

# ADMINISTRATIVE LAW SECTION UPDATE

## MEMORANDUM

TO: All Administrative Law Section Members  
FROM: William B. Barfield, Chairman  
George L. Waas, Chairman-elect  
RE: Publication of Proposed Annual Budget for 1985-86 and Section Financial Policies  
DATE: June 1985

The Section's proposed annual budget as recommended by the Budget Committee of the Bar and approved by the Board of Governors must be distributed to all Section members. The budget includes the full disclosure of the Section's policy regarding reimbursement of officer and member expenses. This budget and the reimbursement policies must be provided to all Section members prior to July 1, 1985. The required information is therefore attached with this memorandum for your information and review.

## Administrative Law Section Budget, 1985-86

The attached budget was approved by the Executive Council on January 29, 1985, and was tentatively approved by the Board of Governors of The Florida Bar on March 14, 1985. This budget was scheduled to be approved by the Board of Governors on May 16, 1985, unless objections to it were filed on or by May 10, 1985.

<b>ACCOUNT DESCRIPTION</b>	<b>1985-86 PROPOSED BUDGET</b>	<b>EXPENSES:</b>	
<b>REVENUES:</b>		Postage	\$ 500
Dues	\$ 9,750	Printing	250
Dues Retained by TFB (½ dues collected)	4,875	Officers Office Expense	600
Net Dues:	\$ 4,875	Newsletter	1,000
		Membership	100
<b>CLE SEMINARS:</b>		Supplies	100
Practice Before DOAH	\$ 860	Photocopying	100
Administrative Law Overview	660	Committee Expense	150
Video Tape Sales	125	Board or Council	1,000
Total Seminar Income:	\$ 1,645	Bar Annual Meeting	3,000
		Section Annual Meeting	500
<b>OTHER REVENUE:</b>		Midyear Meeting	500
Interest	\$ 1,500	Administrative Conference	3,650
Miscellaneous	0	Awards	300
Total Other Revenue	1,500	Officers Travel Expense	300
Total Revenue:	\$ 8,020	Legislative Members	0
		Meeting Travel Expense	200
		Other	100
		CLE Speaker Expense	0
		Other Travel Expense	0
		Legislative Travel	0
		Legislative Other	0
		<b>TOTAL EXPENSES</b>	<b>\$12,350</b>
		<b>NET OPERATIONS</b>	<b>[4,330]</b>
		<b>BEGINNING FUND BALANCE</b>	<b>8,820</b>
		<b>ENDING FUND BALANCE</b>	<b>\$ 4,490</b>

# Budget Policies, Disbursement Policies and Section Reimbursement Policies for Officers, Members and Non-members of the Section

Officers, committee chairmen and vice-chairmen, and other members of the Administrative Law Section who intend to seek reimbursement for their expenses incurred on behalf of the Administrative Law Section should

be aware of the following limitations on reimbursement and documentation requirements imposed by The Florida Bar. These policies were effective as of January 1985.

## ADMINISTRATIVE LAW SECTION FINANCIAL POLICIES- JANUARY 1985

### I. Budget Policies

#### A. Section Budget Preparation

Designated officers or the Budget Committee of the Section shall prepare and submit to the Executive Council for approval, a proposed budget for the forthcoming fiscal year. The proposed budget as approved by the Executive Council shall be submitted to the Bar by the date designated by the Budget Committee of the Bar.

#### B. Approval of Budget

The budgets proposed by the Section shall be considered by the Budget Committee of the Bar in the same manner as all other suggestions submitted to the Committee. The Budget Committee of the Bar shall recommend a proposed budget to the Board of Governors for its approval. All notice, hearing and objection provisions of the Integration Rule and Bylaws shall remain in effect.

#### C. Publication of Budget

The Section's proposed annual budget as recommended by the Budget Committee of the Bar and approved by the Board of Governors will be distributed to all Section members. The budget will include full disclosure of the Section's policy regarding reimbursement of officer or member expenses. The approved budget including the required disclosure shall be published prior to July 1 of the budgeted fiscal year.

#### D. Budgeting of an Operating Reserve

The Section shall budget an operating reserve sufficient to provide for contingencies inherent in the nature of their budget. The purpose of the operating reserve is to provide a source of funds for amendment purposes in the event of shortfalls of budgeted revenues or underestimation of budgeted expenses. It may not be used for new programs or line items or material alternation in nature or scope of existing section activities.

#### E. Legislative Expenses

No Section shall budget or expend for legisla-

tive activities any amount greater than the amount budgeted or received as voluntary dues from section members. (Re: SBP-9.14(c)(5))

#### F. Travel

##### 1. *Budgeting of Out-of-State/Country Travel for Staff*

All out-of-state trips that are expected to require staff support will be reported in the Section's annual budget preparations indicating the purpose, location and duration of the trip(s). For all out-of-state trips, the Section will be responsible for paying the staff transportation.

##### 2. *Approval of Out-of-State Staff Travel*

All out-of-state staff travel requested by the Section must be approved by the Executive Director of The Florida Bar at least thirty days in advance of such travel.

##### 3. *Member Reimbursement of Out-of-State Travel*

All Reimbursement of out-of-state travel shall be budgeted and reported as a separate line item.

##### 4. *Member Reimbursement of Meeting-Related Travel*

Meeting related travel expenses shall be identified by a separate line item in the budget except as included in the out-of-state travel line item.

#### G. Gratuities

No funds shall be budgeted for payments to Bar staff.

#### H. Budget Amendments

During any fiscal year the Section may make budget amendments without Budget Committee approval of up to an aggregate 10% of their total disbursement budget provided no new line item or program is added by the section. All budget amendments that are more than 10% of the aggregate disbursement budget and all new programs must be approved by the Board of Governors.

### **I. Publication of Budget vs Actual Operations**

The Section shall publish a comparison of the final budget and actual results of operations for the fiscal year within a reasonable period after the end of the fiscal year.

### **J. Excess CLE Speaker Expense:**

The Section may elect to pay speaker expense in excess of the CLE policy provided that such election is clearly set forth in the published Section budget showing total amount budgeted by the Section for such payment; the maximum amount payable in excess of the CLE reimbursement limit; or a statement that there is no maximum.

## **II. Disbursement Policies**

### **A. Disbursement Authorization**

Expenditures shall be authorized only in accordance with budget as approved.

### **B. General Purchasing & Contracting Policies**

All standard Bar policies regarding purchasing, contracting, employment for personal services and documentation of expenditures must be complied with. Those policies are as follows:

#### **Purchasing**

In order to create a binding commitment with The Florida Bar for any purchase by the Bar a purchase order will be properly executed and signed by one of the following Bar officials:

\$100 to \$2,500—Purchasing Agent

\$2,500 to \$10,000—Director, Administrative Support Division

\$10,000 and up—Executive Director

#### **Personal Services Contracts**

Contracts for personal services require the approval of the director of the division for which the service is performed and shall be completed prior to any services being performed for The Florida Bar. This policy specifically includes, but is not limited to, all contract labor arrangements when the total is less than \$5,000. Contracts beyond \$5,000 require the approval of the Executive Director.

All personal services must be provided under written contract and approved by the Executive Director or his designee.

#### **Facility Contracts**

The Meetings and Convention Office has the responsibility for negotiation of contracts with meeting and hotel facilities for rental of meeting space or sleeping rooms and other services in connection with holding a meeting at a facility. The contracts shall be executed by Meetings and Convention staff and will not be valid if executed by another staff member or Bar member.

### **C. Disbursement Approval**

Payment of reimbursable expenses in excess of \$25 a month must be approved in writing by the officer(s) designated by the Section. Payment requests, requiring approval, including appropriate documentation, shall be sent to the designated officer for approval and forwarded to the Section Coordinator for payment.

In the event invoices, receipts or other documentation is lost by the Section member, the designated officer has the discretion to accept a written statement as to the nature and amount of the expenditures and that the documentation was lost, signed by the person reporting the expense.

Any expenses requiring approval, incurred by the officer designated to approve expenses must be approved by another officer.

### **D. Entertainment and Liquor Expenses:**

The Section will not budget Section funds for entertainment purposes. However, minor amounts may be expended for refreshments at functions which invite attendance of the general membership of the Section. Also fees collected specifically for entertainment purposes at a Section function, may be expended for such purposes. (SBP-5.19(c)(1) 3/80)

## **III. Section Reimbursement Policy for Officers, Members and Nonmembers of the Section:**

All reimbursement of expenses must be in accordance with the following:

### **I. Persons Eligible for Reimbursement**

a) *Officers.* The Chairman, Chairman-Elect, Secretary/Treasurer are entitled to reimbursement in the conduct of their official responsibilities.

b) *Committee Chairmen.* Regular and special Chairmen (and Vice Chairmen, as applicable) are entitled to reimbursement, with prior approval of the Executive Council, to the extent that such expenses are incurred in the discharge of a task assigned to the Committee.

c) *Committee members.* Members are entitled to reimbursement, with prior approval of the Executive Council, to the extent that such expenses are incurred in the discharge of a committee task assigned to them.

d) *Other members of the Section.* A member of the Section who is not an Officer, Committee Chairmen or Committee member is entitled to reimbursement only to the extent that such expenses are incurred in the discharge of a task assigned to him by the Chairman of the Section.

e) *Persons not members of the Section.* Such persons are entitled to reimbursement only in the

*continued, next page*

performance of a task approved by the Executive Council and only to the extent specifically authorized by the Executive Council.

## **II. Expenses Eligible for Reimbursement:**

a) *Long distance telephone calls, postage, and copying costs.* These expenses are automatically reimbursable when the person incurring them is qualified for reimbursement under I. Telephone charges must be itemized as to amount and at least one of the following: (a) party called and date, (b) telephone number, or (c) purpose of the call. Any large mailings must be itemized as to what was mailed to whom and at what cost. (NOTE: Mailings should be done by Section Coordinator at the Bar headquarters when possible.) Office copy costs cannot exceed 10¢ per copy. The individual must itemize number of copies and purpose of copies. (Miscellaneous, general, etc. is an appropriate description for a small number of copies.) All printing shall be done at The Florida Bar headquarters unless, for the benefit of the Section and the Bar, circumstances warrant otherwise. Payment for these expenses require the original invoices or receipts except where the individual has made payment to the vendor. A copy of the invoice or bill is acceptable.

b) *Travel and lodging.* These expenses shall not be reimbursed except upon prior authorization of the Executive Council. These expenses shall be reimbursable for the Chair, Chairman-Elect, Secretary and Treasurer who are entitled to same under Section I(a) of these policies.

c) *Other expenses of officers.* The officers shall be entitled to reimbursement for other expenses, not herein enumerated, incurred in the official discharge of their duties, but only to the extent that adequate funds are presently available in a budget account for which such officer has primary responsibility and further that adequate funds are available for all other anticipated expenditures from the budget account for the current fiscal year; provided that the Chairman of the Section shall have the authority to veto such reimbursement.

d) *Other expenses of other members of the Section.* Members, other than officers, are entitled to reimbursement for other expenses, not herein enumerated, only when such reimbursement has been approved by the Chairman prior to such expense being incurred. When the expense must be incurred before approval of the Chairman can be obtained, such expense may be reimbursed only with the approval of the Executive Council.

## **III. Payment by the Bar**

The Section Coordinator may arrange for the

issuance of checks for reimbursement only to a person eligible for reimbursement under I., and only for expenses actually incurred and previously paid by such person. Payment may not be made to creditors of such persons.

When these expenses have been approved in advance by the Executive Council the following are the guidelines for the individual making his/her arrangements:

a. Air fare in all instances shall be "coach". If coach is unavailable, first class is permissible and the fact of its unavailability should be noted on the request for reimbursement by the individual. The original or a copy of the airline ticket must be submitted with the reimbursement request. If the continuity of a trip is broken for the individual's own purposes and a higher cost is incurred the individual will be responsible for the difference, not the Section.

b. Mileage is reimbursed at the maximum rate permissible by IRS without reporting such reimbursement to the Internal Revenue Services or some lower figure set by the Section. (20.5¢ as of 1/1/85)

c. When taxis or limousines are not practical, a rental car may be used. The rental car shall be a subcompact or compact, or any other vehicle at a rate no greater than the rates for a subcompact or compact. If the individual has a number of people or a quantity of materials to carry, "C" may be justified. If a "C" is used, an explanation for the necessity of such a car is required. In no event shall a "D" rate car be utilized. The method of travel should be the most economical, considering both time and travel costs.

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No parking or moving violations of any kind will be paid for by The Florida Bar or the Section.

d. The following are guidelines which should be used with regard to tipping:

If feasible from both a physical and security point of view, the individual should carry their own luggage, materials, etc. If this is not possible, 50¢ per piece is suggested with a maximum of \$5.

Taxi or limousine-15% over \$5.

e. Meals shall be reimbursed at the same rate as applicable for expenses by staff members of The Florida Bar. If there is a group meal function which is paid for by the Section, no individual meal reimbursement shall be permitted. (Special group functions are organized official meal functions that normally are part of the meeting activity. Payment of meals for special group functions are permitted only with prior approval

of the Section Chairman or other designated officer.) Meals for travel are to be reported on an actual expense basis not to exceed \$27 per day, including tax and gratuity. If an individual is out of town for a partial day, the individual meal maximum is \$5 for breakfast; \$7 for lunch and \$15 for dinner. These amounts are cumulative on a daily basis.

f. When paying expenses (meals, etc.) for other individuals, the names of the other parties must be indicated and the relation to Section activity disclosed.

g. Expenses may not be paid for companions, spouses, associates, etc., that would not otherwise be payable directly to that companion, spouse, etc.

h. Copies of receipts for lodging, out-of-town travel expenses (airline tickets, etc.) and all other charges of \$25 or more (other than mileage and authorized meal allowances) must be attached with the reimbursement request.

#### IV. Payment of Reimbursable Expenses

Payment of reimbursable expenses in excess of \$25 a month must be approved in writing by the officer(s) designated by the Section payment requests, requiring approval, including appro-

priate documentation, shall be sent to the designated officer for approval and forwarded to the Section Coordinator for payment.

In the event invoices, receipts or other documentation is lost by the Section member, the designated officer has the discretion to accept a written statement as to the amount of the expenditures and that the documentation was lost, signed by the person reporting the expense.

Any expenses requiring approval, incurred by the officer designated to approve expenses must be approved by another officer.

**Billing:** Officers seeking reimbursement shall submit bills to the Section Coordinator at Bar headquarters in Tallahassee, no less frequently than quarterly if such expenses are not incurred in each month. When expenses are incurred on a regular basis by an officer, billings shall be monthly. Members other than officers shall submit bills no later than 30 days after the incurrence of an expense. Bills for the final month or quarter of the fiscal year should be submitted prior to 30 June of that year. Billings shall be sufficiently detailed so that they may be properly categorized as to the type of expense (telephone, postage, etc.) so that they may be applied against the proper budget account.

## Calendar of Events

June 26-29, 1985	— Annual Convention — The Florida Bar Boca Raton, Florida
June 27, 1985	— Section Annual Luncheon — 12:30 - 2:00 P.M. Guest Speaker, Arthur England, Former Chief Justice of the Florida Supreme Court Executive Council Meeting — 2:00 - 5:00 P.M. Joint Reception with Labor & Employment Law Section 5:30 - 6:30 P.M.
September 20, 1985	— Executive Council Meeting — The Florida Bar Tallahassee — 10:00 A.M. - 12:00 P.M.
October 4, 1985	— Practice Before D.O.A.H. — CLE — The Florida Bar Tallahassee
January 10, 1986	— Administrative Law Overview — CLE — The Florida Bar Tallahassee
January 22-25, 1986	— The Florida Bar Convention — Midyear — Orlando Marriott Inn — Orlando, Florida
March 14, 1986	— Executive Council Meeting — The Florida Bar — Tallahassee, Florida 10:00 A.M. - 12:00 P.M.
May 9-10, 1986	— Administrative Law/Local Government Law Section Joint CLE Seminar — Location to be announced later
June 18-22, 1986	— The Florida Bar Convention — Marriott's World Center, Orlando, Florida
June 20, 1986	— Executive Council Meeting — 10:00 A.M. - 12:00 P.M. Marriott's World Center — Orlando, Florida

## AUDIO/VIDEO CASSETTES AVAILABLE

### PRACTICE BEFORE THE FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

#### COURSE SYNOPSIS

This seminar, PRACTICE BEFORE THE FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS, was held Friday, October 5, 1984 at The Florida Bar Building. This course is an update of a similar program presented in November, 1982 but will provide important new information for the practitioner on all aspects of DOAH practice including recent changes in statutes, rules and court decisions. The new Director of the Division of Administrative Hearings provided an overview of the Division's operations.

Opening Remarks	DOAH OVERVIEW Organization and functions; related statutes, rules and cases; organization chart; relation to other agencies; policy changes	Thomas Oldham Tallahassee
LECTURE 1	THE DOAH CLERK'S OFFICE Services provided; fees and filing of documents; filing procedures and time frames (32 minutes)	Pamela L. Fitzgerald Tallahassee
LECTURE 2	PROCEDURES FOR ADJUDICATORY PROCEEDING AND RULE CHALLENGES BEFORE DOAH  Standing (rule challenges; hearing); challenging the constitutionality of rules and statutes and exhaustion of administrative remedies; what is a rule; initiating rule challenges; grounds for invalidating a rule (proposed rule, existing rule, emerging rule); time to petition for a hearing; conduct of the hearing (rule challenge and other matters); post hearing procedure (rule challenge, appeals, other matters); licensing. (60 minutes)	William L. Hyde Tallahassee  William L. Hyde Tallahassee
LECTURE 3	RECENT TRENDS IN ADMINISTRATIVE LAW Statute and case law update (50 minutes)	William E. Williams Tallahassee
LECTURE 4	EXPERIENCES AND STRATEGY FOR PRACTICE BEFORE VARIOUS AGENCIES HRS Certificate of Need  Department of Insurance (50 minutes)  Department of Environmental Regulation (27 minutes)	Kenneth F. Hoffman Tallahassee  Mitchell B. Haigler, Jr. Tallahassee  Daniel Thompson Tallahassee

**COURSE CLASSIFICATION-Intermediate**

**DESIGNATION/ CERTIFICATION PLAN CREDIT**

Members of The Florida Bar who review this course will be able to receive designation plan credit in the following amounts and areas:

Administrative and Governmental Law.....	5 hours, or
Appellate Practice .....	2 hours, or
Corporation and Business Law.....	5 hours, or
General Practice .....	5 hours, or
*Trial Practice-General.....	5 hours, or

\*Hours approved for Civil Trial Certification: 5 hours.

Any combination of the above may be used providing that the total does not equal more than five (5) hours.

(Videotaped 10/5/84)  
(Designation Credit Expires 4/5/86)

**ORDER FORM**

**RENTAL FEE/3 REGISTRANT MINIMUM:** \$70 per registrant  
\$60 per registrant (Administrative Law Section member)  
**VIDEO SALE:** \$220.50, \$210.00 (Administrative Law Section member)  
**AUDIO CASSETTE SALE:** \$57.75, \$52.50 (Administrative Law Section member)

Please send me the "Practice Before the Florida DOAH" cassette.

\_\_\_ Audio  
\_\_\_ Video ( VHS  Beta)

I enclose my check in the amount of \$ \_\_\_\_\_

Name \_\_\_\_\_ Attorney No. \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

**THE FLORIDA BAR**  
**TALLAHASSEE, FL 32301-8226**

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