

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

### **ARTICLE I DESCRIPTION**

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

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

(a) an organization within The Florida Bar open to members in good standing having an interest in administrative law and procedure on both the state and federal levels; and

(b) a forum for discussion and exchange of ideas leading to the improvement and development of the fields of administrative law and procedure and agency practice, to serve the public and The Florida Bar in interpreting and carrying out the professional needs and objectives in these fields, and to promote and encourage professionalism among its members.

**Section 3. Aspirational Goal.** It is an aspirational goal to achieve fair balance between government attorneys and private practitioners among the executive council members of the section.

### **ARTICLE II MEMBERSHIP**

**Section 1. Eligibility.** Any member in good standing of The Florida Bar interested in the purposes of this section is eligible for membership upon application and payment of this section's annual dues. Any member who ceases to be a member of The Florida Bar in good standing will no longer be a member of the section.

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

**Section 3. Annual Dues.** The annual dues will be the amount fixed by the executive council and approved by The Florida Bar. After an applicant has become a member, dues are payable in advance of each membership year and will be billed by The Florida Bar at the time that regular dues of The Florida Bar are billed.

**Section 4. Affiliate Membership.**

(a) **Eligibility.** Any person who is not a member of The Florida Bar but who has an interest in administrative law and processes may become an affiliate member of the Administrative Law Section. Affiliate Members may include, but are not limited to, members of administrative boards, agency staff, law students, legal assistants, members of the legislature and legislative staff, and other administrative personnel.

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

**(c) Membership Limits and Administrative Expenses.** The number of affiliate members must not exceed one-third of the section membership. The section will reimburse the bar for expenses incurred by the bar in administering this section's affiliate membership.

## **ARTICLE III OFFICERS**

**Section 1. Officers.** The officers of this section are a chair, a chair-elect, a secretary, and a treasurer.

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

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

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

**(c) Secretary.** The secretary is responsible for all permanent files and records of the section, including the minutes of the meetings of the section and the executive council and all committee reports. The secretary keeps accurate minutes of the proceedings of all meetings of the section and the executive council and furnishes copies of the minutes to the executive director of The Florida Bar and to the section coordinator.

**(d) Treasurer.** The treasurer serves as liaison to The Florida Bar and other sections on matters involving section finances and has the responsibility of accounting for all funds of the section, approves all disbursements, prepares annual financial statements under the supervision of the executive council, and prepares budget requests and amendments in a timely manner in accordance with the procedures of the budget committee of The Florida Bar.

**Section 3. Term of Office.**

**(a) Chair.** The term of office of the chair begins at the conclusion of the next annual meeting of the section after the chair was elected chair-elect and ends at the

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

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

**Section 4. Election of Officers.** The chair-elect, secretary and treasurer are elected by a plurality of the membership of the section in attendance at its annual meeting. Nominations are made by the nominating committee of the executive council and may be accepted from the floor.

**Section 5. Vacancies.** Any permanent vacancy occurring in an office will be filled for the balance of the unexpired term by vote of the executive council at its next meeting.

## **ARTICLE IV EXECUTIVE COUNCIL**

**Section 1. Governing Body.** The executive council is the governing body of the section between the annual meetings of the section and is composed of 14 members of the section plus the chair, chair-elect, immediate past chair, secretary, treasurer, chair of the public utilities law committee, and all past chairs of the section. The chair of the public utilities law committee and all other past chairs of the section are ex-officio members. As ex-officio members, the chair of the public utilities law committee and all past chairs have the same rights, privileges, and obligations as any other member of the executive council, except the attendance requirement set forth in these bylaws. Past chairs become permanent members automatically on expiration of their term on the executive council. If the term of chair-elect or chair of the executive council expires before completion of service on the executive council as enumerated in these bylaws, that officer will be an additional member of the executive council for that period of time. The chair of the section is the chair of the executive council and the secretary of the section is the secretary of the executive council. The executive council has general supervision and control of the affairs of the section, subject to the provisions of the Rules Regulating The Florida Bar and the bylaws of this section. It authorizes all commitments or contracts which entail the payment of money and the expenditures of all section funds. It will not authorize commitments, contracts, or expenditures involving amounts of money in excess of the total amount which is anticipated as receipts from dues during the fiscal year plus the amount that has been previously collected from dues and remains unexpended. As the governing body of the section, it is vested with the power and authority to determine matters of policy concerning the affairs and purposes of the section. All recommendations of the section to The Florida Bar, any branch of the judiciary, or to any other group or body to which recommendations by the section are authorized to be made must first be approved by the executive council. Any recommendation made to other than The Florida Bar must have the prior approval of The Florida Bar.

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

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

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

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

## **ARTICLE V MEETINGS**

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

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

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

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

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

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

(c) Special meetings of the executive council are called by the chair of the section with written notice that is reasonable under the circumstances. For a special meeting, the purpose of the meeting must be stated in the call of the chair and no vote may be taken on business other than that stated in the call.

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

(e) Those participating in a meeting or in transacting business by correspondence as authorized above constitute a quorum and majority vote of those participating is binding.

(f) In the event a member of the executive council is absent from any 2 regular meetings during the fiscal year, the member's office is deemed vacant and is filled as provided in these bylaws.

## **ARTICLE VI COMMITTEES**

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

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

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

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

(1) *Legislative Positions.* The legislative committee makes recommendations to the executive council regarding requests for the section to adopt a legislative position. Recommendations require a 2/3 vote of the executive council to be adopted as the section position.

(2) *Legislature in Session.* When the legislature is in session, the chair of the committee consults with the chair and, if available, the chair-elect of the section. The chair of the committee may then act on pending or proposed legislation in accordance with section legislative positions if it is not reasonably possible or feasible for the executive council to act. The chair of the section notifies all members of the executive council of action taken as soon as it is reasonably possible to do so.

(d) **Publications Committee.** The publications committee is composed of the chair of the committee, the editors of the section's column in The Florida Bar Journal and the section's newsletter, and any other section members appointed by the chair. The chair of the section appoints the chair of the committee each year. The chair of the committee appoints the editors for the section's publications, who will be responsible for the timeliness, quality, and contents of those publications.

(e) **Public Utilities Law Committee.** The public utilities law committee's purpose is to gather and disseminate information, share expertise and advise its members on the legal, technical, and economic issues related to regulated utilities providing electric, gas, water, sewer, and telephone services. Any member of the section may become a member of the committee by notifying the chair of the committee in writing. The committee may present at least 1 CLE program which

receives bar approval for CLE credits each year. All CLE presentations must be approved by the executive council. The section's newsletter must provide space to the committee to feature the committee's own column for matters of special interest to section members.

**(f) Law School Outreach Committee.** The law school outreach committee is composed of members appointed by the chair. The committee coordinates section activities with Florida law schools to stimulate students' interest in administrative law with the goal of increasing the number of law students with an interest in administrative law.

**(g) Nominating Committee.** The nominating committee is composed of 3 executive council members appointed by the chair to propose a slate of candidates for any vacancy which occurs either during an executive council member's term or at the conclusion of any executive council member's term. Consideration for re-appointment of any executive council member will be based on that member's contributions to the executive council during the term that is about to expire. The nominating committee is also responsible for the selection and criteria of any award or recognition authorized by the executive council. Nominations for awards or other recognition may come from any member of the executive council and may be solicited from the members of the section by the committee.

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

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

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

## **ARTICLE VII MISCELLANEOUS**

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

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

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

**Section 4. Compensation and Expenses.** No salary or other compensation will be paid to any member of the section for performance of services to the section, but the chair may authorize the payment of reasonable out-of-pocket expenses resulting from performance of these services.

**Section 5. Amendments.** These bylaws may be amended only by The Florida Bar upon recommendation made by the executive council of the section.

**Section 6.** The section may take no action contrary to the policies of The Florida Bar.