



Administrative Law Section



CHAIR:

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(850)222-6891

CHAIR-ELECT:

Cathy M. Sellers
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TREASURER:

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IMMEDIATE PAST CHAIR:

Elizabeth W. McArthur
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Tallahassee, FL 32302-2967
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BOARD LIAISON:

Lawrence E. Sellers, Jr.
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P.U.L.C. CHAIR:

Michael G. Cooke
401 E. Jackson St., Ste. 2700
Tampa, FL 33602-5841
(813) 222-6600

EXECUTIVE COUNCIL:

Terms Expiring 2010:

Clark R. Jennings
Tallahassee
Deborah K. Kearney
Tallahassee
Bruce D. Lamb
Tampa
Wellington H. Meffert
Tallahassee
Richard J. Shoop
Tallahassee
Shaw P. Stiller
Tallahassee
T. Kent Wetherell, II
Tallahassee

Terms Expiring 2011:

Paul H. Amundsen
Tallahassee
Lisa S. Nelson
Tallahassee
Daniel E. Nordby
Tallahassee
Linda M. Rigot
Tallahassee
Amy W. Schrader
Tallahassee
J. Andrew Bertron
Tallahassee
William E. Williams
Tallahassee

SECTION ADMINISTRATOR:

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

Administrative Law Section Executive Council March 11, 2010

AGENDA

- I. CALL TO ORDER – Seann M. Frazier, Chair
- II. PRELIMINARY MATTERS
 - A. Consideration of Minutes
 1. October 2, 2009
 2. January 19, 2010 (Conference Call)
 - B. Treasurer's Report – F. Scott Boyd
 1. 2/9/10 Detail Statement of Operations
 - C. Chair's Report – Seann M. Frazier
- III. COMMITTEE/LIAISON REPORTS
 - A. Continuing Legal Education – Bruce D. Lamb
 1. SFGAP Certification Review Course
 2. Practice Before the PSC
 3. 2010 Pat Dore Conference
 - B. Publications – F. Scott Boyd
 1. Newsletter – Amy W. Schrader
 - a. Agency Snapshots – Mary Ellen Clark
 2. TFB *Journal* – Paul H. Amundsen
 - C. Legislative – Linda M. Rigot/William E. Williams/Justin M. Senior
 - D. Public Utilities Law – Michael G. Cooke
 - E. Membership – Deborah K. Kearney
 - F. Webpage – Daniel E. Nordby
 - G. Board of Governors Liaison – Lawrence E. Sellers, Jr.
 - H. Law School Liaison – Deborah K. Kearney
 - I. CLE Committee Liaison – Cathy M. Sellers
 - J. Council of Sections – Seann M. Frazier
 - K. Section/Division Liaison
 1. Environmental and Land Use Law – Francine M. Folkes
 2. Health Law – Allen R. Grossman
 3. Government Lawyer – Clark R. Jennings
 4. YLD Liaison – Christine D. Graves
 5. FICPA – Mary Ellen Clark
 - L. DOAH Update – Lisa S. Nelson/Linda M. Rigot
 - M. APD Volunteer Program Ad Hoc Committee – J. Andrew Bertron, Jr.
 - N. Finance/Budget Ad Hoc Committee – Clark R. Jennings

IV. OLD BUSINESS

- A. Section Website Redesign/Hosting

V. NEW BUSINESS

VI. INFORMATIONAL

- A. Executive Council List
- B. 2009-10 Committee List
- C. Legislative Positions

VII. TIME AND PLACE OF NEXT MEETING

- A. June 25, 2010 – Boca Raton Resort & Club (in conjunction with TFB Annual Convention)
- B. September 16, 2010 – The Florida Bar Annex, Tallahassee

VIII. ADJOURNMENT

Administrative Law Section Executive Council
Meeting Minutes
October 2, 2009
Tallahassee, Florida

I. CALL TO ORDER – Seann Frazier, Chair

Members Present: Elizabeth McArthur, Seann Frazier, Cathy Sellers, Andy Bertron, Larry Sellers, Shaw Stiller, Deborah Kearney, Scott Boyd, Clark Jennings, Bruce Lamb, Wellington Meffert, Daniel Nordby, Judge Linda Rigot, Judge Kent Wetherell, Richard Shoop.

Members Absent: Michael Cooke, Amy Schrader, Allen Grossman, Bill Williams, Judge Li Nelson.

Others Present: Francine Ffolkes, Cindy Miller, Justin Senior, Jackie Werndli

II. PRELIMINARY MATTERS

A. Consideration of Minutes

The minutes for the Council's June 26, 2009 meeting were approved with minor changes.

B. Treasurer's Report

Scott Boyd gave the Treasurer's Report. The Section is in good financial shape. Like other sections, the Section has not made money on recent live CLE programs. Program CD sales are generating the profits for CLE programs.

C. Chair's Report

Seann Frazier urged caution with spending in the coming year, noting that some other sections lost money last year. Seann reported that the Section issued a request for proposals to revamp the Section's website.

III. COMMITTEE/LIAISON REPORTS

A. Continuing Legal Education

Bruce Lamb presented the ALS CLE Report. Bruce has been investigating the possibility of conducting one-hour telephone CLEs, which would be followed-up with tapes and CDs offered for sale. After discussion, it was decided that further information is needed, including a determination of how many participants would be necessary to break even. Bruce is working with The Young Lawyers Division to present an introductory level administrative law CLE in April 2010. CLE to support the State and Federal Government and Administrative Practice (SFGAP) board certification was also discussed. Currently, over 100 attorneys have been

certified in SFGAP. The Board of Governors is considering whether to discontinue new certifications in areas of law with less than 100 certified attorneys.

B. Publications

Scott Boyd presented the publications report. The next issue of the ALS newsletter will contain an article by Fred Dudley on the Small Business Legislative Advisory Council. Seann Frazier is working on an article on APA standing and Amy Schrader is writing an article on public records. Scott Boyd discussed writing an article on the requirement to electronically link materials referenced in the online Florida Administrative Code. The Administrative Law Practice Manual will go to print soon. Administrative Law Judges Linda Rigot and Kent Wetherell were recognized for all their hard work on this project.

C. Legislative

Judge Linda Rigot presented the Legislative Committee report.

D. Public Utilities Law

Cindy Miller presented the Public Utilities Law report.

E. Membership

Deborah Kearney reported that the Section currently has 1177 members.

F. Webpage

Daniel Nordby presented the proposals submitted by three vendors (eLYK, Netphiles and the Remington Agency) in response to the Section's RFP for a contract to redesign and maintain the Section's webpage. eLYK was the lowest in cost at \$5,000 for redesign and \$40 per month for hosting. Netphiles' proposal was for \$6,000 for design and \$250/month for hosting. The Remington Agency bid \$12,000-15,000 for design and additional fees for hosting. Andy Bertron moved to authorize Daniel Nordby to negotiate a contract with Netphiles. The motion was seconded and approved. Seann Frazier moved to transfer \$1,500 from the Section's operating reserve to add to the \$5,000 already budgeted for the website upgrade. This motion was also seconded and approved.

G. Florida Bar Board of Governors

The Florida Bar Board of Governors ("BOG") Liaison Larry Sellers reported that the BOG had met twice since the Executive Council's last meeting in June. In response to two requests to the BOG Committee on Ethics for opinions concerning communications with entities represented by counsel, the BOG approved a staff opinion on a more narrow issue, ruling that an attorney need not assume that a state agency is represented by its General Counsel in every matter. The BOG also considered, among other matters, judicial candidate self-disclosure statements, declining IOTA income, court funding, and CLE income.

H. Law School Liaison

Debby Kearney presented the Law School Liaison Committee report. Law school writing competitions have not worked well for other sections. Debby is working with outgoing Law School Liaison Committee Chair Kent Wetherell on new ideas.

I. CLE Committee Liaison

Cathy Sellers presented The Florida Bar CLE Committee Liaison report. At its last meeting in Tampa, the Committee approved The Florida Bar staff to research the best electronic format for CLE materials. The Committee also discussed the fee differential for non-section members to attend a section's CLE.

J. Council of Sections

Seann Frazier presented the Council of Sections Liaison report. The majority of section made money last year but most sections were less profitable than the year before, due partially to loses on investments.

K. Section/Division Liaisons

1. Environmental and Land Use Law – Francine Ffolkes reported that the Federal Law Seminar will be held in March 2010.
2. Health Law – No report.
3. Government Lawyer – No report.
4. Young Lawyers Division – No report.
5. FICPA – No report.

L. DOAH Update

Judge Rigot provided the Division of Administrative Hearings ("DOAH") Update. DOAH expects to announce decisions on two Administrative Law Judge vacancies this month. DOAH is considering making e-filing mandatory. In conjunction with the new hires, several ALJs will be reassigned within DOAH. DOAH Chief Judge Bob Cohen will be the next President-elect of the National Association of Administrative Law Judiciary (NAAJL). DOAH will host NAAJL's next annual conference.

M. APD Volunteer Program Ad Hoc Committee

Andy Bertron presented the APD Committee report. Since the Executive Committee's last meeting, the First District Court of Appeal issued its opinion in Moreland v. APD invalidating the Agency for Persons with Disabilities' (APD) tier rules. In Washington v. Debeaugrine, District Court Judge Hinkle denied APD's motion to dismiss and issued a preliminary injunction prohibiting APD from reducing benefits for APD clients whose requests

for hearing were denied by the agency. These actions have caused APD to begin requesting continuances in tier cases before DOAH until the agency can promulgate new rules.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

A. ALS Executive Council Long Range Planning Retreat

The Council considered possible dates and locations for the Long Range Planning Retreat, with a likely date in March.

VI. INFORMATIONAL

The Executive Council List for 2009-2010 and Committee List, and Legislative Positions List were included as informational items in the agenda package. These items were not discussed.

VII. TIME AND PLACE OF NEXT MEETING

The next meeting will be held in Tallahassee, on a date and time to be arranged.

X. ADJOURNMENT

There being no further business, the meeting was adjourned.

Administrative Law Section Executive Council
Meeting Minutes (Telephone Conference Call)
January 19, 2010 (9:00 a.m.)

I. Call To Order -- Seann Frazier, Chair

Members Present: Seann Frazier, Cathy Sellers, Allen Grossman, Shaw Stiller, Debbie Kearney, Scott Boyd, Wellington Meffert, Daniel Nordby, Judge Linda Rigot, Judge Kent Wetherell, Judge Li Nelson, Richard Shoop, Amy Schraeder, Larry Sellers

Members Absent: Andy Bertron, Elizabeth McArthur

Subsequent to the conclusion of the meeting, e-mails were received from Clark Jennings, Bruce Lamb, William Williams and Paul Admundsen indicating their inability to get onto the telephone conference call and indicating their votes in favor of the proposed budget.)

Others Present: Cindy Miller

Staff Present: Jackie Werndli

II. Consideration of Proposed Budget for 2010-2011

Seann Frazier opened discussion on the proposed budget and asked about revenue item 35700, Member Service Program, and expense item 84422, website. Jackie Werndli explained that there was no member service program scheduled for 2008-2009 during which year the budget actual amount was zero and that the proposed \$2500 for next year is for the planned, but as yet postponed Public Utilities CLE program. Daniel Nordby informed that the \$1,000 proposed for the Section website maintenance is in line with the contract we have for management of the updated website.

Richard Shoop asked about affiliate dues (31432) and dues-retained TFB (31433). Jackie explained that affiliate dues are Section members who are not members of The Florida Bar and that the dues retained item refers to the share of Section dues retained by The Florida Bar.

There being no further discussion, Allen Grossman moved the proposed budget and Seann Frazier seconded the motion. The vote in favor of the proposed budget was unanimous.

Seann Frazier thanked Jackie Werndli for her work in preparing the budget proposal.

III. Time And Place Of Next Meeting

Seann Frazier asked about the scheduling of the next meeting. Jackie Werndli indicated that she is waiting for member responses to her preference inquiry, but that the Long range Planning and Retreat meeting is expected to be scheduled for either the first or second week in March.

IV. Adjournment

There being no further business, Seann Frazier adjourned the meeting at approximately 9:10 a.m.

	January 2010 Actuals	YTD 09-10 Actuals	Budget	Percent Budget
Total Administrative Law =====				
31431 Section Dues	25	27,682	28,750	96.29
31432 Affiliate Dues	0	500	300	166.67
31433 Admin Fee to TFB	-18	-20,558	-20,365	100.95

Total Dues Income-Net	7	7,624	8,685	87.78

32191 CLE Courses	1,085	7,644	7,000	109.20
32293 Section Differential	267	2,409	2,000	120.45
35700 Member Service Progr	0	0	2,500	0.00
38499 Investment Allocatio	-2,706	15,245	3,669	415.51

Other Income	-1,354	25,298	15,169	166.77

Total Revenues	-1,347	32,922	23,854	138.01

51101 Employee Travel	0	0	1,334	0.00
71005 Internet Charges	0	170	400	42.50
84001 Postage	0	7	150	4.67
84002 Printing	0	0	150	0.00
84003 Officers Office Expe	0	0	500	0.00
84006 Newsletter	928	2,016	6,000	33.60
84007 Membership	0	0	500	0.00
84009 Supplies	0	0	50	0.00
84010 Photocopying	0	23	125	18.40
84051 Officers Travel Expe	0	0	2,000	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	59	630	9.37
84202 Annual Meeting	0	0	2,500	0.00
84205 Section Service Prog	0	150	1,000	15.00
84209 Retreat	0	0	3,000	0.00
84299 Public Utility Comm	0	0	500	0.00
84301 Awards	0	0	600	0.00
84310 Law School Liaison	0	0	4,900	0.00
84422 Website	0	0	5,000	0.00
84501 Legislative Consulta	0	0	5,000	0.00
84701 Council Of Sections	0	300	300	100.00
84998 Operating Reserve	0	0	4,108	0.00
84999 Miscellaneous	0	0	100	0.00

Total Operating Expenses	928	2,725	42,447	6.42

86431 Meetings Administrat	170	190	35	542.86
86543 Graphics & Art	329	1,206	2,702	44.63

Total TFB Support Services	499	1,396	2,737	51.00

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	January 2010 Actuals	YTD 09-10 Actuals	Budget	Percent Budget
Total Administrative Law =====				
Total Expenses	1,427	4,121	45,184	9.12
Net Operations	-2,774	28,801	-21,330	-135.03
21001 Fund Balance	0	195,039	183,440	106.32
Total Current Fund Balance	-2,774	223,840	162,110	138.08

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THE
FLORIDA
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CLE

The Florida Bar Continuing Legal Education Committee, the Administrative Law Section, the Environmental & Land Use Law Section, and the Government Lawyer Section present

State & Federal Government & Administrative Practice (SFGAP) Certification Review Course

COURSE CLASSIFICATION: ADVANCED LEVEL

Live Presentation and Webcast: Thursday, April 8, 2010 & Friday, April 9, 2010
FSU Conference Center • 555 W. Pensacola Street • Tallahassee, FL 32306
850-644-3801



Course No. 0999R

Those who have applied to take the certification exam may find this course a useful tool in preparing for the exam. It is developed and conducted without any involvement or endorsement by the BLSE and/or Certification committees. Those who have developed the program, however, have significant experience in their field and have tried to include topics the exam may cover. Candidates for certification who take this course should not assume that the course material will cover all topics on the examination.

Thursday, April 8, 2010

8:00 a.m. – 8:30 a.m. **Late Registration**

8:30 a.m. – 8:35 a.m.

Welcome and Introductions

Francine M. Ffolkes, Florida Dept. of Env. Protection, Tallahassee

8:35 a.m. – 9:30 a.m.

Federal APA Adjudication (Formal and Informal)

Francine M. Ffolkes, Florida Dept. of Env. Protection, Tallahassee

9:30 a.m. – 10:20 a.m.

Federal APA Rulemaking

Robert A. Malinoski, Gunster, Attorneys at Law, Fort Lauderdale

10:20 a.m. – 10:30 a.m. **Break**

10:30 a.m. – 11:20 a.m.

Federal APA: Judicial Review of Agency Action (Part I – Scope of Judicial Review)

Frederick L. Aschauer, Jr., Rose, Sundstrom & Bentley, Tallahassee

11:20 a.m. – 12:30 p.m.

Federal APA: Judicial Review of Agency Action (Part II – Availability of Judicial Review)

Frederick L. Aschauer, Jr., Rose, Sundstrom & Bentley, Tallahassee

12:30 p.m. - 1:30 p.m.

Lunch (On Your Own)

1:30 p.m. – 2:20 p.m.

11th Amendment Immunity

Stephanie A. Daniel, Office of the Attorney General, Tallahassee

2:20 p.m. – 3:10 p.m.

Civil Rights Action Under 42 U.S.C.

Section 1983

Stephanie A. Daniel, Office of the Attorney General, Tallahassee

3:10 p.m. – 3:20 p.m. **Break**

3:20 p.m. – 5:00 p.m.

FOIA, FACA, and Federal Government in the Sunshine

Luna E. Phillips, Gunster, Attorneys at Law, Fort Lauderdale

James M. Crowley, Gunster, Attorneys at Law, Fort Lauderdale

Friday, April 9, 2010

8:00 a.m. – 8:10 a.m.

Welcome and Introductions

Francine M. Ffolkes, Florida Dept. of Env. Protection, Tallahassee

8:10 a.m. – 9:00 a.m.

Florida APA Adjudication

Honorable John G. Van Laningham, Division of Administrative Hearings, Tallahassee

9:00 a.m. – 9:50 a.m.

Florida Ethics

Virindia A. Doss, Florida Commission on Ethics, Tallahassee

9:50 a.m. – 10:00 a.m. **Break**

10:00 a.m. – 10:50 a.m.

Florida APA Rulemaking (including Rule Challenges)

Honorable John G. Van Laningham, Division of Administrative Hearings, Tallahassee

10:50 a.m. – 11:40 a.m.

Other Florida APA Remedies and Principles

Seann M. Frazier, Greenberg Traurig, P.A., Tallahassee

11:40 a.m. – 12:30 p.m.

Judicial Review of Agency Action (Florida Administrative Appeals)

David M. Caldevilla, de la Parte & Gilbert, P.A., Tampa

12:30 p.m. - 1:30 p.m.

Lunch (On Your Own)

1:30 p.m. – 2:20 p.m.

Sovereign Immunity

Barbara C. Wingo, University of Florida, Gainesville

2:20 p.m. – 3:10 p.m.

Government/Tort Litigation

B. Cecilia Bradley, Office of the Attorney General, Tallahassee

3:10 p.m. – 3:20 p.m. **Break**

3:20 p.m. – 4:10 p.m.

Competitive Procurement Under Florida APA

Martha H. Chumbler, Carlton Fields, P.A., Tallahassee

4:10 p.m. – 5:00 p.m.

Public Records Act and Sunshine Law

Patricia R. Gleason, Executive Office of the Governor, Tallahassee

WEBCAST CONNECTION

Registrants will receive webcast connection instructions two days prior to the scheduled course date via e-mail. If The Florida Bar does not have your e-mail address, contact the Order Entry Department at 850-561-5831, two days prior to the event for the instructions.

CLE CREDITS

CLER PROGRAM

(Max. Credit: 17.5 hours)

General: 17.5 hours

Ethics: 1.0 hour

CERTIFICATION PROGRAM

(Max. Credit: 17.5 hours)

Appellate Practice: 1.0 hour

City, County & Local Gov't Law: 5.0 hours

Civil Trial: 2.0 hours

State & Federal Gov't & Administrative

Practice: 17.5 hours

TO REGISTER



ON-LINE:

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MAIL:

Completed form with check



FAX:

Completed form to 850/561-5816

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Register Now!

State & Federal Government & Administrative Practice (SFGAP) Certification Review Course

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REFUND POLICY: Requests for refund or credit toward the purchase of the audio CD / DVD or course books of this program **must be in writing and postmarked** no later than two business days following the course presentation. Registration fees are non-transferable, unless transferred to a colleague registering at the same price paid. A \$25 service fee applies to refund requests.

Register me for the "State & Federal Government & Administrative Practice (SFGAP) Certification Review Course" Seminar

ONE LOCATION: (053) FSU CONFERENCE CENTER, TALLAHASSEE, FL (THURSDAY, APRIL 8, 2010 & FRIDAY, APRIL 9, 2010)

TO REGISTER OR ORDER AUDIO CD / DVD OR COURSE BOOKS BY MAIL, SEND THIS FORM TO The Florida Bar, Order Entry Department: 651 E. Jefferson Street, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5831. **ON-SITE REGISTRATION, ADD \$25.00. On-site registration is by check only.**

Name _____ Florida Bar # _____
Address _____
City/State/Zip _____ Phone # _____

SLH: Course No. 0999R

LOCATION (CHECK ONE):

- Tallahassee - April 8-9, 2010
(053) FSU Conference Center
- Live Webcast*
April 8-9, 2010
(317) Online

*Registrants who participate in the live webcast will receive an e-mail with a web-link and log-in credentials two days prior to the seminar to include access to the course materials. Call The Florida Bar Order Entry Department at (800) 342-8060, ext. 5831 with any questions.

LIVE REGISTRATION (CHECK ONE)

- Member of the Administrative Law Section, Environmental and Land Use Law Section or Governmental Lawyer Section: \$175
- Non-section member: \$200
- Full-time law college faculty or full-time law student: \$100
- Persons attending under the policy of fee waivers: \$0
Includes Supreme Court, DCA, Circuit and County Judges, Magistrates, Judges of Compensation Claims, Administrative Law Judges, and full-time legal aid attorneys if directly related to their client practice. (We reserve the right to verify employment.) Fee waivers are only applicable for in-person attendees.

WEBCAST

- \$250
- \$275

METHOD OF PAYMENT (CHECK ONE)

- Check enclosed made payable to The Florida Bar
- Credit Card (Advance registration only. Fax to 850/561-5816.)
 MASTERCARD VISA DISCOVER AMEX

Exp. Date: ____/____ (MO./YR.)

Signature: _____
Name on Card: _____
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Check here if you require special attention or services. Please attach a general description of your needs. We will contact you for further coordination.

COURSE BOOK — AUDIO CD — DVD — ON-LINE

Private taping of this program is not permitted. **Delivery time is 4 to 6 weeks after 4/9/10. TO ORDER AUDIO CD / DVD OR COURSE BOOKS**, fill out the order form above, including a street address for delivery. **Please add sales tax to the price of CD / DVD or books. Tax exempt entities must pay the non-section member price.**

Please include sales tax unless ordering party is tax-exempt or a nonresident of Florida. If this order is to be purchased by a tax-exempt organization, the course book/CD/DVD must be mailed to that organization and not to a person. Include tax-exempt number beside organization's name on the order form.

COURSE BOOK ONLY (0999M)
Cost \$50 plus tax
(Certification/CLER credit is not awarded for the purchase of the course book only.)

TOTAL \$ _____

AUDIO CD (0999C)
(includes course book)
\$175 plus tax (section member)
\$200 plus tax (non-section member)

TOTAL \$ _____

DVD (0999D)
(includes course book)
\$250 plus tax (section member)
\$275 plus tax (non-section member)

TOTAL \$ _____



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BOARD OF GOVERNORS REPORT
Amelia Island - December, 2009

The Florida Bar's Board of Governors met December 11, 2009 in Amelia Island.

The Board approved a new legislative position that will advocate the rights of minors in the dependency system to have an attorney represent their interests, and that certain "critical categories" of children in the State's care should get publicly provided lawyers. This legislative position stipulates however, that funding for such lawyer representation is not to come at the expense of that State's Guardian Ad Litem Program.

The Board Review Committee on Professional Ethics has voted to draft amendments to Florida Ethics Opinion 07-3, which addresses outsourcing of legal work. The amendments would require the informed consent of clients before outsourcing confidential information. Amendments to the Rules Regulating The Florida Bar will be proposed addressing either notice to third parties or redaction before outsourcing sensitive financial or medical information.

The Board voted to again table an appeal from a staff ethics opinion regarding "reverse contingency fee" representation on medical lien negotiations. The staff opinion held it would likely result in an excessive fee if a lawyer working on a contingency fee hired another lawyer under a reverse contingency fee to handle medical lien negotiations. The Board voted to refer it to the appropriate committee to consider an amendment to the Rules Regulating The Florida Bar addressing the subject.

The Board voted to place a six-month moratorium, beginning January 1, 2010, on the enforcement of the new Bar advertising rules affecting Web sites in order to give Bar members time to comply with the rules. The Board also approved a policy on attempted voluntary filings of lawyer Web sites that Bar staff will not review the entire contents of a Web site even if a lawyer files that voluntarily, but will respond to specific questions involving a specific phrase or

image to be included on a Web site.

It was reported that there continue to be ongoing efforts on e-filing for the state court system, and efforts to establish an Internet portal for electronic filing. Clerks and the courts are trying to work out their differences over who would run the portal. The Bar is working to help that along and will push for a filing system that will be uniform statewide.

The Board approved a recommendation from the Program Evaluation Committee to create the Special Committee to Study the Decline of Jury Trials, as requested by President-Elect Mayanne Downs. The panel will study the decline of jury trials, at both the state and federal level, to determine the impact the decline has on the justice system and whether any action is needed.

It was noted that the new "Career Center" website has been very successful. Many potential employers, and employees, have logged on to the site regarding available attorney positions at firms throughout the state.

Please also note that the Florida Supreme Court has issued an order amending the Bar's advertising rules. In its order, the court declined to adopt the Bar's request to delete the requirement of an oral disclaimer every time a nonlawyer spokesperson is used in television or radio ads. Therefore, such a disclaimer is still required on any radio and television advertisements, including public service announcements such as sponsorships of National Public Radio and Television.

As always, please do not hesitate to contact either of us for any questions, or any other matter regarding the Bar.

DOMINIC CAPARELLO

LARRY SELLERS

III G(2)

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Frazier , Seann	fraziers@gtlaw.com	Office Phone: 850.222.6891 Office Fax: 850.681.0207	
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**Administrative Law Section
Committees and Liaisons 2009 - 2010**

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TFB CLE Committee Liaison	Cathy M. Sellers
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Health Law Section Liaison	Allen R. Grossman
Government Law Section Liaison	Clark R. Jennings
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Young Lawyers Liaison	Christine D. Graves
FICPA Liaison	Mary Ellen Clark
APD Ad Hoc Committee	J. Andrew Bertron, Jr., Chair
Finance/Budget Ad Hoc Committee	Clark R. Jennings, Chair

Administrative Law Section

Approved legislative positions for the 2008-20010 biennium are as follows:

July 25, 2008

1. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation, that undermines the rule-making requirements of the Administrative Procedure Act by allowing statements of agency policy without formal rule-making.
2. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation to deny, limit or restrict points of entry to administrative proceedings under Chapter 120, *Florida Statutes*, by substantially affected persons.
3. Opposes exemptions or exceptions to the Administrative Procedure Act, but otherwise supports a requirement that any exemption or exception be included within Chapter 120, *Florida Statutes*.
4. Supports voluntary use of mediation to resolve matters in administrative proceedings under Chapter 120, *Florida Statutes*, and supports confidentiality of discussions in mediation; but opposes mandatory mediation and opposes imposition of involuntary penalties associated with mediation.
5. Supports uniformity of procedures in administrative proceedings under Chapter 120, *Florida Statutes*, and supports modification of such procedures only through amendment of or exceptions to the Uniform Rules of Procedure.
6. Opposes amendments to Chapter 120, *Florida Statutes*, or other legislation that limit, restrict, or penalize full participation in the administrative process without compelling justification.
7. Supports adequate funding of the Division of Administrative Hearings and other existing state administrative dispute resolution forums in order to ensure efficient resolution of administrative disputes.