

Health Law Section Executive Council Meeting Agenda
Thursday, June 23, 2011
4:00 p.m. – 6:00 p.m.
Gaylord Palms Resort, Orlando; Meeting Room: Miami ½

- I. Call to Order – Lester Perling, Chair
- II. Opening Remarks – Lester Perling, Chair
- III. Approval of Previous Meeting Minutes – Monica Rodriguez **Exhibit A**
- IV. Financial Report – Bernabe Icaza **Exhibit B**
- V. Committee Reports
 - a. Communications & Technology
 - i. Newsletter – Tom Clark
 - ii. Website – William Dillon
 - b. Public Health Committee – Rodney Johnson, Walter Carfora **Exhibit C**
 - c. Legislative Committee (2011 Legislative Update) – Steve Grigas
 - d. Health Care Reform Committee – Troy Kishbaugh
 - e. Education Committee – Grant Dearborn **Exhibit D**
 - f. Publications Committee – Allen Grossman
- VI. Old Business
 - a. Sponsorships – Monica Rodriguez **Exhibit E**
 - b. Bylaw Revisions – Lew Fishman **Exhibit F**
 - c. Handbook – Jack Buchanan
 - d. State and Federal Government & Administrative Practice Subspecialty Request to Review Track Proposal – Allen Grossman **Exhibit G**
- VII. New Business
 - a. BOG Report – Troy Kishbaugh **Exhibit H**
- VIII. Chair-Elect Comments – Cynthia Mikos
- IX. Awards
- X. Next Executive Council Meeting/Retreat
 - Thursday, September 15, 2011
 - Shula's Hotel & Golf Club, Miami Lakes

MINUTES

EXECUTIVE COUNCIL THE FLORIDA BAR HEALTH LAW SECTION

January 27, 2011

I. Call to Order

The meeting was called to order by Chair, Lester Perling, at 3:00 p.m. at the Hyatt Regency, Orlando, Florida.

Executive Council members who attended in person were: Lester Perling, Cynthia Mikos, Bernabe Icaza, Monica Rodriguez, Lewis Fishman, Rodney Johnson, Bill Dillon, Grant Dearborn, Sandra Greenblatt, Thomas Clark, Jay Wolfson, George Indest, III, Nicholas Romanello and Jennifer Smith. Executive Council members in attendance by phone were Walter Carfora, Mildred Beam, Susan Tuitt, and Robert Nicholson.

Others in attendance in person were Harold Kaplan, Bruce Lamb, Christine Whitney, Laurie Levin, Katharine Van Tassel and Ashlea Wiley. Others in attendance by phone were Allen Grossman, Chet Barclay, and Steven Grigas.

II. Opening Remarks—Lester Perling, Chairman

Mr. Perling stated that last night he, Ms. Mikos and Mr. Grigas attended the Legislative Reception in Tallahassee. There was a good turnout of Legislators, including those from the Health Care Committee. They felt attendance was very helpful, and appreciated the opportunity to meet with the lawmakers, and to offer the assistance of the Health Law Section in the future.

III. Approval of Previous Meeting Minutes –Monica Rodriguez, Secretary

The minutes of the September 23, 2010, regular meeting of the Executive Council of the Health Law Section, was moved by motion, seconded, and unanimously approved, with only a change to show Lewis Fishman was a member of the Executive Committee.

IV. Financial Report – Bernabe Icaza, Treasurer

Mr. Icaza reviewed the financial report, noting that almost 100% of the section membership budget has been met. The fund balance is healthy. Mr. Perling noted that some of the fund balance was being used for officer's expenses for the Legislative meeting.

Exhibit A

V. Committee Reports

A. Communication and Technology

Website – Rodney Johnson

Mr. Johnson presented the website report for Troy Kishbaugh, who was not present. The website, at www.flabarhls.org, has been completely revamped by Mr. Kishbaugh, with the assistance of other committee members Rodney Johnson, Chet Barclay, and Ashlea Wiley. The website is currently up and running. The website contains HLS CLE programs, newsletters, news and events and is fully searchable. Ms. Wiley is currently handling addition of information to the website, with approval from Mr. Kishbaugh.

Newsletter – Tom Clark

Mr. Clark stated the Fall newsletter was published in December, and he is looking for new articles for the spring or summer. The newsletter should be published twice this year (as it has been in the past).

B. Health Information and Technology Committee - William Dillon

Mr. Dillon reported that this committee has been fairly inactive, but that should change as the Harris Corporation recently received a contract from the state (AHCA) to develop a master participation agreement for everyone dealing with health information and the state to use once it is developed. Mr. Dillon indicated the Health Law Section has an opportunity to participate in development of this agreement.

C. Public Health – Walter Carfora and Rodney Johnson

Mr. Johnson stated that this year's educational sessions were being planned, and that they planned to have four sessions. The first will be on the model public health laws, June 15 will be on Medicaid by Mr. Carfora, August 17 should be on Health Care Reform, and October Mr. Johnson will compare FL health laws to model public health laws. The plan is to continue for these programs to be offered without charge as a service for section members. Mr. Johnson noted that many of those who attend work for the government. Ms. Wiley referred to the costs of audiocasts and telephone seminars, and offered the assistance of the Bar for these programs. Ms. Rodriguez proposed offering the audiocasts at no charge for government employees, but charging others.

Mr. Lamb was present and asked if the Health Law Section wanted to co-chair a seminar on SB 1786 with the Administrative Law Section for criminal lawyers to educate them on the ramifications of certain criminal

convictions for health care providers. The Committee voted to co-chair that seminar.

D. Legislative Committee – Steve Grigas, Cynthia Mikos

Mr. Grigas discussed the meeting with the Legislature he attended with Mr. Perling and Ms. Mikos. Mr. Grigas prepared a list of healthcare bills presented this session for consideration. He noted hospitals were likely to fight over rates, and there would be discussion of Medicaid reform, and a move towards HMOs. He said the reception was helpful, and they let Legislators know they were a resource for any health care law questions. Mr. Perling noted he would be sending letters to key Legislators reiterating the Section's willingness to help with any health law issues. Mr. Grigas will provide his bill summary to Ms. Wiley for distribution to members. Mr. Perling asked the Council be kept apprised of the status of bills, and that he be notified if there are any bills anyone feels the Section should take a position on.

E. Health Care Reform Committee – Sandra Greenblatt

Ms. Greenblatt, Committee Co-Chair, presented the report on behalf of Mr. Kishbaugh. The Committee has worked diligently with the Elder Law Section educating members mostly on how the reform bill impacts beneficiaries. A joint CLE was put together that was to take place in February, but there were very few registrants, so that program has been moved until later in the year.

F. Education Committee – Grant Dearborn, Nicholas Romanello

Mr. Dearborn asked to discuss again a CLE in Tallahassee for government lawyers to be offered next year, possibly about HB115, as proposed by Mr. Barclay earlier. Mr. Dearborn asked if a surveyor at AHCA would be willing to speak, and she was.

Mr. Perling asked if there was a CLE planned for the Annual Meeting. Ashlea reminded the Council that the Section does not make money off this CLE. Ms. Rodriguez stated that at the last meeting, the Council discussed not having a CLE at that meeting. If a program were to be offered, it could be at a different location. Mr. Romanello stated that he would prefer not to have a program at the Annual Meeting. Ms. Mikos suggested we could have the Health Care Reform meeting at the Annual Meeting, although we would have to coordinate that with the Elder Law Section.

Ms. Mikos recalled that Ed Tellechea had offered to go a webcast on the pain clinic rules, and even though they are stalled, that would likely still be of interest. Ms. Wiley noted that lunch webcast CLEs are very popular.

Mr. Romanello stated that the Advanced Topics/Certification Review Course would be in March, and he recommended the FUNdamentals program be continued, but that it be moved to South Florida. He offered to Chair that program this year.

Mr. Perling suggested an e-mail blast to members asking for topics they would like presented via webcast, as well as for any members who would like to provide a webcast presentation.

Ms. Wiley noted that registration for "Representing the Physician" is approximately 60 live registrants and 12 webcast registrants.

G. Publications Committee – Allen Grossman

Mr. Grossman noted that a decision was made that spending \$21,000 per issue for the journal was exorbitant, but that he discussed publication of the Journal on the website with the website publishers. It would contain the cover page, be searchable, and be exportable as a PDF file. We could make it so that only those that subscribe would have access to it. The initial cost for this would be about \$3400, and future editions would be about \$1200 to post. The website designers said it would be up within two months, and then 30-45 days of receipt of the articles. It could also contain advertising, if desired. Mr. Barclay indicated he would be willing to continue working on the Journal, including circulating second edition articles to authors for updating. Ms. Mikos noted that this year's budget included \$4000 for the Journal, which would cover the costs for the next publication, and likely for the entire year. Mr. Grossman discussed posting the first volume of the Journal also, the cost of which is included in the initial costs.

Discussion ensued on whether access to the Journal should be free to everyone, free to members, or solely for a fee. A motion was made to move forward with the Journal, offering it to members without charge, and to others for a fee. The motion was seconded and passed.

Mr. Grossman was asked about a recommendation for the Health Law Handbook, but he had not considered that. Total revenue for this edition of the Handbook is about \$4000. Mr. Perling asked that the Committee provide that recommendation at the next meeting. Mr. Johnson suggested doing a new version of the Handbook every 10 years, with updates each year.

VI. Old Business

AHLA Florida Lawyer Listserve – Cynthia Mikos

Ms. Mikos reiterated that AHLA has offered to do a listserv for Florida attorneys, and her concern that we could lose members to AHLA. Ms. Wiley stated that we can add a listserv to our website at no additional charge. Council members all felt we did not want AHLA running a Florida listserv. Bill Dillon and Monica Rodriguez offered to help set up the listserv and moderate.

Sponsorships – Sandra Greenblatt, Monica Rodriguez

Ms. Rodriguez discussed the proposal for sponsorship opportunities. She asked whether law firms should be able to purchase sponsorships. Mr. Kaplan noted concern about advertising and making money, and that the fund balance is already sufficient. Ms. Mikos noted that the money would allow the Section to offer services to Section members at lower prices. Mr. Wolfson suggested we table the decision to offer sponsorships to law firms, but go forward with offering sponsorships. A motion was made to go forward with sponsorships. It was seconded and approved.

Bylaw Revisions – Lewis Fishman

Mr. Fishman explained that the changes were primarily to effectuate the changes recommended at the Long Range Planning Retreat. If accepted, the changes must go to the Board of Governor's for approval. The Committee discussed whether certain changes should be made, such as regarding the logo and tagline, because of the approval requirement. Ms. Greenblatt suggested that language be changed to state only that the Section adopt a logo and tagline, and not specifically note that tagline. Mr. Fishman noted that changes may need to be made if the Council does not meet at the annual meeting, including when elections occur. The Council moved to approve the Bylaws as amended, with the above-noted change regarding the tagline and meetings. The issue of term limits was also discussed. A motion was made to remove term limits from the revised Bylaws, but that motion was defeated.

Mr. Perling discussed whether participation at Council meetings by telephone should be allowed, and recommended that everyone be required to participate in person. A motion was made to amend the Bylaws to require personal attendance at meetings and to discontinue telephone access to meetings. The motion was seconded and approved.

A discussion occurred regarding the Bylaws amendment to prohibit more than one EC member from each firm. A motion was made to remove that provision, which was seconded and approved.

With the changes noted above, the revisions to the Bylaws as presented to the Executive Committee were approved.

VII. New Business

A. Webinars, Teleconference Calls – John Buchanan

This was covered earlier in the meeting.

B. Budget Amendment for Midyear Meeting – Ashlea Wiley

Ms. Wiley noted that having the phone line and extra food caused the Section to go over budget at the Midyear meeting. A motion was made to approve the budget amendment submitted by Ms. Wiley, which was seconded and approved.

C. 2011 Midyear Meeting Retreat – Cynthia Mikos

Ms. Mikos reiterated the discussion at the last meeting about moving the location of the Midyear retreat. She said Gray Robinson and Broad and Cassel offered to have the meeting at their offices in Orlando. She said if the meeting was in conjunction with the FUNdamentals program, we could look for an office in Ft. Lauderdale where we can hold the meeting. Ms. Mikos will discuss when the retreat should be and will inform the Council about the date and location at the next meeting.

D. St. Thomas Health Law Program – Professor Katharine Van Tassel

Ms. Van Tassel introduced herself, having just moved from Massachusetts. She was hired at St. Thomas to start a Health Law Program, and asked for assistance in how to set up the program. She was interested in what health law firms were looking for when hiring a new lawyer, and in creating a mentoring program for students and expanding internships for students. She asked anyone interesting in helping e-mail her at kvantassel@stu.edu.

E. Center for Innovative Collaboration in Medicine & Law, FSU – Lester Perling

The ICML is asking for attorneys to fill out a survey on brain injuries during birth. It was just presented in case anyone wanted to complete it.

F. State Healthcare Reform – Nicholas Romanello

Mr. Romanello discussed that the election of Rick Scott would have some effects on health care. The first was suspending rulemaking. The second is

the creation of a Health and Human Services Transition Team, which is chaired by former AHCA head Alan Levine. Some of the proposals are to consolidate DOH and AHCA, and to convene a panel to discuss the necessity for public hospitals. Mr. Grossman said he participated in a transition meeting at DOH, and it appeared they already thought AHCA and DOH would be consolidated. HB115 is the bill that combines AHCA, DOH and DCF. Ms. Mikos noted the importance of putting up-to-date information about the bills on the website to keep our members informed of recommended changes. Ms. Mikos noted that the Attorney General's office took the position that the Governor's rulemaking prohibition does not apply to them, so some Boards will continue rulemaking.

G. Telephone Attendance at Executive Council Meetings – Lester Perling

This was addressed earlier.

VIII. Chair-Elect Comments – Cynthia Mikos

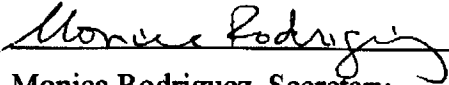
Ms. Mikos had no comments.

IX. Next Meeting – Lester Perling

The next meeting of the Section Executive Committee is on June 23, 2011, at the Gaylord Palms Resort, Orlando.

X. Adjournment.

The Meeting was adjourned at approximately 6:00 pm.



Monica Rodriguez, Secretary

3-16-11

Date

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
Total Health Law				
=====				
31431 Section Dues	30	39,990	40,500	98.74
31432 Affiliate Dues	0	1,050	1,250	84.00
31433 Admin Fee to TFB	-18	-23,562	-24,125	97.67

Total Dues Income-Net	12	17,478	17,625	99.17

32191 CLE Courses	1,073	6,600	11,600	56.90
32293 Section Differential	260	2,427	2,975	81.58
34001 Book Sales	0	0	4,000	0.00
35201 Sponsorships	1,000	4,000	1,000	400.00
36506 Section Handbook	0	1,175	990	118.69
38499 Investment Allocatio	-853	14,294	5,058	282.60

Other Income	1,480	28,496	25,623	111.21

Total Revenues	1,492	45,974	43,248	106.30

36998 Credit Card Fees	15	52	0	*
51101 Employee Travel	0	891	1,949	45.72
71001 Telephone/Direct	51	573	550	104.18
71005 Internet Charges	31	277	450	61.56
84001 Postage	6	152	380	40.00
84002 Printing	0	0	2,800	0.00
84009 Supplies	0	0	100	0.00
84010 Photocopying	0	89	200	44.50
84013 Health Law Journal	1,700	1,700	4,000	42.50
84051 Officers Travel Expe	0	2,513	2,500	100.52
84052 Meeting Travel Expen	0	0	1,000	0.00
84054 CLE Speaker Expense	0	453	2,000	22.65
84101 Committee Expenses	0	423	800	52.88
84201 Board Or Council Mee	0	2,849	2,500	113.96
84202 Annual Meeting	0	1,239	10,000	12.39
84204 Midyear Meeting	0	4,166	4,166	100.00
84205 Section Service Prog	0	150	3,000	5.00
84301 Awards	194	194	550	35.27
84416 Handbook	5	105	0	*
84422 Website	0	2,550	8,000	31.88
84701 Council Of Sections	300	300	300	100.00
84998 Operating Reserve	0	0	5,078	0.00
84999 Miscellaneous	0	0	500	0.00

Total Operating Expenses	2,302	18,676	50,823	36.75

86431 Meetings Administrat	120	720	0	*
86543 Graphics & Art	280	1,350	6,200	21.77

Total TFB Support Services	400	2,070	6,200	33.39

Exhibit B

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
Total Health Law =====				
Total Expenses	2,702	20,746	57,023	36.38
Net Operations	-1,210	25,228	-13,775	-183.14
21001 Fund Balance	0	104,562	102,321	102.19
Total Current Fund Balance	-1,210	129,790	88,546	146.58

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
Total Health Law CLE				
31436 Course Section Diff	-235	-2,050	0	*
32001 Registrations	0	32,030	0	*
32006 Live Web Cast	0	9,635	0	*
32010 Legal Span On-line	0	12,350	0	*
32205 Compact Disc	5,780	24,685	0	*
32207 DVD	1,250	4,575	0	*
32301 Course Materials	60	1,760	0	*
Total Revenues	6,855	82,985	0	*
51101 Employee Travel	7	1,022	0	*
83431 Time CLE Courses	15	5,020	0	*
86421 C L E Administration	321	4,987	0	*
86543 Graphics & Art	0	488	0	*
86623 Registrars	44	3,157	0	*
Total The Florida Bar Staf	387	14,674	0	*
86432 Time Taping Editing	6,300	8,978	0	*
88281 A/V Ctr Dup/Prod	301	763	0	*
Total Cost of AV Media	6,601	9,741	0	*
86001 Administrative Exp	732	7,458	0	*
Total General and Administ	732	7,458	0	*
81411 Promotional Printing	0	115	0	*
81412 Promotional Mailing	0	496	0	*
86532 Advertising News	0	3,228	0	*
Total Promotion	0	3,839	0	*
88241 Outline Prt-Inhouse	0	961	0	*
Total Printed Course Mater	0	961	0	*
88221 Speaker Workshops	0	500	0	*
88231 Speakers Travel	251	3,402	0	*
88232 Speakers Meals	27	872	0	*
88233 Speakers Hotel	313	3,387	0	*
88239 Speakers Other Exp	30	444	0	*
Total Speaker Expense	621	8,605	0	*
61201 Equipment Rental	0	6,401	0	*
84258 Web Services	0	5,935	0	*
88252 Course Credit Fee	0	300	0	*
88262 Meeting Meals	0	6,107	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
Total Health Law CLE				

88263 Meeting Hospitality	0	491	0	*
88265 Refreshment Breaks	0	3,605	0	*

Total Presentation Expense	0	22,839	0	*

36998 Credit Card Fees	14	1,239	0	*
75102 1st Class & Misc Mai	3	38	0	*
75401 Express Mail	127	1,046	0	*

Other Expense	144	2,323	0	*

Total Expenses	8,485	70,440	0	*

Total Net General Ledger	-1,630	12,545	0	*

32291 Section Fee	566	-10,057	0	*

Net Operations	-1,064	2,488	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
C0740 2009 Rep Physicians				
31436 Course Section Diff	0	-50	0	*
32010 Legal Span On-line	0	174	0	*
32205 Compact Disc	0	235	0	*
32207 DVD	0	275	0	*
Total Revenues	0	634	0	*

86421 C L E Administration	0	2	0	*
86623 Registrars	0	11	0	*
Total The Florida Bar Staf	0	13	0	*

86001 Administrative Exp	0	3	0	*
Total General and Administ	0	3	0	*

36998 Credit Card Fees	0	6	0	*
75401 Express Mail	0	8	0	*
Other Expense	0	14	0	*

Total Expenses	0	30	0	*

Total Net General Ledger	0	604	0	*

32291 Section Fee	0	-483	0	*
Net Operations	0	121	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
C0757 HL Hot Topics				
31436 Course Section Diff	0	-100	0	*
32010 Legal Span On-line	0	455	0	*
32205 Compact Disc	0	910	0	*
Total Revenues	0	1,265	0	*
86421 C L E Administration	-1	11	0	*
86623 Registrars	0	55	0	*
Total The Florida Bar Staf	-1	66	0	*
88281 A/V Ctr Dup/Prod	0	35	0	*
Total Cost of AV Media	0	35	0	*
86001 Administrative Exp	-1	16	0	*
Total General and Administ	-1	16	0	*
36998 Credit Card Fees	0	20	0	*
75401 Express Mail	0	14	0	*
Other Expense	0	34	0	*
Total Expenses	-2	151	0	*
Total Net General Ledger	2	1,114	0	*
32291 Section Fee	-1	-891	0	*
Net Operations	1	223	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
C0878 Fundamentals/HL Law				
31436 Course Section Diff	0	-200	0	*
32010 Legal Span On-line	0	2,448	0	*
32205 Compact Disc	0	2,540	0	*
32207 DVD	0	250	0	*
Total Revenues	0	5,038	0	*
86421 C L E Administration	-2	26	0	*
86623 Registrars	0	143	0	*
Total The Florida Bar Staf	-2	169	0	*
88281 A/V Ctr Dup/Prod	0	35	0	*
Total Cost of AV Media	0	35	0	*
86001 Administrative Exp	-2	38	0	*
Total General and Administ	-2	38	0	*
36998 Credit Card Fees	-1	57	0	*
75401 Express Mail	0	60	0	*
Other Expense	-1	117	0	*
Total Expenses	-5	359	0	*
Total Net General Ledger	5	4,679	0	*
32291 Section Fee	-4	-3,743	0	*
Net Operations	1	936	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
C0972 2010 Rep Physicians				
31436 Course Section Diff	0	-225	0	*
32010 Legal Span On-line	0	2,814	0	*
32205 Compact Disc	185	3,530	0	*
32207 DVD	250	525	0	*
Total Revenues	435	6,644	0	*
86421 C L E Administration	4	36	0	*
86623 Registrars	22	242	0	*
Total The Florida Bar Staf	26	278	0	*
88281 A/V Ctr Dup/Prod	21	56	0	*
Total Cost of AV Media	21	56	0	*
86001 Administrative Exp	7	53	0	*
Total General and Administ	7	53	0	*
36998 Credit Card Fees	11	67	0	*
75401 Express Mail	13	51	0	*
Other Expense	24	118	0	*
Total Expenses	78	505	0	*
Total Net General Ledger	357	6,139	0	*
32291 Section Fee	-429	-4,911	0	*
Net Operations	-72	1,228	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
C0993 2010 HL Cert Review ~~~~~				
31436 Course Section Diff	-25	-200	0	*
32010 Legal Span On-line	0	5,667	0	*
32205 Compact Disc	405	7,800	0	*
32207 DVD	0	1,000	0	*
32301 Course Materials	0	100	0	*

Total Revenues	380	14,367	0	*

86421 C L E Administration	-3	65	0	*
86623 Registrars	11	275	0	*

Total The Florida Bar Staf	8	340	0	*

88281 A/V Ctr Dup/Prod	0	77	0	*

Total Cost of AV Media	0	77	0	*

86001 Administrative Exp	0	98	0	*

Total General and Administ	0	98	0	*

88241 Outline Prt-Inhouse	0	107	0	*

Total Printed Course Mater	0	107	0	*

36998 Credit Card Fees	9	190	0	*
75102 1st Class & Misc Mai	0	7	0	*
75401 Express Mail	3	96	0	*

Other Expense	12	293	0	*

Total Expenses	20	915	0	*

Total Net General Ledger	360	13,452	0	*

32291 Section Fee	-753	-10,762	0	*

Net Operations	-393	2,690	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
C1086 2010 HL Hot Topics ~~~~~				
86421 C L E Administration	0	2	0	*
-----	-----	-----	-----	-----
Total The Florida Bar Staf	0	2	0	*
-----	-----	-----	-----	-----
86001 Administrative Exp	0	3	0	*
-----	-----	-----	-----	-----
Total General and Administ	0	3	0	*
-----	-----	-----	-----	-----
75401 Express Mail	0	21	0	*
-----	-----	-----	-----	-----
Other Expense	0	21	0	*
-----	-----	-----	-----	-----
Total Expenses	0	26	0	*
-----	-----	-----	-----	-----
Total Net General Ledger	0	-26	0	*
-----	-----	-----	-----	-----
Net Operations	0	-26	0	*
-----	-----	-----	-----	-----

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
<u>C1108 Fundamentals/HL Law</u>				
31436 Course Section Diff	0	-825	0	*
32001 Registrations	0	9,380	0	*
32006 Live Web Cast	0	4,820	0	*
32010 Legal Span On-line	0	792	0	*
32205 Compact Disc	0	4,480	0	*
32207 DVD	0	1,525	0	*
32301 Course Materials	0	700	0	*
Total Revenues	0	20,872	0	*
51101 Employee Travel	0	480	0	*
83431 Time CLE Courses	0	2,355	0	*
86421 C L E Administration	-122	1,739	0	*
86543 Graphics & Art	0	207	0	*
86623 Registrars	0	1,265	0	*
Total The Florida Bar Staf	-122	6,046	0	*
86432 Time Taping Editing	0	2,678	0	*
88281 A/V Ctr Dup/Prod	0	280	0	*
Total Cost of AV Media	0	2,958	0	*
86001 Administrative Exp	-87	2,589	0	*
Total General and Administ	-87	2,589	0	*
86532 Advertising News	0	1,614	0	*
Total Promotion	0	1,614	0	*
88241 Outline Prt-Inhouse	0	266	0	*
Total Printed Course Mater	0	266	0	*
88231 Speakers Travel	0	976	0	*
88232 Speakers Meals	0	322	0	*
88233 Speakers Hotel	0	811	0	*
88239 Speakers Other Exp	0	169	0	*
Total Speaker Expense	0	2,278	0	*
61201 Equipment Rental	0	840	0	*
84258 Web Services	0	3,200	0	*
88252 Course Credit Fee	0	150	0	*
88262 Meeting Meals	0	2,349	0	*
88265 Refreshment Breaks	0	988	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
C1108 Fundamentals/HL Law				
Total Presentation Expense	0	7,527	0	*
36998 Credit Card Fees	-2	305	0	*
75102 1st Class & Misc Mai	0	21	0	*
75401 Express Mail	2	616	0	*
Other Expense	0	942	0	*
Total Expenses	-209	24,220	0	*
Total Net General Ledger	209	-3,348	0	*
32291 Section Fee	-297	2,678	0	*
Net Operations	-88	-670	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
C1173 Adv HL Topics/Cert				
31436 Course Section Diff	-210	-450	0	*
32001 Registrations	0	22,650	0	*
32006 Live Web Cast	0	4,815	0	*
32205 Compact Disc	5,190	5,190	0	*
32207 DVD	1,000	1,000	0	*
32301 Course Materials	60	960	0	*
Total Revenues	6,040	34,165	0	*
51101 Employee Travel	7	542	0	*
83431 Time CLE Courses	15	2,665	0	*
86421 C L E Administration	445	3,106	0	*
86543 Graphics & Art	0	281	0	*
86623 Registrars	11	1,166	0	*
Total The Florida Bar Staf	478	7,760	0	*
86432 Time Taping Editing	6,300	6,300	0	*
88281 A/V Ctr Dup/Prod	280	280	0	*
Total Cost of AV Media	6,580	6,580	0	*
86001 Administrative Exp	815	4,658	0	*
Total General and Administ	815	4,658	0	*
81411 Promotional Printing	0	115	0	*
81412 Promotional Mailing	0	496	0	*
86532 Advertising News	0	1,614	0	*
Total Promotion	0	2,225	0	*
88241 Outline Prt-Inhouse	0	588	0	*
Total Printed Course Mater	0	588	0	*
88221 Speaker Workshops	0	500	0	*
88231 Speakers Travel	251	2,426	0	*
88232 Speakers Meals	27	550	0	*
88233 Speakers Hotel	313	2,576	0	*
88239 Speakers Other Exp	30	275	0	*
Total Speaker Expense	621	6,327	0	*
61201 Equipment Rental	0	5,561	0	*
84258 Web Services	0	2,735	0	*
88252 Course Credit Fee	0	150	0	*
88262 Meeting Meals	0	3,758	0	*
88263 Meeting Hospitality	0	491	0	*

	May 2011 Actuals	YTD 10-11 Actuals	Budget	Percent Budget
C1173 Adv HL Topics/Cert ~~~~~				
88265 Refreshment Breaks	0	2,617	0	*
Total Presentation Expense	0	15,312	0	*
36998 Credit Card Fees	-3	594	0	*
75102 1st Class & Misc Mai	3	10	0	*
75401 Express Mail	109	180	0	*
Other Expense	109	784	0	*
Total Expenses	8,603	44,234	0	*
Total Net General Ledger	-2,563	-10,069	0	*
32291 Section Fee	2,050	8,055	0	*
Net Operations	-513	-2,014	0	*

**Public Health Interest Group Schedule of Activities 2011 - 3
scheduled programs,
Call in number at 1-888-808-6959 code 595-6688:**

**Medicaid: How Safe a Net? completed June 15, 2011 - Walter R.
Carfora, J.D., M.P.H.,**

**Model Public Health Laws, is set for August 17, 2011, 3:00 to 4:00
PM Eastern by Rodney M. Johnson.**

**Patient Protection and Affordable Care act - Public health
opportunities, is tentatively scheduled for October 19, 2011, 3:00 to
4:00 PM Eastern**

**Walter Carfora and I as co-chairs of the Public Health Interest Group
look forward to hearing from you at the upcoming presentations.**

Rodney M. Johnson

Exhibit C

Health Law Section 2010 – 2011 CLE Numbers

2nd Annual FUNDamentals of Florida Health Care

Renaissance Orlando Airport Hotel

September 17, 2010

Speaker Dinner on September 16, 2010

Course #1108

Live: 47

Webcast: 18

Representing the Physician 2011

Hyatt Regency Orlando Int'l Airport Hotel

January 28, 2011

Course # 1157

Live: 51

Webcast: 18

Health Law Certification Review 2011

Hyatt Regency Orlando Int'l Airport Hotel

March 4-5, 2011

Course #1173

Live: 54

Webcast: 9

May 3rd Webinar

“A.H.C.A. Change of Ownership”

49

June 7th Webinar

“Accountable Care Organizations”

23

Exhibit D

THE RESOURCE FOR



FLORIDA HEALTH LAW

The Florida Bar Health Law Section

THE FLORIDA BAR HEALTH LAW SECTION

.....
2011-2012
.....

**SPONSORSHIP
OPPORTUNITIES**
.....

Exhibit E

Meetings and Seminars, Retreat, Publications, Website



YOUR OPPORTUNITY TO REACH OVER 1400 HEALTH LAW SECTION MEMBERS!

The Health Law Section of The Florida Bar is the principal state membership organization for attorneys engaging in all aspects of health law, including those attorneys Board Certified in the specialty of Health Law. The Section advocates and provides numerous educational and networking opportunities for Florida health lawyers in law firms, solo practice, government and in-house counsel, to enhance the quality and ethics of legal services offered to health care clients. Our over 1400 members represent hospitals, other health care facilities, health care payors and provider groups, health care professionals, patients and other health care consumers in business transactions, regulatory matters, litigation and administrative actions.

Our Section puts on an average of three (3) major in-person continuing legal education (CLE) programs each year (some of which are co-sponsored with other Florida Bar Sections), as well as webinars and telephone seminars. We also have an up-to-date Website, a quarterly Newsletter which is sent via e-mail to all Section members, and a Health Law Practitioner's Handbook providing guidance to attorneys practicing or interested in the specialty of health law. Each of these seminars and publications provides an excellent opportunity for Sponsors to promote their businesses and interact with our Section members. Whether you are a health care provider, facility, payor, or a consultant, publication, or other business or professional serving the health care and/or legal industries, becoming a Sponsor of our Health Law Section is a wise business investment as well as a way to support The Florida Bar Health Law Section, a non-profit organization. We invite you to become a Sponsor at one of the levels described below. Each category is limited, so please contact us as soon as possible to assure your Sponsorship position.

SPONSORSHIP PACKAGES

★ **GOLD LEVEL: \$8,500**

- Mailing labels and email addresses of entire Health Law Section membership;
- Attendance for two (2) at an Executive Council Meeting, including the opportunity to provide a presentation to our Executive Council;
- Attendance for two (2) at the Health Law Section Executive Council reception (will coincide with the Executive Council Meeting the Sponsor chooses above) with table signage;
- Attendance for two (2) at the Health Law Section Executive Council dinner (will coincide with the Executive Council Meeting the Sponsor chooses above);
- Opportunity to introduce your company at each Health Law Section CLE seminar;
- Webpage ad and link on Section Website: www.flabarhls.org;
- Full-page ad in each Newsletter (2 issues annually);
- Email blast to entire Section membership recognizing Sponsor and providing Sponsor contact information to Section members.

★ **SILVER LEVEL: \$5,000**

- Attendance for two (2) at an Executive Council reception or dinner of the Sponsor's choice* with table signage;
- Opportunity to introduce your company at each Health Law Section CLE seminar;
- Webpage ad and link on Section Website: www.flabarhls.org;
- Half (1/2) page ad in each Newsletter (2 issues annually).

★ **BRONZE LEVEL: \$2,500**

- Attendance for one (1) at an Executive Council reception or dinner of the Sponsor's choice* with table signage;
- Webpage ad and link on Section Website: www.flabarhls.org;
- Quarter (1/4) page ad in each Newsletter (2 issues annually).

★ **MEAL OR RECEPTION SPONSORS: \$1,500**

- Opportunity to sponsor a CLE breakfast or lunch; Past Chairs lunch or an Executive Council lunch, dinner or reception offered in conjunction with either an Executive Council meeting or a Section CLE program;
- Visibility includes table signage, recognition of company at meeting, program, or meal (at the discretion of the program chair) with opportunity to introduce company and network with attendees;
- Webpage ad and link on Section Website: www.flabarhls.org; and
- Attendance for one (1) at meal at sponsoring event.

★ **WEBINAR SPONSOR: \$500**

- Recognition by program chair at beginning of program;
- Recognition of company on program brochure and materials;
- Webpage ad and link on Section Website: www.flabarhls.org.

TO RESERVE YOUR SPONSORSHIP, PLEASE COMPLETE THE ATTACHED SPONSORSHIP FORM OR CONTACT ASHLEA WILEY AT (850) 561-5624 WITH ANY QUESTIONS YOU MAY HAVE. YOUR SPONSORSHIP WILL COMMENCE WHEN APPROVED BY OUR EXECUTIVE COUNCIL AND PAYMENT IN FULL IS RECEIVED. THANK YOU FOR YOUR SUPPORT. WE LOOK FORWARD TO OUR COLLABORATION.

*Gold Sponsor choices for receptions and dinners take priority over Silver and Bronze Sponsor choices; Silver Sponsor choices for receptions and dinners take priority over Bronze choices.

Sponsors - please note your first choice (by marking a 1 below), your second choice (by marking a 2 below) and your third choice (by marking a 3 below) of the Executive Council reception or dinner you would like to be the Sponsor of and attend. **When hosting receptions, please choose if you would rather be the host of the Bar or the Food served at the reception.

2011 – 2012 Fiscal Year Calendar of Health Law Section Events

September 22, 2011 – Health Law Executive Council Retreat, Shula’s Hotel & Golf Club, Miami Lakes

Reception ** choose one of the following:

Host the Bar at Reception

Host the Hors d’oeuvres and Food Display at Reception

Dinner

September 23, 2011 – CLE – 3rd Annual FUNdamentals of Florida Healthcare Law, Shula’s Hotel & Golf Club, Miami Lakes

Lunch

January 26, 2012 – January Executive Council Meeting, Location TBD

Reception ** choose one of the following:

Host the Bar at Reception

Host the Hors d’oeuvres and Food Display at Reception

Dinner

January 27, 2012 – CLE – Representing the Physician 2012, Location TBD

Lunch

March 9-10, 2012 – CLE – Advanced Health Law Topics and Certification Review 2012, Location TBD

Lunch (day 1)

Lunch (day 2)

June 21, 2012 – The Florida Bar Annual Meeting/Health Law Executive Council Meeting, Gaylord Palms Resort, Orlando

Reception ** choose one of the following:

Host the Bar at Reception

Host the Hors d’oeuvres and Food Display at Reception

Dinner

Health Law Section Sponsorship

Company Name: _____ Contact: () _____
(Print name exactly as you want it to appear on sign)

Phone: () _____ E-mail: _____

Address: _____
(All event information will be sent to this address unless otherwise indicated)

City/State/Zip: _____

Please enroll our company for sponsorship at the following level:

- GOLD LEVEL — \$8,500** [8130022]
- SILVER LEVEL — \$5,000** [8130023]
- BRONZE LEVEL — \$2,500** [8130024]
- INDIVIDUAL EVENT SPONSORSHIP — \$1,500** [8130025]
- WEBINAR SPONSOR — \$500** [8130026]

METHOD OF PAYMENT (CHECK ONE):

- Check enclosed made payable to The Florida Bar
- Credit Card
 - MASTERCARD VISA DISCOVER AM. EXPR. Exp. Date: ____/____ (MO./YR.)

Signature: _____

Name on Card: _____ Billing ZIP code: _____

Card No. _____

MAIL TO:

Ms. Ashlea Wiley, Program Administrator
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

OR

FAX: 850/561-9427

**AMENDED BYLAWS OF THE HEALTH LAW SECTION
of
The Florida Bar**

**ARTICLE I
NAME**

Section 1. Name. The name of this Section of The Florida Bar is the "Health Law Section" (the "Section").

Section 2. Logo/Tag Line. The Section shall adopt a logo and a tag line, by determination of the Executive Council.

**ARTICLE II
PURPOSES**

Section 1. Purposes. The purposes of the Section are to provide:

(a) An organization within The Florida Bar (the "Bar") open to members thereof in good standing who have an interest in health law;

(b) An organization within The Florida Bar open, on a limited basis, to individuals practicing a profession related to health care who have an interest in health law; and

(c) A forum for communication and education leading to the improvement and development of the field of health law, and to serve the public generally, as well as the Bar, in interpreting and carrying out the professional needs and objectives in this area of law.

Section 2. Mission Statement. The mission of the Health Law Section of The Florida Bar is *To serve as a forum for Members to interact and develop expertise in Health Law and to provide education and resources emphasizing Health Law issues in Florida.*

**ARTICLE III
MEMBERSHIP**

Section 1. Eligibility. Any member of the Bar, in good standing and interested in the purposes of this Section, is eligible for Section membership upon application and payment of the Section's annual dues. Any member who ceases to be a member in good standing of the Bar may no longer be a member of the Section, unless they qualify as an affiliate member as set forth in Section 3.4.

Section 2. Administrative Year. The Section's administrative year will run concurrently with the fiscal year of the Bar (currently July 1st through June 30th).

Section 3. Annual Dues. The annual dues of the Section shall be determined by the Executive Council and approved by the Board of Governors of 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 Bar at the time that regular dues of the Bar are billed. Any member whose

Exhibit F

dues are in arrears for a period of 3 calendar months after the first calendar month of any membership year will not be afforded member rights or privileges for such time that the member's dues remain in arrears.

Section 4. Affiliate Membership. The Executive Council may enroll, upon request and upon payment of the prescribed dues, as affiliate members of the Section, other persons who can show a dual capacity of interest in and contribution to the Section's activities as defined herein below. The purpose of affiliate membership is to foster the development and communication of multi-disciplinary information utilized in health law, but not to encourage the unlicensed practice of law. The number of affiliate members shall not exceed one-third of the Section membership. An affiliate member is a member of this Section only.

(a) "Affiliate" or " Affiliate Member" means any person who practices a profession dealing with health care including but not limited to physicians, nurses, administrators, allied health practitioners, risk managers, students of any of the foregoing professions, accountants, students currently enrolled in an accredited school of law, law school graduates, in-house corporate counsel not admitted to The Florida Bar, paralegals, legal administrators or other persons who hold positions directly related to the health care industry and its involvement in health law.

(b) Affiliates shall have all the privileges accorded to members of the Section except that affiliates shall not be entitled to vote, to hold office, or to participate in the election of officers or members of the Executive Council or to advertise affiliate membership in any way. Affiliates may serve in an advisory, nonvoting capacity, which the Executive Council may from time to time establish in its discretion.

(c) Affiliate members shall pay dues determined as set forth in these Bylaws.

(d) The Section shall reimburse the Bar for expenses incurred by the Bar in administering this Section's affiliate membership.

ARTICLE IV EXECUTIVE COUNCIL

Section 1. Governing Body. There shall be an Executive Council, which shall be the governing body of this Section. The Executive Council shall have 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 the Section, and shall serve as the long range planning committee of the Section. It shall, pursuant to this right, authorize all commitments or contracts that entail the payment of money and authorize the expenditure of all Section funds. It shall not, however, authorize commitments, contracts or expenditures involving amounts of money in excess of the total amount that is anticipated as receipts from dues during the fiscal year plus the amount that has been previously collected from dues and remains unexpended. The Executive Council shall be vested with power and authority to formulate, fix, determine and adopt matters of policy concerning the affairs and purposes of the Section.

Section 2. Section Recommendations. All recommendations of the Section to The Florida Bar and/or its Board of Governors, any branch of the judiciary, legislative committee, or

to any other group or body to which recommendations by the Section are authorized to be made must have the prior approval of the Executive Council. Any recommendation made to other than the Board of Governors of The Florida Bar shall have the prior approval of the Bar.

Section 3. Membership. The Executive Council shall be comprised of 18 elected members of the Section, in addition to the chair, chair-elect, immediate past chair, secretary and treasurer (collectively, the "ex-officio members") of the Section. Such ex-officio members shall be voting members of the Executive Council. In the event any ex-officio member is concurrently an elected member of the Executive Council, said ex-officio member shall neither be required to relinquish the member's elected seat nor be counted twice as a member of the Executive Council. Additionally, all former chairs of the Executive Council shall be considered an ex-officio member of the Executive Council, without vote, for four (4) years after their term of office as immediate past chair has expired.

Section 4. Term of Office. All elected members of the Executive Council shall serve for a term of 3 years, the terms being staggered such that approximately one-third of the elected membership of the Executive Council is elected each year. The terms commence at the conclusion of the annual meeting of the Section at which the member is elected and shall end at the conclusion of the annual meeting of the Section 3 years thereafter. No member shall serve more than two consecutive full terms on the Executive Council without an intervening three year period before being eligible for re-election. This provision shall not preclude any member who has served two full terms from being elected as an Officer in accordance with Article IV, Section 3 and Article V, nor shall preclude any member who is appointed to fill a vacancy in accordance with Article IV, Section 7 from being eligible for being elected to two full terms of his/her own accord.

Section 5. Election. The nomination and election of members of the Executive Council shall occur at the time of the annual meeting of the Section, as more fully set forth in Article VII.

Section 6. Meetings. The Executive Council shall conduct its business at regular and special meetings as provided for in Article VI; provided, however, the business of the Executive Council between regular or special meetings may be conducted by correspondence, telephone, facsimile, or other electronic means to the extent authorized by the chair. In the absence of action by the Executive Council as permitted herein, the executive committee as defined in Article IX, Section 1(a), shall be responsible for the daily operations of the Section and all action taken by the executive committee pursuant to this right shall be subject to ratification by the Executive Council at its next regular or special meeting.

Section 7. Vacancy. If at any time during a term of office of an elected member of the Executive Council such seat shall become permanently vacant by reason of death, resignation, ineligibility or other reason, such seat on the Executive Council shall be filled for the balance of its term by a majority vote of the members of the Executive Council present at the next scheduled meeting of the Executive Council.

Section 8. Meeting Absences. In the event any elected member of the Executive Council is absent from 2 or more meetings during the Section's administrative year without being excused by the chair, such member's office may be declared vacant by the Executive Council and such vacancy shall be filled as provided in Article IV, Section 7 hereinabove.

ARTICLE V 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, the Executive Council and the executive committee. The chair shall appoint, upon the advice and consent of the Executive Council, and unless otherwise specified elsewhere in these Bylaws, all committee chairs, and shall prepare all reports to be submitted to The Florida Bar or to its board of governors and shall perform such other duties as customarily pertaining to the office of the chair. The chair shall be an ex-officio member, with vote, 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 case of the 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 the public relations activities of the Section, including liaison with the public relations committee of the Bar, and for such duties as the chair may designate. The chair-elect shall be an ex-officio member, with vote, 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 Section, of the Executive Council, and of all committees. The secretary shall furnish copies of said minutes to the executive director of The Florida Bar and to the Section administrator.

(d) *Treasurer.* The treasurer shall have the responsibility of accounting for all funds of the Section, shall approve all disbursements, and shall prepare annual financial statements under the supervision of the Executive Council.

Section 3. Term of Office. The term of office for each officer shall be for 1 year, commencing at the conclusion of the annual meeting of the Section at which the officer was elected, and concluding at the end of the next succeeding annual meeting, except that the chair-elect shall then automatically ascend to the office of the chair.

Section 4. Election. The nomination and election of officers shall occur at the time of the annual meeting of the Section, as more fully set forth in Article VII.

Section 5. Vacancy. Any vacancy in the office of the secretary or treasurer by reason of death, resignation, ineligibility, or other reason shall be filled by the Executive Council for the balance of the term, at its next regular or special meeting. Any vacancy in the office of chair-elect due to either the death, resignation or ineligibility of the chair-elect, or the chair-elect's elevation to the office of the chair, shall not be filled and shall remain vacant until the next annual meeting at which officers are elected.

ARTICLE VI MEETINGS

Section 1. Section Meetings.

(a) *Annual Meeting.* The annual meeting of the Section shall be at the time of and in conjunction with the annual meeting of The Florida Bar.

(b) *Special Meetings.* Special meetings of the entire Section membership may be called by the Executive Council, provided not less than 30 days prior written notice thereof shall be given to each member of the Section as to the time, date, location and purpose of the meeting, with notice being deemed to have been given on the day mailed or on the date of publication in *The Florida Bar News*.

(c) *Quorum.* The members of the Section, other than affiliate members, attending any regular or special meeting of the Section, shall constitute a quorum for the transaction of business at said meeting and a majority vote of those present shall be deemed the action of the Section.

Section 2. Executive Council Meetings.

(a) *Regular Meetings.* There shall be not less than 3 regular meetings of the Executive Council annually, 1 of which shall be held in conjunction with the annual meeting of the Section, at the time of the annual meeting of The Florida Bar. The date and location of all other regular meetings shall be determined by the chair of the Section in conjunction with the Executive Council and the Florida Bar Section administrator.

(b) *Special Meetings.* Special meetings of the Executive Council may be called by the chair of the Section, and shall be scheduled when requested by a majority of the membership of the Executive Council, upon giving not less than 3 days' prior written notice to the Executive Council membership to said effect, with notice being deemed to have been given on the day mailed or sent by facsimile transmission.

(c) *Quorum.* A majority of the Executive Council membership shall constitute a quorum, and the majority vote of those so attending shall be binding and be deemed the action of the Executive Council, except as set forth in Article VIII, Section 3 hereinbelow, as regards the Section's adoption of a legislative policy which greater quorum shall be required. All attendance shall be in person, and there shall be no telephonic attendance.

(d) *Manner of Action.* In lieu of an actual meeting, the Executive Council may act or transact authorized business at a duly called regular or special meeting by either written, email or facsimile approval of a majority of the Executive Council membership; or by telephonic or other verbal communication and approval by a majority of the Executive Council membership, which approval is subsequently confirmed in writing.

Section 3. Agendas.

(a) *Regular Meetings.* At all regular meetings of the Section and the Executive

Council, the chair shall prepare and distribute an agenda as to the conduct of the meeting. The Section and the Executive Council shall consider, respectively, all such matters that may properly be brought before it, time permitting.

(b) *Special Meetings.* At all special meetings of the Section and the Executive Council, the call of the meeting shall prescribe the purpose and nature of the business to be transacted at the special meeting, and no business shall be conducted at a special meeting of either the Section or the Executive Council other than as is designated in the call or notice of the respective meeting.

ARTICLE VII NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COUNCIL MEMBERS

Section 1. Nominations. Not less than 90 days prior to the date of the annual meeting of the Section, the nominating committee, comprised as set forth in Section 4 of this Article VII., shall submit its nominations consisting of a slate of 1 name for each office available, to the chair, for the following offices:

- (a) chair, but only if for any reason, the office of chair-elect is vacant;
- (b) chair-elect;
- (c) secretary;
- (d) treasurer;

(e) Such number of seats on the Executive Council as whose members' terms are expiring. The nominating committee shall take into consideration the geographic distribution and practice setting of the Executive Council membership and proposed nominees, it being the specific policy of the Section that the membership of the Executive Council be geographically balanced.

Section 2. Nominating Committee Report. The nominating committee shall submit its report to the Section chair, who shall cause such report to be published in *The Florida Bar News* or in the Section newsletter, or otherwise publish the nominating committee report to the Section membership at least 60 days prior to the date of the annual meeting.

Section 3. Substituted or Additional Nominations. If, after submission of the nominating committee report to the chair and prior to the annual meeting of either the Section and/or the Executive Council,

(a) any person nominated to office shall die or otherwise become unable or unwilling to serve; or

(b) any new office shall be created;

then the nominating committee shall, within 30 days of notice of such event to the chair of the

nominating committee, make such substituted or additional nominations as are appropriate. If practicable, notice of such additional nominations shall be published to Section members before the annual meeting; otherwise such nominations shall be announced to the Section at the annual meeting.

Section 4. Other Nominations. Other nominations may be made by petition signed by at least 15 voting members of the Section and filed with the chair, not later than 30 days prior to the date of the annual meeting. If there are any substituted or additional nominations made pursuant to Article VII, Section 3., a petition nominating a person for such position may be filed in the herein manner anytime prior to the annual meeting. If practicable, any such nominations shall be announced to the Section promptly upon receipt; otherwise such nominations shall be announced to the Section at the annual meeting.

Section 5. Executive Council Membership Elections. Election of the Executive Council membership shall occur at the annual meeting of the Section and shall be by voice or hand vote of all Section membership in attendance and eligible to vote, unless there are other nominations in accordance with Article VII, Section 4, in which event election shall be by written ballot of all Section membership in attendance and eligible to vote. In the event of a contested election, the candidates receiving the highest number of votes for the number of seats up for election shall be deemed elected.

Section 6. Officer Elections. Election of officers shall be by the members of the Executive Council, at the Executive Council meeting held in conjunction with the annual meeting of the Section. Voting shall be by voice or hand vote, unless there are other nominations in accordance with Article VII, Section 4, in which event election shall be by written ballot, with the candidate receiving the highest number of votes for each office being deemed elected. Any ballot on which more than one vote is cast for the same office shall be void.

ARTICLE VIII LEGISLATIVE POLICY

Section 1. General Purpose. The Section is authorized to become involved in legislative (or judicial or administrative) action that is significant to the judiciary, the administration of justice, the fundamental legal rights of the public, or the interests of the Section consistent with the policies outlined hereinbelow.

Section 2. Legislative Position. Any legislative, judicial or administrative position of the Section (hereinafter referred to as "legislative position") is to be adopted in accordance with the herein Article VIII. These positions will be clearly identified at all times before legislative bodies and members as positions of the Section only, unless otherwise authorized by the Board of Governors of The Florida Bar.

Section 3. Adoption of Legislative Position. The Executive Council, by a two-thirds vote of the membership at a meeting at which a quorum is present, must find that the proposed legislative position is within the scope of the purposes for which positions may be taken, and must also approve the substance of the position proposed by a two-thirds vote. No legislative position may be taken which is contrary to the legislative policies of the Board of Governors of

The Florida Bar. Once adopted, the Section's secretary shall immediately notify the executive director of The Florida Bar, in writing, of the Section's adoption of the legislative position. The legislative position of the Section may not be advanced until the Board of Governors of The Florida Bar, at its next regularly scheduled meeting after notification to the executive director of The Florida Bar, has reviewed the position of the Section and has not disapproved same. When time constraints require prompt action, the executive committee of The Florida Bar may act in lieu of the board of governors. In an emergency, the president of The Florida Bar may act consistent with applicable Bar policy. If not disapproved by The Florida Bar, a legislative position of the Section shall remain for the full biennial session during which the board of governors acted on the position, unless otherwise reversed or rescinded by them or by a two-thirds vote of the Executive Council of the Section.

Section 4. Legislative Committee Authority. At any time that the Executive Council of the Section cannot meet to adopt a legislative position prior to the time when legislative (or judicial administrative) action is requested by the Section chair, the executive committee of the Section has the authority to adopt a position of the Section with respect to pending legislation. Any position thus taken must be reported to The Florida Bar in conjunction with its review of the Section's request. Such action shall also be reported to the Executive Council at its next scheduled meeting and may be approved or rescinded in accordance with the provisions of Article VIII, Section 3 hereinabove.

ARTICLE IX COMMITTEES

Section 1. Standing Committees. The following shall be the standing committees of the Section with their attendant duties and responsibilities:

(a) *Executive Committee.* The executive committee shall be comprised of the chair, who shall serve as chair of this Committee, chair-elect, secretary, treasurer and immediate past chair of the Section. The executive committee shall be responsible for the daily operations of the Section between the regular or special meetings of the Executive Council and shall conduct its business from time to time by correspondence, meetings facsimile, telephone or other electronic means, to the extent authorized by the Section chair. All actions of the executive committee taken on behalf of the Executive Council shall be subject to ratification by the Executive Council at its next regular or special meeting. The executive committee shall also serve as the budget committee, and shall prepare proposed budgets and amendments, if any, for submission to the Executive Council for approval.

(1) *Nominating Subcommittee.* The nominating subcommittee shall be comprised of 5 members of the Section, 3 of whom shall be appointed by the chair-elect and 2 of whom shall be appointed by the chair. No more than 2 members of this committee shall be members on the Executive Council, and no member may serve on the Nominating Subcommittee for more than two consecutive years without having at least one year absence before being eligible to be again appointed to the Subcommittee. Subcommittee composition shall be appointed not less than 6 months prior to the Section's annual meeting and, when so appointed, the chair shall promptly announce the names and mailing addresses of the nominating committee members by publication to Section membership in either *The Florida Bar News* or the Section newsletter or the Section website. The nominating committee shall be responsible for submitting

nominations for officers and Executive Council membership seats as more fully set forth in Article VII.

(2) *Bylaws Subcommittee.* The Bylaws subcommittee shall be an ad hoc committee, appointed by the chair of the Section, on an *as needed* basis, to review and recommend amendments to the Bylaws,

(b) *Communications and Technology Committee.* The committee shall promote communications; maximize technical assistance to members, public interest groups, and the public; create effective archival and delivery/retrieval of health case law, board and disciplinary board decisions; promote and publicize the Section's activities, programs, and achievements; and inform members how to use and benefit from the Section's technological offerings. The committee shall consist of such subcommittees as the chair of the Section shall determine from time-to-time, and shall initially include the following subcommittees, which can be expanded or reduced without the necessity of amending these Bylaws:

(1) *Website Subcommittee.*

(2) *Listserve Subcommittee.*

(3) *Member Update Subcommittee.*

(4) *Law School Outreach Subcommittee.*

(5) *Social Networking Subcommittee*

(c) *Education and Publication Committee.* The education and publication committee shall be responsible for procuring articles for publication in *The Florida Bar Journal and other scholarly journals*; for procuring articles and new development updates for publishing and disseminating in a Section newsletter and on its website; for organizing, presenting and sponsoring continuing legal education programs; and for communicating issues of interest in health law, all as set forth in the policies of the committee as they shall be promulgated by the Executive Council from time to time. The committee shall consist of such subcommittees as the chair of the Section shall determine from time-to-time, and shall initially include the following subcommittees, which can be expanded or reduced without the necessity of amending these Bylaws:

(1) *CLE Subcommittee.* The CLE subcommittee shall be responsible for identifying, scheduling, and planning the various in-person CLE programs and webinars or teleconference CLE programs, either sponsored by the Section or co-sponsored with other Florida Bar Sections.

(2) *Handbook Subcommittee.* The handbook subcommittee shall be responsible for procuring authors, editing, and final sign-off on the Section's *Florida Practitioner's Health Law Handbook* publication, as same shall be published and revised from time-to-time as determined by the Executive Council.

(3) *Newsletter Subcommittee.* The newsletter subcommittee shall be

responsible for soliciting articles, soliciting case law updates, soliciting advertisements, and for the compilation and publication of the Section newsletter.

(4) *Journal Subcommittee.* The journal subcommittee shall be responsible for soliciting authors and topics, identifying copy editors, and for the sign-off, formatting and publication of the Section's scholarly journal publication.

(d) *Legislative Committee.* The legislative committee shall from time to time make recommendations to the Executive Council regarding requests for the Section to adopt a legislative position, which position shall be taken in accordance with the requirements adopted by the Board of Governors of The Florida Bar and in accordance with the legislative policy adopted by this Section as set forth in Article VIII.

Section 2. Special Committees. The chair of the Section may appoint any special committees deemed necessary with the concurrence of the Executive Council.

Section 3. Committee Composition. The chair of each standing and special committee and subcommittee, except the executive committee, shall be appointed by the chair of the Section upon the concurrence of the Executive Council, and shall be a member of the Executive Council. The membership of each standing and special committee, except the executive committee, the nominating subcommittee and the legislative committee, shall be appointed by the chair of the Section. . At the June annual meeting of the Executive Council, the chair-elect shall make known his/her selection of committee chairs for the coming Section year, which appointments shall be approved and office taken at the conclusion of the annual meeting.

Section 4. Committee Meetings. Committee meetings may be called, as necessary, by the chair of the Section or the committee chair. Committee meetings may be held in person, by telephonic conference, by facsimile or other electronic means or by unanimous written waiver and consent of the committee membership.

Section 5. Quorum. A majority of the members of any committee shall constitute a quorum for the transaction of business of the committee, and the majority vote of those present shall be deemed the action of the committee.

ARTICLE X MISCELLANEOUS

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

Section 2. Financial Obligations. Before payment, all financial obligations must be approved in the manner specified by the Executive Council.

Section 3. Compensation and Expenses. No salary or other compensation shall be paid to any member of the Section for performance of services for the Section, but the chair may authorize the payment of reasonable out-of-pocket expenses resulting from performance of such services, consistent with the Section's policies.

Section 4. Amendments. These Bylaws may be amended only by the Board of Governors of The Florida Bar, upon recommendation made by the Executive Council of the Section.

Section 5. Compliance with Policies of The Florida Bar. No action of the Section shall be contrary to the policies of The Florida Bar as such policy is established by its board of governors.

Section 5. Effective Date. These Amended Bylaws are adopted by the Executive Council as of January 27, 2011, and shall be effective upon approval by the Board of Governors of the Florida Bar.

1 **AMENDED BYLAWS OF THE HEALTH LAW SECTION**

2 **of**
3 **The Florida Bar**

4
5 **ARTICLE I**
6 **NAME**

7
8 **Section 1. Name.** The name of this section of The Florida Bar is the "Health Law
9 Section" (the "section").

10
11 **Section 2. Logo/Tag Line.** The section ~~shall~~will adopt a logo and a tag line, by
12 determination of the executive council.

13
14 **ARTICLE II**
15 **PURPOSES**

16
17 **Section 1. Purposes.** The purposes of the section are to provide:

18
19 (a) An organization within The Florida Bar (the "bar") open to members thereof
20 in good standing who have an interest in health law;

21
22 (b) An organization within The Florida Bar open, on a limited basis, to
23 individuals practicing a profession related to health care who have an interest in health law; and

24
25 (c) A forum for communication and education leading to the improvement and
26 development of the field of health law, and to serve the public generally, as well as the bar, in
27 interpreting and carrying out the professional needs and objectives in this area of law.

28
29 **Section 2. Mission Statement.** The mission of the Health Law Section of The Florida
30 Bar is ~~to provide~~*serve as a forum for interaction*~~Members to interact and information exchange~~
31 ~~to enable members to serve clients effectively; to produce the highest quality educational~~
32 ~~programs, materials~~*develop expertise in Health Law and services*~~to provide education and to~~

Comment [rsb1]: Change Members to lower case. Remove the italics from all text in this paragraph. Change Health Law to lower case.

33 ~~provide technical assistance to members and the public on health care legal resources~~
34 ~~emphasizing Health Law issues in Florida.~~

35
36 **ARTICLE III**
37 **MEMBERSHIP**
38

39 **Section 1. Eligibility.** Any member of the bar, in good standing and interested in the
40 purposes of this section, is eligible for section membership upon application and payment of the
41 section's annual dues. Any member who ceases to be a member in good standing of the bar may
42 no longer be a member of the section, unless they qualify as an affiliate member as set forth in
43 Section 3.4.
44

45 **Section 2. Administrative Year.** The section's administrative year will run
46 concurrently with the fiscal year of the bar (currently July 1st through June 30th).
47

48 **Section 3. Annual Dues.** The annual dues of the section ~~shall~~will be determined by the
49 executive council and approved by the Board of Governors of The Florida Bar. After an
50 applicant has become a member, dues ~~shall~~will be payable in advance of each membership year
51 and ~~shall~~will be billed by the bar at the time that regular dues of the bar are billed. Any member
52 whose dues are in arrears for a period of 3 calendar months after the first calendar month of any
53 membership year will not be afforded member rights or privileges for such time that the
54 member's dues remain in arrears.
55

56 **Section 4. Affiliate Membership.** The executive council may enroll, upon request and
57 upon payment of the prescribed dues, as affiliate members of the section, other persons who can
58 show a dual capacity of interest in and contribution to the section's activities as defined herein
59 below. The purpose of affiliate membership is to foster the development and communication of
60 multi-disciplinary information utilized in health law, but not to encourage the unlicensed practice
61 of law. The number of affiliate members ~~shall~~will not exceed one-third of the section
62 membership. An affiliate member is a member of this section only.
63

64 (a) "Affiliate" or " Affiliate Member" means any person who practices a

65 profession dealing with health care including but not limited to physicians, nurses,
66 administrators, allied health practitioners, risk managers, students of any of the foregoing
67 professions, accountants, students currently enrolled in an accredited school of law, law school
68 graduates, in-house corporate ~~counsel~~council not admitted to The Florida Bar, paralegals, legal
69 administrators or other persons who hold positions directly related to the health care industry and
70 its involvement in health law.

Comment [rsb2]: This should remain "counsel"
and NOT "council"

71
72 (b) Affiliates ~~shall~~will have all the privileges accorded to members of the section
73 except that affiliates ~~shall~~will not be entitled to vote, to hold office, or to participate in the
74 election of officers or members of the executive council or to advertise affiliate membership in
75 any way. Affiliates may serve in an advisory, nonvoting capacity, which the executive council
76 may from time to time establish in its discretion.

77
78 (c) Affiliate members ~~shall~~will pay dues determined as set forth in these bylaws.

Comment [rsb3]:

79
80 (d) The section ~~shall~~will reimburse the bar for expenses incurred by the bar in
81 administering this section's affiliate membership.

82
83 **ARTICLE IV**
84 **EXECUTIVE COUNCIL**
85

86 **Section 1. Governing Body.** There ~~shall~~will be an executive council, which ~~shall~~will be
87 the governing body of this section. The executive council ~~shall~~will have general supervision and
88 control of the affairs of the section, subject to the provisions of the Rules Regulating The Florida
89 Bar and the bylaws of the section, and ~~shall~~will serve as the long range planning committee of
90 the section. It ~~shall~~will, pursuant to this right, authorize all commitments or contracts that entail
91 the payment of money and authorize the expenditure of all section funds. It ~~shall~~will not,
92 however, authorize commitments, contracts or expenditures involving amounts of money in
93 excess of the total amount that is anticipated as receipts from dues during the fiscal year plus the
94 amount that has been previously collected from dues and remains unexpended. The executive
95 council ~~shall~~will be vested with power and authority to formulate, fix, determine and adopt
96 matters of policy concerning the affairs and purposes of the section.

97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128

Section 2. Section Recommendations. All recommendations of the section to The Florida Bar and/or its Board of Governors, any branch of the judiciary, legislative committee, or to any other group or body to which recommendations by the section are authorized to be made must have the prior approval of the executive council. Any recommendation made to other than the Board of Governors of The Florida Bar shall will have the prior approval of the bar.

Comment [rsb4]: Why not just say, "All recommendations of the section must be approved by the executive council prior to presentation to the Board of Governors of The Florida Bar. All recommendations must be approved by the board of governors."

Comment [rsb5]: This should remain lower case.

Section 3. Membership. The executive council shall will be comprised of ~~12~~ 18 elected members of the section in addition to the chair, chair-elect, immediate past chair, secretary and treasurer (collectively, the "ex-officio members") of the section. Such ex-officio members shall will be voting members of the executive council. In the event any ex-officio member is concurrently an elected member of the executive council, said ex-officio member shall will neither be required to relinquish the member's elected seat nor be counted twice as a member of the executive council, it being the specific intent of this section that the total composition of the executive council be not less than 12 members nor more than 17 members. Additionally, all former chairs of the executive council shall will be considered an ex-officio member of the executive council, without vote, for 4 years after their term of office as immediate past chair has expired.

Comment [rsb6]: What is the intention here? The ex-officio officer won't have to give up the 3-year term seat but won't have 2 votes?

Comment [rsb7]: "a non-voting ex-officio member" instead of "without vote" later in the sentence.

Comment [rsb8]: Singular/plural conflicts in this sentence - Maybe say "All former chairs of the executive council will be considered non-voting ex-officio members of the executive council for 4 years after their term of office as immediate past chair expires."

Section 4. Term of Office. All elected members of the executive council shall will serve for a term of 3 years, the terms being staggered such that approximately one-third 1/3 of the elected membership of the executive council is elected each year. The terms commence at the conclusion of the annual meeting of the section at which the member is elected and shall will end at the conclusion of the annual meeting of the section 3 years thereafter. No member shall will serve more than two consecutive full terms on the executive council without an intervening three year period before being eligible for re-election. This provision shall will not preclude any member who has served two full terms from being elected as an officer in accordance with Article IV, Section 3 and Article V, nor shall will preclude any member who is appointed to fill a vacancy in accordance with Article IV, Section 7 from being eligible for being elected to two full terms of his/her own accord.

Comment [rsb9]: Do you mean "elected" member?

Comment [rsb10]: What is the intention here? Very confusing -- If I read the membership and term of office sections correctly it sounds like a person could possibly serve on the executive council up to 11 years as a voting member - (2 terms of 3 years each, and then serve as officer for 5 years). Then the member could serve 4 years as a former chair, non-voting member but any time during that 4 years they could also be re-elected as an officer or appointed to fill a vacancy (possibly serving another 5 years), then at the end of that period of service, the member could be elected for another 2 terms of 3 years as a voting member.

Section 5. Election. The nomination and election of members of the executive council

129 shall will occur at the time of the annual meeting of the section, as more fully set forth in Article
130 VII.

131

132 **Section 6. Meetings.** The executive council shall will conduct its business at regular and
133 special meetings as provided for in Article IV V; provided, however, the business of the
134 executive council between regular or special meetings may be conducted by correspondence,
135 telephone, facsimile, or other electronic means to the extent authorized by the chair. In the
136 absence of action by the executive council as permitted herein, the executive committee as
137 defined in Article IX, Section 9-1-1(a), shall will be responsible for the daily operations of the
138 section and all action taken by the executive committee pursuant to this right shall will be subject
139 to ratification by the executive council at its next regular or special meeting.

Comment [rsb11]: This is not necessary and confusing. Maybe "Article VI. The business of the executive council..."

Comment [rsb12]: Replace with "as"

Comment [rsb13]: Not needed

Comment [rsb14]: Put a period. Strike "and", New sentence begins with All. Then strike "pursuant to this right"

140

141 **Section 7. Vacancy.** If at any time during a term of office of an elected member of the
142 executive council such seat shall will become permanently vacant by reason of death, resignation,
143 ineligibility or other reason, such seat on the executive council shall will be filled for the balance
144 of its term by a majority vote of the members of the executive council present at the next
145 scheduled meeting of the executive council.

Comment [rsb15]: If an elected member of the executive council permanently vacates a seat on the council, the executive council will vote and appoint someone to the vacant seat at the next scheduled meeting. The member appointed will serve the balance of the term for the seat vacated.

146

147 **Section 8. Meeting Absences.** In the event any elected member of the executive council
148 is absent from 2 or more meetings during the section's administrative year without obtaining the
149 prior excuse being excused by the chair, such member's office shall may be declared vacant by
150 the executive council and such vacancy shall will be filled as provided in Article IV, Section 4-7
151 hereinabove.

Comment [rsb16]: Should say "as provided in section 7 of this article". Eliminates the hereinabove also.

152

153 ARTICLE V

154

OFFICERS

155

156 **Section 1. Officers.** The officers of this section shall will be a chair, a chair-elect, a
157 secretary and a treasurer.

Comment [rsb17]: Add a comma

158

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

160

161 (a) *Chair*. The chair shall will preside at all meetings of the section, the executive
162 council and the executive committee. The chair shall will appoint, upon the advice and consent
163 of the executive council, and unless otherwise specified elsewhere in these bylaws, all committee
164 chairs, and shall will prepare all reports to be submitted to The Florida Bar or to its Board of
165 Governors and shall will perform such other duties as customarily pertaining to the office of the
166 chair. The chair shall will be an ex-officio member, with vote, of each committee of the section.

Comment [rsb18]: The chair will appoint all committee chairs with approval by the executive council. The chair shall will prepare all reports submitted to The Florida Bar and shall will perform such other duties as customary to the office of the chair. The chair shall will be a voting ex-officio member of each committee of the section.

167
168 (b) *Chair-elect*. The chair-elect shall will become chair in the event of the death,
169 resignation or failure of the chair to serve for whatever reason; provided, however, that in case of
170 the temporary disability or absence of the chair, the chair-elect shall will serve as acting chair
171 only for the duration of the chair's disability or absence. The chair-elect shall will be responsible
172 for the public relations activities of the section, including liaison with the public relations
173 committee of the bar, and for such duties as the chair may designate. The chair-elect shall will be
174 an ex-officio member, with vote, of each committee of the section.

Comment [rsb19]: "for whatever reason" is unnecessary. "Provided, however, that in case of" is unnecessary. Better to say, "The chair-elect will serve as chair in the event of the death, resignation, or permanent inability of the chair to serve. If the chair is unable to serve on a temporary basis, the chair-elect will serve as acting chair during the chair's absence."

175
176 (c) *Secretary*. The secretary shall will be responsible for all permanent files and
177 records of the section, including the minutes of the section, of the executive council, and of all
178 committees. The secretary shall will furnish copies of said minutes to the executive director of
179 The Florida Bar and to the section administrator.

180
181 (d) *Treasurer*. The treasurer shall will have the responsibility of accounting for
182 all funds of the section, shall will approve all disbursements, and shall will prepare annual
183 financial statements under the supervision of the executive council.

Comment [rsb20]: Does this mean "The treasurer is responsible for all accounting functions of the section." OR "The treasurer will account for all funds of the section..."

184
185 **Section 3. Term of Office.** The term of office for each officer shall will be for 1 year,
186 commencing at the conclusion of the annual meeting of the section at which the officer was
187 elected, and concluding at the end of the next succeeding annual meeting, except that the chair-
188 elect shall will then automatically ascend to the office of the chair.

Comment [rsb21]: This sounds like only preparation of the annual financial statement is supervised by the executive council. Maybe, "The treasurer, under the supervision of the executive council, is responsible for..."

Comment [rsb22]: Why say "except"? Maybe reword and say, "Each office will have a 1-year term, commencing at the conclusion of the annual meeting of the section at which the election was held, and concluding at the end of the succeeding annual meeting."

189
190 **Section 4. Election.** The nomination and election of officers shall will occur at the time
191 of the annual meeting of the section, as more fully set forth in Article VII.

Comment [rsb23]: as "explained" in ...

192

193 **Section 5. Vacancy.** Any vacancy in the office of the secretary or treasurer by reason of
 194 death, resignation, ineligibility, or other reason ~~shall~~will be filled ~~by~~ the executive council for the
 195 balance of the term, at its next regular or special meeting. Any vacancy in the office of chair-
 196 elect due to either the death, resignation or ineligibility of the chair-elect, or the chair-elect's
 197 elevation to the office of the chair, ~~shall~~will not be filled and ~~shall~~will remain vacant until the
 198 next annual meeting at which officers are elected.

Comment [rsb24]: Maybe "Any permanent vacancy in the office of the secretary or treasurer will be filled for the balance of the term by the executive council at its next regular or special meeting. Any permanent vacancy in the office of chair-elect shall not be filled and shall remain vacant until the next annual meeting at which officers are elected."

199

200

ARTICLE VI

201

MEETINGS

202

203

Section 1. Section Meetings.

204

205

(a) *Annual Meeting.* The annual meeting of the section ~~shall~~will be at the time of
 206 and in conjunction with the annual meeting of The Florida Bar.

207

208

(b) *Special Meetings.* Special meetings of the entire section membership may be
 209 called by the executive ~~council,~~ provided not less than ~~30 days~~ days prior written notice thereof
 210 ~~shall~~will be given to each member of the section as to the time, date, location and purpose of the
 211 meeting, with notice being deemed to have been given on the day mailed or on the date of
 212 publication in *The Florida Bar News*.

Comment [rsb25]: Consider. "Special meetings of the entire section membership may be called by the executive council. The executive council must provide written notice to each member of the section at least 30 days before the meeting date. The notice must include the time, date, location, and purpose of the meeting. The notice date is the date it is mailed or the date of publication in *The Florida Bar News*."
 Can emails or website publication be considered written notice?

213

214

(c) *Quorum.* The members of the section, other than affiliate members, attending
 215 any regular or special meeting of the section, ~~shall~~will constitute a quorum for the transaction of
 216 business at said meeting and a majority vote of those present ~~shall~~will be deemed the action of
 217 the section.

218

219

Section 2. Executive Council Meetings.

220

221

(a) *Regular Meetings.* There ~~shall~~will be not less than 3 regular meetings of the
 222 executive council annually, 1 of which ~~shall~~will be held in conjunction with the annual meeting
 223 of the section, ~~and at the time of which~~ the annual meeting of The Florida Bar. The date and
 224 ~~location of all other regular meetings shall be held~~ determined by the chair of the section in

Comment [rsb26]: Maybe "... of the section at the annual meeting."

225 ~~conjunction with the midyear meeting of executive council and The Florida Bar section~~
226 ~~administrator.~~

Comment [rsb27]: ~~shall will be held determined by the chair of the section, in conjunction with the midyear meeting of executive council, and The Florida Bar section administrator.~~

227
228 (b) *Special Meetings.* Special meetings of the executive council may be called by
229 the chair of the section, and ~~shall will~~ be scheduled when requested by a majority of the
230 membership of the executive council, upon giving not less than 3 days' prior written notice to the
231 executive council membership to said effect, with notice being deemed to have been given on the
232 day mailed or sent by facsimile transmission.

233
234 (c) *Quorum.* A majority of the executive council membership ~~shall will~~ constitute
235 a quorum, and the majority vote of those ~~present so attending shall will~~ be binding and be deemed
236 the action of the executive council, except as set forth in Article VIII, Section 8.3-
237 ~~hereinafter below~~, as regards the section's adoption of a legislative policy which greater quorum
238 ~~shall will~~ be required. All attendance shall will be in person, and there shall will be no telephonic
239 attendance.

Comment [rsb28]: (c) and (d) are very confusing and maybe even contradictory. (c) says you must be in-person and (d) says it can be electronically. Don't we want to be consistent in our language dealing with electronic meetings and votes? Look at other sections. Also, all the language regarding legislative matters is unnecessary. Can simply say, "(c) A majority of the executive council membership will constitute a quorum with the exception of legislative matters as defined in Article VIII. A majority vote of those present and voting will be binding and deemed the action of the executive council. All votes must be in-person."

240
241 (d) *Manner of Action.* In lieu of an actual meeting, the executive council may act
242 or transact authorized business at a duly called regular or special meeting by either written, email
243 or facsimile approval of a majority of the executive council membership; or by telephonic or
244 other ~~electronic verbal~~ communication and approval by a majority of the executive council
245 membership, which approval is subsequently confirmed in writing.

Not sure exactly how you want to state (d) but here's a shot.
(d) In lieu of an in-person meeting, the executive council may conduct authorized business electronically at a duly called regular or special meeting at the direction of the chair. Electronic means may include but not be limited to email or other Internet communication systems, telephone conference, video conference, or facsimile. All business of the executive council conducted electronically must be confirmed in writing.

247 Section 3. Agendas.

248
249 (a) *Regular Meetings.* At all regular meetings of the section and the executive
250 council, the chair ~~shall will~~ prepare and distribute an agenda as to the conduct of the meeting.
251 The section and the executive council ~~shall will~~ consider, respectively, all such matters that may
252 properly be brought before it, time permitting.

253
254 (b) *Special Meetings.* At all special meetings of the section and the executive
255 council, the call of the meeting ~~shall will~~ prescribe the purpose and nature of the business to be
256 transacted at the special meeting, and no business ~~shall will~~ be conducted at a special meeting of

257 either the section or the executive council other than as is designated in the call or notice of the
258 respective meeting.

259

260

ARTICLE VII

261

NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COUNCIL

262

MEMBERS

263

264 **Section 1. Nominations.** Not less than 90 days prior to the date of the annual meeting of
265 the section, the nominating committee, comprised as set forth in Section ~~9.1.4 of this Article~~
266 VII, ~~shall~~will submit its nominations consisting of ~~at least a slate of~~ 1 name for each office
267 available, to the chair, for the following offices:

268

269 (a) chair, but only if for any reason, the office of chair-elect is vacant;

270

271 (b) chair-elect;

272

273 (c) secretary;

274

275 (d) treasurer;

276

277 (e) Such number of seats on the executive council as whose members' terms are
278 expiring. The nominating committee ~~shall~~will take into consideration the geographic distribution
279 and practice setting of the executive council membership and proposed nominees, it being the
280 specific policy of the section that the membership of the executive council be geographically
281 balanced.

282

283 **Section 2. Nominating Committee Report.** The nominating committee ~~shall~~will
284 submit its report to the section chair, who ~~shall~~will cause such report to be published in *The*
285 *Florida Bar News* or in the section newsletter, or otherwise publish the nominating committee
286 report to the section membership at least 60 days prior to the date of the annual meeting.

287

288 **Section 3. Substituted or Additional Nominations.** If, after submission of the

289 nominating committee report to the chair and prior to the annual meeting of either the section
290 and/or the executive council,

291

292 (a) any person nominated to office shall/will die or otherwise become unable or
293 unwilling to serve; or

294

295 (b) any new office shall/will be created;

296

297 then the nominating committee shall/will, within 30 days of notice of such event to the chair of
298 the nominating committee, make such substituted or additional nominations as are appropriate.
299 If practicable, notice of such additional nominations shall/will be published to section members
300 before the annual meeting; otherwise such nominations shall/will be announced to the section at
301 the annual meeting.

302

303 **Section 4. Other Nominations.** Other nominations may be made by petition signed by
304 at least 15 voting members of the section and filed with the chair, not later than 30 days prior to
305 the date of the annual meeting. If there are any substituted or additional nominations made
306 pursuant to Article VII, Section 7.3-, a petition nominating a person for such position may be
307 filed in the herein manner anytime prior to the annual meeting. If practicable, any such
308 nominations shall/will be announced to the section promptly upon receipt; otherwise such
309 nominations shall/will be announced to the section at the annual meeting.

310

311 **Section 5. Executive Council Membership Elections.** Election of the executive
312 council membership shall/will occur at the annual meeting of the section and shall/will be by
313 voice or hand vote of all section membership in attendance and eligible to vote, unless there are
314 other nominations in accordance with Article VII, Section 4, in which event election shall/will be
315 by written ballot of all section membership in attendance and eligible to vote. The candidate in
316 the event of a contested election, the candidates receiving the highest number of votes for each
317 contested seat the number of seats up for election shall/will be deemed elected. Any ballot on
318 which more than one vote is cast for the same contested seat shall/will be void.

319

320 **Section 6. Officer Elections.** Election of officers shall/will be by the members of the

Comment [rsb29]: Are you trying to say, "Other nominations may be made by petition signed by at least 15 voting members of the section and filed with the chair at least 30 days prior to the date of the annual meeting. If practicable, these nominations will be announced to the section promptly upon receipt of the petition. If not practicable, other nominations will be announced to the section at the annual meeting."

How will they be announced? Must it be in writing? Is email considered written notification? It should always be practicable if electronic means are used.

Comment [rsb30]: Very confusing. Are you trying to say, "Election of the executive council membership will occur at the annual meeting of the section. If there is only 1 nominee, the vote will be by voice or hand vote of all section membership in attendance and eligible to vote. If there is more than 1 nominee, election will be by written ballot of all section membership in attendance and eligible to vote. In the event of a contested election, the candidate receiving the highest number of votes for each seat will be deemed elected."

Same in Section 6. Election of Officers. Why not shorten it and say "All elections..."

321 executive council, at the executive council meeting held in conjunction with the annual meeting
322 of the section. Voting ~~shall~~ will be by voice or hand vote, unless there are other nominations in
323 accordance with Article VII, Section 4, in which event election ~~shall~~ will be by written ballot,
324 with the candidate receiving the highest number of votes for each office being deemed elected.
325 Any ballot on which more than ~~one~~ 1 vote is cast for the same office ~~shall~~ will be void.

326
327 **ARTICLE VIII**
328 **LEGISLATIVE POLICY**
329

330 **Section 1. General Purpose.** The section is authorized to become involved in
331 legislative (or judicial or administrative) action that is significant to the judiciary, the
332 administration of justice, the fundamental legal rights of the public, or the interests of the section
333 consistent with the policies outlined hereinbelow.

334
335 **Section 2. Legislative Position.** Any legislative, judicial or administrative position of
336 the ~~section~~ (hereinafter referred to as "legislative position") is to be adopted in accordance with
337 the herein Article VIII. These positions will be clearly identified at all times before legislative
338 bodies and members as positions of the section only, unless otherwise authorized by the Board of
339 Governors of The Florida Bar.

Comment [rsb31]: Delete "hereinafter referred to as". Delete "the herein Article VIII" and replace it with "this article".

340
341 **Section 3. Adoption of Legislative Position.** The executive council, by a ~~two-thirds~~ 2/3
342 vote of the membership at a meeting at which a quorum is present, must find that the proposed
343 legislative position is within the scope of the purposes for which positions may be taken, and
344 must also approve the substance of the position proposed by a ~~two-thirds~~ 2/3 vote. No legislative
345 position may be taken which is contrary to the legislative policies of the Board of Governors of
346 The Florida Bar. Once adopted, the section's secretary ~~shall~~ will immediately notify the
347 executive director of The Florida Bar, in writing, of the section's adoption of the legislative
348 position. The legislative position of the section may not be advanced until the Board of
349 Governors of The Florida Bar, at its next regularly scheduled meeting after notification to the
350 executive director of The Florida Bar, has reviewed the position of the section and has not
351 disapproved same. When time constraints require prompt action, the executive committee of
352 The Florida Bar may act in lieu of the ~~b~~Board of gGovernors. In an emergency, the president of

353 ~~The~~ Florida Bar may act consistent with applicable bar policy. If not disapproved by The Florida
354 Bar, a legislative position of the section ~~shall~~will remain for the full biennial session during
355 which the ~~b~~Board of ~~g~~Governors acted on the position, unless otherwise reversed or rescinded by
356 them or by a ~~two-thirds~~2/3 vote of the executive council of the section.

Comment [rsb32]: Leave board of governors lower case in both places.

357
358 **Section 4. Legislative Committee Authority.** At any time that the executive council of
359 the section cannot meet to adopt a legislative position prior to the time when legislative (or
360 judicial administrative) action is requested by the section chair, the executive committee of the
361 section has the authority to adopt a position of the section with respect to pending legislation.
362 Any position thus taken must be reported to The Florida Bar in conjunction with its review of the
363 section's request. Such action ~~shall~~will also be reported to the executive council at its next
364 scheduled meeting and may be approved or rescinded in accordance with the provisions of
365 Article VIII, Section 8.3. hereinabove.

Comment [rsb33]: Delete herein and above. Say, "... with the provisions of section 3 of this article".

367 **ARTICLE IX**
368 **COMMITTEES**

369
370 **Section 1. Standing Committees.** The following ~~shall~~will be the standing committees
371 of the section with their attendant duties and responsibilities:

372
373 (a) *Executive Committee.* The executive committee ~~shall~~will be comprised of the
374 ~~chair, who shall~~will serve as chair of this committee, chair-elect, secretary, treasurer and
375 immediate past chair of the section. The executive committee ~~shall~~will be responsible for the
376 daily operations of the section between the regular or special meetings of the executive council
377 and ~~shall~~will conduct its business from time to time by correspondence, meetings facsimile,
378 telephone or other electronic means, to the extent authorized by the section chair. All actions of
379 the executive committee taken on behalf of the executive council ~~shall~~will be subject to
380 ratification by the executive council at its next regular or special meeting. The executive
381 committee ~~shall~~will also serve as the budget committee, and ~~shall~~will prepare proposed budgets
382 and amendments, if any, for submission to the executive council for approval.

Comment [rsb34]: Distinguish which chair. Can be done one of two ways.
1) The executive committee will be comprised of the section chair (who will serve as chair of the executive committee), chair-elect ...
2) The executive committee will be comprised of the section chair, chair-elect, ... The section chair will also serve as chair of the executive committee.

383
384 (1) *Nominating Subcommittee.* The nominating subcommittee ~~shall~~will

385 be comprised of 5 members of the section, 3 of whom shall will be appointed by the chair-elect
386 and 2 of whom shall will be appointed by the chair. No more than 2 members of this committee
387 shall will be members on the executive council, and no member may serve on the nominating
388 subcommittee for more than 2 consecutive years without having at least 1 year absence before
389 being eligible to be again appointed to the Subcommittee. Subcommittee composition shall will
390 be appointed not less than 6 months prior to the section's annual meeting and, when so
391 appointed, the chair shall will promptly announce the names and mailing addresses of the
392 nominating committee members by publication to section membership in either *The Florida Bar*
393 *News* or the section newsletter or the section website. The nominating committee shall will be
394 responsible for submitting nominations for officers and executive council membership seats as
395 more fully set forth in Article VII.

Comment [rsb35]: There will be 5 members of the section on the nominating subcommittee. The chair will appoint 2 members and the chair-elect will appoint 3 members. The appointments and announcement must be at least 6 months before the section's annual meeting. The announcement will include the names and mailing addresses of the nominating subcommittee members and will be published in *The Florida Bar News*, the section newsletter, or the section website. No more than 2 members of the executive council will serve on this subcommittee. No subcommittee member may serve more than 2 consecutive years. A member's term must have expired for at least 1 year before being eligible for reappointment. The nominating subcommittee will be responsible for submitting nominations for officers and executive council membership seats pursuant to article VII.

396
397 (2) *Bylaws Subcommittee.* The bylaws subcommittee shall will be an ad
398 hoc committee, appointed by the chair of the section, on an *as needed* basis, to review and
399 recommend amendments to the bylaws.

400
401 (b) *Communications and Technology Committee.* The committee shall will
402 promote communications; maximize technical assistance to members, public interest groups, and
403 the public; create effective archival and delivery/retrieval of health case law, board and
404 disciplinary board decisions; promote and publicize the section's activities, programs, and
405 achievements; and inform members how to use and benefit from the section's technological
406 offerings. The committee shall will consist of such subcommittees as the chair of the section
407 shall will determine from time-to-time, and shall will initially include the following
408 subcommittees, which can be expanded or reduced without the necessity of amending these
409 bylaws:

Comment [rsb36]: ... time-to time. The committee will initially...

Comment [rsb37]: reduced

410
411 (1) *Website Subcommittee.*

412
413 (2) *Listserve Subcommittee.*

414
415 (3) *Member Update Subcommittee.*

416

417 (4) Law School Outreach Subcommittee.

Comment [rsb38]: instead of period after each of these. The word "and" after number 4.

418
419 (5) Social Networking Subcommittee.

420
421 (c) ~~Education, Training, and Information~~ Publication Committee. ~~The education,~~
422 ~~training, and information~~ publication committee shall will be responsible, ~~through its various~~
423 ~~divisions:~~ for procuring articles for publication in *The Florida Bar Journal* and other scholarly
424 journals; for procuring articles and new development updates for publishing and disseminating in
425 a section newsletter and on its website; for organizing, presenting and sponsoring continuing
426 legal education programs; and for communicating issues of interest in health law—, all as set
427 forth in the policies of the committee as they shall will be promulgated by the executive council
428 from time to time. ~~The committee shall will~~ consist of such subcommittees as the chair of the
429 ~~section shall will~~ determine from time-to-time, and shall will initially include the following
430 subcommittees, which can be expanded or reduced without the necessity of amending these
431 bylaws:

432
433 (d) ~~Section Effectiveness Committee.~~ The section effectiveness committee
434 shall will provide, through its various divisions, services to the section membership including:
435 compilation and publication of the section directory; organizing the mid-year and annual
436 meetings of the section, including coordination of social activities; encouraging membership
437 growth and activity; and periodic review of section bylaws— all as set forth in the policies of the
438 committee as they shall be promulgated by the executive council from time to time. The section
439 effectiveness committee shall include nominating and legislative subcommittees as follows:

Comment [rsb39]: The education, training, and information publication committee shall will be responsible, through its various divisions for procuring articles for publication in *The Florida Bar Journal* and other scholarly journals, for procuring articles and new development updates for publishing and disseminating in a section newsletter and on its website; for organizing, presenting and sponsoring continuing legal education programs; and for communicating issues of interest in health law, all as set forth in the policies of the committee as they shall will be promulgated by the executive council from time to time. (Deleting this because I don't think it makes sense or is necessary.) The committee shall will consist of such subcommittees as the chair of the section shall will determine from time to time. Each subcommittee can be expanded or reduced without the necessity of amending these bylaws. The initial committee will include.

441 (1) CLE Subcommittee. The CLE subcommittee shall will be responsible
442 for identifying, scheduling, and planning the various in-person CLE programs and webinars or
443 teleconference CLE programs, either sponsored by the section or co-sponsored with other bar
444 sections.

445
446 (2) Handbook Subcommittee. The handbook subcommittee shall will be
447 responsible for procuring authors, editing, and final sign-off on the section's *Florida*
448 *Practitioner's Health Law Handbook* publication, as same shall will be published and revised

449 from time-to-time as determined by the executive council.

450

451 (3) Newsletter Subcommittee. The newsletter subcommittee shall will be
452 responsible for soliciting articles, soliciting case law updates, soliciting advertisements, and for
453 the compilation and publication of the section newsletter.

454

455 (4) Journal Subcommittee. The journal subcommittee shall will be
456 responsible for soliciting authors and topics, identifying copy editors, and for the sign-off,
457 formatting and publication of the section's scholarly journal publication.

458

459 ~~(1) Nominating Subcommittee. The nominating subcommittee shall be~~
460 ~~comprised of 5 members of the section, 3 of whom shall be appointed by the chair elect and 2 of~~
461 ~~whom shall be appointed by the chair. No more than 2 members of this committee shall be~~
462 ~~members on the executive council. Subcommittee composition shall be appointed not less than 6~~
463 ~~months prior to the section's annual meeting and, when so appointed, the chair shall promptly~~
464 ~~announce the names and mailing addresses of the nominating committee members by publication~~
465 ~~to section membership in either The Florida Bar News or the section newsletter or the section~~
466 ~~website. The nominating committee shall be responsible for submitting nominations for officers~~
467 ~~and executive council membership seats as more fully set forth in Article VII.~~

468

469 ~~(2) Legislative Subcommittee. The legislative subcommittee shall be~~
470 ~~comprised of 6 members. The chair elect shall annually appoint 3 members to serve 2-year~~
471 ~~terms.~~

472

473 (d) Legislative Committee. The legislative subcommittee shall will from time to
474 time make recommendations to the executive council regarding requests for the section to adopt
475 a legislative position, which position shall will be taken in accordance with the requirements
476 adopted by the Board of Governors of The Florida Bar and in accordance with the legislative
477 policy adopted by this section as set forth in Article VIII.

478

479 **Section 2. Special Committees.** The chair of the section may appoint any special
480 committees deemed necessary with the concurrence of the executive council.

Comment [rsb40]: Delete "as set forth"

481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512

Section 3. Committee Composition. The chair of each standing and special committee and subcommittee, except the executive committee, shall will be appointed by the chair of the section, upon the concurrence of the executive council. ~~There, and shall will be vice-chairs of the legislative and section administration committees, who shall be appointed by the chair-elect of the section a member of the executive council.~~ The membership of each standing and special committee, except the executive committee, the nominating subcommittee and the legislative committee, shall will be appointed by the chair of the section. ~~At the and there shall be at least 1 member June annual meeting of the executive council serving as a liaison to each standing and special committee. In May of each year, the chair-elect shall will make known the chair-elect's his/her selection of committee chairs for the coming section and administrative year, which appointments shall will be approved and office taken at the conclusion of the next annual meeting of the section.~~

Comment [rsb41]: Confusing. Is it the chair or the chair-elect? How about, "The section chair-elect will appoint the chairs of each standing and special committee and subcommittee with the exception of the executive committee, for the upcoming section year. The chair-elect will announce the appointments at the June annual meeting to the executive council. Appointments must be approved by the executive council. The term of office will begin at the conclusion of the annual meeting."

Comment [rsb42]: Does this mean each chair of each committee will serve on the executive council? Doesn't make sense to me.

Section 4. Committee Meetings. Committee meetings may be called, as necessary, by the chair of the section or the committee chair. Committee meetings may be held in person, by telephonic conference, by facsimile or other electronic means or by unanimous written waiver and consent of the committee membership.

Section 5. Quorum. A majority of the members of any committee shall will constitute a quorum for the transaction of business of the committee, and the majority vote of those present shall will be deemed the action of the committee.

**ARTICLE X
MISCELLANEOUS**

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

Section 2. Financial Obligations. Before payment, all financial obligations must be approved in the manner specified by the executive council.

513

514 **Section 3. Compensation and Expenses.** No salary or other compensation ~~shall~~will be
515 paid to any member of the section for performance of services for the section, but the chair may
516 authorize the payment of reasonable out-of-pocket expenses resulting from performance of such
517 services, consistent with the section's policies.

518

519 **Section 4. Amendments.** These bylaws may be amended only by the Board of
520 Governors of The Florida Bar, upon recommendation made by the executive council of the
521 section.

522

523 **Section 5. Compliance with Policies of The Florida Bar.** No action of the section
524 ~~shall~~will be contrary to the policies of The Florida Bar as such policy is established by its ~~b~~Board
525 of ~~g~~Governors.

526

527 **Section 5. Effective Date.** These ~~amended~~ bylaws are ~~effective~~adopted by the executive
528 council ~~as of January 21, 2005~~as of January 27, 2011, and ~~shall~~will be effective upon approval by the Board of
529 Governors of The Florida Bar.

Comment [rsb43]: Delete "as of" and insert "on". To me "adopted by" means implemented so wouldn't we rather say "approved by"?

**SUMMARY OF PROPOSED CHANGES TO THE BYLAWS
OF THE HEALTH LAW SECTION**

Article: I

Section: 1

Summary of Change(s): Capitalized the term “section.”

Section: 2

Summary of Change(s): Added the adoption of a Section logo and tagline.

Justification: The capitalization of the term “section” is grammatical; and the reference to a logo and tagline identifies that the Section on all its correspondence and website will have a logo and tagline to identify the Section and make it more recognizable.

Article: II

Section: 1

Summary of Change(s): Capitalized the terms “section” and “bar.”

Section: 2

Summary of Change(s): Set forth the new mission statement of the Section.

Justification: The capitalization of the terms “section” and “bar” are grammatical; and the revised mission statement reflects an updated mission statement adopted by the Executive Council.

Article: III

Section: 1

Summary of Change(s): Capitalized the terms “section” and “bar.”

Section: 2

Summary of Change(s): Capitalized the terms “section” and “bar.”

Section: 3

Summary of Change(s): Capitalized the terms “section,” “bar” and “executive council.”

Section: 4

Summary of Change(s): Capitalized the terms “section,” “bar” and “executive council.”

Justification: All changes are merely grammatical.

Article: IV

Section: 1

Summary of Change(s): Capitalized the terms “section,” “bar,” “bylaws” and “executive council.”

Section: 2

Summary of Change(s): Capitalized the terms “section,” “bar,” “board of governors” and “executive council.” Add reference to the legislative committee.

Section: 3

Summary of Change(s): Capitalized the terms “executive council” and “section.” Increased the number of elected members. Added the addition of all former chairs as ex-officio members of the Council without vote.

Section: 4

Summary of Change(s): Capitalized the terms “executive council” and “section.” Implemented term limits for service on the Executive Council.

Section: 5

Summary of Change(s): Capitalized the terms “executive council” and “section.”

Section: 6

Summary of Change(s): Capitalized the terms “section” and “executive council.” Corrected reference to appropriate Article/Section referring to the Executive Committee.

Section: 7

Summary of Change(s): Capitalized the term “executive council.”

Section: 8

Summary of Change(s): Capitalized the terms “section” and “executive council.” Changed the requirement that consecutive absences from meetings require mandatory removal as a council member to optional removal.

Justification: The majority of the changes are grammatical. The Executive Council increased the number of elected council members to further participation by its general membership; sought to encourage the participation and historical perspective brought by past chairs of the Council; implemented terms limits to foster continued new member participation; and sought to recognize that there could be extenuating circumstances for members to miss meetings and that absence should not automatically result in removal as an Executive Council member.

Article: V

Section: 1

Summary of Change(s): Capitalized the term “section.”

Section: 2
Summary of Change(s): Capitalized the terms “section,” “bar” and “executive council.”

Section: 3
Summary of Change(s): Capitalized the term “section.”

Section: 4
Summary of Change(s): Capitalized the term “section.”

Section: 5
Summary of Change(s): Capitalized the term “executive council.”

Justification: All changes are merely grammatical.

Article: VI

Section: 1
Summary of Change(s): Capitalized the terms “section,” “bar” and “executive council.” Placed reference to “Florida Bar News” in italics.

Section: 2
Summary of Change(s): Capitalized the terms “section” and “executive council.” Eliminated the requirement that an Executive Council meeting be held in conjunction with the mid-year meeting of the Florida Bar, concurrently granting the Executive Council the authority to set the time of such regular meeting. Required attendance at Executive Council meetings for purposes of determining a quorum to be in person.

Section: 3
Summary of Change(s): Capitalized the terms “section” and “executive council.” Recognized that non-agenda business could be precluded due to time constraints of the meeting.

Justification: The majority of the changes are grammatical. Gave more flexibility to the Executive Council to schedule the time of its meetings to accommodate its business needs and attendance availability of its members. Eliminated participation at Council meetings by telephone due to the inefficiency of telephone systems and the inability to be heard. Recognized that there are defined time constraints for meetings.

Article: VII

Section: 1
Summary of Change(s): Capitalized the terms “section” and “executive council.” Provided for a slate of nominees. Added the practice setting as a consideration for identification of nominees.

Section: 2
Summary of Change(s): Capitalized the terms “section” and “bar.”

Section: 3
Summary of Change(s): Capitalized the terms “section” and “executive council.”

Section: 4
Summary of Change(s): Capitalized the term “section.”

Section: 5
Summary of Change(s): Capitalized the terms “section” and “executive council.” Provided for voice or hand vote for election of Council members, unless an election is contested. Provided that in a contested election the number of candidates eligible for election receiving the highest number of votes would be elected.

Section: 6
Summary of Change(s): Capitalized the terms “section” and “executive council.” Provided that vote be by voice or hand unless elections were contested.

Justification: The majority of the changes are grammatical. Provided for the Nominating Committee to provide a slate of Council member nominees and officers, rather than contested elections for each position, in order to conform to recent practice as well as to eliminate “popularity” contests and reward deserving participatory members. Provided for voice or hand vote of elections rather than by written ballot, for efficiency and speed, in the event there were no contested seats or offices by virtue of the petition process.

Article: VIII

Section: 1
Summary of Change(s): Capitalized the term “section.”

Section: 2
Summary of Change(s): Capitalized the terms “section” and “bar.”

Section: 3
Summary of Change(s): Capitalized the terms “section,” “bar” and “executive council.”

Section: 4
Summary of Change(s): Capitalized the terms “section” and “executive council.” Referenced the appropriate Section.

Justification: The majority of the changes are grammatical. Referenced the correct Section number.

Article: IX

Section: 1

Summary of Change(s): Capitalized the terms “section,” “bar” and “executive council.” Clarified that the nominating subcommittee was a subcommittee of the Executive Committee and its composition and obligations. Set forth that the bylaws subcommittee is a subcommittee of the Executive Committee, and that it is ad hoc and meets on an as needed basis. Identified standing subcommittees to the Communications and Technology Committee. Changed the name of the Education Committee, and set forth its increased responsibility regarding publications and its composition. Identified subcommittees of the Education and Publication Committee and their function.

Section: 2

Summary of Change(s): Capitalized the terms “section” and “executive council.”

Section: 3

Summary of Change(s): Capitalized the terms “section” and “executive council.” Added reference to the standing subcommittees and the appointment of their chairs.

Section: 4

Summary of Change(s): Capitalized the term “section.”

Justification: Many of the changes are grammatical. Clarified the distinction between committees and subcommittees; delineated which committee’s subcommittees were attached to; updated the identity of the current committees and subcommittees and deleted defunct committees and subcommittees and set forth the purposes/functions of each.

Article: X

Section: 1

Summary of Change(s): Capitalized the terms “bar” and “section.”

Section: 2

Summary of Change(s): Capitalize the term “executive council.”

Section: 3

Summary of Change(s): Capitalized the term “section.”

Section: 4
Summary of Change(s): Capitalized the terms “bar” and “executive council.”

Section: 5
Summary of Change(s): Capitalized the terms “bar” and “executive council.”

Section: 6
Summary of Change(s): Set forth the date the amended bylaws were adopted by the Executive Council and made them effective upon approval by the Board of Governors.

Justification: The majority of the changes are grammatical. Set forth the adoption date of the revised bylaws and clarifies they require Board of Governor approval to take effect.

VIA ELECTRONIC MAIL
AND U.S. MAIL

June 6, 2011

Mr. Lester Perling,
Chair, Health Law Section
The Florida Bar
Broad & Cassel
100 S.E. 3rd Avenue
Suite 2700
Fort Lauderdale, FL 33394

Re: State and Federal Government and Administrative Practice Certification
Draft Amendments to Rule 6-25, Rules Regulating The Florida Bar
Authorizing Establishment of Subspecialty Tracks

Lester
Dear Mr. ~~Perling~~:

At last year's Bar Convention, members of the State and Federal Government and Administrative Practice ("SFGAP") Certification Committee ("Committee") addressed the executive councils of the Health Law Section and other Bar sections to provide information regarding amendments to the SFGAP Certification that the Committee was considering in concept. These amendments would create subspecialty tracks within the SFGAP Certification, in State and Federal Administrative Law and State and Federal Government Litigation. To refresh this issue, please find attached as Exhibit 1 a white paper setting forth the facts and circumstances justifying the subspecialty tracks proposal. At that time, the Committee requested comments from the Health Law Section and other sections, and we appreciated the thoughtful responses we received.

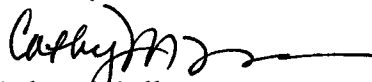
Based on these responses, the Committee has moved forward with the subspecialty tracks proposal and prepared draft amendments to Rule 6-25 of the Rules Regulating the Florida Bar, entitled "Standards For Certification of a Board Certified State and Federal Government and Administrative Practice Lawyer" to authorize SFGAP subspecialty tracks. Please find those draft amendments attached as Exhibit 2. Also, please find attached as Exhibits 3 (administrative practice) and 4 (government practice) the draft revisions to the SFGAP Certification Exam Specifications showing the proposed division of content into the subspecialty tracks.

As before, the Committee is seeking comments from the Bar sections whose members likely would be most affected by these amendments. Many sections are holding executive council meetings in connection with the Bar Convention. We hope the Health Law Section will consider these draft amendments at its meeting then, and provide comments to us by July 15, 2011. Your Section's comments are very important to us and will be seriously considered as we move forward with the subspecialty tracks proposal.

If you or any members of your executive council have any questions about the subspecialty tracks proposal or draft rule amendments, please feel free to contact me. My contact information is listed above on the letterhead.

We appreciate the Health Law Section's interest in and consideration of these amendments and look forward to receiving the Section's comments.

Sincerely,



Cathy M. Sellers
Vice Chair,
SFGAP Certification Committee

- Attachments:
- Exhibit 1 - State and Federal Government and Administrative Practice Basis for Establishing Subspecialty Tracks
 - Exhibit 2 - Draft Amendments to Rule 6-25 of the Rules Regulating the Florida Bar, Standards For Certification of a Board Certified State and Federal Government and Administrative Practice Lawyer
 - Exhibit 3 - Revised SFGAP Certification Examination Specifications for State and Federal Administrative Practice
 - Exhibit 4 - Revised SFGAP Certification Examination Specifications for State and Federal Government Practice

cc: F. Scott Boyd
Chair,
SFGAP Certification Committee

Allen Grossman
Incoming Vice-Chair,
SFGAP Certification Committee

EXHIBIT 1

State and Federal Government and Administrative Practice Certification Basis for Establishing Subspecialty Tracks

The State and Federal Government and Administrative (SFGAP) Certification field was established in 2006. From its inception, the SFGAP Certification field has encompassed a very broad range of topics. These topics and the relative weight assigned each topic on the SFGAP Certification Exam, are set forth in the State and Federal Government and Administrative Practice Certification Exam Specifications, accessible at:

[http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/759D57EE9BC6074E8525728B005CE562/\\$FILE/SFGAP%20Exam%20Specs.pdf?OpenElement](http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/759D57EE9BC6074E8525728B005CE562/$FILE/SFGAP%20Exam%20Specs.pdf?OpenElement)

In the five years since SFGAP Certification was established, it has become clear to the SFGAP Certification Committee ("Committee") that the SFGAP Certification field breaks down into two general practice areas: state and federal administrative law, and state and federal government litigation. Attorneys who practice state and federal administrative law focus primarily on rulemaking, licensing, and administrative hearings and typically have had minimal experience with the law relating to sovereign immunity, government tort claims acts, or civil rights litigation that are generally within the domain of State and Federal government litigators. Conversely, state and federal government litigators typically have minimal experience in administrative law areas and proceedings. It has become clear that very few attorneys have a significant level of practice that encompasses the entire range of topics covered on the SFGAP Certification exam.

Consequently, the number of applicants for SFGAP certification by examination has been low and is decreasing over time. Initially, a large number of experienced attorneys (having practiced a minimum of 20 years) were exempted from the Certification Exam pursuant to "grandfather" provisions in the certification rules that have since expired. However, the number of Certification Exam applicants always has been low, particularly when compared to other Board certification areas. To illustrate, only three applicants took the May 2011 SFGAP Certification Exam. Of the 102 SFGAP-certified attorneys, 84 are certified by virtue of the grandfather. To date, only 12 have actually taken and passed the Certification Exam. Committee experience, along with input from examinees and others who have chosen not to take the exam, shows that attorneys are reluctant to take an exam on subjects outside of their practice area, and even more importantly, do not wish to hold themselves out as having special expertise in an area in which they do not have strong experience and do not practice. The Committee is concerned that as the "grandfathered" SFGAP-certified attorneys retire and leave practice, without having more attorneys seeking to become certified through taking the Certification Exam, the number of SFGAP-certified attorneys will decline to a point that the continued viability of the SFGAP certification program is called into question.

The Committee has determined that the creation of Certification Exam subspecialty tracks likely would remedy these problems, and has proposed creating subspecialty tracks consisting of State and Federal Administrative Law and State and Federal Government

Litigation. These subspecialty tracks would enable us to maintain the rigorous examination standards expected for Board certification without deterring experienced and qualified colleagues from applying for certification. Further, the subspecialty tracks would more accurately reflect the reality of law practice within the SFGAP Certification area, better serving the public in search of expert representation in either State and Federal Administrative Law or State and Federal Government Litigation.

Exhibit 2

6 LEGAL SPECIALIZATION AND EDUCATION PROGRAMS

6-25 STANDARDS FOR CERTIFICATION OF A BOARD CERTIFIED STATE AND FEDERAL GOVERNMENT AND ADMINISTRATIVE PRACTICE LAWYER

RULE 6-25.1 GENERALLY

A lawyer who is a member in good standing of The Florida Bar and who meets the standards prescribed below may be issued an appropriate certificate identifying the lawyer as a "Board Certified State and Federal Government and Administrative Practice Lawyer," a "Board Certified State and Federal Government Practice Lawyer," or a "Board Certified State and Federal Administrative Practice Lawyer." An applicant may qualify for certification if the applicant meets the standards for the area of practice for which the application is made. The purpose of the standards is to identify those lawyers who practice law before or on behalf of state and federal government entities and have the special knowledge, skills, and ~~proficiency, as well as~~ the character, ethics, and reputation for professionalism to be properly identified to the public as certified in the area of practice for which the application is approved. ~~state and federal government and administrative practice lawyers.~~

RULE 6-25.2 DEFINITIONS

6-25.2 DEFINITIONS

(a) **State and Federal Government and Administrative Practice.** "State and federal government and administrative practice" is the practice of law on behalf of public or private sector clients in on administrative or civil actions on matters including but not limited to (i) rulemaking or adjudication associated with state or federal government entity actions such as contracts, licenses, orders, permits, policies, or rules; and (ii) civil rights, statutory challenges, and torts. State and federal government and administrative practice also includes appearing before or presiding as an administrative law judge, arbitrator, hearing officer, or member of an administrative tribunal or panel or state or federal judge or magistrate over a dispute involving an administrative or government action.

(b) Government Entity. “Government entity” means any state agency, political subdivision, special district, or instrumentality of the state of Florida, and any federal agency, bureau, corporation, instrumentality or other government body of the United States, including the United States armed forces. This definition ~~should~~ shall be broadly construed.

(c) Lead Advocate. “Lead advocate” means a person who acts serving as the primary attorney, whether as a team leader or as sole counsel alone, ~~working~~ on behalf of either a private party or a government entity. Acting Service as a supervisor and signatory of legal documents, but without substantial participation in the preparation of those documents, does not constitute acting service as a lead advocate. ~~Acting Service in the role of as a~~ Acting Service as a lead advocate also includes presiding as an administrative law judge, arbitrator, hearing officer, or member of an administrative tribunal or panel over a dispute involving an administrative or government action.

(d) Practice of Law. The “practice of law” is defined ~~as set forth~~ in rule 6-3.5(c)(1).

(e) State and Federal Government and Administrative Practice Certification Committee. It is desirable for the members of the State and Federal Government and Administrative Practice (committee) to reflect the broad certification practice areas. The committee may consist of more than nine members. While aspirational, ~~The state and federal government and administrative practice certification~~ committee shall should include at least 2 attorneys employed by government entities in Florida; at least 2 attorneys in private practice; at least 1 attorney with substantial experience in Federal APA; at least 2 attorneys with substantial experience in Florida APA; and at least 2 attorneys with substantial experience in government practice litigation.

RULE 6-25.3 MINIMUM STANDARDS FOR CERTIFICATION

(a) Minimum Period of Practice. The applicant must have been engaged in a state or federal government and administrative practice for at least 5 years ~~before preceding the date filing of the~~ application. The years of that law practice need not be consecutive.

(b) Practice Requirements. The practice requirements shall be as follows:

(1) *Substantial Involvement.* The applicant must demonstrate substantial involvement in a state and federal government and administrative

practice during 3 of the last 5 years before immediately preceding filing the application. Any applicant who meets the practical experience requirements in subdivisions 6-25.3(b)(2)(A)-(I) below is presumed to meet this requirement.

(2) *Practical Experience*. The applicant must demonstrate broad substantial practical experience in state or federal government and administrative practice by providing specific examples of activity service as the lead advocate on behalf of a private sector client or a government entity or instrumentality. Using the point values and limitations assigned below, the applicant's experience examples from the following actions must total at least 100 points and shall have been performed within 20 years before preceding the filing the application:

(A) administrative hearings, involving disputed issues of material fact [Section 120.57(1), Florida Statutes] and adjudicated through final order pursuant to the Florida Administrative Procedure Act, Chapter 120, Florida Statutes (5 points each);

(B) fully-adjudicated administrative actions or rulemaking proceedings pursuant to the Federal Administrative Procedure Act, 5 U.S.C. §§ 551-559, and other federal APA proceedings, including record review proceedings, pursuant to 5 U.S.C. §§ 701-706 (5 points each);

(C) any other fully-adjudicated state or federal administrative or civil proceeding before an administrative forum, hearing officer, magistrate, arbitrator, state or federal district, circuit or supreme court, or other forum, in which the applicant represents a party in a lawsuit brought by or against a government entity. Applicants shall ~~are encouraged to~~ specifically identify cases involving state or federal constitutional or statutory issues ~~matters~~, state or federal regulations, ethics, open government, public records, or sovereign, qualified, judicial, legislative, prosecutorial, and immunity issues. Experience working on matters exclusively involving city, county, and local government law (such as code enforcement, municipal financing and licensing, local referenda, ordinances, and zoning) does not constitute practical experience for purposes of obtaining state and federal government and administrative practice certification (5 points each);

(D) rulemaking proceedings through rule adoption pursuant to the

Florida Administrative Procedure Act, Chapter 120, Florida Statutes (3 points each);

(E) state or federal government or administrative actions as follows:

1. activity in actions ~~involvement in actions~~ that are considered, pursuant to the Florida Administrative Procedure Act or the Federal Administrative Procedure Act, to provide a point of entry or otherwise create an opportunity for a person to seek to adjudicate legal rights in state or federal courts, or in an administrative forum. Examples may include, but are not limited to, policies, orders, emergency orders, permits, licenses, contracts, or other agency decisions, or intended decisions of state and federal government entities. Examples may not include ~~documents requiring merely~~ clerical completion of documents (2 points each);

2. activity involvement as lead advocate in an administrative proceeding of the type identified herein, in which a written settlement agreement was negotiated and upon which the proceeding was terminated (2 points each);

3. activity involvement as lead advocate in an administrative proceeding of the type identified herein, in which a proposed administrative or government action or the challenge to the action was formally withdrawn (2 points each);

(F) other actions on behalf of state or federal government agencies, including military adjudicatory or rulemaking proceedings, that are, as determined by the committee, the substantial equivalent of the practical experience categories identified herein, ~~as determined at the sole discretion of the state and federal government and administrative practice certification committee after review of the application~~ (1 to 4 points each);

(G) an advisory opinion issued by the Florida Commission on Ethics, Florida or United States Attorney General, or Supreme Court of Florida (1 point each);

(H) experience as legislative legal staff on a bill passed by the Florida Legislature and enacted into law within Chapters 119 (Public Records), 120 (Administrative Procedure Act), 286 (Open Meetings), or 287 (Procurement), Florida Statutes, or as staff for the Florida Legislature's Joint Administrative Procedures Committee on completed rulemaking initiatives (1 point each); or

(I) experience as judicial staff, or staff to an administrative law judge, arbitrator, hearing officer, or other administrative panel on fully-adjudicated cases consistent with this rule (1 point each).

The applicant may have a maximum of 40 points from examples within (F) through (I). If the applicant has no points within (A), (B), or (C), the applicant must have points from a minimum of 2 different categories within (D) through (I). The state and federal government and administrative practice certification committee may increase the number of points granted for activities of the type identified in subdivisions (b)(2)(A), (B), or (C), above, for good cause shown, such as an applicant's involvement as lead advocate in an administrative hearing or civil trial that lasted more than 6 days.

(c) Peer Review. The applicant shall submit the names and addresses of 5 individuals, at least 4 of whom are attorneys and 1 of whom is a federal, state, or administrative law judge before whom the applicant has appeared within the 5 years before immediately preceding filing the application. Individuals who currently practice in the applicant's law firm or government entity may not be used as references. In lieu of a judicial reference, the applicant may provide the name and address of the head of a government entity (or a member of a collegial board that serves as the head of a government entity) if the applicant has advised or appeared before the person within the 5 years immediately preceding application. Administrative law judges or hearing officers applying for certification may offer the reference of an attorney who has appeared before them more than once, or, if appropriate, the reference of the chief administrative law judge or hearing officer. In all cases, at least 2 of the attorney references must be members of The Florida Bar. Individuals serving as references shall be sufficiently familiar with the applicant to attest to the applicant's special competence and substantial involvement in the field of state and federal government and administrative practice, as well as the applicant's character, ethics, and reputation for professionalism in the practice of law. The board of legal specialization and education and the state and federal government and administrative practice certification committee may authorize references from persons other than attorneys and may also make such

additional inquiries as they deem appropriate to determine the applicant's qualifications for certification pursuant to this rule and rule 6-3.5(c)(6).

(d) Education. The applicant must demonstrate that during the 3-year period ~~before immediately preceding filing date~~ the application, the applicant has met the continuing legal education requirements in state and federal government and administrative practice. The required number of hours shall be established by the board of legal specialization and education and shall in no event be less than 50 hours for the 3 years ~~before immediately preceding filing the application for certification~~. Credit for attendance or speaking appearances at continuing legal education seminars shall be given only for programs that are directly related to state and federal government and administrative practice. In addition, the state and federal government and administrative practice certification committee may conclude that the education requirement is satisfied, in part, by 1 or more of the following:

- (1) lecturing at continuing legal education seminars;
- (2) authoring or editing articles or books published in professional periodicals or other professional publications;
- (3) teaching courses directly related to state and federal government and administrative practice at an approved law school or other graduate level program presented by a recognized professional education association;
- (4) completing such home study programs as may be approved by the board of legal specialization and education or the state and federal government and administrative practice certification committee, subject to the limitation that no more than 50 percent of the required number of hours of education may be satisfied through home study programs; or
- (5) such other methods as may be approved by the board of legal specialization and education and the state and federal government and administrative practice certification committee.

The board of legal specialization and education or the state and federal government and administrative practice certification committee shall establish policies applicable to this rule including but not limited to the method of establishment of the number of hours allocable to any of the above-listed subdivisions. Such policies shall provide the hours that shall be allocable to each separate but substantially different lecture, article, or other activity described in subdivisions (1), (2), (3), and (4) above.

(e) Examination. The applicant must pass an examination applied uniformly to all applicants to demonstrate sufficient knowledge, proficiency, and experience in state and federal government and administrative practice to justify the representation of special competence to the legal profession and the public.

(f) Exemption. An applicant who has been substantially involved in state and federal government and administrative practice for a minimum of 20 years and who otherwise fulfills the standards set forth in rules 6-3.5(d) and 6-25.3(a)-(d), shall be exempt from the examination. This exemption is only applicable to those applicants who apply within the first 2 application filing periods from the effective date of these standards and who meet all other requirements for certification.

RULE 6-25.4 RECERTIFICATION

Recertification shall be pursuant to the following standards:

(a) Substantial Involvement. A satisfactory showing, as determined by the board of legal specialization and education and the ~~state and federal government and administrative practice certification~~ committee, of continuous and substantial involvement in state and federal government and administrative practice, state and federal government practice, and/or state and federal administrative practice throughout the period since the last date of certification or recertification. Any applicant who meets the practical experience and education requirements in paragraphs (b) and (c) below is presumed to meet this requirement.

(b) Practical Experience Requirement. An applicant seeking recertification must demonstrate involvement as the lead advocate on behalf of a private sector client or a government entity in state and federal government and administrative practice, state and federal government practice, and/or state and federal administrative practice since certification or the last recertification, totaling at least 10 points as described in rule 6-25.3(b)(2)(A)-(I). For good cause shown, subject to approval by the board of legal specialization and education and the ~~state and federal government and administrative practice certification~~ committee, the 10-point requirement above may be waived for applicants who possess other extraordinary legal experience related to state and federal government and administrative practice, state and federal government practice and/or state and federal administrative practice as the case may be. Examples of extraordinary experience may include: service as an administrative law judge; agency general counsel or other senior government

attorney with supervisory responsibilities; representation of or membership on a committee working on substantial matters of state and federal government ~~and~~ or administrative practice; and other appropriate legal experience described by the applicant.

(c) Education. The applicant must demonstrate completion of at least 90 hours of continuing legal education since the last application for certification or recertification. The continuing legal education hours must logically be expected to enhance the proficiency of attorneys who are board certified in state and federal government and administrative practice, state and federal government practice, and/or state and federal administrative practice. If the applicant has not attained 90 hours of continuing legal education but has attained more than 60 hours during such period, successful passage of the examination given to new applicants shall satisfy the continuing legal education requirements. However, an applicant seeking recertification may also reduce the educational requirements in this subsection to 60 hours by demonstrating involvement as the lead advocate on behalf of a private client or a government entity in state and federal government and administrative practice, state and federal government practice, and/or state and federal administrative practice since certification or the last recertification, totaling at least 25 points as described in rule 6-25.3(b)(2)(A)-(I).

(d) Peer Review. The applicant shall submit the names and addresses of 3 individuals, at least 2 of whom are attorneys and 1 of whom is a federal, state, or administrative law judge before whom the applicant has appeared within the past 5 years preceding the application. Individuals who currently practice in the applicant's law firm or government entity may not be used as references. In lieu of a judicial reference, the applicant may provide the name and address of the head of a government entity (or a member of a collegial board that serves as the head of a government entity) if the applicant has advised or appeared before the person within the 5 years before filing ~~preceding~~ the application. At least 1 attorney reference must be a member of The Florida Bar. Individuals serving as references shall be sufficiently familiar with the applicant to attest to the applicant's special competence and substantial involvement in the field of state and federal government and administrative practice, as well as the applicant's character, ethics, and reputation for professionalism in the practice of law. The board of legal specialization and education and the state and federal government and administrative practice certification committee may authorize references from persons other than attorneys and may also make such additional inquiries as they deem appropriate to determine the applicant's qualifications for certification pursuant to this rule and rule 6-3.5(c)(6).

(e) Waiver of Compliance. Any applicant for recertification who at the time of application is serving and has served full time for 3 or more years as an administrative law judge, arbitrator, hearing officer, or member of an administrative tribunal or panel is deemed to meet the recertification criteria.

RULE 6-25.5 MANNER OF LISTING AREA OF CERTIFICATION

A member having received a certificate in state and federal government and administrative practice, state and federal government practice, and/or state and federal administrative practice, may list the area in the manner set forth under rule 6-3.9(a) or the listing may be abridged to indicate that the member is board certified in (1) state and federal government practice; or, (2) state and federal administrative practice, or (3) Florida administrative practice. A member who is certified pursuant to rule 6-25.3(f) and elects to have his or her listing limited to certification in state and federal administrative practice or state and federal government practice shall have been certified with a minimum of 25 total points from examples in rule 6-25.3(b)(2)(A), (B), and (D).

Exhibit 3

STATE AND FEDERAL ADMINISTRATIVE PRACTICE 2013 Certification Examination Test Specifications

I. PURPOSE OF THE EXAMINATION.

The purpose of the State and Federal Administrative Practice Certification Examination ("Exam") is to determine whether the examinee possesses:

- A. The substantive and procedural knowledge expected of an experienced state and federal administrative law practitioner; and
- B. The skill to proficiently apply the knowledge to situations encountered by state and federal administrative law practitioners.

The examinee must pass a written examination that is designed to demonstrate the examinee's proficiency in the knowledge and skills required in state and federal administrative law justifying the representation of special competence in this practice area to the public and the legal profession. These skills are the ability to: identify pertinent issues; understand pertinent factual information; analyze issues through the application of knowledge and understanding of state and federal administrative law practice; and evaluate and propose resolution of the issues through the application of state and federal administrative law.

Not all subjects in the following list will appear on all exams.

II. CONTENT OF THE EXAM AND CONTENT ALLOCATION PLAN.

A. Content Topic List for the Exam

The following topics **MAY** be tested on the State and Federal Administrative Practice Exam.

1. FLORIDA ADMINISTRATIVE LAW

A. Adjudication

- 1. Point of Entry
- 2. Standing
- 3. Proceedings Involving Disputed Issues of Material Fact
 - a. Choice of Forum
 - b. Division of Administrative Hearings Procedures

- c. Evidentiary Matters
- d. Burden of Proof
- e. Record
- g. Post-hearing Submittals
- g. Recommended Orders
- h. Final Orders
 - i. Timeframes for Issuance
 - ii. Standard of Review of Recommended Order
 - iii. Summary Hearings

- 4. Proceedings Not Involving Disputed Issues of Material Fact
- 5. Alternative Dispute Resolution
- 6. Attorney's Fees

B. Rulemaking and Rule Challenges

- 1. Authority to Adopt Rules
- 2. Duty to Adopt Rules
- 3. Rule Adoption Procedures
- 4. Emergency Rulemaking
- 5. Rule Challenges
 - a. Types - Existing, Proposed, Unadopted, Emergency
 - b. Standing
 - c. Forum and Hearing Procedures
 - d. Standards for Invalidation
- 6. Legislative Oversight
- 7. Attorney's Fees

C. Declaratory Statements

- 1. Purpose and Limitations
- 2. Standing to Request
- 3. Hearing Procedures

D. Competitive Procurement Disputes

- 1. Time Limits
- 2. Points of Entry
- 3. Standing
- 4. Purpose, Use and Types of Competitive Solicitation (Chapter 287 and Chapter 337, Florida Statutes)

E. Exceptions to and Exemptions from Applicability of APA

F. Variances and Waivers

G. Exhaustion of Administrative Remedies and Primary Jurisdiction

H. Judicial Review of Agency Action

1. Judicial Review under Section 120.68, Florida Statutes

- a. Requirements to Seek
- b. Final Orders and Nonfinal Orders
- c. Standing
- d. Forum and Venue
- e. Time to Seek
- f. Record on Review
- g. Stay of Agency Action
- h. Standards of Review
- i. Attorney's Fees and Costs

2. Judicial Review Outside of Chapter 120, Florida Statutes

- a. Extraordinary Writs
- b. Circuit Court Jurisdiction

I. Licensing

J. Uniform Rules of Procedure

K. Enforcement of Agency Action

2. FEDERAL ADMINISTRATIVE LAW

A. APA Adjudication

- 1. Due Process Principles
- 2. 5 U.S.C. §§ 554, 556, 557 and 558
- 3. Type A Adjudication
- 4. Type B Adjudication

Note: This subsection will not cover agency-specific proceedings.

B. Federal APA Litigation/Scope of Judicial Review

- 1. APA §706 Standards
- 2. Deference and *Chevron*, *Mead*, *Skidmore*
Chevron Two-Step
- 3. Administrative Records

- a. Content of Records
- b. Privileges/Vaughn Index
- c. De Novo Review
- d. Adequacy of Agency Explanation
- e. Appropriateness of Discovery
- 4. Agency Delay/Unreasonable Delay Claims
- 5. Federal Statute of Limitations

C. Federal APA Litigation/Availability of Judicial Review

- 1. Federal Jurisdiction
 - a. Federal Question
 - b. Declaratory Judgments
 - c. Committed to Agency Discretion / Enforcement
 - d. Article III Standing
- 2. Special Courts and Forums
- 3. Federal Circuit Jurisdiction

D. Federal APA Rulemaking

- 1. Authority
- 2. Information Quality Act
- 3. Supplemental Non-APA Requirements
- 4. Notice and Comment
- 5. Logical Outgrowth
- 6. Adequacy of Record/Reversal of Course
- 7. Formal and Informal Rulemaking
- 8. Non-legislative Rules/Guidance

E. Attorney's Fees

- 1. Equal Access to Justice Act (28 U.S.C. § 2412)
- 2. Fee Recovery Based on Statutory Citizen Suit Provisions

3. FEDERAL PROCUREMENT LAW

Note: Covers parallel topics to Chapter 120, Florida Statutes, procurement disputes.

A. Contracts Disputes Act

- 1. De Novo Jurisdiction
- 2. Appellate Jurisdiction

B. Truth in Negotiations Act

1. Sole Source Contract Awards
2. Justifying Cost and Pricing Data

C. Bid Protests

1. GAO Bid Protest Rules

4. FLORIDA CONSTITUTIONAL LAW

Note: Covers language of Constitutional provisions and Florida Supreme Court decisions only.

- A. Executive Powers
- B. Legislative Powers
- C. Judicial Powers
- D. Privacy, Open Meetings and Public Records

5. FEDERAL CONSTITUTIONAL LAW

Note: Covers language of Constitutional Provisions and U.S. Supreme Court decisions only.

- A. Separation of Powers
- B. Due Process
- C. Equal Protection

6. FLORIDA AND FEDERAL ETHICS, SUNSHINE, AND PUBLIC RECORDS

- A. Chapter 112, Part III, Florida Statutes
- B. Chapter 119, Florida Statutes
- C. Chapter 286, Florida Statutes
- D. Freedom of Information Act -- 5 U.S.C. § 552
- E. Federal Advisory Committee Act -- 5 U.S.C. app. II.
- F. Government in the Sunshine Act -- 5 U.S.C. § 552b

B. Content Allocation Plan -- State and Federal Administrative Practice Exam

**State and Federal Administrative Practice Certification Exam
Multiple Choice Question Content Allocation Plan
100 Questions (50% of Exam)**

Topic (%) Florida/Federal: Description

APA
(60%)

36 Florida/ 24 Federal - Coverage of all Florida Administrative Law topics listed in Content Topic List. Coverage of all Federal Administrative Law topics listed in Content Topic List, including Article III Standing

Constitutional Law
(16%)

10 Florida/ 6 Federal - Federal: Separation of Powers; Due Process; Equal Protection; Florida Executive Powers; Legislative Powers; Judicial Powers; Privacy, Open Meetings, and Public Records

Ethics, Sunshine, Public Records
(13%)

8 Florida 5 Federal - Chapters 112 (Part III), 119, and 286, Florida Statutes; Federal Freedom of Information Act; Government in the Sunshine Act; Federal Advisory Committee Act

Attorney's Fees
(7%)

4 Florida/ 3 Federal - Attorney's Fees under Chapter 120, Florida Statutes; Florida Equal Access to Justice Act; Federal Equal Access to Justice Act; Fee Recovery Based on Statutory Citizen Suit Provisions

Public Contracts
(4%)

2 Florida/ 2 Federal - Chapter 120, Florida Statutes, Competitive Procurement Disputes; Federal Procurement Law

Totals 60 Florida/ 40 Federal
60% Florida Law, 40% Federal Law; 100% Administrative Law

**State and Federal Administrative Practice Certification Exam
Essay Question Content Allocation Table
100 Points (50% of Exam)**

Topic Weight Description

Florida Administrative Adjudication and Rulemaking

50 % of Essay; 25 % of Total Exam

Adjudication under Florida Administrative Procedure Act; Rulemaking and Rule Challenges under the Florida Administrative Procedure Act; Related Constitutional Law Issues

Topic Weight Description

Federal Administrative Adjudication and Rulemaking

50% of Essay; 25% of Total Exam

Adjudication under Federal Administrative Procedure Act; Regulations and Challenges to Regulations under the Federal Administrative Procedure Act; Related Constitutional Law Issues

III. DESCRIPTION OF THE EXAM.

A. Format and Mandatory/Optional Questions. The Exam will cover Florida and Federal Administrative Law topics. The Exam will consist of 100 multiple choice questions and 2 essay questions. The multiple choice questions are worth 1 point each, for a total of 100 points. The essay questions are worth 50 points each, for a total of 100 points.

B. Time Period for Law Covered on Exam. The Exam will cover the law for the time period through up to 90 days prior to administration of exam.

C. Relative Emphasis of Florida and Federal Law. Approximately 60% of the Exam will cover Florida topics, and approximately 40% of the Exam will cover Federal topics. 100% of the Exam will cover Administrative Law topics.

IV. DIRECTIONS TO THE EXAMINEES

A. Time Allocated for Entire Exam and Parts. The entire Exam is 6 hours long. Three hours are allocated for first part of the Exam, which consists of 100 multiple choice questions. Three hours are allocated for the second part of the Exam, which consists of two essay questions.

B. Materials/Equipment Allowed in Examination Room. Copies of the Florida Administrative Procedure Act and the Federal Administrative Procedure Act will

be provided for use on the Exam. All necessary materials will be given to the examinees, and will include the Exam booklets, scantron answer sheets and #2 pencils for the multiple choice portion of the exam, and answer booklets for the essay portion of the exam. You may bring your own pens for use in answering the essay portion of the exam. Examinees may elect to use computers to answer the essay portion of the Exam. All examination materials must be turned in at the end of the exam. Examinees will not be penalized for misspelled words. Examinees may be penalized for illegible handwriting.

V. SCORING PROCEDURES

A. Passing Standard. In order to receive a passing score on the Exam, examinees must score a minimum of 67% of the total points on the Exam. Accordingly, the passing standard is 134 points out of a total of 200 points.

B. Score Scale and Exam Scoring. The Exam will consist of a total of 200 points; accordingly, the score scale will range from 0 to 200 points.

The multiple choice section of the Exam comprises 100 of the total 200 points on the Exam. The multiple choice portion of the Exam will be scored by awarding 1 point for each correct answer.

The essay section of the Exam will be scored using the holistic method. Holistic scoring is a method of scoring essays in which a score is determined based on a 6 point scoring rubric that defines the quality level of the responses. The holistic score will range from 1 to 6, with a grade of 6 assigned to the highest quality answers, and a grade of 1 assigned to the lowest quality answers. The holistic scores will be converted to the point score scale using the following algorithm: Maximum total points on essay portion of Exam = 100. Each essay = maximum total of 50 points.

C. Essay Scores: Essays will be scored by the State and Federal Government and Administrative Practice Certification Committee. Each essay will be read and scored by two readers.

Exhibit 4

STATE AND FEDERAL GOVERNMENT PRACTICE 2013 Certification Examination Test Specifications

I. PURPOSE OF THE EXAMINATION.

The purpose of the State and Federal Government Practice Certification Examination ("Exam") is to determine if the examinee possesses the substantive and procedural knowledge expected of an experienced and competent state and federal government law practitioner and the skill to proficiently apply that knowledge to situations encountered by state and federal government law practitioners.

The examinee must pass a written examination that is designed to demonstrate the examinee's proficiency, knowledge, and skills that warrant the examinee's representation to the public and the legal profession of special competence in state and federal government law.

These qualities include the ability to: identify pertinent issues; understand pertinent factual information; analyze issues through the application of knowledge and understanding of state and federal government law practice; and evaluate and resolution of the issues through the application of state and federal government law. Not all subjects in the following list will appear on all examinations.

II. CONTENT OF THE EXAM AND CONTENT ALLOCATION PLAN.

A. Content Topic List for the Exam.

The following topics **MAY** be tested on the State and Federal Government law Exam.

1. STATE CIRCUIT COURT JURISDICTION
2. FEDERAL COURT JURISDICTION, PRIMARY JURISDICTION, ALL WRITS ACT
3. FEDERAL QUESTIONS
4. STANDING: STATE AND FEDERAL COURT
5. DECLARATORY JUDGMENTS
6. ABSTENTION, PREEMPTION, AND REMOVAL

7. ATTORNEY FEE AND ATTORNEY FEE SANCTIONS IN STATE AND FEDERAL COURT e.g. Fla.Stat. 57.105; Rule 11; 42 USC § 1988; and inherent authority

8. FLORIDA CONSTITUTIONAL LAW

Note: Covers only language of Constitutional provisions and Florida Supreme Court decisions.

- A. Executive Powers
- B. Legislative Powers
- C. Judicial Powers
- D. Privacy
- E. Open Meetings and Public Records

9. FEDERAL CONSTITUTIONAL LAW

Note: Covers only language of Constitutional Provisions and U.S. Supreme Court decisions.

- A. Immunities: eleventh amendment, sovereign, judicial, prosecutory, legislative, and qualified
- B. Federalism
- C. Separation of Powers
- D. Due Process
- E. Equal Protection
- F. Bill of Rights

10. FLORIDA AND FEDERAL GOVERNMENT LITIGATION

- A. Constitution challenges to statutes, both facial and as applied
 - 1. Pleading requirements
 - 2. Jurisdiction and venue
 - 3. Standing
 - 4. Presumptions and enforcing authority's constructions.
 - 5. Due Process challenges

6. Equal Protection challenges
7. Title defect and single subject challenges

B. Tort suits in state court:

1. Conditions precedent
2. Jurisdiction and venue
3. Pleading requirements
4. Defenses; sovereign and other immunities
5. Proprietary / Governmental functions

C. Tort claims in federal court:

1. Conditions precedent
2. Jurisdiction and venue
3. Pleading requirements
4. Defenses; sovereign, governmental and qualified immunities
5. Proprietary / Governmental functions

D. 42 USC § 1983 Civil Rights

Note: Covers only text in this act and U.S. Supreme Court cases

1. Pleading requirements--sufficiency of allegations
2. Elements of cause of action
3. Private rights of action for violations of Federal laws
4. Jurisdiction and venue
5. Status/capacity of Defendant(s) / suable entity
6. Defenses and Immunities

E. Takings, physical and inverse

11. FLORIDA AND FEDERAL ETHICS, SUNSHINE, AND PUBLIC RECORDS

A. Chapter 112, Fla. Stat. (Part III)

B. Chapter 119, Fla. Stat.

C. Chapter 286, Fla. Stat.

D. Freedom of Information Act --5 U.S.C. § 552

E. Federal Advisory Committee Act -- 5 U.S.C. app. II.

F. Government in the Sunshine Act -- 5 U.S.C. § 552b

G. Florida Bar Rules of professional conduct

12. ENFORCING MONETARY JUDGMENTS, INJUNCTIONS AND
CONSENT DECREES.

B. Content Allocation Plan -- State and Federal Government Practice Exam.

**State and Federal Government Practice Certification Exam
Multiple Choice Question Content Allocation Plan
100 Questions (50% of Exam)**

Topic (%) Description

State Circuit Court Jurisdiction
(20%)

Federal court jurisdiction; federal questions; state and federal court standing;
declaratory judgments; abstention, preemption and removal

Attorney's Fee and Attorney Fee Sanctions in State and Federal Court
(10%)

e.g. Fla. Stat. 57.105; Rule 11; 42 USC § 1988; and inherent authority

Florida Constitutional Law
(10%)

Executive/legislative/judicial powers; privacy; open meetings; and public records

Federal Constitutional Law
(10%)

Immunities; federalism; separation of powers; due process; equal protection; Bill of
Rights

Florida and Federal Government Litigation
(10%)

Constitution challenges to statutes; pleading requirements; jurisdiction and venue;
standing; presumptions; due process; equal protection; title defect; and single subject
challenges

Tort Claims in State and Federal Court
(10%)

Conditions precedent; jurisdiction and venue; pleading requirements; sovereign and
other immunities; defenses; proprietary/governmental function

42 USC § 1983 Civil Rights
(10%)

Pleading requirements; sufficiency of allegations; elements of a cause of action;
jurisdiction and venue; status/capacity of defendants; defenses and Immunities

Florida and Federal Ethics, Sunshine and Public Records
(6%)

Chapter 112, Fla. Stat. (Part III); Chapter 119, Fla. Stat.; Chapter 286, Fla. Stat.;
Freedom of Information Act --5 U.S.C. § 552; Federal Advisory Committee Act --5
U.S.C. app. II.; Government in the Sunshine Act -- 5 U.S.C. § 552b

Takings, Physical and Inverse
(4%)

Enforcing Money Judgments and Injunctions, Consent Decrees
(4%)

Florida Bar Rules of Professional Conduct
(6%)

**State and Federal Government Practice Certification Exam
Essay Question Content Allocation Table
100 Points (50% of Exam)**

The essay question content allocation is 100 Points, representing 50% of the Exam. The five essay questions will be multi topic. The approximate topic percentiles within the essay questions are as stated above.

III. DESCRIPTION OF THE EXAM.

A. Format and Questions. The Exam will cover only Florida and Federal Government Law topics. The Exam will consist of 100 multiple choice and 5 essay questions. The multiple choice questions have 1 point each, for a total of 100 points. The essay questions have 10 points each, for a total of 100 points.

B. Time Period for Law Covered on Exam. The Exam will cover the law 90 days prior to date of administration of exam.

C. Relative Emphasis of Florida and Federal Law. Approximately 50% of the Exam will cover Florida topics, and approximately 50% of the Exam will cover Federal topics.

IV. DIRECTIONS TO THE EXAMINEES.

A. Time Allocated. The Exam must be completed within six hours. Three hours are allocated for 100 multiple choice questions first part of the Exam and three hours are allocated for 5 essay questions as the second part of the Exam.

B. Materials/Equipment Allowed in Examination Room. All necessary materials will be provided, e.g. the exam booklets, scantron answer sheets and #2 pencils for the multiple choice portion of the exam, and answer booklets for the essays. However examinees may bring pens and may – with prior notice -- use computers to answer the essay portion of the exam. All examination materials must be returned at the end of the exam. Examinees will not be penalized for misspelled words, however examinees may be penalized for illegible handwriting.

V. SCORING PROCEDURES.

A. Passing Standard. A passing score is a minimum of 67% of the total points. Accordingly, the minimum passing standard is 134 points of the 200 point total.

B. Score Scale and Exam Scoring. The exam will consist of a total of 200 points; accordingly, the score scale will range from 0 to 200 points.

The multiple choice section of the exam is 100 of the total 200 points on the exam. The multiple choice portion of the exam will be scored by awarding 1 point for each correct answer.

The essay section of the exam will be scored using the holistic method. Holistic scoring is a method of scoring essays in which a score is determined based on a 6 point scoring rubric that defines the quality level of the responses. The holistic score will range from 1 to 6, with a grade of 6 assigned to the highest quality answers, and a grade of 1 assigned to the lowest quality answers. The holistic scores will be converted to the point score scale using the algorithm: Maximum total points on essay portion of Exam = 100. Each essay = maximum total of 10 points.

C. Essay scores: Essays will be read and scored by two members of the State and Federal Government and Administrative Practice Certification Committee with state and federal government practice experience.

From: Cathy Sellers

Sent: Monday, June 06, 2011 5:10 PM

To: Lester Perling

Cc: 'BOYD.SCOTT'; 'Allen Grossman'

Subject: Health Law Section - State and Federal Government and Administrative Practice Subspecialty Tracks Information

Hello Lester,

Please find attached a package of information that the Florida Bar State and Federal Government and Administrative Law Certification Committee (SFGAP) has prepared addressing the Committee's proposal to establish subspecialty tracks for the SFGAP certification area. Specifically, the proposal would create a subspecialty track in State and Federal Administrative Law and a subspecialty track in State and Federal Government Law, and each subspecialty would have its own certification exam. The attached materials include a cover letter explaining the subspecialty tracks proposal, an exhibit with specific information demonstrating justification for the proposal, the draft rule changes to reflect subspecialty tracks, and the revised certification exam test specifications for each subspecialty track.

We would greatly appreciate it if the Health Law Section could consider this proposal at its meeting at the Bar Convention and to provide any comment that the Section wishes to provide. If you think it would help to have a member of the SFGAP certification committee attend your meeting to explain the proposal, I believe Allen Grossman likely will be there, and if he is not attending, I can be available to address the Section.

Thanks so much and we look forward to receiving the Health Law Section's input on this proposal.

Best Regards,
Cathy

**MINUTES
EXECUTIVE COUNCIL
THE FLORIDA BAR HEALTH LAW SECTION**

June 24, 2010

I. Call to Order

The meeting was called to order by Chair, Troy Kishbaugh, at 3:10 p.m. at the Boca Raton Golf and Resort, Boca Raton, Florida.

Executive Council members who attended in person were: Troy Kishbaugh, Lester Perling, Cynthia Mikos, Bernabe Icaza, Monica Rodriguez, Lewis Fishman, Steven Grigas, Tom Clark, Robert Nicholson. Executive Council member in attendance by phone were Sandra Greenblatt, George Indest, Jodi Lifshutz Laurence, Rodney Johnson, Charmaine Chiu, Walter Carfora, Jennifer Smith, Nicholas Romanello. Chet Barclay, Grant Dearborn, Lynn Barrett, Allen R. Grossman, Mark Thomas, John Buchanan, Harold E. Kaplan, and Ashlea Wiley of The Florida Bar were also present.

Opening Remarks—Troy Kishbaugh, Chairman

Mr. Kishbaugh welcomed the attendees. Mr. Kishbaugh recognized and thanked Al Robinson and Sue Allen of Navigant Consultant for sponsoring the meeting and the reception.

II. Approval of Previous Meeting Minutes –Bernabe Icaza, Secretary

The minutes of the January 21, 2010, regular meeting of the Executive Council of the Health Law Section was moved by motion, seconded, and unanimously approved. Executive Council agreed to review the minutes from the March 4, 2010 teleconference at the next regularly scheduled meeting.

III. Proposed Rule Change-Manner of Listing: State and Federal Government Administrative Practice Board Certification Committee

The manner of listing Board Certification in State and Federal Government and Administrative Practice came up for discussion. Troy Kishbaugh reminded the Executive Council that it did not object to the SFGAP Certification Committee Composition change (Sec.6-25.2(e)) and had communicated same via e-mail with no objection. However, he reminded the Executive Council that the Health Law Section did not take a position regarding the proposed change in Section 6-25.5 regarding the manner of listing of certification by certified attorneys.

The Committee was requested to obtain approval from the Executive Council allowing attorneys to designate themselves as Board Certified in Florida Administrative Practice. A request was made to allow attorneys who are certified as 'State and Federal Government and Administrative Practice' who do not practice for instance in federal government or administrative law to list themselves consistent with attorney's main area

of practice. Some attorneys who had obtained board certification were not comfortable with designating themselves in state and federal government and administrative law since these attorneys may not necessarily practice in all these areas.

Mr. Grossman reminded the Health Law Section that the Committee had already approved two manners for attorneys to designate themselves and was here to request that the Section approve a third manner of designation. The request is to allow attorneys to shorten the designation to 'Board Certified in Florida Administrative Practice.

A motion was made by the Section to approve this third manner of designation, seconded, discussed, and ultimately passed by a vote of 7 in favor and 5 against. Voting in favor were: Troy Kishbaugh, Cynthia Mikos, Lester Perling, Monica Rodriguez, Lew Fishman, Nick Romanello, Bernabe Icaza. Voting against were: Sandra Greenblatt, George Indest, Rodney Johnson, Walter Carfora, Jodi Lawrence.

IV. Election of Officers and Executive Council Members

Troy Kishbaugh thanked the Nominating Committee. The following persons were nominated for officer positions:

Chair Elect-Cynthia A. Mikos

Treasurer-Bernabe A. Icaza

Secretary-Monica Rodriguez

A motion was made, seconded and unanimously passed to approve slate of new executive council members:

2011 Mildred Beam (to replace Monica Rodriguez; Robert Nicholson (new seat)

2012 Susan Tuite (new seat)

2013 Sandra Greenblatt; Rodney Johnson; Jodi Laurence; Ed Tellechea; Grant Dearborn (new seat); Tom Clark (new seat)

A new motion was made to add to slate for 2011 Mildred Beam and Robert Nicholson and for 2012 Susan Tuite.

V. Financial Report – Cynthia Mikos

Ms. Mikos reviewed the financial report. Motion to approve financial report was made, seconded and unanimously approved.

VI. Board of Governors Meeting Report-Allen Grossman

Mr. Grossman spoke on his trip to New York and mentioned that he was well received by the Board of Governors.

VII. Committee Reports

A. Education, Training and Information Committee – Charmaine Chiu

Ms. Chiu indicated that the same CLE slate for this year will repeat next year to include Representing Physician and Health Law Certification Review Course.

Ms. Chiu indicated that she would work an additional year as Chair of Committee but that she was looking to transition. Troy Kishbaugh suggested a co-chair during this year to help her transition to the new chair. New Committee chair would take over next year.

Sandra Greenblatt recognized Ms. Chiu's for the featured article in Super Lawyers.

B. Communication and Technology

Troy Kishbaugh mentioned that he was working with Chat Barclay to update website. Mr. Kishbaugh presented power point containing new website. A motion was made, seconded and unanimously adopted to get new website up and running within 30 days.

C. Newsletter-Tom Clarke

Mr. Clarke mentioned that so far 3 attorneys have offered to submit articles for next newsletter and that four additional articles were needed.

D. Public Health Committee-Rodney Johnson and Walter Carfora

Mentioned that there were two very successful CLEs held in recent months . A request was made of Health Law Section Administrator to find out how many lawyers attended.

E. Legislative Committee- Steve Grigas

Mr. Grigas gave a brief summary of about 10-15 bills that were recently approved. Mr. Grigas provided the Executive Council with a summary of all the bills that were considered during the last session dated June 24, 2010. He gave a summary update of the most substantive legislation impacting health care.

VIII. Old Business

A. Health Law Section Logo

Motion made, seconded and passed by a vote of 6 in favor and 4 against approving the third design that was presented. A second motion was made, seconded, and approved adopting the color blue.

IX. New Business

A. Executive Council Meeting in January 2011

Lester Perling asked Executive Council if there was an interest in having a live Executive Council meeting in Orlando during January. Motion was made, seconded and passed unanimously approving an Executive Council meeting in Orlando during January.

B. Health Law Section Numbers-Troy Kishbaugh

There are approximately 1400 Health Law Section members.

C. Reimbursement Policy-Troy Kishbaugh

There was discussion and unanimous consensus over Health Law Section continuing to pick up the expense of government employees attending Executive Council meetings.

D. Handbook Policy-Troy Kishbaugh

Mr.Kishbaugh reminded Executive Council that authors and articles submitted and approved for publication needed to be in accordance with established policies.

E. Health Law Journal & CLE State Health Care Licensing-Chet Barclay

Next edition will be distributed during November. Mr.Barclay announced that seven articles were going to be published.

There was discussion over having a CLE on State Health Care licensing. Motion was made, seconded and unanimously passed to present a slate of speakers, a budget and date for CLE at the next Executive Council meeting.

F. Sunsetting Legislative Position

There was discussion regarding sunseting legislative position. Mr.Barclay said that previous sections have rolled over their legislative position each year. Ms. Mikos suggested adding IPN to the legislative position proposal so that IPN can be considered in addition to PRN. She also suggested removing the 4 year statute of limitation since a 6 year SOL was already adopted. Ms.Mikos agreed to work on drafting new language regarding new proposed legislative position and to work directly with Mr.Grigas. Motion was made, seconded and unanimously adopted.

G. Practice Group Committee

Nick Romanello and Troy Kishbaugh updated the Executive Council on the meeting with the former Chairs.

H. DOH Subpoenas and Search Warrant

George Indest had an open dialogue with the Executive Council regarding whether DOH was using subpoena power as search warrants. He said that a DOH investigator had shown up to a client's office and demanded that copies of medical records be provided within one hour. He asked whether anyone had had any similar experiences.

XI. Health Law Section Appreciation Awards

The Chris Rolle Award is given each year to members who have shown exemplary services to the Health Law Section. The Executive Council awarded the Chris Rolle Award to:

Chet Barclay

Troy Kishbaugh

The Executive Council gave Certificates of Appreciation to the following members:

Rodney Johnson

Walter Carfora

Jeanne Helton

John Buchanan

Tom Clark

Allen Grossman

Chet Barclay

Lester Perling

Charmaine Chiu (awarded two Certificates of Appreciation)

XII. Chair-Elect Comments-Lester Perling

Mr. Perling suggested that the Executive Council follow-up with the following pending items:

- 1) Executive Council Restructuring;
- 2) Bylaws Amendment; and
- 3) Website

XIII. Adjournment.

The Meeting was adjourned at approximately 5:30 p.m.

Bernabe Icaza, Secretary

Date

The Florida Bar
Board of Governors Meeting
March 25, 2011
Health Law Section Report

1. Introduction
2. The New Website – goal – make it HLS members' home page.
3. New Logo and Slogan (The Resource for Florida Health Law)
4. CLE Webinars – preparing schedule for monthly webinars
 - Make CLEs more convenient for the membership
 - More responsive to the membership – subject matter
 - Affordable
5. Revised the Bylaws – currently in the process to be reviewed and approved by the Board of Governors.
6. Publications – currently reviewing all publications to ensure that we are staying current and providing responsive and substantive material for our membership. Journal – still pursuing the Journal, but developing ways to make it more cost effective.
7. Sponsorships – developing sponsorships for seminars and meetings. Identifying potential sponsors through a committee that reaches out to the membership.
8. Membership – recent Executive Council nominations – increasing every year. This year: 22 nominations for seven spots.
9. Joint CLE with Elder Law Section
10. Health Care Reform Committee – creation.