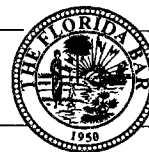




Administrative Law Section



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(850)907-2507

CHAIR-ELECT:

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(850)425-6654

SECRETARY:

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EXECUTIVE COUNCIL:

Terms Expiring 2008:

F. Scott Boyd
Tallahassee
Clark R. Jennings
Tallahassee
Deborah K. Kearney
Tallahassee
Bruce D. Lamb
Tampa
Wellington H. Meffert
Tallahassee
Shaw P. Stiller
Tallahassee
T. Kent Wetherell, II
Tallahassee

Terms Expiring 2009:

Donna E. Blanton
Tallahassee
Allen R. Grossman
Tallahassee
Lisa S. Nelson
Tallahassee
Daniel E. Nordby
Tallahassee
Linda M. Rigot
Tallahassee
W. David Watkins
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

June 20, 2008

Boca Raton Resort & Club

AGENDA

- I. CALL TO ORDER – Andy Bertron, Chair
- II. PRELIMINARY MATTERS
 - A. Consideration of Minutes
 1. February 21, 2008
 2. February 22, 2008 (LRP Retreat)
 3. March 12, 2008 (Conference Call)
 - B. Treasurer's Report – Cathy M. Sellers
 1. 6/10/08 Detail Statement of Operations
 - C. Chair's Report – J. Andrew Bertron, Jr.
 1. ABA Section on Administrative Law and Regulatory Practice
 - a. State Administrative Law Committee Update and Survey
 2. Lawyer Advertising Rules
- III. COMMITTEE/LIAISON REPORTS
 - A. Continuing Legal Education – F. Scott Boyd
 1. Pat Dore Conference – Seann M. Frazier
 - B. Publications – Elizabeth W. McArthur
 1. Newsletter – Donna E. Blanton
 - a. Agency Snapshots – Amy W. Schrader
 2. TFB Journal – Deborah K. Kearney
 - C. Legislative – Wellington H. Meffert/Linda M. Rigot/ William E. Williams
 - D. Public Utilities Law – Michael G. Cooke
 - E. Membership – T. Kent Wetherell, II
 - F. Webpage – Daniel E. Nordby
 - G. Uniform Rules of Procedure – Linda M. Rigot
 - H. Board of Governors Liaison – Lawrence E. Sellers, Jr.
 1. Meeting Summary – May 30, 2008
 - I. Law School Liaison – Bruce D. Lamb
 - J. CLE Committee Liaison – M. Catherine Lannon
 - K. Council of Sections – Allen R. Grossman/Clark R. Jennings
 - L. Section/Division Liaison
 1. Environmental and Land Use Law – Cathy M. Sellers
 2. Health Law – Allen R. Grossman
 3. YLD Liaison – Rhonda Chung-DeCambre Stroman
 - M. DOAH Update – Lisa S. Nelson/Linda M. Rigot/T. Kent Wetherell, II

- IV. OLD BUSINESS
 - A. Proposed Revisions to Appellate Rules
- V. NEW BUSINESS
 - A. Section Officer/Executive Council Election
 - 1. Nominating Committee Recommendations
 - B. 2008-10 Biennium Legislative Positions
 - 1. Rollover of Section Positions 6 & 7
 - C. Live Webcast of CLE Programs
 - D. APD Pro Bono/Training Project
- VI. INFORMATIONAL
 - A. Executive Council List
 - B. 2008-09 Committee List
 - C. Section Leadership Conference – July 11, 2008
- VII. FINAL REMARKS & PRESENTATION OF AWARDS — Outgoing Chair
- VIII. PROGRAM OUTLINE & CLOSING COMMENTS — Incoming Chair
- IX. TIME AND PLACE OF NEXT MEETING
 - Fall 2008 – Tallahassee
- X. ADJOURNMENT

	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
Administrative Law				
31431 Section Dues	0	28,045	27,500	101.98
31432 Affilliate Dues	0	100	50	200.00
31433 Admin Fee to TFB	0	(20,464)	(19,290)	106.09
-----	-----	-----	-----	-----
Total Dues Income-Net	0	7,681	8,260	92.99
-----	-----	-----	-----	-----
32012 Sct Share Online CLE	0	0	700	0.00
32191 CLE Courses	383	6,418	5,000	128.36
32293 Section Differential	17	2,576	0	*
35700 Member Service Progr	0	2,550	5,000	51.00
38499 Investment Allocatio	0	6,705	12,106	55.39
39999 Miscellaneous	0	0	150	0.00
-----	-----	-----	-----	-----
Other Income	400	18,249	22,956	79.50
-----	-----	-----	-----	-----
Total Revenues	400	25,930	31,216	83.07
-----	-----	-----	-----	-----
36998 Credit Card Fees	0	37	0	*
51101 Employee Travel	0	1,138	1,306	87.14
84001 Postage	2	62	208	29.81
002 Printing	0	82	2,808	2.92
003 Officers Office Expe	0	0	500	0.00
84006 Newsletter	0	3,811	3,000	127.03
84007 Membership	0	0	500	0.00
84009 Supplies	0	0	50	0.00
84010 Photocopying	0	31	156	19.87
84051 Officers Travel Expe	0	450	2,500	18.00
84052 Meeting Travel Expen	0	1,050	3,000	35.00
84054 CLE Speaker Expense	0	0	100	0.00
84101 Committee Expenses	0	0	500	0.00
84201 Board Or Council Mee	0	333	600	55.50
84202 Annual Meeting	0	0	1,950	0.00
84205 Section Service Prog	0	222	5,000	4.44
84209 Retreat	0	2,500	4,500	55.56
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	235	3,000	7.83
84501 Legislative Consulta	0	0	5,000	0.00
84701 Council Of Sections	0	300	300	100.00
84998 Operating Reserve	0	0	4,338	0.00
84999 Miscellaneous	34	266	500	53.20
-----	-----	-----	-----	-----
Total Operating Expenses	36	10,517	45,816	22.95
-----	-----	-----	-----	-----
86431 Meetings Administrat	0	75	32	234.38
543 Graphics & Art	122	2,469	1,870	132.03

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	May 2008 Actuals	YTD 07-08 Actuals	Budget	Percent Budget
Administrative Law	-----	-----	-----	-----
Total TFB Support Services	122	2,544	1,902	133.75
	-----	-----	-----	-----
Total Expenses	158	13,061	47,718	27.37
	-----	-----	-----	-----
Net Operations	242	12,869	(16,502)	(77.98)
	-----	-----	-----	-----
21001 Fund Balance	0	199,292	172,945	115.23
	-----	-----	-----	-----
Total Current Fund Balance	242	212,161	156,443	135.62
	-----	-----	-----	-----

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To: Members of State Administrative Law Committee of the ABA Section
on Administrative Law and Regulatory Practice

From: Cynthia Baker and Edward J. Schoenbaum, Co-Chairs

Re: Current and Future Activities

Date: April 4, 2008

Greetings from the co-chairs. We are delighted that you have signed up for this important committee. We want your input on projects that we should undertake this year and further into the future. We are asking you to submit ideas on what our committee or subcommittees should be working on this year.

I would ask each of you to please keep us in mind for short articles on administrative law developments in your state for the State Developments portion of the Section's Newsletter. We're looking for news on judicial, legislative, or administrative decisions that would be interesting to our members outside your state. Please email your articles to Ed. If there's more than one of you from a state (which is likely since we have 112 members), please don't rely on the other person from your State to inform us of developments. The next deadline is May 15, 2008 .

The National Conference of Commissioners on Uniform State Laws (NCCUSL), recently renamed Uniform Law Commission (ULC) is working on a revised Model State Administrative Procedure Act. The revised act would replace the 1981 Model Act and is intended to be a simpler, more streamlined approach than was taken in 1981. Hopefully, it would be adopted in more states than the 1981 version. Lane Kneedler, my co-chair from last year, is a member of the NCCUSL drafting committee which is headed by Fran Pavetti. John Gedid of Widener Law School was the reporter until he had some health problems and Professor Gregory Ogden of Pepperdine has taken over. Fortunately, John, a member of our State Administrative Law Committee, is still serving on the Drafting Committee. If you're interested in learning more about the Model State APA drafts are available. We encourage you to check out the progress of this important State administrative law development and also give your input. The most recent draft is at http://www.law.upenn.edu/bll/archives/ulc/msapa/2007nov_clean.htm [.]
If you have any comments please send them to Professor Gregory Ogden, at Gregory.Ogden@pepperdine.edu, Professor Ron Levin, levin@wulaw.wustl.edu, the ABA Advisor, and to Judge Schoenbaum at JudgeEdS@gmail.com.

Additionally, Ed developed a brief survey in 2002, to learn how administrative adjudication was seen by the administrative judiciary in the various States. We are attaching a modified survey in both WordPerfect and Word, and hope many of you will fill it in and return it to him at JudgeEdS@gmail.com. It should only take five to ten minutes of your valuable time. The best way to do it is copy paste into your word processing program and fill it out and return it as an attachment.

Between April 1 and June 30, 2008, the State Administrative Law Committee of the Administrative Law and Regulatory Practice Section, the National Conference of Administrative Law Judiciary of the Judicial Division of the American Bar Association, and the National Association of Administrative Law Judiciary are conducting a national survey on administrative adjudication. We seek input from members of the

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Committee, various state bar association administrative law sections, committees on public law, government lawyers, academicians, and private practitioners.

Would you please take a few minutes of your valuable time to complete the survey? The results of this national survey will be compiled, analyzed, and a report will be sent to all who respond.

Thanks! We are confident that the results will give our committee direction on how to focus our efforts. If you are interested in working on analyzing the results and/or writing an article, please let us know, by dropping us an e-mail.

In the past, our committee has not participated in the annual developments book of the Section, but if enough of you think the committee should do a chapter on developments in State Administrative Law, please let Cynthia Baker cabaker@iupui.edu know if you are interested in volunteering for this project. We need volunteers, who are willing to tackle any of the work that is suggested.

We look forward to working with you and accomplishing a great deal for improving State Administrative Law.

Prof. Cynthia Anne Baker
Indiana University School of Law
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Indianapolis, IN 46202-3225
317 278-2357 Fax 317 274-0455
cabaker@iupui.edu

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1108 South Grand West
Springfield, IL 62704-3553
217 546-4897
JudgeEdS@gmail.com

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SURVEY ON STATE ADMINISTRATIVE LAW

_____ Name _____ State
____ Academician ____ Administrative Adjudicator ____ Government Attorney
____ Judicial Branch Judge ____ In-House Counsel ____ Private Practitioner
____ Other - Please specify _____

On behalf of ____ section, ____ committee, ____ self _____
Address: _____
Phone Number: _____ Fax Number _____
E-mail address: _____ Web site for your section or committee _____

I would be willing to work with the chair of a sub-committee on: (Please check)

____ Adjudication	____ Legislation
____ Central Hearing Agencies	____ Model State APA
____ Other _____	____ Rules

Please specify

Our State Bar has a Section on Administrative Law ____ Yes, ____ No,
Best Website address _____ for administrative law activities in my State

Chair _____	e-mail address _____
Chair-elect _____	e-mail address _____

1. What are the five most serious problems facing the administrative judiciary in your state?
Please rank order 5=most 0=least use blank lines for other problems or to explain your problem in more detail. If so, use same number on line below.

- ____ Budgetary
- ____ Low salaries
- ____ Interference with Judicial independence
- ____ Training needs
- ____ Trust & Respect from agencies, bar and/or public
- ____ Varying administrative procedures
- ____ Caseload - timeliness pressures
- ____ Substantive failure of existing administrative procedures
- ____
- ____

2. What are the five most noteworthy accomplishments in administrative adjudication in your state in the last five years? Please rank order 5=greatest 0= least

- ____ Increased productivity / more efficient and effective use of resources
- ____ Establishment or expansion of central hearing agency
- ____ Use of technology
- ____ Staffing improvements

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- ___ Improving rules of procedure
- ___ Salary improvements
- ___ Improvements to facilities
- ___ Implementation of mediation
- ___ Cross training
- ___ Better decisions
- ___ Quality of Administrative Law Judges

3. Improvements or projects our state bar is presently working on in the administrative law realm.
Please rank order in importance. 5=most 0=least

- ___ Computerizing case management
- ___ Expanding other technology, video, telephone hearings and/or website
- ___ Improving low salaries
- ___ Improving Training
- ___ Expanding central hearing agency jurisdiction
- ___ Adopting central hearing agency
- ___ Developing Public Trust & Confidence
- ___ Joint efforts ALJs & bar association to improving administrative law
- ___ Improving case management process & procedure

4. If yours is not a central panel state, are there formal or informal efforts underway now to adopt the central panel approach to administrative hearings in your state? _____. If so, would you please describe the type of efforts and the status of the efforts to create or enhance the central panel approach:

5. What training opportunities are available to Administrative Law Judges in your state?

6. How can the ABA's Administrative Law & Regulatory Practice Section, NCALJ and NAALJ help you or your state as you work to improve Administrative Law?

Please rank order again 5 most 1 least.

- ___ Provide more training
- ___ Provide publication/ information on activities in other states
- ___ Carry our message to the judicial, legislature, executive & the public
- ___ Provide help on improving salaries for ALJs
- ___ Assist in establishing a central hearing agency

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- ___ Encourage highest standards possible
- ___ Provide help in developing model forms, etc.
- ___ Promote excellence in due process adjudications
- ___ Support budgetary increases or realistic caseloads

7. Suppose an agency in your state wishes to issue an interpretive ruling that applies an ambiguous statute to hypothetical facts. Is the agency required to adopt the ruling by first conducting notice and comment proceedings under the state's APA? ___ Yes ___ No. If so, do agencies try to circumvent this requirement? ___ Yes ___ No. How do they do it?

8. Please attach a bibliography or articles written about Administrative Adjudication in your state. If you have a newsletter or annual report, please send an electronic copy or hard copy.

9. Are you aware of the ABA's Administrative Procedure Database? (on the World Wide Web at <http://www.law.fsu.edu/library/admin/> and it has data from the states about administrative law and procedure.) ___ Yes ___ No

If you are aware of this website, have you ever used it? (If so, for what purposes?)

You can find the actual documents (or links to the documents) referred to on the website. These will inform you of accomplishments and projects to improve administrative adjudication. Do you have any suggestions for making the website more useful? ___ Yes ___ No

10. Are you aware of the Symposium issue of the Administrative Law Review devoted to State Administrative Law that was published by the ABA-Administrative Law Section Spring 2001. ___ Yes ___ No

11. Are you aware of the Journal of the National Association of Administrative Law Judges ?
___ Yes ___ No <http://www.naalj.org/>

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The Florida Bar

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

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March 3, 2008

Mr. James Andrew Bertron, Jr., Chair
Administrative Law Section
Sutherland Asbill & Brennan, LLP
3600 Maclay Blvd. S., Ste. 202
Tallahassee, FL 32312-1267

Re: Lawyer Advertising Rules

Dear Mr. Bertron:

I write as the chair of the Board of Governors Review Committee on Professional Ethics (committee) regarding specific lawyer advertising rules.

The Florida Bar asked the Supreme Court of Florida to amend the lawyer advertising rules. Among the changes requested by the bar were amendments that would specifically exempt lawyer to lawyer communications as well as communications between lawyers and their own past and current clients from application of the lawyer advertising rules. The Court declined to do so at this time, but invited the bar to provide further support for the bar's position at a later time. *Amendments to Rules Regulating The Florida Bar - Advertising*, 971 So. 2d 763 (Fla. 2007 Case No. SC05-2194). In its order, the court stated as follows:

The Bar proposed several amendments to rule 4-7.1 (General), including adding subdivisions that would exempt certain areas from the advertising rules. The proposed exemptions included, along with other areas, communications with family members, communications between lawyers, and communications with current and former clients. We adopt the exemption in respect to communications with family members. We request further information from the Bar as to why communications between lawyers, and communications with current and former clients, should be exempted from the advertising rules, including any research or evidence supporting such exemptions. We defer adoption of those two exemptions at this time.

The committee intends to provide additional information to the court and will be conducting a survey of bar members. The committee hopes that a survey will provide information about member opinion regarding application of the advertising rules to these types of communications and information from members regarding whether members have received such communications, whether such communications should be subject to the attorney advertising rules, and whether Florida Bar member recipients of communications from other lawyers had ever been misled by such communications. That information would be provided to the court in support of the original rules amendments proposals, which would be submitted to the court with the survey and any other supporting information available.

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THE FLORIDA BAR

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March 3, 2008

In addition to the survey, the committee welcomes comments from any group, organization or individual. Please disseminate this information to your members so that they may comment, whether or not you decide to respond as an organization. The committee encourages interested persons to contact Elizabeth Clark Tarbert, Ethics Counsel, at the address above with any comments they have.

Thank you for your assistance with the committee's work.

Sincerely,



Jennifer R. Coberly

Chair, Board Review Committee on Professional Ethics

JRC/ET:ssM1

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BOARD OF GOVERNORS

May 30, 2008

The Board of Governors met on May 30 in Key West. Here are some of the highlights of our meeting:

The Board approved the Bar's 2008-09 budget. Good news: no dues increase!

The Board heard a report about budget cuts and anticipated layoffs of court personnel, and we briefly discussed plans to find a dedicated and trust-funded source of revenues as part of an effort to ensure adequate funding for the court system in the future.

The Board Review Committee on Professional Ethics reported on a proposed ethics opinion on off-shoring paralegal work. In response to an issue raised by lawyers who submitted comments, the committee has asked that additional language (which suggests notifying the opposing party if case work will be sent offshore) be prepared for its review. This proposal likely will be ready for consideration at our next Board meeting.

The Board also considered a proposed new Rule of Judicial Administration that brings the rules into compliance with the Americans with Disabilities Act by requiring reasonable accommodations for the disabled users of the court system – including lawyers. The proposed rule now goes to the Supreme Court for final approval.

The Board also approved and sent to the Supreme Court several proposed rule changes dealing with candor toward the tribunal, Bar disciplinary procedures for judges who are removed from the bench by the Supreme Court, lawyers who fail to respond to Bar inquiries on grievance matters, prohibiting direct mail solicitations to respondents of domestic violence restraining orders, and other matters.

The Board approved nominations for upcoming vacancies on the 26 judicial nominating commissions, including the nominating commissions for your circuit, DCA and Supreme Court. The Bar transmits three nominations for each JNC vacancy, with Gov. Charlie Crist making the final appointment. Thanks to all of you who volunteered to serve in this capacity. By the way, the Governor also fills another vacancy on each JNC from applications submitted directly to his office, so feel free to apply there, too.

In addition to the JNC nominations, the Board also made a number of appointments to the ABA House of Delegates, legal aid boards, and related legal entities.. We appreciate the volunteer service of our lawyers, and we encourage you to keep an eye on the Bar's home page for upcoming appointments.

Our next meeting is scheduled for July 24-25. In the meantime, please contact us if you have questions or we may be of any service.

Larry Sellers

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MINUTES OF THE COUNCIL OF SECTIONS
GENERAL MEETING OF SEPTEMBER 8, 2007
TAMPA AIRPORT MARRIOTT - TAMPA, FLORIDA

Call to Order

The Council of Sections of The Florida Bar met on September 8, 2007 in Tampa, Florida in conjunction with the General Meeting of the Sections of The Florida Bar. Joe Schimmel called the meeting to order at approximately 9:10 a.m. Council of Sections representatives in attendance were:

Joseph Barry Schimmel
Allen R. Grossman
E. Duffy Myrtetus
K. Kaye Collie

Harold E. Kaplan
Ed Sawyer
Sandra F. Diamond
Stephen A. Meek
Jewel White Cole
Robert Krauss
Damon Kitchen
Diane M. Kirigin
Allyson Hughes
Marsha Rydberg
Damon Glisson
Jack Merritt
Linda Chamberlin
L. Donald Murrell, Jr.
Julee L. Milham
Mary Helen Farris
Tuwana McMillen
Dorothy Easley
Paul H. Chipok

Council Chair, Tax Law
Council Chair-Elect, Health Law
Council Secretary, Out of State Practitioners
Council Treasurer, City, County and Local
Government
Health Law
Tax Law
Real Property, Probate & Trust Law
Labor & Employment Law
Young Lawyers Division
Government Lawyer
Labor & Employment
Family Law
Family Law
Business Law
General Practice, Solo & Small Firm
General Practice, Solo & Small Firm
Elder Law
Criminal Law
Entertainment, Art & Sports Law
City, County and Local Government
Workers' Compensation
Appellate Practice
Environmental and Land Use Law

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Representatives of The Florida Bar in attendance were:

Francisco R. Angones	President
John G. White, III	President-Elect
Laird A. Lile	BOG Liaison
John F. Harkness, Jr.	Executive Director
Terry L. Hill	Section Administrator/Member Benefits
Allen Martin	
Yvonne Sherron	Director Professional Development
Jewell White Cole	President-Elect, YLD

Introductions

Joe Schimmel introduced the various representatives of The Florida Bar who were in attendance including President Angones, President-Elect White, Jack Harkness, Terry Hill, and Allen Martin.

Bar President's Remarks

President Angones introduced Laird Lile to the Council as the Council's liaison to the Board of Governors. He indicated that Mr. Lile was making the transition from the Real Property, Trust and Probate Law Section to his new role with the Council. President Angones assured the Council that Mr. Lile would be an effective liaison to the BOG. Mr. Schimmel noted that Mr. Lile is a Council success story in that his Council of Sections experience led in part to his BOG involvement.

President Angones also commended the Council to remember that the Council members are together as a unified integrated Bar, recognizing that the Sections operate independently. Although the Sections and Divisions operate for their members, the Bar wants to support the Sections and Divisions in those efforts.

President-elect White echoed the Bar's ongoing support for the Council and offered his assistance to Council members in any way needed. He indicated that he looks forward to working with the Council as his term approaches.

Approval of Minutes

Secretary Myrtetus presented the Minutes of the Council's June 30, 2007, meeting. The Minutes were approved with minor changes.

Old Business

Mr. Schimmel asked for an updated report on general Section finances in conjunction with the new allocation and reporting scheme being instituted. Allen Martin from the Bar indicated that he did not have a formal report, but did make reference to the attachment with the

Council Agenda titled: "*The Florida Bar Cost Allocation System*," which was summarized. He indicated that the process of fully implementing the new system has been challenging. The Bar has been a little behind in processing close-outs monthly; but, this reporting function will catch up. Mr. Martin also stated that the June audit did reveal certain calculating errors; but, adjustments are being made. He concluded by stating that most Sections fared better financially under the new system and realized more revenue, but not all Sections did.

Ms. Sherron requested a narrative description of the cost allocations. With this year's history, the Bar will utilize these records prospectively.

Mr. Schimmel noted that the budget numbers provided with the Council agenda were calculated through June 30, 2007 only. Changes will need to be made to these figures; but, it does not appear that changes will be adverse. Adjustments anticipated all appear to reflect more money being remitted back to the Sections.

Mr. Schimmel and Mr. Grossman asked several questions of Mr. Martin and others about the application of the new system to all Sections. In particular, Mr. Grossman requested a summary of the overall financial experience by the Sections.

Mr. Harkness mentioned that the RPPTL experience has been a good one, which maximizes the benefits of the new budget scheme. This past year, the Sections in the aggregate put a total of \$1,000,000 into the Section reserve. Overall delivery of CLE has improved and has been more profitable for the Sections.

Mr. Grossman asked about the costs of media production and related cost allocations. Allen Martin responded that last year was a CLE revenue "bonanza;" but, he is cautious about future budgeting profiles. Mr. Harkness advises that he wants to set reasonable budget targets with an eye towards facilitating the pass-through back to the Sections.

Financial Report

Mr. Schimmel announced that there was no Treasurer's Report since the financials required additional adjustment. Mr. Martin will provide updated corrected financial information for the Sections and Council in advance of the Mid-year meeting. Mr. Schimmel indicated that Council should keep the emphasis upon the Sections, as Council status is largely unaffected by the new allocation system.

CLE Report

Mr. Schimmel confirmed that most Sections had productive and profitable years in terms of CLE presentations and revenue. He asked Mr. Martin whether any specific trends were noted. Mr. Martin stated that while the performance of most Sections has been good, the Bar was taking a wait and see approach as to overall trends. Ms. Sherron stated the principal difference this year has been that the Sections that lost money knew in advance and were able to make informed decisions.

Mr. Grossman stated that the financial reports show a significant increase to \$919,000 from the 5-year average CLE earnings of \$390,755. He asked whether the Council should be concerned about the impact and potential adverse results. He noted that the vast majority of Sections benefited, but suggested that Council monitor these developments to ensure that we are helping all Sections be profitable. Based upon the 5 year projections, 11 Sections had increases in CLE revenue, and roughly 11 had decreases.

Section Leadership Conference:

Mr. Schimmel discussed the Bar sponsored leadership conference in Tallahassee, scheduled for July 10-11. He asked that all Section leaders consider this unique opportunity to learn about the Bar and Bar leadership positions. The evening of the 10th includes a tour of the Bar and dinner. The 11th includes conferences on CLE, budgeting, lobbying, etc. – and this year will include some discussions about how to increase Section membership. He asked that the Sections leaders encourage their Treasurers to attend, given the new revenue sharing & cost allocation as well as the increasing importance of CLE.

Mr. Schimmel advised that the Council might consider spending some time to discuss marketing of Section memberships. We might possibly consider an outside sponsor to make a presentation about effective ways to enlarge membership. He asked for a show of hands for support of the initiative.

Harold Kaplan said that he thought the Council should be very careful about selecting a person or company to make such a presentation. Mr. Schimmel stated that the Sections are comprised of voluntary membership – it might be good to consider ways to get new members to join. Mr. Lile suggested that membership committee or membership development groups at the Section level might collaborate on a presentation.

Mr. Schimmel stated that the fluctuation in Section memberships may present an opportunity for us all to review what it is we do attract our members, especially where overall Bar membership numbers are increasing.

Dorothy Easley of the Appellate Section said that her Section was feeling the financial squeeze, and needs to attract new members. They are considering how to partner with other Sections to do so. She asked about the percentage of costs borne by the Sections. Mr. Martin responded that allocation is all a function of costs – the cost allocations exhibit in the Agenda materials was written as to CLE administration and costs; but, the methodology applies generally.

BLSE Report

No BLSE Report was given.

Young Lawyers Division

Mr. Schimmel asked Jewel White Cole whether YLD liaisons had been assigned to the Sections. Ms. Cole stated that Scott Atwood had undertaken the process of making assignments – she was not certain if all assignments had been made. YLD is working on programs to determine how to best partner with the Sections.

Mr. Schimmel said that he thought it was important that the YLD representatives be in contact with the Council in order to identify and help support future Bar leaders. He suggested trying to complete such assignments sooner rather than later as the year is progressing quickly.

President Angones reminded Council that BOG liaisons to each of the Sections had been made. He asked that Section representatives contact him with any questions, or if there were any problems

Ms. Cole stated that the Basic Skills course is offered throughout the year – YLD is currently planning the Oct. and Nov. programs. Committee Chairs will be contacting Section leadership about possible speakers. Program venues will be using certain less well traveled locations.

She also stated that the YLD wants to partner with the Sections on CLE programming. They need good speakers and input on good speakers. Scott Atwood and Ms. Cole will handle the contacts for liaisons, etc. In conjunction with programming for their presentations, she emphasized that YLD needs good and diverse speaker perspectives (big firm, small firm, etc.).

President Angones stated that at the last Section Leadership Conference, it was noted that young lawyers should be included in panels and committees to help diversify the Sections and Bar leadership.

Section Updates

City, County and Local Government Law Section: Mary Helen Farris and Kay Collie discussed a project to reach out to local high school students to provide an opportunity to expose students to a working law firm. They hope to obtain a matching grant to start this program.

Entertainment, Arts, and Sports Law Section: Julee Milham discussed the Section's annual program scheduled for Puerto Rico in conjunction with the meeting of the Intellectual Property Section of the Georgia Bar. The annual program will include combined CLE programs.

This Section's midyear program will be held with the American Bar Association on intellectual property issues. The Section is attempting to start a certification program for intellectual property lawyers. This initiative includes a sports program with Nova University and a trademark program in Orlando as new projects.

The Section will also hold an annual symposium at the Diplomat Hotel. Gloria Estefan will be honored. The Section tries to honor a Florida recipient in the entertainment industry. The

Section's annual retreat will be held on Memorial Day at a South Florida location and will include CLE opportunities.

Business Law Section: Marsha Ryberg had to leave for another Bar program.

Criminal Law: Donnie Murrell mentioned that this Section had had very good success with its BOG liaison, David Rothman. They feel fortunate to have worked with David and have experienced success in working with the BOG. The Section has approached the Florida Bar Foundation about a trial training seminar for prosecutors and Public Defenders. The program would be approximately one week long on trial practice administered around the state. The Section has struggled to find the necessary funds to develop this program. Mr. Rothman has helped obtain a grant for the program plus matching funds. In this regard, the Section feels its BOG liaison has been enormously helpful. Mr. Angones echoed the general good work of BOG liaisons.

Mr. White asked if the grant was a one time opportunity. Mr. Murrell stated that the grant was a one time lump sum; but, the Section may potentially obtain more funding if matching funds are obtained. They will continue to look at how to make the program more efficient as it is one of the only such programs in the nation, where prosecutors and Public Defenders train together.

The Section's Presidential Showcase CLE was a round table discussion at the Annual Meeting on issues relating to criminal law. This CLE program was big success for the Section.

Mr. Murrell also summarized some of the Article 5 funding revisions and their impact generally on changes to the criminal justice system. He suggested there may be looming crisis coming. The newly created Office of Conflict Counsel is based upon the various District Court of Appeal jurisdictions. It is expected to represent every indigent defendant from Tallahassee to Marion County. This is potentially a second class of indigent defendants; and, the program potentially may be a disaster. The Section started an Oversight Community to monitor the administration of this new program. They will carefully monitor the Office of Conflict Counsel.

Mr. Murrell also stated that losing Connie Stewart at the Bar as their program administrator was a real concern for the Section. Connie had been the Section program administrator with the Bar for 30 years.

Mr. Angones echoed that the Office of Conflict Counsel is a matter that the Bar will monitor as a potential pretrial minefield with constitutional issues. Mr. White asked if the concerns related to funding issues; and, Mr. Murrell responded yes.

Health Law: Mr. Kaplan stated that the Section had recently lost their program administrator with the Bar. The Section believes the change in program administrator has gone relatively well. Mr. Angones acknowledged Mr. Kaplan and Mr. Grossman on the Florida Medical Association program as a very important initiative for the Florida Bar. Mr. Grossman stated that a joint committee was formed a year ago to help the FMA and Health Law Section to interact and collaborate more. A national summit is planned in Florida to discuss how to manage

issues related to impaired physicians. Per Mr. Angones, this is a high profile and important initiative, where the Section has been very effective.

Environmental and Land Use Law: Mr. Chipok advised that the Section intended to undertake long range planning in July. This Section has also started some new substantive law committees to use as a planning tool and to form ideas for CLE opportunities. One issue is how to obtain more members and develop Section leaders. The Section offered a free lunch at meetings conducted with CLE presentations. This was an effective change. Additionally, the Section has continued efforts to sponsor minority fellowships with the American Bar Association. They expect to have two (2) such sponsored fellowships this year.

Real Property, Probate and Trust Law: Mrs. Diamond noted that Terry Hall had left as the Section's program administrator. She also stated that this year's CLE performance appears to be an anomaly – it included a diverse substantive range with many disciplines and various topics. The Section offered eight (8) CLE programs this year. Last year, CLE efforts focused largely on amendments to the Florida Trust Code with approximately \$100,000 of revenue tagged to this single CLE topic. The Section is gearing up for legislative issues and has been very active in lobbying with its team of lobbyists in Tallahassee. The Section will be working on legislative session initiatives over the summer.

Elder Law: Mrs. Chamberlain reported on the Section's long range planning meeting. This year's focus will be on orientation, training for new officers, and committee chairs. The Section hopes to also reach out to law schools in an effort to pursue new membership. The Section is actively involved with the Department of Family and Children in conjunction with the Deficit Reduction Act of 2005 on implementation of legislative changes (Medicaid planning and eligibility).

General Practice, Solo and Small Firm: Mr. Merritt announced that this Section's merger with the Practice Management Section was completed this year at the Section's convention in Orlando in October. They experienced good responses to the merger at the Annual Meeting. A five hour CLE presentation for credit and to grow membership is planned this coming March.

Mr. Glisson (for the Practice Management Development Section) mentioned the oversight of the PEC of the Bar. Merger talks had been discussed with the PEC due to declining membership, a lack of specific substantive law, and some CLE money lost. All of these factors led the PEC to ask the Practice Management Development Section to justify its independent existence. Thereafter, a merger was approved. Mr. Glisson indicated that the smaller Sections of the Council should be aware of the PEC, its impact upon Section administration, and the issues the PEC will criticize. He suggested that all Sections develop a better awareness of this process and the PEC criteria. Even after the merger, Mr. Glisson believes the Section still had practice management resources which are valuable for all practices (i.e. boot camp programming, etc.). Mr. Shimmel mentioned technology and practice support – the PMD was a leader on innovation for the Bar. That mission remains relevant and important for all Bar Sections. He emphasized that all members of the Bar need that ongoing help and support.

Worker's Compensation: Ms. McMillan announced that the Section held its annual meeting and focused in part on working to be more involved with membership around the state. The Section's Bylaws were amended; and, they now have a 30-member Executive Committee, enlarged to include more statewide members.

On the issue of professionalism, an August seminar with judges is planned on issues relating to workers compensation with an emphasis on professionalism. This Section has also approved a new professionalism award. Finally, the Section has updated its website and is now capable of sending an e-mail blast message to members. The Section is also considering how to provide more CLE's through alternative audio and visual means.

Labor and Employment Law: Mr. Kitchen stated that the Section's CLE presentations have been very strong. New formats have been used in telephone and "webinar". This Section's next program is planned in Fort Lauderdale in October. The Section continues to explore new formats for CLE, using telephone and web technology.

Government Lawyer: Mr. Krauss announced that the Section's long range planning meeting was held in Apalachicola. Discussions at the long range planning meeting focused on the Section being a small section with an emphasis on how to do more CLE presentations to be profitable. He indicated that he would be calling other Section leaders to discuss CLE efforts. He also announced a Federal Seminar being planned in Washington, DC, which has been very successful. The Program involves federal agencies and is a joint effort with the Out of State Division and Environmental Law Sections. Finally, Mr. Krauss reported on efforts to secure the first state and federal government lawyer certification program.

Young Lawyers Division: Ms. Cole reported that the Division will sponsor a minority mentoring program for the fourth year. The Division is trying to start minority mentoring programs state wide, and will attempt to start one in Central Florida perhaps in the Spring.

The Affiliate Outreach Program will be held in St. Petersburg in January. This will be an opportunity to consider how to collaborate with affiliates and talk about programming and funding of public service projects (i.e. foster children, etc.). The Practicing with Professionalism program will be overhauled this year entirely. The Division will review all aspects of the program. Mr. Shimmel asked about the affiliate program. Ms. Cole stated that the voluntary Bar Associations throughout the state – frequently at the local community level – have a local YLD (i.e. Dade County, Clearwater, etc.). The local community sections try to be active with the YLD and the minority bar group associations. The YLD wants to reach out to young lawyers on opportunities for nontraditional program funding. The focus will be on local funding (i.e. backpacks for kids; library programs; school supplies; etc.). Mr. Shimmel talked briefly about "Affiliates" for all sections of the Bar. Mr. Angones inquired about the "Mentoring Committee," formed by Justice Cantero. Ms. Cole reported that the Mentoring Committee was an outgrowth of the Commission on Professionalism and that Justice Cantero wants mentoring to be a focus of the Supreme Court. The Committee is looking at the issues of how to best focus on the efforts of fostering professionalism through mentoring, and how this mission can be best accomplished through mentoring help for young lawyers not in a big law firm setting.

The Committee's efforts will focus on the first few years of a new lawyer's practice. They are evaluating how the Sections can help with these efforts, and considering what recommendations can be made as the initiative is still in its infancy. Professionalism issues will also address competition for jobs, stress from student loans, and other practical considerations for new lawyers. Mr. Shimmel mentioned that mentor programs have not worked well in most past efforts. Mr. White stated that Justice Cantero is studying the mandatory Georgia program for mentoring with a development checklist that must be done. The principal question is whether it should be mandatory, etc. Mr. Angones also stated that this program is being looked at; and, the Bar is considering the Georgia Bar model which took approximately ten years to development and implement. He indicated that Justice Cantero wants it done in 1 year. Mr. White recommended that a holistic review of the program be undertaken. Ms. Diamond from RPPTL indicated that her Section has been trying to get permission from the Georgia Intellectual Property Section to use the Georgia Bar's materials. To date, the Georgia Bar had not given permission to use these materials. The RPPTL has been very frustrated. Ms. Milham of the Entertainment Law Section stated that she had attended a Bar program in the United Kingdom. British lawyers there were shocked to learn that a Florida lawyer may open an office immediately out of law school without any formal mandatory mentoring or training. They have an entirely different track for training, etc. Also, her Section helped underwrite the Georgia program and she will contact Mr. Angones and Ms. Diamond to discuss how her Section can be helpful.

Family Law: Ms. Hughes discussed the "Bringing People Along" project, which is focused on *guardian ad litem*s for children in dependency court. The two big issues for lawyers are: a) awareness; and, b) training. The Section is discussing how to develop a video for lawyers and is working with Justice Quince on this initiative. They have approached other Sections and trade groups that support the initiative, and have encountered good support for advancing the effort. The Section is looking at creative ways to train lawyers and to create materials for the public and lawyers. The Section also has a good legislative agenda for the upcoming legislative session. They intend to support five (5) bills with Becker Poliakoff as the Section's lobbyist. They will continue to monitor Family Law related bills. The Section has submitted comments on a number of proposed new rules affecting Family Law practice.

The Section is considering how to best disseminate information on new rules and legislative changes affecting Family Law issues. Their newsletter and magazine formats are one way to apprise members. The Section is looking for editors to help review and assess the information. This Section's website is new, but they will consider how to use video production on it and also how to publish materials (potentially using the YLD website as a template). Finally the Section will have its retreat at Amelia Island in November with a lobbyist and national speaker on how the legislative process works.

Ms. Kirigin stated that there has been a trend in family law and marital cases toward alternative dispute resolution. This concept has been developed over several years. Moreover, the requisite trial experience needed for board certification is frequently not there. The BLSE has reduced the required number of trials for certification. The Section has suggested a certification area for lawyer mediators for disputed family law matters. The BLSE will consider the proposal. She also indicated that the BLSE might be receptive for a separate overall mediation

certification.

Tax Section: Ed Sawyer reported a new program in the Section that focuses upon new lawyers which is generally on par with similar programs in other Sections. The Section has started a program with “seasoned” tax practitioners for a presentation to new tax lawyers involving mentoring and training. The program has been effective, especially in instances with sponsors who will underwrite costs of a lunch, etc. These are very cost effective CLE programs for the Section. They permit the Section to retain existing members, draw new members, and to do so with a minimal expense to the Section.

As to substantive undertakings, the Section has filed comments on new Treasury regulations. The Section has revamped their internal process for making comments upon proposed new regulations from Treasury, IRS, etc. They now believe that they will deliver better quality submissions.

Finally, the Section filed an amicus brief in an income tax case having application to trusts and trustees. This was a project started with a great cross-section of lawyers on the brief.

Appellate Practice: Ms. Easley reported that the Section has been very busy with a focus upon budget changes (they only have apprx. 1,400 member). The Section has been profitable; the Sections EC members have been very active in the Section. They have continued successful publications, website development, member outreach efforts, and meetings.

The Section has supported a “Pro Se Handbook” project designed to be an aid to the appellate courts and the Supreme Court. It is intended to be a help to pro bono efforts. As completed, the handbook will be apprx. 231 pages with 21 Chapters – the Section intends to publish it on the Section’s website for access. The materials cover the full range of law issues on appellate review in Florida and the Supreme Court. The Section went through the UPL Committee for review of content, which was edited to be read at a 10th grade reading level. Numerous judges and practitioners have assisted in the editing efforts.

The Section’s next goal will be to translate the materials into Spanish and Creole French for more access to all citizens. As a result of current budget changes, the Section needs funding to help get the materials published. Mr. Angones suggested that The Florida Bar Foundation may provide some assistance.

The Section will also present an Appellate Justice Conference as an upcoming program to involve judges from state and appellate courts in an open program on issues affecting appellate lawyers. The Section will also try to pursue the “per curiam affirmed” decisions to get more written decisions. It will consider issues relating to judges and merit retention; but, it still needs funding for this conference. One challenge is the fact that so many judges are active and involved in the Section, making costs for underwriting significant.

“The Record” is a 30-35 page publication for members. The Section wants to partner with other Sections on CLE efforts – it needs help underwriting costs of presentation, including participation by judges.

Adjournment

Section updates were concluded; and, Mr. Schimmel announced that the Council's next meeting would be in Miami on January 19, 2008 in conjunction with the Mid-year Meeting of the Bar. Kay Collie moved to adjourn the meeting at 11:00 a.m. The motion was seconded and the meeting was adjourned by Mr. Schimmel.

E. Duffy Myrtetus
Secretary

5172619

PROPOSED REVISIONS TO APPELLATE RULES
RELATING TO ADMINISTRATIVE PROCEEDINGS

1. Judicial Review of Administrative Action--The Record
Rule 9.190(b) and (c)
 2. Judicial Review of Administrative Action--Stays
Rule 9.190(e)(2)(A) and (3)
 3. Uniform Citations for Florida Administrative Agencies
 - A. Rule 9.800(d)
 - B. F.S.U. Style Manual
-

1. PROPOSED AMENDMENTS TO 9.190(b) and (c)

(b) Commencement.

(1) An appeal from final agency action as defined in the Administrative Procedure Act, chapter 120, Florida Statutes, immediate final orders entered pursuant to section 120.569(2)(n), or other administrative action for which judicial review is provided by general law shall be commenced in accordance with rule 9.110(c).

(2) Review of non-final agency action under the Administrative Procedure Act, including non-final action by an administrative law judge and agency orders entered pursuant to section 120.60(6), ~~under the Administrative Procedure Act~~ shall be commenced by filing a petition for review in accordance with rules 9.100(b) and (c).

(3) No change

(c) The Record.

(1) Generally. As further described in this rule, and except as provided in subdivision (c)(2)(F), the record shall include only materials furnished to and reviewed by the lower tribunal in advance of the administrative action to be reviewed by the court.

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(2) Review of Final Action Pursuant to the Administrative Procedure Act.

(A) - (E) No change

(F) In an appeal from an immediate final order entered pursuant to section 120.569(2)(n), the provisions of rule 9.220 govern the record.

(3) Review of Non-Final Action Pursuant to the Administrative Procedure Act. The provisions of rules 9.100 and 9.220 govern the record in proceedings seeking review of non-final administrative action, including agency orders entered pursuant to section 120.60(6).

2008 Amendment. Subdivisions (b)(1) and (2) were amended to clarify the procedure for seeking judicial review of immediate final orders and emergency orders suspending, restricting, or limiting a license. Subdivision (c)(2)(F) was added and subdivisions (c)(1) and (c)(3) were amended to clarify the record for purposes of judicial review of these orders. Review based upon an appendix prepared by the parties is appropriate for these orders because review of the orders is generally limited to the face of the order rather than a formal record developed by the agency.

2. PROPOSED AMENDMENTS TO 9.190(e)(2)(A) and (3)

(e) Stays Pending Review.

(1) No change.

(2) Application for Stay Under the Administrative Procedure Act.

(A) A party seeking to stay administrative action may file a motion either with the lower tribunal or, for good cause shown, with the court in which the notice or petition has been filed. The filing of the motion shall not operate as a stay. The lower tribunal or court may grant a stay upon appropriate terms- and shall consider the movant's likelihood of success on the merits, the likelihood of irreparable harm to the movant if the motion is not granted, the likelihood of substantial harm to other

IV A(2)

parties in the litigation, and the effect on the public interest. Review of orders entered by lower tribunals shall be by the court on motion.

(B) - (D) No change

(3) Application for Stay or Supersedeas of Other Administrative Action. A party seeking to stay administrative action, not governed by the Administrative Procedure Act, shall file a motion in the lower tribunal, which shall have continuing jurisdiction, in its discretion, to grant, modify, or deny such relief. A stay pending review may be conditioned on the posting of a good and sufficient bond, other conditions, or both. The lower tribunal shall consider the movant's likelihood of success on the merits, the likelihood of irreparable harm to the movant if the motion is not granted, the likelihood of substantial harm to other parties to the litigation, and the effect on the public interest. Review of orders entered by lower tribunals shall be by the court on motion.

2008 Amendment. Subdivisions (e)(2)(A) and (e)(3) were amended to identify the factors a lower tribunal and court shall consider when evaluating a motion for stay or on review. The language is derived from federal case law interpreting Federal Rule of Civil Procedure 62(c) and Federal Rule of Appellate Procedure 8(a). See *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987); see also *Belcher v. Birmingham Trust Nat'l Bank*, 395 F.2d 685 (5th Cir. 1968); *White Construction Co. v. State, Dep't of Transp.* 526 So. 2d 998 (Fla. 1st DCA 1988).

3. Proposed Amendments to Uniform Citations for Florida Administrative Agencies

A. PROPOSED AMENDMENTS TO 9.800(d)(3)

(3) For decisions of all other agencies, cite by the Division of Administrative Hearings' case number or the agency final order: ~~*Insurance Co. v. Department of Ins.*, 2 F.A.L.R. 648 A (Fla. Dept. of Insurance 1980).~~

(A) For cases heard by the Division of Administrative Hearings: *Eckerd Youth Alternatives, Inc. v. Dep't of*

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Juvenile Justice, Case No. 07-4609BID (DOAH Dec. 14, 2007;
DJJ Jan. 10, 2008)

(B) For cases not heard by the Division of
Administrative Hearings: *In re Town of Inglis Petition for
Waiver*, Final Order No. 07-0590 (DEP Apr. 12, 2007)
(available from the agency clerk or the agency's website,
www.dep.state.fl.us)

2008 Amendment. Paragraph (d)(3) was revised to eliminate
reference to the Florida Administrative Law Reporter
because only selected administrative decisions are included
in that reporter. Recommended and final orders in cases
heard by the Division of Administrative Hearings (DOAH) are
available on DOAH's website, www.doah.state.fl.us, as are
the agency final orders issued in those cases. See §
120.57(1)(m), Fla. Stat. Final orders in cases not heard
by DOAH are available from the agency that issued the
order, and are required to be indexed by final order
number. See § 120.53, Fla. Stat.; Fla. Admin. Code R. 1S-
6.001 and 1S-6.002. A number of agencies make their final
orders available on the agency's website.

B. PROPOSED REVISIONS TO THE F.S.U. Style Manual

- * Delete 8.7 and 8.10
- * Renumber 8.8, 8.9, and 8.11 as 8.7, 8.8, and 8.10,
respectively
- * New 8.9 as follows:

8.9 Decisions of All Other Agencies

Most decisions of administrative agencies are not published in an official reporter. Selected administrative decisions are published in the *Florida Administrative Law Reporter* or the *Florida Environment and Land Use Reporter*. Decisions in all cases heard by the Division of Administrative Hearings (DOAH) are available on DOAH's website, www.doah.state.fl.us. Decisions in cases not heard by DOAH are available from the agency that heard the case.

IVA(4)

8.9.1 Florida Administrative Law Reporter

It is permissible to cite to the *Florida Administrative Law Reporter* for decisions included in that reporter.

8.9.1.2 In Text

When referring to the *Florida Administrative Law Reporter* in a textual sentence, it should be underscored or *italicized*.

The decision was reported in the *Florida Administrative Law Reporter*.

8.9.1.3. In Footnotes or Stand-Alone Cites

The basic form is:

[volume number] F.A.L.R. [page] ([agency][year])
170. 2 F.A.L.R. 648-A (Fla. Dep't of Ins. 1980)

8.9.2 Florida Environment and Land Use Reporter

This reporter publishes selected administrative decisions regarding the environment and land use in Florida. The reporter also publishes district court and circuit court cases in areas related to the environment. If the circuit court case is not reported in an official reporter or *Florida Law Weekly*, it is permissible to cite to the *Florida Environment and Land Use Reporter*.

8.9.2.2 In Text

When referring to the *Florida Environment and Land Use Reporter* in a textual sentence, it should be underscored or *italicized*.

The decision was reported in the *Florida Environment and Land Use Reporter*.

8.9.2.3. In Footnotes or Stand-Alone Cites

The basic form is:

[volume number] E.R. F.A.L.R. [page] ([agency or court][date])

8.9.3 Decisions Not Published in a Reporter

8.9.3.1 DOAH Cases

Recommended Orders and Final Orders issued by DOAH are available on DOAH's website, www.doah.state.fl.us, as are agency Final Orders issued in cases in which DOAH issued a Recommended Order. Pinpoint citations should be to the paragraph number, if available.

(a) **DOAH Final Orders.** For cases in which DOAH issued the Final Order, the basic form is:

IV A(5)

[party names], Case No. [DOAH case number] (DOAH [date])

Kline v. Dep't of Financial Servs., Case No. 07-5243RU (DOAH Dec. 6, 2007).

(b) DOAH Recommended Orders.

For cases in which DOAH issued a Recommended Order that was adopted without modification by the agency in its Final Order, the basic form is:

[party names], Case No. [DOAH case number] (DOAH [date]; [agency acronym] [date])

Eckerd Youth Alternatives, Inc. v. Dep't of Juvenile Justice, Case No. 07-4609BID (DOAH Dec. 14, 2007; DJJ Jan. 10, 2008)

For cases in which DOAH issued a Recommended Order that was modified in some way by the agency in its Final Order, the basic form is:

[DOAH case number] (DOAH [date]), [explanatory phrase], [agency case number] ([agency acronym] [date])

Parkinson v. Reily Enterprises, LLC, Case No. 06-2842 (DOAH Feb. 12, 2007), *rejected in part by*, Case No. 06-1418 (DEP Mar. 29, 2007).

8.9.3.2 Non-DOAH Cases

Final Orders issued by agencies in cases that are not heard by DOAH are available from the agency, typically the agency clerk. A number of agencies post their Final Orders on the agency's website. The citation should identify where a copy of the final order can be obtained.

The number assigned to the Final Order for indexing purposes often differs from the case number assigned by the agency. It is permissible to refer to either the final order number or the case number, as long as the citation is clear.

The basic forms are

(a) By case number: [party names], Case No. [case number] ([agency acronym] [date]) (available from [location])

French v. Dep't of Children & Families, Case No. 04F-0563 (DCF Nov. 22, 2004) (available from agency clerk).

(b) By final order number:

[party names], Final Order No. [final order number] ([agency acronym] [date]) (available from [location])

In re Town of Inglis Petition for Waiver, Final Order No. 07-0590 (DEP Apr. 12, 2007) (available at http://www.dep.state.fl.us/legal/Final_Orders/finalorders.htm)

IV A (6)

2008-2009 Recommendations of the Nominating Committee

Officers:

Chair-elect	Seann M. Frazier
Secretary	Cathy M. Sellers
Treasurer	Allen R. Grossman

Executive Council:

Term expiring 2009 -
Paul H. Amundsen

Terms expiring 2010 -
F. Scott Boyd
Clark R. Jennings
Deborah K. Kearney
Bruce D. Lamb
Wellington H. Meffert
Shaw P. Stiller
T. Kent Wetherell, II

Administrative Law Section

July 28, 2006

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.

March 24, 2008

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.

V B 1 (1)



Terry L Hill /The Florida Bar
04/26/2008 08:47 PM

To Terry L Hill/The Florida Bar@FLABAR
cc
bcc Jackie M Werndli/The Florida Bar
Subject The Florida Bar - Section Ability to Live Webcast CLE Programs

Section Chairs, Chair-elects and CLE Coordinators,

You now have the ability to simultaneously live webcast your Bar/Section CLE programs directly into attorney's law offices, homes and laptops all over Florida and around the country. The first live webcast (jointly produced by the RPPTL Section and Environmental & Land Use Law Section) was a success and the feedback from those who participated was great. Attorneys, new and veteran, enjoy the benefits and convenience of participating in CLE programs via live webcast.

The Florida Bar has partnered with WebCredenza to offer this cutting edge CLE delivery method through the Sections. The below link will take you to an on-demand video webcast of Nate Trelease from WebCredenza explaining the different types of distance learning available to the Sections. The video webcast runs 16 minutes and discusses teleseminars, webinars, audio webcasts and video webcasts. It also talks about the benefits of distance learning and how to get started.

To access the video webcast:

1. Follow this link: http://events.avacast.com/WebCredenza_184_vod/ava_player.php
2. Select the *Flash Player* link
3. For your User Name, enter your name in the form of FirstName-LastName - e.g., "Terry-Hill"
3. Please enter your e-mail in the e-mail field.

We have successfully run the live webcast from the Tampa Airport Marriott with Bob Harding of The Florida Bar Tampa Office video recording the seminar and WebCredenza simultaneously live webcasting the video feed to the online/internet registrants. I encourage you to add this new CLE delivery method as an option on your upcoming 2008 - 2009 CLE programs. I will be working directly with the Program Administrators and WebCredenza to ensure the success of each program.

If you have any questions regarding this cutting edge opportunity, please contact me.

Terry L. Hill
Director, Programs Division
The Florida Bar
651 East Jefferson Street

VC(1)

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Williams , Bill	Office Phone: 850.222.7717 Office Fax: 850.577.3311	wwilliams@gray-robinson.com

Administrative Law Section
Committees and Liaisons 2008-2009

CLE Committee	Bruce Lamb, Chair Li Nelson Paul Amundsen Wellington Meffert Scott Boyd
TFB CLE Committee Liaison	Cathy Sellers
Council of Sections Liaison	Seann Frazier Alternate: Clark Jennings
Law School Liaison	Kent Wetherell, Chair Shaw Stiller Bruce Lamb Quinn Henderson
Legislation	Bill Williams, Chair Linda Rigot Andy Bertron
Long Range Planning	Seann Frazier, Chair Dave Watkins
Membership	Dave Watkins, Chair
Publications	Debby Kearney, Chair
Newsletter Editor	Donna Blanton
Newsletter Co-Editor	Amy Schrader
Casenotes Editor	Mary Smallwood
Agency Snapshots Editor	Wellington Meffert
Bar Journal Column Editor	Debby Kearney
Public Utilities	Michael Cooke
Webpage Committee	Daniel Nordby, Chair Scott Boyd
Environmental & Land Use Law Section Liaison	Shaw Stiller
Health Law Section Liaison	Allen Grossman
Board of Governors Liaison	Larry Sellers

Young Lawyers Board Liaison

[YLD Board appointment]

Ad Hoc committees

Appellate Rules Committee
(continuation if needed)

Linda Rigot, Chair
Kent Wetherell
Donna Blanton
Daniel Nordby

Volunteer Program Committee:
(tentative)

Andy Bertron, Chair
Allen Grossman
Clark Jennings
Julie Waldeman



2008 Section Leadership Conference

The Florida Bar Annex, Tallahassee
July 10 - 11, 2008



We are pleased to invite you to attend an informative and valuable conference to assist you as you assume or continue a leadership role within your Section or Division. You will have an opportunity to meet and socialize with other Section leaders, Bar officers and Bar staff. We have put together a special program this year designed not only to further acquaint you with operations of The Florida Bar and the services it provides, but also to provide ideas that may assist you in increasing the prominence of your Section.

The conference will be held in Tallahassee. It will begin at 3:30 p.m., Thursday, July 10, at Bar Headquarters, and conclude at 4:00 p.m. on Friday. Thursday, you will have the opportunity to tour the Bar and enjoy a reception with fellow Section leaders, followed by a dinner (transportation provided). On Friday, the conference will be held at the Bar's Annex. You are encouraged to attend both days of the conference. The networking opportunities combined with interactive presentations will assist you in achieving the goals of your Section/Division.

Overnight accommodations can be obtained at a group rate of \$139 at the new **Hilton Garden Inn (Blairstone Rd.)** conveniently located less than two miles from the Bar. Contact the Hilton directly at 800-HILTONS and mention the group code FLABAR (before 6/26/08). The Courtyard Marriott (850) 222-8822, is located less than a mile from the Bar.

The registration form and schedule for this conference is enclosed. **For planning purposes, please complete and return the registration form as soon as possible.** We look forward to seeing you in Tallahassee this July.

Note: This will be an informal meeting, designed to promote discussion between Section and Bar Leaders, the conference format is intended to facilitate interaction. The attire will be casual on Thursday and Friday.

VIC(1)

2008 SECTION LEADERSHIP CONFERENCE

July 10 – 11, 2008

SCHEDULE

The Florida Bar Headquarters, Tallahassee

Thursday • July 10, 2008 – Casual Dress

- | | |
|-------------------|--|
| 3:30 – 5:00 p.m. | Bar Tours – The Florida Bar Headquarters Lobby |
| 5:00 – 6:00 p.m. | Reception – The Florida Bar Headquarters |
| 6:00 – 6:30 p.m. | Pick-up Attendees from The Florida Bar for Dinner
(Transportation provided to and from dinner only) |
| 6:30 – 9:30 p.m. | Dinner |
| 9:30 – 10:00 p.m. | Return to Hotel after Dinner – (Transportation provided to and from dinner only) |

The Florida Bar Annex, Tallahassee

Friday • July 11, 2008 – Business Casual

- | | |
|--------------------|--|
| 8:00 – 8:15 a.m. | WELCOME – Allen R. Grossman, Council of Sections, Chair
Continental Breakfast |
| 8:15 – 8:45 a.m. | BAR LEADERS COMMENTS –
John G. White III, The Florida Bar, President
Jesse H. Diner, The Florida Bar, President Elect |
| 8:45 – 9:15 a.m. | PROFESSIONALISM AND THE IMPORTANCE OF BAR LEADERSHIP –
Jewel Cole, YLD President |
| 9:15 – 9:45 a.m. | SECTION FINANCES AND BUDGETING –
Gwynne A. Young, BOG Budget Chair
Terry L. Hill, The Florida Bar, Programs Division Director |
| 9:45 – 10:00 a.m. | BOARD CERTIFICATION – Joni Armstrong-Coffey, BLSE, Chair |
| 10:00 – 10:30 a.m. | BREAK |
| 10:30 – 12:00 p.m. | CLE PANEL DISCUSSION – How can your programs be more successful?
Trying something new, learning from your mistakes and more.
Honorable Alan Orantes Forst, Section CLE Chair
Terry L. Hill, The Florida Bar, Programs Division Director
Patrick "Booter" Imhof, CLE Committee Chair |
| 12:00 – 1:00 p.m. | LUNCH |
| 1:00 – 2:00 p.m. | BAR LEGISLATIVE ACTIVITIES –
Paul Hill, The Florida Bar, General Counsel
Pete Dunbar, Section Lobbyist |
| 2:00 – 2:30 p.m. | MEDIA RELATIONS -
Francine Andía Walker, Director of Public Information and Bar Services |
| 2:30 – 3:30 p.m. | SECTION MANAGEMENT ROUNDTABLE – What Works, What Doesn't;
Approaches to Successful Section Planning & Operations: membership,
recruitment, retention, and other hot topics.
Sandy Diamond, Section Chair
Clark Jennings, Past Section Chair
Allen Grossman, Past Section Chair |

VLC(2)

REGISTRATION FORM

2008 Section Leadership Conference

The Florida Bar, Tallahassee

July 10 - 11, 2008

***Fax this form to 850-561-5825 as soon as possible or before July 2.
Please mail check or bring payment to conference.***

Conference includes: conference material, dinner, continental breakfast and lunch.

	<u>Registration Fees</u>	<u>Amount Enclosed</u>
Two-Day Conference Fee	\$80	\$ _____
Friday Only Conference Fee (without dinner)	\$30	\$ _____
Guest for Rec. & Dinner	\$50 per guest	\$ _____
Name of Guest _____	(for name tag)	
	TOTAL Enclosed	\$ _____

SL001

☐ I will be using the transportation provided by the Bar

☐ I will have my own car

Your Name _____

Florida Bar Number _____

Your Section/Division _____

Your Position within your Section/Division in 2008-09 _____

- Make checks payable to The Florida Bar -

Call (850) 561-5620 or e-mail ysherron@flabar.org if you have any questions.

Return with payment to:

**Yvonne D. Sherron
The Florida Bar
651 E. Jefferson Street
Tallahassee, Florida 32399-2300**

RSVP by returning this form via fax 850-561-5825 BEFORE JULY 2

VI C(3)