

CHAIR:

Garnett W. Chisenhall, Jr.
The DeSoto Building
1230 Apalachee Pkwy.
Tallahassee, FL 32399-0001
(850) 488-9675

CHAIR-ELECT:

Brian A. Newman
Pennington, P.A.
P.O. Box 10095
Tallahassee, FL 32302-2095
(850) 222-3533

TREASURER:

Stephen C. Emmanuel
Ausley McMullen
PO Box 391
Tallahassee, FL 32302-0391
(850) 224-9115

SECRETARY:

Bruce D. Lamb
Gunster
401 E. Jackson St., Ste. 2500
Tampa, FL 33602-5226
(813) 222-6605

Administrative Law Section

**IMMEDIATE PAST CHAIR:**

Robert H. Hosay
Foley & Lardner, LLP
106 E. College Ave., Ste. 900
Tallahassee, FL 32301-7732
(850)222-6100

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 2019:**

Fred Dudley, Tallahassee
Sharlee Hobbs Edwards, Coral Gables
Stephen C. Emmanuel, Tallahassee
Clark R. Jennings, Tallahassee
Anthony B. Miller, Tallahassee
Patricia A. Nelson, Tallahassee
Daniel E. Nordby, Tallahassee
Christina Shideler, Tallahassee

Terms Expiring 2020:

Francine M. Ffolkes, Tallahassee
Gigi Rollini, Tallahassee
Colin M. Roopnarine, Tallahassee
Suzanne Van Wyk, Tallahassee
Tabitha Gail Harnage, Tallahassee
Paul Drake, Tallahassee
Tara Price, Tallahassee

SECTION ADMINISTRATOR:

Calbrail L. Banner
651 E. Jefferson St.
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(850)561-5623
Fax: (850) 561-9427
cbanner@floridabar.org

Administrative Law Section Fall Executive Council Meeting

Friday April 6, 2019 - 10:30am

Dial In Information (888) 376 -5050

Conference Code: 3789654123

AGENDA

- I. CALL TO ORDER- Gar Chisenhall, Chair
- II. PRELIMINARY MATTERS
 - A. Consideration of Minutes
 1. June 2018 (Executive council meeting)
 - B. Treasurer's Report- Stephen Emmanuel
 1. Detail Statement of Operations
 - C. Chair's Report- Gar Chisenhall
- III. Committee / Liaison Reports
 - A. Nominating Committee Report – Jowanna Oates
 - B. Continuing Legal Education- Bruce D. Lamb
 1. 2019 Webinar Series (2/21/19, 3/7/19,3/21/19,4/4/19,4/19,19)
 2. 2019 Advanced Topics Seminar – May 31, 2019 (Tallahassee, FL)
 - C. Publications
 1. Newsletter- Elizabeth W. McArthur / Jowanna N. Oates
 2. TFB Journal- Stephen C. Emmanuel
 3. Florida Administrative Practice- Elizabeth W. McArthur
 - D. Legislative - Fred R. Dudley/Daniel E. Nordby
 - E. Public Utilities Law- Michael G. Cooke/Cynthia B. Miller
 - F. TFB Board of Governors Liaisons – Lawrence E. Sellers, Jr.
 - G. Law School Liaison –Sharlee Edwards
 - H. TFB Council of Sections – Clark R. Jennings
 - I. Section / Division Liaison
 1. Environmental and Land Use Law- Francine M. Folkes

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2. Health Law – Bruce D. Lamb
3. Government Lawyer – Lynne Quimby - Pennock
4. YLD Liaison- Tabitha Harnage
5. RPPTL – Frederick R. Dudley
6. Labor & Employment – Robert Kilbride
7. Animal Law – Gregg Morton
8. TFB Diversity and Inclusion – Lyyli Van Whittle
9. Appellate Court Rules – Gigi Rollini

J. DOAH Update- F. Scott Boyd/ Lynne A.Quimby-Pennock/ Suzanne Van Wyk

IV. OLD BUSINESS

- Certification Exam and membership development update – Gar Chinsenhall

V. NEW BUSINESS

- South Florida Subchapter & Budget (Ad hoc Committee)
- Young Lawyers Budget Request – Tabitha Harnage
- ALS & The Florida Bar Foundation – Suzanne Van Wyk
- Uniform Rules Ad Hoc Committee -

VI. INFORMATIONAL

A. Section Bylaws

VII. TIME AND PLACE OF NEXT MEETING

- A. Annual Convention & Election of New Officers – June 28, 2019 Boca Raton, FL
- B. New Officers Call July 2019
- C. Fall Meeting & Budget Vote October 2019

VIII. ADJOURNMENT

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Council Members,

Please accept the following financial report in my absence.

Expenses:

- The 2019 Pat Dore Conference
 - o The financials from ticket sales are not available
 - o The cost to host the seminar at Hotel Duval with buffet style catering was \$6,501.20
 - o This seminar was sold out and will be available for aftermarket sales for 18 months
- 2019 Long Range Planning Retreat
 - o The section will likely spend around \$500 to provide the attendees with a dinner Thursday night and a catered breakfast and lunch Friday
- 2019 Annual Convention
 - o The section will carry the cost for the lite refreshments (assortment of cookies and sodas) that will be served during the executive council meeting
 - o The section will spend around \$580 for officer and executive council gifts and around \$200 for section awards.

Revenue:

- Upcoming Advanced Topics Seminar May 31st - First DCA in Tallahassee (there is not a venue cost so the section will see more profit)
- Ongoing Webinar Series for the section which ends April 19th. The product will be available for sale for 18 months after the last webinar.

Statement of Operations Line Item Review:

Investment Allocation – This is a line item we have no control over, and the number varies depending upon the performance of the stock market. Our FY will likely end with significantly less revenue from this line item than budgeted.

In House Printing – This line item shows the charges for the formatting of the newsletter and other graphics created for the section such as flyers and seminar signage.

At Your Service,
Stephen

THE FLORIDA BAR
Administrative Law Section
For the Eight Months Ending Thursday, February 28, 2019

	February	YTD 2019	FY 18-19 Budget	Budget % Utilized
3001-Annual Fees	\$50	\$26,928	\$25,933	103.83%
3002-Affiliate Fees		\$275	\$370	74.32%
Total Fee Revenue	\$50	\$27,203	\$26,303	103.42%
3301-Registration-Live	\$1,845	\$1,915		0.00%
3331-Registration-Ticket			\$2,400	0.00%
Total Registration Revenue	\$1,845	\$1,915	\$2,400	79.79%
3391 Section Profit Spl	(\$9,608)	\$7,273	\$6,300	115.44%
3392-Section Different	\$50	\$1,273	\$2,500	50.93%
Other Event Revenue	(\$9,558)	\$8,546	\$8,800	97.12%
3899-Investment Alloc	\$2,863	\$653	\$10,484	6.23%
Non-Operating Income	\$2,863	\$653	\$10,484	6.23%
Total Revenue	(\$4,800)	\$38,317	\$47,987	79.85%
4133-Internet Service			\$450	0.00%
4134-Web Services			\$2,500	0.00%
4301-Photocopying			\$50	0.00%
4311-Office Supplies			\$50	0.00%
Total Staff & Office Expenses		\$	\$3,050	0.00%
5051-Credit Card Fees	\$36	\$144	\$240	60.03%
5101-Consultants			\$10,000	0.00%
5121-Printing-Outside		\$1,879	\$10,500	17.89%
Total Contract Services	\$36	\$2,023	\$20,740	9.75%

5501-Employee Travel			\$658	0.00%
5531-Board/Off/Memb Travel			\$1,475	0.00%
5599-Other Travel			\$1,000	0.00%
Total Travel	\$	\$	\$3,133	0.00%
6001-Post 1st Class/Bulk			\$75	0.00%
6301-Mtgs TFB Annual Meeting		\$	\$2,500	0.00%
6311-Mtgs General Meeting		\$341	\$300	113.51%
6319-Mtgs Other Functions			\$3,500	0.00%
6401-Speaker Expense			\$100	0.00%
6451-Committee Expense			\$300	0.00%
6599-Brd/Off Other			\$500	0.00%
7001-Grant/Award/Do	\$211	\$2,684	\$4,200	63.90%
7999-Other Operating Exp			\$815	0.00%
Total Other Expense	\$211	\$3,024	\$12,290	24.61%
8021-Section Admin Fe	\$36	\$14,076	\$19,602	71.81%
8101-Printing In-House		\$1,777	\$150	1184.92%
Total Admin & Internal	\$36	\$15,853	\$19,752	80.26%
9692-Transfer Out-Council of Sections		\$300	\$300	100.00%
Total InterFund Transf	\$	\$300	\$300	100.00%
Total Expense	\$284	\$21,200	\$59,265	35.77%
Net Income	(\$5,084)	\$17,117	(\$11,278)	-151.77%
2001-Fund Balance, Beginning		\$206,691		0.00%
Fund Balance, Ending	\$	\$223,808	\$	0.00%



The Florida Bar Board of Governors met on **December 14, 2018**, in Naples, FL. The major actions of the board and reports received included:

The Board of Governors unanimously approved an ethics advisory opinion, Proposed Advisory Opinion 18-1, regarding for-profit qualifying providers, which includes lawyer referral services, and related payment methods. The opinion prohibits qualifying providers from being paid in a manner that constitutes an impermissible division of fees with a non-lawyer. Under the new rule, a qualifying provider is, “any person, group, or persons, associations, organizations or entities that receive any benefit or consideration, monetary or otherwise, for the direct or indirect referral of respective clients to the lawyers or law firm.” The proposed opinion also cites the comment to Rule 4-7.22, “Qualifying Provider Rule,” that became effective in April.

A new Florida Bar member benefits program was approved and will soon be available: TimeSolv, a web-based legal billing, timekeeping and project management solution for law firms. When the agreements have been finalized, these new programs will be listed with the more than 60 other discounted and free Florida Bar member benefits at www.floridabar.org/memberbenefits.

Thirteen legislative positions for The Florida Bar for 2018-20, previously sunset, were approved including support for adequate funding of the state courts system, state attorneys’ offices, public defenders’ offices, court-appointed counsel, and the offices of the clerks of the circuit and county courts performing court-related functions. The legislative position of the Young Lawyers Division opposing term limits

for judges was approved. These positions and current section and committee positions are posted at: www.floridabar.org/legislativeactivity. The 2019 Florida Legislature convenes on March 5.

The Board Review Committee on Professional Ethics reported that it has approved a proposal that would prohibit any advertisements from stating or implying that a lawyer is affiliated with the advertising lawyer or law firm or that misleads a person searching for a particular lawyer or law firm, or for information regarding a particular lawyer or law firm, to unknowingly contact a different lawyer or law firm. This proposal could be before the Board on first reading at the February meeting.

The Board of Governors approved the following appointments:

- Judicial Qualifications Commission, to serve six-year terms commencing January 1, 2019: Mayanne Downs, Orlando, and William J. “Bill” Schifino, Jr., Tampa.
- Florida Rural Legal Services Board of Directors, to serve a 3-year term, commencing January 1, 2019: Ashley Minton, Ft. Pierce.
- Florida Realtor-Attorney Joint Committee, to serve 2-year terms, commencing January 1, 2019: John Redding, Tampa; Thomas Wright, Marathon; S. Brian Bull, Palm Beach Gardens; and, Andrew Fisher, Orlando.

The Board is encouraging Bar members to apply to serve on a Bar committee during the 2019-20 term of President-elect John M. Stewart.

The committee preference forms are available at floridabar.org and are due **no later than January 15, 2019**. President-elect Stewart will make about 500 appointments to more than 70 committees and he wants to make sure he has a diverse group of lawyers on each committee. Florida Bar committees, descriptions and current members can be found on the [Bar’s website](#).

[**Miami attorney Dori Foster-Morales won election without opposition as president-elect designate**](#) of The Florida Bar after election qualifying closed on Dec. 17. She will be sworn in as president-elect in June 2019 when John M. Stewart of Vero Beach becomes president. [**Eighteen incumbent members of The Florida Bar Board of Governors were re-elected to additional two-year terms without opposition and three unopposed candidates will serve as new board members in circuits 11, 13 and 20 circuits. One seat in the 11th Circuit has a contested election;**](#) ballots will be emailed or mailed to eligible voters by March 1 and votes must be received by midnight March 21. New terms will begin on June 28.



REPORT FROM *The Florida Bar Board of Governors*

The Florida Bar Board of Governors met on **February 9, 2019**, in Tallahassee, FL. The major actions of the board and reports received included:

After introducing the new members of the Florida Supreme Court, Justices Barbara Lagoa, Robert Luck and Carlos Muniz, Chief Justice Charles Canady listed the court's legislative priorities for 2019. The court is supporting raising the civil jurisdiction for county courts from \$15,000 to \$25,000, and small claims from \$5,000 to \$8,000, among other recommendations provided in a study by the Workgroup on County Court Jurisdiction. In addition, Justice Canady said that the courts are prioritizing a \$10 million pay increase for recruitment and retention of court workers, targeted at those areas of the state where other governmental agencies are paying more in comparable positions. Read more in [The Florida Bar News](#).

The Board was shown a demonstration of the Bar's newly enhanced, [Lawyer Referral Service website](#). Designed for easier navigation, the service can quickly connect consumers with participating lawyers representing 120 practice areas. For those users in counties with a local bar association lawyer referral service, the user is immediately directed to the local program. The new platform is also easier for attorneys to use, providing members the ability to update their profiles, receive referrals directly to their inbox and features an enhanced reporting and payment system. Visit lrs.floridabar.org to join as a participating lawyer or learn more. See [the full article](#) in the Florida Bar News.

The “#StigmafreeYLD” health and wellness campaign was highlighted for the Board by Young Lawyers Division President Christian George. The first video of the campaign shown to the Board featured Broward County attorney Hillary Cassel describing her mental health challenges during her legal career. The campaign will feature similar videos by other Florida Bar members as well as many other elements

focused on reducing the stigma related to talking about mental health. Take a look at [the front page story](#) in the Florida Bar News for more information.

The Florida Supreme Court is seeking comments from Bar members on a proposed procedural rule on granting parental leave continuances to lawyers expecting or adopting children. Read more about the proposed changes in this [Florida Bar News article](#). An official notice with the revised rule and comment will be published in the March edition of the Bar News.

The 2019 Florida Legislature convenes on March 5. For updates on legislation of interest to the legal profession, the session schedule, links to contact legislators and other information sources, as well as the policies on Florida Bar advocacy and all approved legislative positions, please visit <http://www.floridabar.org/legislativeactivity>.

The annual Pro Bono Awards Ceremony was held on the day before the Board meeting at the Florida Supreme Court. Twenty-two circuit recipients were honored along with a Florida Bar Young Lawyers Division member and all of the recipients of the Chief Justice's annual pro bono awards: the Tobias Simon Award, awards for Distinguished Judicial Service and Distinguished Federal Judicial Service, a Law Firm Commendation and a Voluntary Bar Association. Watch the ceremony on the [Florida Channel](#) or visit [Florida Bar News](#) for full coverage.

SPECIAL APPOINTMENTS FOR MARCH

The Board will be considering nominees for appointment to the:

- Judicial Nominating Commissions (JNCs): One lawyer for each JNC for four-year terms (three names nominated for each seat).
- Statewide JNC for Judges of Compensation Claims for the First, Third and Fifth District Courts of Appeal: Three lawyers for four-year terms.
- Florida Patient's Compensation Fund Board of Governors: One lawyer for a four-year term.

SPECIAL APPOINTMENTS FOR MAY

Applications are open for the following May appointments:

- ABA House of Delegates : Two lawyers for two-year terms. Application deadline 4/5/19.
- Florida Lawyers Assistance, Inc. Board of Dir.: Three lawyers and two nonlawyers for three-year terms. Application deadline 4/5/19.
- Florida Board of Bar Examiners: Two lawyers for five-year terms and one nonlawyer for a three-year term. Application deadline 3/22/19.

Applications can be found on [The Florida Bar website](#).



SAVE ^{THE} DATE!

FRIDAY MAY 31, 2019



Please plan to attend a one-day Advanced Administrative Law Topics Seminar at the First District Court of Appeal in Tallahassee, Florida. Attendees will hear engaging topics, including administrative litigation, appeals, rulemaking, exhaustion of administrative remedies, legislative and uniform rules update and more. The seminar will also comprise a technology CLE credit and an administrative law judge panel. The seminar is co-sponsored by the Administrative Law, Government Lawyer and Environmental & Land Use Law Sections.

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The Administrative Law Long Range Planning Meeting

Friday April 5, 2019 1:00pm

St. George, Island

Issue: The Section's membership is still at a nearly two decade low. The primary goal of this long range plan is to make the necessary investments of time and resources that will eventually lead to sustained growth of the Section's membership.

I. The "From Graduation to Certification" Initiative. This is basically a branding of several endeavors that the Section has already implemented or is in the process of implementing. This is the centerpiece of the long-range plan because the Section's leadership has identified law students and young attorneys as the most likely sources of growth for the Section. These aspects of the Long-Range Plan are intended to appeal to young attorneys and demonstrate to them how membership in the Section will benefit them.

a. Speaker Series at FSU: Build awareness of the Section and Administrative Law by continuing the monthly speaker series at the FSU Law School. Regardless of the topic to be discussed at a particular event, ALWAYS describe what the Section can do for young attorneys and put out a sign-up sheet.

b. DOAH Trial Academy: A week-long program designed to teach litigation skills to young Section members. The faculty will consist of ALJs and distinguished practitioners. The first DOAH Trial Academy is scheduled to occur in September 2019 with 20 young attorneys in attendance.

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c. **Offer Customized CLE Programs to State Agencies:** While the initial DOAH Trial Academy will be limited to 20 Section members, a great deal of the information available via the Trial Academy can also be offered to state agencies via 4 or 8 hour CLE programs customized to the needs of a particular

agency. The Section needs to formulate a way to turn these customized CLE programs into increased Section membership. One possibility would be to have the agency in question pay the Section dues of its attorneys in exchange for the Section producing such a CLE.

On a similar note, the Section should decide whether it wants to revive non-Florida Bar produced CLEs like the Day at DOAH that Christina Shideler used to do.

d. **Provide Administrative Law CLE That Assists Young Attorneys with Satisfying Their Basic**

Skills Requirement: Young attorneys have a difficult time finding CLE in their practice areas that satisfies the Basic Skills requirement. The Young Lawyers Division of the Florida Bar and the Section partnered to produce a successful Administrative Law CLE aimed at satisfying that requirement. Kelly Kibbey, a young attorney whose e-mail to the Board of Governors led to the production of that CLE, has volunteered to put together a similar CLE on an annual basis. This is something else that could be open to members only.

e. **Networking Events:** In addition to helping young members obtain necessary skills, the Section can also help them with networking. We need to continue having social events and (as appropriate) tie those events to some sort of charitable endeavor. These events should be promoted to non-Section members as well in return for the Section getting their contact information. Christina Shideler has agreed to organize monthly or bi-monthly Tables of 8 for the 2019-20 Bar year. They were popular when she initially organized them a few years ago and could serve the dual purpose of giving Executive Council members a way to satisfy the potential new attendance requirement.

f. **Certification:** Now that the SFGAP exam has been re-engineered to be essentially an exam on state administrative law, it should be much more appealing to members of the Section. While it is too late to promote the 2019 edition of the SFGAP exam, the Section should do everything possible to let people know about the 2020 exam, and the Section should strive to have at least 15 people take the

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2020 exam. As time passes, it is reasonable to expect that there will be at least 25 people sit for the exam every year. The Section can turn this into increased membership by offering a CLE geared toward preparing people to take the exam. If the Section can't restrict this course to members, then the Section should look into offering a steep discount to members, or making this course as affordable as possible. In order to get maximum participation, we need to reduce or eliminate any barriers our government attorney members have to pursuing certification.

II. Increased Participation from Current Section Members. In order for the Section to be successful, it needs increased participation from existing members.

a. Attendance at ALS Networking Events: As noted above, networking events are a key aspect of the "Graduation to Certification" Initiative. However, those networking events offer little utility without experienced attorneys being present. Executive Council members shall attend at least two networking events every year that they are on the Executive Council. A potential alternative would be sponsorship of at least one networking event.

b. Annual Plans from Every Committee Chair: In 2018, we had numerous people volunteer for various committees, but those people were not given any work to do. In order to correct this, every committee chair should be required to prepare a plan in advance of the Section's meeting held in conjunction with the Florida Bar Convention. That plan should describe the committee's plans for the next 12 months and how each committee member will contribute over that time frame. For example, the CLE Committee's plan could describe the CLEs that the Section will produce over the ensuing 12 months, and those could include CLEs produced with and without the Florida Bar's participation.

c. Distribute the Work: It is not unusual for 10% of a group's members to do 90% of the work, but it is not a plan for long-term success. Other Section members need to get involved with producing the law school and/or networking events so that there is no interruption of events if one person has to take a step back from Section activities.

III. Increased Promotion of the Section. We must take every opportunity to promote the Section and describe what it can do for members.

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a. **Addition of a General Counsel Liaison:** This calls for having a presently-serving General Counsel communicate with other agency general counsels on the Section's behalf. This should be a primary means of promoting the customized CLEs to state agencies.

b. **Sign-Up Sheets and Outreach:** At events where non-Section members are present, we need to have sign-up sheets out and collect contact information. Then, just prior to the Bar fee statements going out, we could have volunteers (like the people who volunteer for committee work but aren't asked to do anything) contact five people each with talking points about the benefits of Section membership. While this is a very simple thing, it may be the key to increasing the Section's membership. There is an old adage that you don't get someone's business without asking for it.

IV. **The South Florida Chapter:** Everything discussed above should be replicated to some degree by the South Florida Chapter. The South Florida Chapter could use this plan as a template for their own annual plan. The Section should do everything possible to facilitate the South Florida Chapter's success with an eye to creating a Central Florida Chapter at some point.



Administrative Law Newsletter Schedule 2019-2020

September Edition	December Edition	March Edition	June Edition
Articles to Editors: July 12, 2019	Articles to Editors: October 18, 2019	Articles to Editors: January 17, 2019	Articles to Editors: April 17, 2019

If you are interested in writing a feature article or an “Agency Snapshot” please contact Jowanna N. Oates at oates.jowanna@leg.state.fl.us

BYLAWS OF THE ADMINISTRATIVE LAW SECTION

ARTICLE I DESCRIPTION

Section 1. Name. The name is "Administrative Law Section, The Florida Bar."

Section 2. Purposes. The purposes of this section are to provide:

(a) 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) 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, to serve the public and The Florida Bar in interpreting and carrying out the professional needs and objectives in these fields, and to promote and encourage professionalism among its members.

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 will no longer be a member of the section.

Section 2. Administrative Year. The administrative year of the section runs concurrently with the administrative year of The Florida Bar.

Section 3. Annual Dues. The annual dues will be the amount fixed by the executive council and approved by The Florida Bar. After an applicant has become a member, dues are payable in advance of each membership year and will 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. Affiliate Members 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 are members of this section only. Affiliates have all the privileges accorded to members of the section except that affiliates can not vote on any matter or hold any section office. Affiliate members must pay annual dues as determined by the executive council.

(c) Membership Limits and Administrative Expenses. The number of affiliate members must not exceed one-third of the section membership. The section will 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 are a chair, a chair-elect, a secretary and a treasurer.

Section 2. Duties of Officers. The duties of the officers are as follows:

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

(b) Chair-Elect. The chair-elect becomes chair in the event of the death, resignation, or failure of the chair to serve for any reason. The chair-elect serves as acting chair for the duration of the chair's temporary disability or absence. The chair-elect is responsible for other duties designated by the chair. The chair-elect is an ex-officio member of each committee of the section.

(c) Secretary. The secretary is 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 keeps accurate minutes of the proceedings of all meetings of the section and the executive council and furnishes copies of the minutes to the executive director of The Florida Bar and to the section coordinator.

(d) Treasurer. The treasurer serves as liaison to The Florida Bar and other sections on matters involving section finances and has the responsibility of accounting for all funds of the section, approves all disbursements, prepares annual financial statements under the supervision of the executive council, and prepares 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 begins at the conclusion of the next annual meeting of the section after the chair was elected chair-elect and ends at the

conclusion of the next succeeding annual meeting. The chair is automatically succeeded by the chair-elect on expiration of the chair's term.

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

Section 4. Election of Officers. The chair-elect, secretary and treasurer are elected by a plurality of the membership of the section in attendance at its annual meeting. Nominations are 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 will 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. The executive council is the governing body of the section between the annual meetings of the section and is composed of 14 members of the section plus the chair, chair-elect, immediate past chair, secretary, treasurer, chair of the public utilities law committee, and all past chairs of the section. The chair of the public utilities law committee and all other past chairs of the section are ex-officio members. As ex-officio members, the chair of the public utilities law committee and all past chairs have the same rights, privileges, and obligations as any other member of the executive council, except the attendance requirement set forth in these bylaws. Past chairs become permanent members automatically on expiration of their term on the executive council. If the term of chair-elect or chair of the executive council expires before completion of service on the executive council as enumerated in these bylaws, that officer will be an additional member of the executive council for that period of time. The chair of the section is the chair of the executive council and the secretary of the section is the secretary of the executive council. The executive council has general supervision and control of the affairs of the section, subject to the provisions of the Rules Regulating The Florida Bar and the bylaws of this section. It authorizes all commitments or contracts which entail the payment of money and the expenditures of all section funds. It will not 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 is vested with the power and authority to determine matters of policy concerning the affairs and purposes of the section. 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 must have the prior approval of The Florida Bar.

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

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

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

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

ARTICLE V MEETINGS

Section 1. Meetings of the Membership.

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

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

Section 2. Meetings of the Executive Council.

(a) The executive council will meet at least 3 times each year, 1 of which is held in conjunction with the annual convention of The Florida Bar.

(b) Regular meetings of the executive council are called by the chair of the section with 15 days' written notice to the members of the executive council.

(c) Special meetings of the executive council are called by the chair of the section with 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 must conduct its business at regular and special meetings as provided for in these bylaws; except that the business of the executive council between regular meetings may be conducted by correspondence as authorized by the chair. Meetings may be held by telephonic or electronic means.

(e) Those participating in a meeting or in transacting business by correspondence as authorized above constitute a quorum and majority vote of those participating is 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 is deemed vacant and is filled as provided in these bylaws.

ARTICLE VI COMMITTEES

Section 1. The permanent, standing committees within the section are:

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

(b) **Long Range Planning Committee.** The long range planning committee develops long-range goals for the section, reviews the present activities of the section and submits reports and recommendations to the executive council for adoption. The long range planning committee is composed of the chair-elect of the section and other persons the chair appoints.

(c) **Legislative Committee.** The legislative committee is composed of 3 members appointed by the section chair who also appoints the chair of the committee.

(1) *Legislative Positions.* The legislative committee makes recommendations to the executive council regarding requests for the section to adopt a legislative position. Recommendations 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 consults with the chair and, if available, the chair-elect of the section. The chair of the committee may then act on 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 notifies all members of the executive council of action taken as soon as it is reasonably possible to do so.

(d) **Publications Committee.** The publications committee is composed of the chair of the committee, 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 appoints the chair of the committee each year. The chair of the committee appoints 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 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 section's newsletter must provide space to the committee to feature the committee's own column for matters of special interest to section members.

(f) Law School Outreach Committee. The law school outreach committee is composed of members appointed by the chair. The committee coordinates 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. The nominating committee is composed of 3 executive council members appointed by the chair to 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. Consideration for re-appointment of any executive council member will be based on that member's contributions to the executive council during the term that is about to expire. The nominating committee is also responsible for the selection and criteria of any award or recognition authorized by the executive council. Nominations for awards or other recognition may come from any member of the executive council and may be solicited from the members of the section by the committee.

(h) Young Lawyers Committee. The young lawyers committee is composed of members appointed by the chair. The committee is responsible for cultivating interest in the section among young lawyers (those under the age of 36 and those who have been a member of the Bar for 5 years or less) and planning, organizing, and promoting section activities and benefits specifically designed for young lawyers. The goal of the committee is to help increase the section's membership by encouraging young lawyers to join the section and to cultivate the next generation of executive council members and officers by encouraging young lawyers to get involved in the activities of the section.

(i) Technology Committee. The technology committee is composed of members appointed by the chair. The committee is responsible for the design and content of the section's website as well as any social media platforms the section decides to participate in. The goal of the committee is to promote the section through various technological platforms, use those platforms to communicate with the section's membership, keep the section's membership informed of the section's activities, and alert the section's membership of news that affects the practice of administrative law.

Section 2. Ad Hoc Committees. The chair establishes ad hoc committees as the need arises.

ARTICLE VII MISCELLANEOUS

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

Section 2. No action of any member or committee of the section will be represented as the action or position of the section except as otherwise provided in these bylaws.

Section 3. Financial Obligations. All financial obligations must be approved in the manner specified by the executive council before payment.

Section 4. Compensation and Expenses. No salary or other compensation will 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 these 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. The section may take no action contrary to the policies of The Florida Bar.