0	1,175	4,900	23.98
84422 Website	215	315	6,000	5.25
84501 Legislative Consulta	0	0	5,000	0.00
84701 Council Of Sections	0	0	300	0.00
84998 Operating Reserve	0	0	4,506	0.00
84999 Miscellaneous	0	2	500	0.40
<b>Total Operating Expenses</b>	<b>244</b>	<b>3,084</b>	<b>47,996</b>	<b>6.43</b>
431 Meetings Administrat	0	0	32	0.00
543 Graphics & Art	407	1,177	1,543	76.28

Unaudited Statement of Operations  
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|                             | December<br>2006<br>Actuals | YTD<br>06-07<br>Actuals | Budget  | Percent<br>Budget<br>Spent |
|-----------------------------|-----------------------------|-------------------------|---------|----------------------------|
| Administrative Law<br>~~~~~ |                             |                         |         |                            |
| Total TFB Support Services  | 407                         | 1,177                   | 1,575   | 74.73                      |
| Total Expenses              | 651                         | 4,261                   | 49,571  | 8.60                       |
| Net Operations              | 4,707                       | 12,923                  | -23,300 | -55.46                     |
| 21001 Fund Balance          | 0                           | 174,359                 | 142,919 | 122.00                     |
| Total Current Fund Balance  | 4,707                       | 187,282                 | 119,619 | 156.57                     |

|                                  | December<br>2006<br>Actuals | YTD<br>06-07<br>Actuals | Budget | Percent<br>Budget<br>Spent |
|----------------------------------|-----------------------------|-------------------------|--------|----------------------------|
| Administrative Law Conf<br>~~~~~ |                             |                         |        |                            |
| Total Dues Income-Net            | 0                           | 0                       | 0      | *                          |
| 32001 Registrations              | 0                           | 0                       | 12,000 | 0.00                       |
| 34001 Book Sales                 | 0                           | 0                       | 50     | 0.00                       |
| Other Income                     | 0                           | 0                       | 12,050 | 0.00                       |
| Total Revenues                   | 0                           | 0                       | 12,050 | 0.00                       |
| 61201 Equipment Rental           | 0                           | 400                     | 1,000  | 40.00                      |
| 75102 1st Class & Misc Mai       | 0                           | 0                       | 50     | 0.00                       |
| 75401 Express Mail               | 0                           | 0                       | 5      | 0.00                       |
| 81411 Promotional Printing       | 0                           | 0                       | 150    | 0.00                       |
| 81412 Promotional Mailing        | 0                           | 0                       | 1,000  | 0.00                       |
| 84001 Postage                    | 0                           | 0                       | 250    | 0.00                       |
| 84002 Printing                   | 0                           | 14                      | 1,650  | 0.85                       |
| 84061 Reception                  | 0                           | 1,600                   | 1,700  | 94.12                      |
| 84062 Luncheons                  | 0                           | 3,000                   | 3,500  | 85.71                      |
| 88231 Speakers Travel            | 0                           | 0                       | 500    | 0.00                       |
| 88241 Outline Prt-Inhouse        | 0                           | 0                       | 500    | 0.00                       |
| 88243 Outline Binders            | 0                           | 0                       | 1,200  | 0.00                       |
| 88252 Course Credit Fee          | 0                           | 150                     | 150    | 100.00                     |
| 88261 Meeting Room Rent          | 0                           | 1,620                   | 2,500  | 64.80                      |
| 88265 Refreshment Breaks         | 0                           | 1,124                   | 2,500  | 44.96                      |
| Total Operating Expenses         | 0                           | 7,908                   | 16,655 | 47.48                      |
| 86532 Advertising News           | 0                           | 0                       | 1,000  | 0.00                       |
| Total TFB Support Services       | 0                           | 0                       | 1,000  | 0.00                       |
| Total Expenses                   | 0                           | 7,908                   | 17,655 | 44.79                      |
| Net Operations                   | 0                           | -7,908                  | -5,605 | 141.09                     |
| Total Current Fund Balance       | 0                           | -7,908                  | -5,605 | 141.09                     |

|                                   | December<br>2006<br>Actuals | YTD<br>06-07<br>Actuals | Budget  | Percent<br>Budget<br>Spent |
|-----------------------------------|-----------------------------|-------------------------|---------|----------------------------|
| Total Administrative Law<br>===== |                             |                         |         |                            |
| 31435 Admin Fee Adj               | 0                           | 0                       | 650     | 0.00                       |
| 31431 Section Dues                | 23                          | 26,957                  | 28,125  | 95.85                      |
| 31432 Affilliate Dues             | 0                           | 0                       | 125     | 0.00                       |
| 31433 Admin Fee to TFB            | -18                         | -19,587                 | -19,788 | 98.98                      |
| -----                             |                             |                         |         |                            |
| Total Dues Income-Net             | 5                           | 7,370                   | 9,112   | 80.88                      |
| -----                             |                             |                         |         |                            |
| 32001 Registrations               | -50                         | 22,525                  | 12,000  | 187.71                     |
| 32191 CLE Courses                 | 34                          | 772                     | 5,000   | 15.44                      |
| 32201 Audio Tapes                 | 480                         | 2,580                   | 0       | *                          |
| 32205 Compact Disc                | 3,210                       | 3,210                   | 0       | *                          |
| 32301 Course Materials            | 0                           | 210                     | 0       | *                          |
| 32395 Mat Sales-Sect Shr          | 0                           | 0                       | 5       | 0.00                       |
| 34001 Book Sales                  | 0                           | 0                       | 50      | 0.00                       |
| 35700 Member Service Progr        | 0                           | 0                       | 2,000   | 0.00                       |
| 38499 Investment Allocatio        | 5,319                       | 9,042                   | 10,004  | 90.38                      |
| 39999 Miscellaneous               | 0                           | 0                       | 150     | 0.00                       |
| -----                             |                             |                         |         |                            |
| Other Income                      | 8,993                       | 38,339                  | 29,209  | 131.26                     |
| -----                             |                             |                         |         |                            |
| Total Revenues                    | 8,998                       | 45,709                  | 38,321  | 119.28                     |
| -----                             |                             |                         |         |                            |
| 36998 Credit Card Fees            | 45                          | 492                     | 0       | *                          |
| 51101 Employee Travel             | 0                           | 0                       | 1,190   | 0.00                       |
| 61201 Equipment Rental            | 0                           | 400                     | 1,000   | 40.00                      |
| 75102 1st Class & Misc Mai        | 0                           | 1                       | 50      | 2.00                       |
| 75401 Express Mail                | 108                         | 226                     | 5       | 4,520.00                   |
| 81411 Promotional Printing        | 0                           | 525                     | 150     | 350.00                     |
| 81412 Promotional Mailing         | 0                           | 1,113                   | 1,000   | 111.30                     |
| 84001 Postage                     | 0                           | 73                      | 450     | 16.22                      |
| 84002 Printing                    | 29                          | 130                     | 4,350   | 2.99                       |
| 84003 Officers Office Expe        | 0                           | 0                       | 500     | 0.00                       |
| 84006 Newsletter                  | 0                           | 852                     | 2,500   | 34.08                      |
| 84007 Membership                  | 0                           | 0                       | 500     | 0.00                       |
| 84009 Supplies                    | 0                           | 0                       | 50      | 0.00                       |
| 84010 Photocopying                | 0                           | 88                      | 150     | 58.67                      |
| 84051 Officers Travel Expe        | 0                           | 0                       | 2,500   | 0.00                       |
| 84052 Meeting Travel Expen        | 0                           | 0                       | 3,000   | 0.00                       |
| 84054 CLE Speaker Expense         | 0                           | 0                       | 100     | 0.00                       |
| 84061 Reception                   | 0                           | 1,600                   | 1,700   | 94.12                      |
| 84062 Luncheons                   | 0                           | 3,000                   | 3,500   | 85.71                      |
| 84101 Committee Expenses          | 0                           | 0                       | 500     | 0.00                       |
| 84201 Board Or Council Mee        | 0                           | 143                     | 600     | 23.83                      |
| 84202 Bar Annual Meeting          | 0                           | 0                       | 1,700   | 0.00                       |
| 84205 Section Service Prog        | 0                           | 320                     | 5,000   | 6.40                       |
| 84209 Retreat                     | 0                           | 0                       | 4,500   | 0.00                       |
| 84299 Public Utility Comm         | 0                           | 0                       | 500     | 0.00                       |

Unaudited Statement of Operations  
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	December 2006 Actuals	YTD 06-07 Actuals	Budget	Percent Budget Spent
Total Administrative Law =====				
84301 Awards	0	0	600	0.00
84310 Law School Liaison	0	1,175	4,900	23.98
84422 Website	215	315	6,000	5.25
84501 Legislative Consulta	0	0	5,000	0.00
84701 Council Of Sections	0	0	300	0.00
84998 Operating Reserve	0	0	4,506	0.00
84999 Miscellaneous	0	2	500	0.40
86432 Time Taping Editing	0	1,800	0	*
88231 Speakers Travel	0	0	500	0.00
88241 Outline Prt-Inhouse	0	1,457	500	291.40
88243 Outline Binders	0	0	1,200	0.00
88252 Course Credit Fee	0	150	150	100.00
88261 Meeting Room Rent	0	1,620	2,500	64.80
88265 Refreshment Breaks	0	1,124	2,500	44.96
88281 A/V Ctr Dup/Prod	1,080	1,830	0	*
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Total Operating Expenses	1,477	18,436	64,651	28.52
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83431 Time CLE Courses	98	99	0	*
431 Meetings Administrat	0	0	32	0.00
86532 Advertising News	0	1,319	1,000	131.90
86543 Graphics & Art	407	1,474	1,543	95.53
86623 Registrars	270	4,560	0	*
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Total TFB Support Services	775	7,452	2,575	289.40
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Total Expenses	2,252	25,888	67,226	38.51
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Net Operations	6,746	19,821	-28,905	-68.57
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21001 Fund Balance	0	174,359	142,919	122.00
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Total Current Fund Balance	6,746	194,180	114,014	170.31
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01/30/2007 02:37 PM

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Subject For the Melhana Retreat -- item from the Public utilities Law  
Committee

On November 16, 2006, the P.U.L.C. of the Administrative Law Section joined in with the Federal Communications Bar Association and the University of Florida Public Utility Research Center, to hold a "2006 Florida Telecom and Energy Legislation Update."

We had 54 attendees and held the event at the Mary Brogan Museum of Art and Science in Tallahassee. Kind of a nice change from the traditional spots that conferences are held. Also, we had a mix of participation from the Public Service Commission, consumer advocates, and utility attorneys. (Word is that there was actually a small profit from this one). We even had a participant who was a newly named Commissioner, but since that time -- as you have probably heard -- the Governor has pulled the most recent two appointments. The process for appointing new Commissioners has been re-opened.

The next forum might be a tele-seminar after the session, perhaps in late May. This would be a good way to give updates on legislation that has passed. At the Florida Bar Section Leadership Conference last summer, this form of seminar was highly recommended. If we do this, it would probably just be a 2-hour seminar.

Cindy Miller  
Office of General Counsel  
Florida Public Service Commission  
850-413-6082

BOARD OF GOVERNORS  
Miami Florida  
December 8, 2006

The Board of Governors met December 8, 2006 in Miami. At that meeting, the Board approved a Rules Committee recommendation to oppose a change to Rule 3-5.4. That rule would allow judges to impose up to a \$500 fine, and order attendance at a professionalism course, for lawyers who show unprofessional conduct. The Board will ask the Supreme Court to withdraw that proposed rule change.

A number of advertising issues were discussed. Of particular significance, the Board rejected a recommendation by its Special Committee on Website Advertising. Website advertising is becoming a significant form of lawyer advertisement and Florida is at the forefront of addressing this issue. The overall sense was that website advertising should be regulated the same as other forms of media advertisement. However, the unique nature of website advertising requires careful attention to technical questions and as to how it is regulated. The Board is close to an agreement pending some additional changes and addition of specific comments to a proposed rule. We will report on the decisions ultimately reached by the Board.

A number of disciplinary decisions were made as well as actions taken on Client Security Fund Applications and Unlicensed Practice of Law issues. Reports were heard from the Equal Opportunity Section, Entertainment Arts & Sports Law Section, Real Property Probate and Trust Section and the Florida Lawyer's Assistance program.

It was reported that some Bar disciplinary records could be posted online by the summer. A final report on how that will be accomplished could be ready by the Board's meeting January 26, 2007.



The Board approved several legislative positions including opposing shackling of juveniles when appearing in criminal court, and supporting a student loan repayment program for certain government and legal aid attorneys.

A joint Florida Bar and Florida Medical Association Committee will be formed to address relations between the two organizations' members, as well as issues that affect both groups.

The Board also appointed former Bar presidents, Miles McCrane and Terry Russell to the Judicial Qualifications Committee.

The Board heard a report on efforts in other states to adopt a constitutional amendment to strip judges of judicial immunity regarding their decisions. This is a very serious and problematic issue that must be confronted as a similar initiative now has been launched in Florida.

Also, please note that one lawyer vacancy for the First District Court of Appeal JNC and one for The Second Circuit JNC will exist. Each appointee will serve a four year term beginning July 1, 2007. The Bar will submit three names to the Governor for each position. Applications must be received by the Bar no later than January 30, 2007.

We will keep you informed on these and other issues affecting Florida lawyers, their clients, and the Courts.

As always, feel free to contact us with any questions or issues you would like us to address for you.

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DOMINIC M. CAPARELLO  
Member, Board of Governors

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LARRY E. SELLERS  
Member, Board of Governors

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Administrative Law Section  
Committees and Liaisons 2006-2007

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TFB CLE Committee Liaison	Cathy Lannon Seann Frazier, Alternate
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Legislation	Bill Williams, Chair Linda Rigot Andy Bertron
Long Range Planning	Andy Bertron, Chair Dave Watkins
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