



# Administrative Law Section



## **CHAIR:**

Deborah K. Kearney  
327 The Capitol  
404 S. Monroe St.  
Tallahassee, FL 32399-1300  
(850)488-7631

## **CHAIR-ELECT:**

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

## **SECRETARY:**

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

## **TREASURER:**

Christiana T. Moore  
2540 Shumard Oak Blvd., Rm. 301G  
Tallahassee, FL 32399-7019  
(850)413-6098

## **IMMEDIATE PAST CHAIR:**

Robert C. Downie, II  
DOT, MS 58  
605 Suwannee St.  
Tallahassee, FL 32399-6544  
(850)414-5265

## **BOARD LIAISON:**

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

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

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

## **EXECUTIVE COUNCIL:**

### **Terms Expiring 2006:**

Richard M. Ellis  
Tallahassee  
Seann M. Frazier  
Tallahassee  
Clark R. Jennings  
Tallahassee  
M. Catherine Lannon  
Tallahassee  
Elizabeth W. McArthur  
Tallahassee  
Cathy M. Sellers  
Tallahassee  
Charles A. Stampelos  
Tallahassee

### **Terms Expiring 2007:**

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

## **SECTION ADMINISTRATOR:**

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

## Administrative Law Section Executive Council Meeting

Friday, June 23, 2006 – 10:30 a.m.–2:30 p.m.

Boca Raton Resort & Club

## EXECUTIVE COUNCIL AGENDA

- I. CALL TO ORDER – Deborah K. Kearney, Chair
- II. PRELIMINARY MATTERS
  - A. Consideration of Minutes – January 5, 2006
  - B. Consideration of Minutes – January 6, 2006 (Retreat)
  - C. Consideration of Minutes – February 24, 2006
  - D. Treasurer's Report – Christiana T. Moore
    1. 6/13/06 Detail Statement of Operations
  - E. Chair's Report – Deborah K. Kearney
- III. COMMITTEE/LIAISON REPORTS
  - A. Continuing Legal Education – J. Andrew Bertron
    1. Public Utilities Law Committee – January 27, 2006
    2. Administrative Appellate Law – April 7, 2006
    3. Pat Dore Conference – October 19-20, 2006
    4. Basic Administrative Law – December 6, 2006
    5. Tentative Administrative Law – April 20, 2007
  - B. Publications – Lisa S. Nelson
    1. Newsletter – Elizabeth W. McArthur
      - a. Agency Snapshots – Mary Ellen Clark
    2. TFB Journal – Lisa S. Nelson
  - C. Legislative – J. Andrew Bertron/Linda M. Rigot/William E. Williams
  - D. Public Utilities Law – Cynthia B. Miller
  - E. Membership – Charles A. Stampelos
    1. Membership History
  - F. Webpage – M. Catherine Lannon
  - G. Uniform Rules of Procedure – Christiana T. Moore
  - H. Long Range Planning – Patrick L. Imhof
  - I. Board of Governors Liaison – Lawrence E. Sellers, Jr.
  - J. Law School Liaison – Cathy M. Sellers
  - K. CLE Committee Liaison – J. Andrew Bertron/Lisa S. Nelson
  - L. Council of Sections – Deborah K. Kearney/Clark R. Jennings
    1. Section Leadership Conference – July 13-14, 2006
  - M. Section Liaison
    1. Environmental and Land Use Law – Cathy M. Sellers
    2. Health Law – Allen R. Grossman
- IV. OLD BUSINESS
  - A. Uniform Rules of Procedure
  - B. Administrative Subcommittee, Appellate Court Rules Committee
    1. Rule 9.310(b)(2), Rules of Appellate Procedure

- V. NEW BUSINESS
  - A. Officer/Executive Council Election
  - B. Sunsetting of Legislative Positions – 2004-06 Biennium
- VI. INFORMATIONAL
  - A. Executive Council List
  - B. 2005-06 Committee List
  - C. Section Bylaws
- VII. FINAL REMARKS & PRESENTATION OF AWARDS — Outgoing Chair
- VIII. PROGRAM OUTLINE & CLOSING COMMENTS — Incoming Chair
- IX. TIME AND PLACE OF NEXT MEETING  
Fall 2006
- X. ADJOURNMENT

MINUTES  
ADMINISTRATIVE LAW SECTION EXECUTIVE COUNCIL MEETING  
January 5, 2006  
Wakulla Springs, Florida

I. CALL TO ORDER: Executive Council Chair-Elect Booter Imhof called the meeting to order at approximately 2:15 p.m.

Present: Booter Imhof, Seann Frazier, Andy Bertron (late), Dave Watkins, Charlie Stampelos, Mary Ellen Clark, Linda Rigot, Clark Jennings, Larry Sellers, Cathy Sellers, Cathy Lannon, and Jackie Werndli.

Absent: Debby Kearney, Chris Moore, Cynthia Miller, Rick Ellis, Elizabeth McArthur, Donna Blanton, Allen Grossman, Li Nelson, and Bill Williams.

II. PRELIMINARY MATTERS:

A. Minutes--October 14, 2005

The minutes of the October 14, 2005, Executive Council Meeting were approved.

B. Treasurer's Report

The Treasurer's Report was presented by Jackie Werndli and approved.

C. Chair's Report

No report was presented.

III. COMMITTEE/LIAISON REPORTS

A. Continuing Legal Education

Charlie Stampelos reported on the Administrative Appellate Law seminar scheduled for April 7, 2006, reviewing the list of speakers and topics. It will be held in Tallahassee although the location has not been selected. Whether lunch will be included is still being discussed.

Jackie Werndli reported on the Public Utilities Law Committee seminar scheduled for January 27, 2006, which will be held at the Public Service Commission in Tallahassee.

B. Publications

Mary Ellen Clark reported that two additional agency snapshots were included in the December 2005 Newsletter and that Larry Sellers and Andy Bertron would submit snapshots for the March newsletter. Larry Sellers requested that Cabinet-headed agencies and the various capacities in which the Cabinet sits be included in future agency snapshots.

IIA(1)

Charlie Stampelos updated information contained in his article on proposed recommended orders in the December 2005 Newsletter by reporting that DOAH has switched from Westlaw to LexisNexis for research.

C. Legislative

Linda Rigot reported on bills filed for the next legislative session regarding the APA, including a specific claims bill which would be referred to DOAH and a bill that would give career service certified law enforcement officers and correctional probation officers a choice of going to PERC or DOAH.

D. Public Utilities Law

No report was presented.

E. Membership

Charlie Stampelos reported that the Section has 1207 members.

F. Webpage

Cathy Lannon reported that no changes have been made to the Section's website but that Daniel Nordby has volunteered to assist her with updating the website. The Council discussed additional items to be added to the website. Seann Frazier volunteered to work with Cathy and Dan.

G. Uniform Rules of Procedure

Linda Rigot led the Council through some additional revisions to be proposed for the Uniform Rules of Procedure. The revisions were approved and will be incorporated into the draft and then transmitted to the Governor's Office.

H. Long Range Planning

Booter Imhof reminded all in attendance that the long range planning retreat will be on January 6, 2006, at Wakulla Springs Lodge.

I. Board of Governors Liaison

Larry Sellers reported that the State and Federal Government and Administrative Practice certification proposal has been approved by the Program Evaluation Committee and the Board of Governors of The Florida Bar. It is expected to be placed before the Supreme Court of Florida in March. Larry also reported that the Board of Governors is committed to improving communications with the Bar's Sections.

J. Law School Liaison

Cathy Sellers reported that she had talked to FSU about hosting a panel and cocktail reception at the Law School in conjunction with the Pat Dore Conference. The money has been budgeted. Mary Ellen volunteered to help Cathy with this project.

Regarding the speaker's bureau for law school classes, Cathy reiterated her willingness to have volunteers speak to her law school classes but suggested that the Council also consider speaking on APA issues in other substantive courses, such as environmental and

II A(2)

health law courses. She will identify such courses. Volunteers will be sought as plans are more specific. Other law schools will be contacted. Mary Ellen, Charlie, and Dan Nordby have volunteered to assist Cathy.

K. CLE Committee Liaison

Booter advised that the next meeting of the Bar's CLE Committee will be held in conjunction with the mid-year meeting. He also reported that some CLE courses are being offered on-line on the Bar's website, and the sections have begun receiving their pro rata share of proceeds. The Administrative Law Section has received just over \$200 as its pro rata share of the Bar's share.

L. BLSE Liaison

Mary Ellen Clark reported that Board of Legal Specialization and Education (BLSE) has decided not to implement section liaisons. In the future, BLSE will coordinate with the sections through the Council of Sections.

M. Council of Sections

Clark Jennings reported that the Council of Sections has not met since the last meeting of the ALS Executive Council.

N. Section Liaison

1. Environmental and Land Use Law – No activities to report.
2. Health Law – No report was presented.

IV. OLD BUSINESS

A. State and Federal Governmental and Administrative Practice Certification

Certification was discussed during the Board of Governors Liaison report. (See III.I above.)

B. Uniform Rules of Procedure

The Uniform Rules of Procedure were discussed during Committee Reports. (See III.G above.)

V. NEW BUSINESS

A. 2006-07 Section Budget

Jackie Werndli gave a detailed presentation of the proposed budget for 2006-2007. Among the noted changes were: i) the Bar will now retain \$17.50 of each section member's dues instead of one-half; ii) the Bar will no longer refund the cost allocation in line 86998; and iii) indirect and overhead costs will be factored into CLE costs before determining profits, which will be split 90/10 between the sections and the Bar. CLE overhead includes Jackie's time. In the past, Jackie has spent approximately 2/3 of her time on the ELUS and 1/3 of her time on the ALS. Jackie conservatively projected a loss of \$5,605 for the 2006 Pat Dore Conference. The members discussed the potential need to raise the registration fees for the Conference to offset projected increases in overhead.

IT A (3)

Charlie Stampelos made a motion to reallocate \$5,000 from the line 84501, Legislative Consultant, as follows: \$2,500 to new line item 84310, Law School Liaison, and \$2,500 to line 84052, Meeting Travel Expense. \$2,400 from 84308, Writing Contest, would also be reallocated to 84310, Law School Liaison. It was discussed that it is unlikely that the Section will retain a lobbyist next year. The members present also expressed a desire to provide increased support for the Section's renewed effort to bring speakers to law schools. The motion was seconded and passed unanimously.

Clark Jennings moved that the budget be adopted as amended. The motion was seconded and passed unanimously.

B. Administrative Subcommittee, Appellate Rules Committee

Charlie Stampelos reported that the Administrative Law Rules Subcommittee of the Appellate Court Rules Committee is seeking input from the ALS on whether Florida Rule of Appellate Procedure 9.310(b)(2), automatic stay on appeal for public bodies, should be amended. Charlie presented an informed, lengthy, and detailed explanation of the issues and the history of the automatic stay in administrative appeals. After extensive discussion, Cathy Lannon moved that the Section take no position on amending the Rule. The motion was seconded and passed unanimously.

Clark Jennings moved that the Council adjourn at 5:30.

IIAC(4)

MINUTES  
ADMINISTRATIVE LAW SECTION EXECUTIVE COUNCIL  
LONG RANGE PLANNING RETREAT

January 6, 2006  
Wakulla Springs, Florida

**I. CALL TO ORDER:** Executive Council Chair-Elect Booter Imhof called the meeting to order at approximately 9:00 a.m.

Present: Booter Imhof, Seann Frazier, Andy Bertron, Mary Ellen Clark, Linda Rigot, Clark Jennings, Cathy Sellers, Cathy Lannon, and Jackie Werndli.

Absent: Debby Kearney, Chris Moore, Cynthia Miller, Rick Ellis, Elizabeth McArthur, Donna Blanton, Allen Grossman, Li Nelson, Charlie Stampelos, Dave Watkins, and Bill Williams.

**II. REVIEW OF BYLAWS:**

Jackie Werndli explained that amending the bylaws of the Administrative Law Section will require approval by the Executive Council, publication to the members, and approval by the Board of Governors. Jackie will research whether amendment also requires approval of the section's members. The members proceeded to review the bylaws section by section and craft proposed amendments to be presented to the council.

Among the provisions discussed were:

Art. I, Name and Purpose – The members agreed to recommend that the bylaws contain an aspirational goal for the council to have a fair balance between lawyers in government and private practice.

Art. II, s. 3, Dues – Dues are currently capped at \$25.00. The potential need to raise dues in light of Bar budget changes was discussed. Jackie stated that most sections do not have a dues cap in their bylaws. It was agreed to recommend removal of the cap.

Art. IV, Executive Council – The members agreed to recommend that the bylaws stated the minimum expected duties of council members.

Art. V, Meetings – Much discussion occurred over how to clarify and improve the procedures for noticing and conducting meetings. In particular, the members discussed how to achieve a balance between insuring fair notice of meetings while maintaining some flexibility for true emergency situations. The members recommended a significant rewrite of this article.

Art. VI, Committees – The members discussed several recommendations for this article, including: clarifying that the council chair-elect shall chair the Long Range Planning Committee; removing term limits for the Legislative Committee members; and adding a

II B(1)

new section for the Law School Outreach Committee. The members also decided to recommend that Debby Kearney discuss the section on the Public Utilities Law Committee with Cindy Miller.

The Council adjourned at 12:30 p.m.

II B (2)



MINUTES  
ADMINISTRATIVE LAW SECTION EXECUTIVE COUNCIL MEETING  
February 24, 2006  
Tallahassee, Florida

**I. CALL TO ORDER:** Executive Council Chair-Elect Booter Imhof called the meeting to order at approximately 3:00 p.m.

Present: Debby Kearny, Booter Imhof, Andy Bertron, Charlie Stampelos, Linda Rigot, Clark Jennings, Donna Blanton, Li Nelson, Bill Williams, Elizabeth McArthur, Kent Wetherell, and Jackie Werndli.

Absent: Chris Moore, Cynthia Miller, Rick Ellis, Allen Grossman, Seann Frazier, Dave Watkins, Mary Ellen Clark, Cathy Sellers, and Cathy Lannon.

**II. AMENDMENT OF BYLAWS:**

The Council reviewed the draft proposed amendments to the section bylaws that were drafted at the Council's Long Range Planning Retreat on January 6, 2006. The Council approved the draft amendments with the following exceptions: i) the requirement for approval of the council for a special meeting was deleted; ii) votes at special meetings are limited to the business stated in the call; iii) reference to the Public Utility Law Committee as a semi-independent committee was deleted; and iv) other technical changes were made to the descriptions of the other committees. A motion was made to approve the amendments as modified. The motion was seconded and passed unanimously.

**III. OTHER BUSINESS:**

Bill Williams reported on the status of Senate Bill 262, relating to changes to Chapter 120, and Senate Bill 1942, relating to competitive procurement protests involving the Department of the Lottery.

Andy Bertron reported that the Pat Dore Administrative Law Conference will be held on October 19 and 20, 2006.

Li Nelson moved that the Council adjourn at 4:38.

II C (1)

Report : 1 of 1  
Program : YAZAPFR  
User id : THARLEY

Unaudited Detail Statement of Operations

Page : 2  
Date : 6/13/06  
Time : 11:40:44

	May 2006 Actuals	YTD 05-06 Actuals	Budget	Percent Budget Spent
Administrative Law				
31431 Section Dues	0	26,950	28,125	95.82
31432 Affilliate Dues	0	25	125	20.00
31433 Admin Fee to TFB	0	(13,567)	(14,163)	95.79
Total Dues Income-Net	0	13,408	14,087	95.18
32012 Sct Share Online CLE	30	112	0	*
32191 CLE Courses	0	87	1,000	8.70
32204 Audio Tape-Section S	148	6,131	2,000	306.55
32395 Mat Sales-Sect Shr	0	0	75	0.00
35700 Member Service Progr	0	1,975	2,000	98.75
36998 Credit Card Fees	0	(9)	0	*
38499 Investment Allocatio	0	8,852	9,000	98.36
39999 Miscellaneous	0	0	100	0.00
Other Income	178	17,148	14,175	120.97
Total Revenues	178	30,556	28,262	108.12
84101 Employee Travel	0	30	1,147	2.62
84001 Postage	1	57	150	38.00
84002 Printing	0	110	50	220.00
84003 Officers Office Expe	0	0	500	0.00
84006 Newsletter	0	1,652	2,500	66.08
84007 Membership	0	0	500	0.00
84009 Supplies	0	0	50	0.00
84010 Photocopying	1	129	150	86.00
84051 Officers Travel Expe	0	665	2,500	26.60
84052 Meeting Travel Expen	0	446	500	89.20
84054 CLE Speaker Expense	0	0	100	0.00
84101 Committee Expenses	0	0	500	0.00
84201 Board Or Council Mee	0	313	500	62.60
84202 Bar Annual Meeting	0	0	1,700	0.00
84205 Section Service Prog	0	1,901	5,000	38.02
84209 Retreat	0	1,083	4,500	24.07
84299 Public Utility Comm	0	0	500	0.00
84301 Awards	0	0	500	0.00
84308 Writing Contest	0	0	2,400	0.00
84422 Website	0	1,120	6,000	18.67
84501 Legislative Consulta	0	0	10,000	0.00
84701 Council Of Sections	0	300	300	100.00
84998 Operating Reserve	0	0	2,955	0.00
84999 Miscellaneous	0	0	500	0.00
Total Operating Expenses	2	7,806	43,502	17.94
83715 Time-Admin Law	1,755	18,238	17,000	107.28
86344 Mailing Overhead	0	21	0	*

II D I (1)

Report : 1 of 1  
Program : YAZAPFR  
User id : THARLEY

Unaudited Detail Statement of Operations

Page : 3  
Date : 6/13/06  
Time : 11:40:44

	May 2006 Actuals	YTD 05-06 Actuals	Budget	Percent Budget Spent
Administrative Law				
86431 Meetings Administrat	0	0	30	0.00
86542 Printing	0	2,483	2,500	99.32
86543 Graphics & Art	242	1,848	1,985	93.10
86998 Refund Of Cost Alloc	(1,997)	(22,590)	(21,515)	105.00
	-----	-----	-----	-----
Total General Fund Support	0	0	0	*
	-----	-----	-----	-----
Total Expenses	2	7,806	43,502	17.94
	-----	-----	-----	-----
Net Operations	176	22,750	(15,240)	(149.28)
	-----	-----	-----	-----
21001 Fund Balance	0	153,803	128,577	119.62
	-----	-----	-----	-----
Total Current Fund Balance	176	176,553	113,337	155.78
	-----	-----	-----	-----

IID 1(2)

Report : 1 of 1  
Program : YAZAPFR  
User id : THARLEY

Unaudited Detail Statement of Operations

Page : 7  
Date : 6/13/06  
Time : 11:40:44

	May 2006 Actuals	YTD 05-06 Actuals	Budget	Percent Budget Spent
Total Administrative Law Conf				
Total Dues Income-Net	0	0	0	*
32001 Registrations	0	0	12,000	0.00
34001 Book Sales	0	0	50	0.00
36991 Allowances	0	3	0	*
36998 Credit Card Fees	0	0	(274)	0.00
Other Income	0	3	11,776	0.03
Total Revenues	0	3	11,776	0.03
61201 Equipment Rental	0	0	650	0.00
75102 1st Class & Misc Mai	0	0	50	0.00
75401 Express Mail	0	0	5	0.00
81411 Promotional Printing	0	0	150	0.00
81412 Promotional Mailing	0	0	800	0.00
84001 Postage	0	0	250	0.00
84002 Printing	0	0	150	0.00
1061 Reception	0	0	1,700	0.00
14062 Luncheons	0	0	2,500	0.00
88231 Speakers Travel	0	0	500	0.00
88241 Outline Prt-Inhouse	0	108	500	21.60
88243 Outline Binders	0	188	1,200	15.67
88252 Course Credit Fee	0	0	150	0.00
88261 Meeting Room Rent	0	0	1,000	0.00
88265 Refreshment Breaks	0	0	1,500	0.00
Total Operating Expenses	0	296	11,105	2.67
83431 Time CLE Courses	58	58	0	*
83715 Time-Admin Law	0	19	7,000	0.27
86542 Printing	0	876	1,500	58.40
86998 Refund Of Cost Alloc	(58)	(953)	(8,500)	11.21
Total General Fund Support	0	0	0	*
Total Expenses	0	296	11,105	2.67
Net Operations	0	(293)	671	(43.67)
Total Current Fund Balance	0	(293)	671	(43.67)

II D 1(3)



# THE FLORIDA BAR

651 EAST JEFFERSON STREET  
TALLAHASSEE, FL 32399-2300

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

850/561-5600  
WWW.FLORIDABAR.ORG

## Memorandum

---

To: Program Administrators

From: Yvonne D. Sherron

cc: Michael Tartaglia

Date: March 16, 2006

Re: Section/Division Membership History

---

Attached you will find updated membership statistics and growth rates for each of your Sections. These were compiled by Mike Garcia. If you would like additional information or prefer an electronic version, please contact Mike directly.

If your Section membership spiked in 2001 (as many did) you may recall the computer glitch in which the comp members were not dropped after dues were not collected.

Y.D.S

III E 1 (1)



**THE FLORIDA BAR**

# **Section Membership Growth**

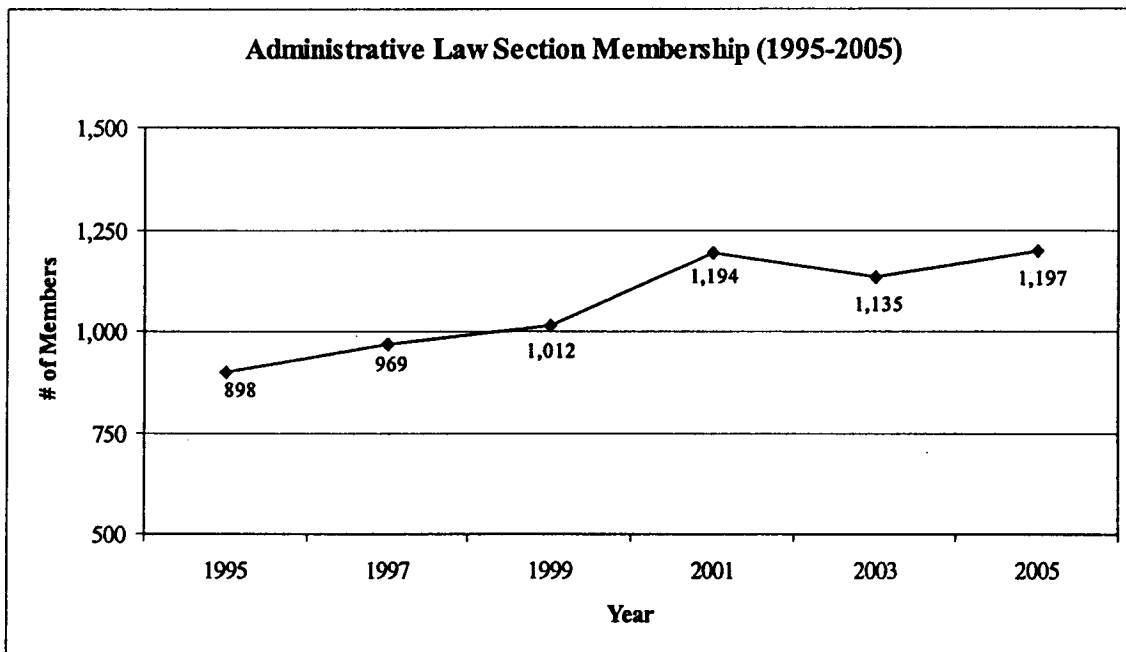
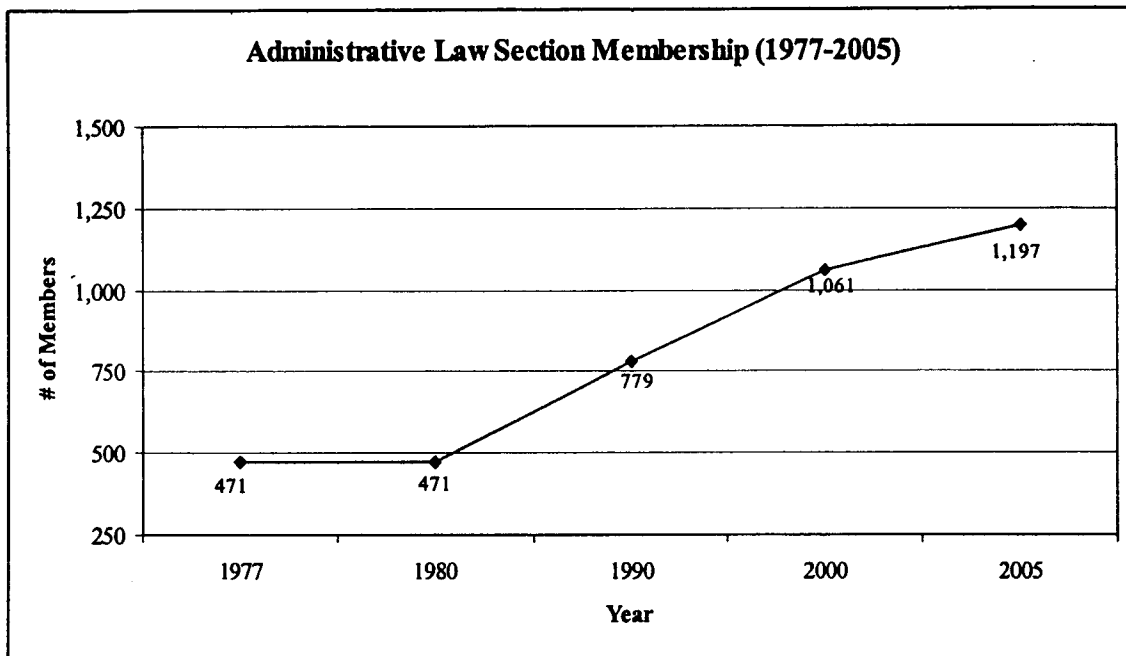
**(Year of Origin to 2005)**

**March 2006**

III E 1(2)

### Administrative Law Section Membership (1977-2005)

<u>Year</u>	<u>Members</u>	<u>Growth Rate</u>
1977	471	---
1978	445	<-6%>
1979	464	4%
1980	471	2%
1981	500	6%
1982	512	2%
1983	544	6%
1984	574	6%
1985	612	7%
1986	684	12%
1987	744	9%
1988	771	4%
1989	785	2%
1990	779	<-1%>
1991	755	<-3%>
1992	805	7%
1993	856	6%
1994	875	2%
1995	898	3%
1996	965	7%
1997	969	0%
1998	1,053	9%
1999	1,012	<-4%>
2000	1,061	5%
2001	1,194	13%
2002	1,107	<-7%>
2003	1,135	3%
2004	1,182	4%
2005	1,197	1%







# 2006 Section Leadership Conference

The Florida Bar & Supreme Court, Tallahassee  
**July 13 - 14, 2006**



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 3:00 p.m., Thursday, July 13, at Bar Headquarters, and conclude at 4:00 p.m. on Friday at the Supreme Court. 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 Supreme Court. 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 \$129 at the new **Hilton Garden Inn (Blairstone Rd.)** conveniently located less than two miles from the Bar. Contact the Hilton directly at 800-HILTON and mention the group code FLB. 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 business casual Friday while using the Supreme Court facility.

III L (C1)

# REGISTRATION FORM

## 2006 Section Leadership Conference

The Florida Bar & Supreme Court, Tallahassee

July 13 - 14, 2006

***Fax this form to 850-561-5825 as soon as possible or before July 5.***

***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)	
	<b>TOTAL Enclosed</b>	<b>\$ _____</b>

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 2006-07** \_\_\_\_\_

***- 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 5***

III L 1(2)

# 2006 SECTION LEADERSHIP CONFERENCE

July 13-14, 2006

## SCHEDULE

### **The Florida Bar Headquarters, Tallahassee**

**Thursday - July 13, 2006** - Casual Dress

- 3:30 – 5:00 p.m.      Bar Tours – The Florida Bar Headquarters Lobby
- 5:00 – 6:00            Reception – The Florida Bar Headquarters Courtyard (weather permitting)
- 6:00 – 6:30            Pick-up Attendees from The Florida Bar for Dinner - (Transportation provided to and from dinner only)
- 6:30 – 9:30            Dinner – Food Glorious Food at Betton Place
- 9:30 – 10:00          Return to the Hilton after Dinner - (Transportation provided to and from dinner only)

### **The Florida Supreme Court, Tallahassee**

**Friday - July 14, 2006** - Casual Business Attire

- 8:00 – 8:30 a.m.      **WELCOME AND INTRODUCTIONS** – Jeff Wasserman, Chair, Council of Section Continental Breakfast
- 8:30 – 9:15            **BAR LEADERS COMMENTS -**  
Hank Coxe, The Florida Bar, President (2006-07)  
Frank Angones, The Florida Bar, President Elect (2006-07)
- 9:15 – 9:45            **PROFESSIONALISM AND THE IMPORTANCE OF BAR LEADERSHIP** –  
Justice Charles T. Wells
- 9:45 – 10:00          **BOARD CERTIFICATION** – Chris Knopik, BLSE, Chair (2006-07)
- 10:00 – 10:30        **BREAK**
- 10:30 – 12:30 p.m.   **CLE PANEL DISCUSSION** - How can your programs be more successful? Trying something new, learning from your mistakes and more.  
Cristin Conley, Tax Section, Co-Director Education Division (2005-06)  
Merrick Gross, Business Law Section, Chair (2006-07)  
Tom Hall, CLE Committee, Former Chair  
Allyson Hughes, Family Law Section, Chair-Elect (2006-07)  
Michael Tartaglia, The Florida Bar, Programs Division Director
- 12:30 – 1:00          **LUNCH**
- 1:00 – 2:00            **BAR LEGISLATIVE ACTIVITIES -**  
Paul Hill, The Florida Bar, General Counsel, Governmental Affairs Office  
Rob McNeely, Entertainment, Arts and Sports Law Section, Legislative Chair  
Dana Watson, The Florida Bar, Legislative Assistant, Governmental Affairs Office
- 2:00 – 4:00            **MEMBERSHIP PANEL DISCUSSION:** What Works - What Doesn't; Approaches to successful Section planning & operations; membership, diversity, recruitment, retention, and other hot topics  
Frank Angones, The Florida Bar, President Elect (2006-07)  
Allison Bethel, Equal Opportunities Law Section, Former Chair  
John M. Stewart, Young Lawyers Division, President (2006-07)

III L1(3)

## **Nominations**

### **Administrative Law Section 2006 – 2007**

#### ***Officers:***

J. Andrew Bertron — Chair-elect  
Elizabeth W. McArthur — Secretary  
Seann M. Frazier — Treasurer

#### ***Executive Council:***

##### ***Terms Expiring 2008***

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

June 12, 2006

**M E M O R A N D U M**

To: Selected Section & Committee Chairs / Chairs-Elect / Legislation Chairs

From: Dana Watson, Legislative Assistant

Re: Sunsetting of Legislative Positions – 2004-06 Biennium

cc: Hank Coxe, Warren Lindsey, Legislation Committee, John F. Harkness, Jr., Paul F. Hill, Montina Ruffin, Francine Walker, Patricia Hohman, Mark Killian, Selected Section & Committee Liaisons, Stephen W. Metz, Section Lobbyists

Consistent with “sunset” provisions in Standing Board Policy 9.20(d), all Florida Bar legislative positions for the 2004-06 biennium – to include those of committees and sections – will formally expire at the July 28, 2006 meeting of the Board of Governors.

Enclosed is a current listing of recognized positions for your committee or section. The master list of all legislative positions within The Florida Bar is available online at [www.flabar.org](http://www.flabar.org).

Please review your group’s existing positions for moot or stale issues, and advise which items you deem worthy of continued advocacy in the 2006-08 legislative biennium. For convenience, you may return a marked copy of this enclosure that indicates your preferences.

Existing section positions recommended by you for continuation are typically rolled over by the BoG without any additional formality. Your prompt response should allow for timely action by the board at its July 2006 meeting without the lapsing of any section stance. Any request for entirely new legislative positions by your group must be tendered in more complete form.

Existing “Big Bar” and committee positions – advocated with mandatory membership fees – are treated differently. Following the sunset of these separate positions, the Board of Governors typically leaves this slate blank until their next board meeting. Any positions considered after this lapse (whether similar to previous ones or not) are reviewed *de novo* by a newly configured BoG, and are treated as new in every other respect – particularly for purposes of member dissent and potential fee rebates. Regardless, if you have recommendations for Florida Bar or committee advocacy in the new biennium, please share them with us.

The Governmental Affairs staff at The Florida Bar offers its assistance to you in complying with this request or for other possible political activity. True legislative emergencies can be considered by the Bar’s executive committee or president at any time. You may contact our office by calling 800 / 342-8060, Ext. 5662. We look forward to working with you during the coming months.

D.M.W.

Enclosure

VB(1)

## II. SECTION LEGISLATIVE POSITIONS

### Administrative Law Section

August 13, 2004

1. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation, that undermines the rule-making requirements of the Administrative Procedure Act by allowing statements of agency policy without formal rule-making.
2. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation to deny, limit or restrict points of entry to administrative proceedings under Chapter 120, *Florida Statutes*, by substantially affected persons.
3. Opposes exemptions or exceptions to the Administrative Procedure Act, but otherwise supports a requirement that any exemption or exception be included within Chapter 120, *Florida Statutes*.
4. Supports voluntary use of mediation to resolve matters in administrative proceedings under Chapter 120, *Florida Statutes*, and supports confidentiality of discussions in mediation; but opposes mandatory mediation and opposes imposition of involuntary penalties associated with mediation.
5. Supports uniformity of procedures in administrative proceedings under Chapter 120, *Florida Statutes*, and supports modification of such procedures only through amendment of or exceptions to the Uniform Rules of Procedure.
6. Opposes amendment to Chapter 120, *Florida Statutes*, that limits, restricts, or penalizes full participation in the administrative process, in the absence of compelling justification or non-anecdotal evidence which demonstrates that the existing provisions of law are not adequately protecting the administrative due process rights of all participants.

VB(2)

Name	Phone	E-Mail
AL		
Bertron , Andy	Office phone: 224-7091 Office fax: 222-2593	andy@hueylaw.com
Blanton , Donna	Office Phone: 425-6654 Office Fax: 425-6694	dblanton@radeylaw.com
Clark , Mary Ellen	Office Phone: 414-3300 Office Fax: 922-6425	mary_ellen_clark@oag.state.fl.us
Ellis , Rick	Office Phone: 681-6788 Office Fax: 681-6515	rellis@reuphlaw.com
Frazier , Seann	Office Phone: 222-6891 Office Fax: 681-0207	fraziers@gtlaw.com
Grossman , Allen	Office Phone: 222-7717 Office Fax: 222-3494	agrossman@gray-robinson.com
Imhof , Booter	Office Phone: 487-5957 Office Fax: 410-5120	imhof.booter@flsenate.gov
Jennings , Clark	Office Phone: 245-1312 Office Fax: 245-1330	jenninc@doacs.state.fl.us
Kearney , Debby	Office Phone: 488-9321 Office Fax: 413-0356 Cell Phone: 559-1221	debby.kearney@myfloridahouse.gov
Lannon , Cathy	Office Phone: 414-3752 Office Fax: 922-6425	cathy_lannon@oag.state.fl.us
McArthur , Elizabeth	Office Phone: 425-6654 Office Fax: 425-6694	emcarthur@radeylaw.com
Miller , Cynthia	Office phone: 850-413-6082	cmiller@psc.state.fl.us
Moore , Chris	Office Phone: 413-6098 Office Fax: 413-6099	cmoore@psc.state.fl.us
Nelson , Li	Office Phone: 488-9675 Office Fax: 488-5366	li_nelson@doah.state.fl.us
Rigot , Linda	Office Phone: 488-9675 Office Fax: 488-5366	linda_rigot@doah.state.fl.us
Sellers , Cathy	Office Phone: 681-6810 Office Fax: 681-9792	csellers@broadandcassel.com
Sellers , Larry	Office Phone: 425-5671 Office Fax: 222-8185	lsellers@hklaw.com
Stampelos , Charles	Office Phone: 488-9675 Office Fax: 488-5366	charles_stampelos@doah.state.fl.us
Watkins , Dave	Office Phone: 671-2644 Office Fax: 671-2732	watkins@floridacourts.com
Williams , Bill	Office Phone: 224-7091 Office Fax: 222-2593	billw@hueylaw.com

VI A(1)

Administrative Law Section  
Committees 2005-2006

CLE Committee	Andy Bertron
TBF CLE Committee Liaison	Andy Bertron Li Nelson
Council of Sections Liaison	Debby Kearney Clark Jennings
Law School Liaison	Cathy Sellers
Legislation	Linda Rigot Bill Williams Andy Bertron
Long Range Planning	Booter Imhof
Membership	Charlie Stampelos
Publications	Li Nelson
Newsletter Editor	Elizabeth MacArthur
Casenotes	Mary Smallwood
Agency Reporters	Mary Ellen Clark
Bar Journal Coordinator	Li Nelson
Public Utilities	Cindy Miller
Webpage Liaison	Cathy Lannon
Uniform Rules	Chris Moore
Environmental & Land Use Law Section Liaison	Cathy Sellers
Health Law Section Liaison	Allen Grossman



## **BYLAWS OF THE ADMINISTRATIVE LAW SECTION**

### **Article I DESCRIPTION**

**Section 1. Name.** The name shall be "Administrative Law Section, The Florida Bar."

**Section 2. Purposes.** The purposes of this section are:

(a) to provide 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) to provide 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, and to serve the public generally and The Florida Bar in interpreting and carrying out the professional needs and objectives in these fields.

**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 shall no longer be a member of the section.

**Section 2. Administrative Year.** The administrative year of the section shall run concurrently with the administrative year of The Florida Bar.

**Section 3. Annual Dues.** The annual dues shall be the amount fixed by the executive council and approved by The Florida Bar. After an applicant has become a member, dues shall be payable in advance of each membership year and shall 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. Such persons 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.

VI CQ)

(b) **Privileges and Responsibilities.** Affiliates shall be members of this section only. Affiliates shall have all the privileges accorded to members of the section except that affiliates shall not be entitled to vote on any matter or to hold any section office. Affiliate members shall pay annual dues as determined by the executive council.

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

**Section 2. Duties of Officers.** The duties of the officers shall be as follows:

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

(b) **Chair-elect.** The chair-elect shall become chair in the event of the death, resignation, or failure of the chair to serve for whatever reason; provided, however, that in the case of temporary disability or absence of the chair, the chair-elect shall serve as acting chair only for the duration of the chair's disability or absence. The chair-elect shall be responsible for such other duties as the chair may designate. The chair-elect shall be an ex-officio member of each committee of the section.

(c) **Secretary.** The secretary shall be 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 shall keep accurate minutes of the proceedings of all meetings of the section and the executive council and shall furnish copies of said minutes to the executive director of The Florida Bar and to the section coordinator.

(d) **Treasurer.** The treasurer shall serve as liaison to The Florida Bar and other sections on matters involving section finances and shall have the responsibility of accounting for all funds of the section, shall approve all disbursements, shall prepare annual financial statements under the supervision of the executive council and shall prepare 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 shall begin at the conclusion of the next annual meeting of the section after the chair was elected chair-elect and shall end at the conclusion of

the next succeeding annual meeting. Upon expiration of the chair's term, the chair shall be automatically succeeded by the chair-elect.

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

**Section 4. Election of Officers.** The chair-elect, secretary and treasurer shall be elected by a plurality of the membership of the section in attendance at its annual meeting. Nominations shall be 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 shall 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.** There shall be an executive council composed of 14 members of the section, plus the chair, chair-elect, immediate past chair, secretary, treasurer, and chair of the public utilities law committee, who shall be ex-officio voting council members. The executive council shall be the governing body of the section between the annual meetings of the section. The chair of the section shall be the chair of the executive council and the secretary of the section shall be the secretary of the executive council. It shall have general supervision and control of the affairs of the section, subject to the provision of the Rules Regulating The Florida Bar and the bylaws of this section. It shall authorize all commitments or contracts which entail the payment of money and it shall authorize the expenditures of all section funds. It shall not, however, 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 shall be vested with the power and authority to formulate, fix, determine and adopt matters of policy concerning the affairs and purposes of The Florida Bar. 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 shall have the prior approval of The Florida Bar.

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

**Section 3. Election of Executive Council Members.** The members of the executive council to be elected each year for 2-year terms shall be elected by a plurality vote of the

membership in attendance at the annual meeting of the section. Nominations shall be made by the executive council and may be accepted from the floor.

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

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

## **Article V MEETINGS**

### **Section 1. Meetings of the Membership.**

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

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

### **Section 2. Meetings of the Executive Council.**

(a) There shall be at least 3 meetings of the executive council each year, 1 of which shall be held in conjunction with the annual meeting of The Florida Bar.

(b) Regular meetings of the executive council shall be subject to call by the chair of the section upon 15 days' written notice to the members of the executive council.

(c) Special meetings of the executive council shall be subject to call by the chair of the section upon 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 shall conduct its business at regular and special meetings as provided for in these bylaws; provided, however, the business of the executive council between regular meetings may be conducted by correspondence to the extent authorized by the chair.

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

## Article VI COMMITTEES

**Section 1.** There shall be the following permanent, standing committees within the section:

(a) Budget Committee. The budget committee shall prepare and revise proposed budgets for submission to the executive council for approval. The budget committee shall be composed of the section chair, immediate past chair, chair-elect and treasurer.

(b) Long Range Planning Committee. The long range planning committee shall develop long-range goals for the section, review the present activities of the section and submit reports thereof and recommendations to the executive council for adoption. The long range planning committee shall be composed of the chair-elect of the section and such other persons as the chair may appoint.

(c) Legislative Committee. The legislative committee shall be composed of 3 members, appointed by the chair, who will also name the chair of the committee.

(1) Legislative Positions. The legislative committee shall from time to time make recommendations to the executive council regarding requests for the section to adopt a legislative position. Such position shall 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 shall consult with the chair and, if available, the chair-elect of the section. The chair of the committee may then act upon 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 shall notify all members of the executive council of such action taken as soon as it is reasonably possible to do so.

(d) Publications Committee. The publications committee shall be composed of the chair of the committee and 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 will appoint the chair of the committee each year. The chair of the committee will appoint 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 so 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 committee shall also be provided space in the section's newsletter featuring the committee's own column for matters of special interest to its members.

(f) **Law School Outreach Committee.** The law school outreach committee shall be composed of members appointed by the chair. The committee shall coordinate 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.** There shall be a nominating committee composed of 3 executive council members appointed by the chair to determine and 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. For any executive council member seeking re-appointment at the expiration of that member's term, consideration for re-appointment will be based upon that member's contributions to the executive council during the term that is about to expire.

**Section 2. Ad Hoc Committees.** The chair shall establish ad hoc committees from time to time as the need arises.

## **Article VII MISCELLANEOUS**

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

**Section 2.** No member of the section nor any committee thereof shall take any action or espouse any position as being the action or position of the section except as otherwise provided in these bylaws.

**Section 3. Financial Obligations.** Before payment, all financial obligations must first be approved in the manner specified by the executive council.

**Section 4. Compensation and Expenses.** No salary or other compensation shall 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 such 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. No action of this section shall be contrary to the policies of The Florida Bar.**