

**Health Law Section Executive Council Meeting Agenda**  
**Thursday, September 15, 2011**  
**4:00 p.m. – 6:30 p.m.**  
**Don Shula's Hotel & Golf Club; Meeting Room: Kings Cup**

- I. Call to Order – Cynthia Mikos, Chair
- II. Opening Remarks – Cynthia Mikos, Chair
- III. Approval of Previous Meeting Minutes – William Dillon **Exhibit A**
- IV. Financial Report (10-11 year end + July) – Monica Rodriguez **Exhibit B**
- V. Committee Reports
  - a. Communications & Technology
    - i. Newsletter – Tom Clark
    - ii. Website; Listserv – William Dillon
  - b. Public Health Committee – Rodney Johnson, Walter Carfora
  - c. Legislative Committee – Steve Grigas
  - d. Health Care Reform Committee – Troy Kishbaugh
  - e. Education Committee – Grant Dearborn **Exhibit C**
- VI. Council of Sections Update – Cynthia Mikos
- VII. Old Business
  - a. Bylaw Revisions Update – Lew Fishman
- VIII. New Business
  - a. Dues Modification Request – Cynthia Mikos **Exhibit D**
  - b. Retreat Recap – Cynthia Mikos
  - c. Approval of RPPTL Legislative Position – Steve Grigas **Exhibit E**
  - d. CLE Recap **Exhibit F**
- IX. Informational Items
  - a. Nominating Committee Members 2011-2012
  - b. BOG Liason, Carl Schwait, Received Award
  - c. (Pending) BOG Cynthia Mikos Appearance
- X. Chair-Elect Comments – Bernabe Icaza
- XI. Next Executive Council Meeting
  - Thursday, January 26, 2012
  - Renaissance International Plaza, Tampa
  - Rate: \$175 Single/Double Occupancy
  - 813-877-9200

## MINUTES

### EXECUTIVE COUNCIL THE FLORIDA BAR HEALTH LAW SECTION

June 23, 2011

#### **I. Call to Order**

The meeting was called to order by Chair, Lester Perling, at 4:05 p.m. at the Gaylord Palms Resort, Orlando, Florida.

Executive Council members who attended were: Lester Perling, Cynthia Mikos, Bernabe Icaza, Monica Rodriguez, Troy Kishbaugh, Lewis Fishman, Rodney Johnson, Bill Dillon, Grant Dearborn, Thomas Clark, George Indest, III, Robert Nicholson, Ed Tellechea, Susan Tuite and Charmaine Chiu.

Others in attendance were Harold Kaplan, Steven Grigas, Allen Grossman, John Buchanan, Christopher Brown, Michael Smith, Mark Thomas, Jeanne Helton, Katharine Van Tassel, Stephanie Carman, JoAnne McKenna, and Ashlea Wiley.

Due to a vote of the Council at the last meeting not to allow attendance by phone, there were no members who attended by phone.

#### **II. Opening Remarks—Lester Perling, Chairman**

Mr. Perling gave the floor to Al Robinson of Navigant, who discussed information security and data breaches. He noted that a lot of information theft is in the area of healthcare, and that qui tam actions seem to be taking the place of class action lawsuits. Mr. Perling noted that everyone should be aware that a lot of office equipment retained PHI, and copier servicemen or similar people could take information from office devices and sell it.

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

The minutes of the January 27, 2011, regular meeting of the Executive Council of the Health Law Section were moved by motion, seconded, and unanimously approved.

#### **IV. Financial Report – Bernabe Icaza, Treasurer**

Mr. Icaza reported that the financial condition of the section was good. The dues are at the same level as last year, revenues are up from last year, and we are ahead of budget at this point in time.

Exhibit A

## **V. Committee Reports**

### **a. Communication and Technology**

#### **i. Newsletter – Tom Clark**

Mr. Clark reported that there are five articles for the next newsletter, and it is almost ready, but running a little late.

#### **ii. Website – William Dillon**

Mr. Dillon reported that the listserv discussed and approved at the last meeting was up and functional, but that we were still working on the format for the listserv, and wanted to have the Council members try it out before offering it to the members. Monica Rodriguez worked on the listserv with him and Ann Bittinger volunteered to be the mediator, and did a lot of the work associated with getting it up and running.

### **b. Public Health – Rodney Johnson, Walter Carfora**

Mr. Johnson reported that they had a program last week on indigent health care that was well-received. There are programs planned for 8/17 on “Model Public Health Laws,” and 10/19 on “Public Health Opportunities from an ACO Perspective.”

### **c. Legislative Committee (2011 Legislative Update) – Steve Grigas**

Mr. Grigas handed out materials updating everyone on the Legislative Session, and reviewed the major changes with the Council. Handouts are attached.

### **d. Health Care Reform Committee – Troy Kishbaugh**

Mr. Kishbaugh stated that Steve Grigas did a Legislative Update for the last Health Care Reform call. He noted that participants can get CLE credit now, and that these programs continue to be offered jointly with the Elder Law Section for no charge. Mr. Kishbaugh stated that a CLE program on the Affordable Care Act that was supposed to be held in February was canceled for low registration, but that was supposed to be offered again, possibly in July.

### **e. Education Committee – Grant Dearborn**

Mr. Dearborn reported that the Committee had starting doing webinars (with tremendous help from Ashlea Wiley), and that they were called “Eat and Educate.” Two webinars have been held so far, and they were well-received. Seventy-two people attended the first two presentations, and most were Section members. The Section is recording the webinars, so they can be purchased after-market. Mr. Dearborn noted that at this time, the webinars are being offered at a low cost as a service for our members, and he asked about the charges to be imposed for the webinars next year. Mr. Dearborn stated that

the cost per line for the webinar is \$8. The current charge is \$20 for members and \$50 for non-members. The Council discussed how much would be charged for after-market sales, but Ashlea was not sure what that charge would be. Mr. Grossman mentioned the possibility of lowering the cost for government attorneys. At this time, it was noted that the Bar is not charging the Section for administrative services for the webinars because they are being offered as a Section service. Ms. Mikos stated that Mr. Romanello, as the General Counsel of the Florida Department of Health (DOH), had also asked if the Section could provide CLEs to DOH attorneys at a reduced price. A discussion ensued regarding providing CDs of Health Law Section CLE programs to DOH, the Agency for Health Care Administration (AHCA) and the Attorney General's office free of charge. A motion was made to keep the charges for the webinars the same for the next year, and to give CDs of the CLE programs to the DOH, AHCA and the Attorney General's office without charge. The motion was seconded and approved unanimously.

**f. Publications Committee – Allen Grossman**

Mr. Grossman reported that progress had been made in putting the Journal online, but that he did not have time to chair this committee, and had not done anything else to date.

**VI. Old Business**

**a. Sponsorships – Monica L. Rodriguez**

Ms. Rodriguez noted that she and Sandy Greenblatt (with a lot of help from Ashlea Wiley) had completed the sponsorship packages, and they were ready to send out. It was noted that the date of a CLE had changed, and needed to be changed in the packet.

**b. Bylaw Revisions – Lew Fishman**

Mr. Fishman noted that the Bylaws changes still needed to be finalized. He had to prepare a summary of changes for the Board of Governors (BOG), and they sent back recommended changes to comply with some Supreme Court changes. Mr. Perling had reviewed the BOG's recommendations, and had concerns that some of the changes were more substantive than procedural, so the changes were brought back to the Council.

One concern by the BOG was that the revised Bylaws seemed to allow some members to serve for up to 11 years on the Council (two four year terms followed by three years as officers). The Council agreed that was the intention of the change.

There was a discussion about a change which stated that all Committee and Subcommittee Chairs had to be Executive Council members, and whether that was intended. There was a motion that the Bylaws state that only Standing and Special Committee Chairs were required to be Council members, deleting the requirement that Subcommittee chairs be Council members. The motion was seconded and unanimously approved.

Ms. Mikos noted that the Bylaws should include the Public Health Subcommittee as part of the Education Committee. This change was moved, seconded, and approved.

As revised by the BOG and amended by the Council, the Bylaws revisions reviewed by the Council and attached hereto were moved, seconded and approved, with one vote against the motion (by the rebel, Grant Dearborn).

**c. Handbook - Jack Buchanan**

Mr. Buchanan stated that the handbook could be outdated, with the last revisions in 2010. He noted revisions needed to be made to the index and articles, and that many would prefer it be available electronically. He also noted that he wanted to step down as Chair of this Subcommittee.

Robert Nicholson Lester Perling and Katharine Van Tassel agreed to serve as the Publications Subcommittee. Ms. Van Tassel noted that she had 60 students at St. Thomas University on the Public Health Committee who would like to help keep the Handbook up to date. A discussion followed on whether it was worth keeping the Handbook, and all agreed it was worth continuing.

**d. State and Federal Government & Administrative Practice Subspecialty Request to Review Track Proposal – Allen Grossman**

Mr. Grossman again discussed the proposal from this certification committee to change their certification to two tracks – one for State and Federal Government and one for Administrative Practice. This was on the agenda again to solicit comments from section members. The Council agreed the Section has no comments or objections to the proposed change.

**VII. New Business**

**a. BOG Report – Troy Kishbaugh**

Mr. Kishbaugh stated that he gave a presentation to the BOG about the activities of the Health Law Section, and that it was well-received. A report about the Section was published in the Florida Bar Journal.

**b. Nominating Committee – Troy Kishbaugh**

Mr. Kishbaugh presented the nominations for open Executive Council seats and for the officers. The Nominating Committee included Susan Tuite, Lewis

Fishman, Laurie Levin, and Ron Christaldi. Mr. Kishbaugh noted that there were 35-40 applicants for the open positions.

The Committee nominated Bernabe Icaza as Chair-Elect, Monica Rodriguez as Treasurer, and William Dillon as Secretary. For the open seat with a term ending in 2012 (due to the resignation of Nicholas Romanello), Mildred Beam was nominated. Erin Aebel, Steven Grigas, Rodger Hochman, George Indest and Robert Nicholson were all nominated for terms ending in 2012.

The Council moved, seconded, and approved the proposed slate of officers and Council members.

Mr. Kishbaugh noted that letters were sent to everyone who applied about how they could become involved with the Section.

#### **VIII. Chair-Elect Comments – Cynthia Mikos**

Ms. Mikos thanked everyone at the Council meeting for helping make changes to the Section. She noted that a retreat will be held on September 15 in Miami Lakes, at Shula's. It will be from 10 am – 4 pm, and the Council meeting will be from 4 pm – 6 pm. The next FUNDamentals program will be held in Fort Lauderdale near the law school. Ms. Mikos stated that Committee and Subcommittee meetings would be held during the retreat, and that she would like everyone to let her know which committees they would like to serve on.

There still has been no decision on where the January meeting will be held.

#### **IX. Awards**

Chris Rolle awards were presented to Troy Kishbaugh and Lester Perling. Certificates were given to Troy Kishbaugh and Sandy Greenblatt for their work on the Healthcare Reform Committee, to Monica Rodriguez and Sandy Greenblatt for work on the Sponsorship Committee, to Lewis Fishman for work on the Bylaws Committee, to Tom Clark for his work on the Newsletter, to Grant Dearborn for work on the webinars, to Nick Romanello for CLE Chair & Program Chair for FUNDamentals and the Certification CLE, and to Chet Barclay for serving as Program Chair of the FUNDamentals program and the Certification CLE. Lester Perling was also given a plaque for his service as Chair of the Section.

#### **X. Next Executive Council Meeting/Retreat**

Thursday, September 15, 2011

Shula's Hotel & Golf Club, Miami Lakes

The meeting was adjourned at 6:10 pm.

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Monica Rodriguez, Secretary

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Date

year end (10-11)

Statements

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
Total Health Law				
31431 Section Dues	39,540	38,880	40,110	40,500
31432 Affiliate Dues	1,150	1,175	1,250	1,250
31433 Admin Fee to TFB	(23,528)	(23,164)	(23,730)	(24,125)
31435 Admin Fee Adj	4,386	1,539	0	0
<b>Total Dues Income-Net</b>	<b>21,548</b>	<b>18,430</b>	<b>17,630</b>	<b>17,625</b>
32191 CLE Courses	12,906	13,558	7,626	11,600
32293 Section Differential	2,038	3,376	2,545	2,975
34001 Book Sales	0	0	0	4,000
35201 Sponsorships	2,000	2,000	4,000	1,000
35700 Member Service Progr	0	0	1,630	0
36506 Section Handbook	750	3,725	1,175	990
38499 Investment Allocatio	(9,570)	8,592	13,150	5,058
<b>Other Income</b>	<b>8,124</b>	<b>31,251</b>	<b>30,126</b>	<b>25,623</b>
<b>Total Revenues</b>	<b>29,672</b>	<b>49,681</b>	<b>47,756</b>	<b>43,248</b>
36998 Credit Card Fees	29	32	48	0
51101 Employee Travel	2,146	1,856	1,421	1,949
71001 Telephone/Direct	223	615	624	550
71005 Internet Charges	0	0	308	450
84001 Postage	209	334	161	380
84002 Printing	95	11	0	2,800
84009 Supplies	192	58	0	100
84010 Photocopying	139	173	90	200
84013 Health Law Journal	0	11,505	1,700	4,000
84051 Officers Travel Expe	0	0	2,513	2,500
84052 Meeting Travel Expen	0	89	0	1,000
84054 CLE Speaker Expense	3,293	0	453	2,000
84101 Committee Expenses	240	486	423	800
84200 General Meeting	1,122	3,236	0	0
84201 Board Or Council Mee	1,383	696	2,849	2,500
84202 Annual Meeting	6,258	4,540	6,299	10,000
84204 Midyear Meeting	1,917	5,260	4,166	4,166
84205 Section Service Prog	3,472	0	555	3,000
84301 Awards	588	203	194	550
84416 Handbook	29	2,676	111	0
84422 Website	330	3,075	2,550	8,000
84701 Council Of Sections	0	300	300	300
84998 Operating Reserve	0	0	0	5,078
84999 Miscellaneous	555	0	0	500
<b>Total Operating Expenses</b>	<b>22,220</b>	<b>35,145</b>	<b>24,765</b>	<b>50,823</b>
86431 Meetings Administrat	0	0	1,630	0
86543 Graphics & Art	2,971	6,052	1,791	6,200

Exhibit B



Unaudited Statement of Operations

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
Total Health Law				
Total TFB Support Services	2,971	6,052	3,421	6,200
Total Expenses	25,191	41,197	28,186	57,023
Net Operations	4,481	8,484	19,570	(13,775)
21001 Fund Balance	91,590	96,073	104,562	102,321
Total Current Fund Balance	96,071	104,557	124,132	88,546

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
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Total Health Law CLE				
31436 Course Section Diff	-3,000	-4,175	-2,130	0
32001 Registrations	45,508	45,734	32,030	0
32006 Live Web Cast	0	17,826	9,635	0
32010 Legal Span On-line	6,449	13,027	13,474	0
32201 Audio Tapes	370	0	0	0
32205 Compact Disc	47,140	48,626	25,530	0
32207 DVD	2,600	6,450	5,100	0
32301 Course Materials	1,470	1,750	1,930	0
39999 Miscellaneous	0	4,463	0	0
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Total Revenues	100,537	133,701	85,569	0
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51101 Employee Travel	1,073	2,030	1,022	0
83431 Time CLE Courses	4,420	9,147	5,287	0
86421 C L E Administration	5,036	7,638	5,265	0
86543 Graphics & Art	121	390	629	0
86623 Registrars	4,796	6,765	3,256	0
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Total The Florida Bar Staf	15,446	25,970	15,459	0
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41201 Contract Salaries	338	0	0	0
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Total Other Staff	338	0	0	0
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84256 Audio Taping/Tech	1,565	0	0	0
86432 Time Taping Editing	7,085	16,445	9,522	0
88281 A/V Ctr Dup/Prod	1,878	2,296	763	0
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Total Cost of AV Media	10,528	18,741	10,285	0
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86001 Administrative Exp	9,945	11,788	7,434	0
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Total General and Administ	9,945	11,788	7,434	0
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81411 Promotional Printing	643	247	115	0
81412 Promotional Mailing	1,435	960	496	0
86532 Advertising News	3,399	4,020	3,228	0
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Total Promotion	5,477	5,227	3,839	0
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88241 Outline Prt-Inhouse	7,460	9,771	1,204	0
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Total Printed Course Mater	7,460	9,771	1,204	0
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88221 Speaker Workshops	300	250	500	0
88231 Speakers Travel	6,028	5,750	3,402	0
88232 Speakers Meals	754	812	872	0
88233 Speakers Hotel	4,215	5,303	3,387	0
88239 Speakers Other Exp	1,462	1,137	444	0

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
Total Health Law CLE				
Total Speaker Expense	12,759	13,252	8,605	0
61201 Equipment Rental	4,914	5,382	6,401	0
	506	0	0	0
84258 Web Services	0	10,300	5,935	0
88252 Course Credit Fee	300	600	300	0
88261 Meeting Room Rent	1,100	0	0	0
88262 Meeting Meals	7,056	7,996	6,107	0
88263 Meeting Hospitality	1,792	0	491	0
88265 Refreshment Breaks	4,296	4,769	3,605	0
Total Presentation Expense	19,964	29,047	22,839	0
36998 Credit Card Fees	1,138	1,697	1,083	0
75102 1st Class & Misc Mai	44	54	40	0
75401 Express Mail	1,303	1,207	1,062	0
Other Expense	2,485	2,958	2,185	0
Total Expenses	84,402	116,754	71,850	0
Total Net General Ledger	16,135	16,947	13,719	0
32291 Section Fee	-12,908	-13,558	-10,974	0
Net Operations	3,227	3,389	2,745	0

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
C0487 2007 HL Cert Review ~~~~~				
32001 Registrations	-60	0	0	0
32010 Legal Span On-line	358	0	0	0
Total Revenues	298	0	0	0
Total Net General Ledger	298	0	0	0
32291 Section Fee	-238	0	0	0
Net Operations	60	0	0	0

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
C0490 HL Hot Topics ~~~~~				
86421 C L E Administration	92	0	0	0
Total The Florida Bar Staf	92	0	0	0
86001 Administrative Exp	195	0	0	0
Total General and Administ	195	0	0	0
61201 Equipment Rental	1,437	0	0	0
Total Presentation Expense	1,437	0	0	0
Total Expenses	1,724	0	0	0
Total Net General Ledger	-1,724	0	0	0
32291 Section Fee	1,379	0	0	0
Net Operations	-345	0	0	0

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
C0574 2008 Rep Physicians				
31436 Course Section Diff	-825	0	0	0
32001 Registrations	25	0	0	0
32010 Legal Span On-line	1,147	0	0	0
32201 Audio Tapes	370	0	0	0
32205 Compact Disc	7,470	0	0	0
32207 DVD	1,025	0	0	0
Total Revenues	9,212	0	0	0
86421 C L E Administration	86	0	0	0
86623 Registrars	550	0	0	0
Total The Florida Bar Staf	636	0	0	0
88281 A/V Ctr Dup/Prod	342	0	0	0
Total Cost of AV Media	342	0	0	0
86001 Administrative Exp	169	0	0	0
Total General and Administ	169	0	0	0
88241 Outline Prt-Inhouse	42	0	0	0
Total Printed Course Mater	42	0	0	0
36998 Credit Card Fees	119	0	0	0
75102 1st Class & Misc Mai	4	0	0	0
75401 Express Mail	119	0	0	0
Other Expense	242	0	0	0
Total Expenses	1,431	0	0	0
Total Net General Ledger	7,781	0	0	0
32291 Section Fee	-6,225	0	0	0
Net Operations	1,556	0	0	0

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
C0611 2008 HL Cert Review				
31436 Course Section Diff	-350	0	0	0
32010 Legal Span On-line	3,227	485	0	0
32205 Compact Disc	9,030	0	0	0
32301 Course Materials	70	0	0	0
Total Revenues	11,977	485	0	0
86421 C L E Administration	102	0	0	0
86623 Registrars	385	0	0	0
Total The Florida Bar Staf	487	0	0	0
88281 A/V Ctr Dup/Prod	213	0	0	0
Total Cost of AV Media	213	0	0	0
86001 Administrative Exp	200	0	0	0
Total General and Administ	200	0	0	0
88241 Outline Prt-Inhouse	554	0	0	0
Total Printed Course Mater	554	0	0	0
36998 Credit Card Fees	131	0	0	0
75401 Express Mail	107	0	0	0
Other Expense	238	0	0	0
Total Expenses	1,692	0	0	0
Total Net General Ledger	10,285	485	0	0
32291 Section Fee	-8,228	-388	0	0
Net Operations	2,057	97	0	0

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
C0740 2009 Rep Physicians				
31436 Course Section Diff	-1,100	-525	-50	0
32001 Registrations	24,362	0	0	0
32010 Legal Span On-line	1,248	2,844	174	0
32205 Compact Disc	16,015	8,439	235	0
32207 DVD	1,575	775	275	0
32301 Course Materials	600	0	0	0
Total Revenues	42,700	11,533	634	0
51101 Employee Travel	388	0	0	0
83431 Time CLE Courses	2,797	0	0	0
86421 C L E Administration	2,440	69	2	0
86543 Graphics & Art	85	0	0	0
86623 Registrars	2,398	473	11	0
Total The Florida Bar Staf	8,108	542	13	0
41201 Contract Salaries	338	0	0	0
Total Other Staff	338	0	0	0
86432 Time Taping Editing	5,085	0	0	0
88281 A/V Ctr Dup/Prod	859	140	0	0
Total Cost of AV Media	5,944	140	0	0
86001 Administrative Exp	4,803	107	3	0
Total General and Administ	4,803	107	3	0
81411 Promotional Printing	432	0	0	0
81412 Promotional Mailing	993	0	0	0
86532 Advertising News	1,141	0	0	0
Total Promotion	2,566	0	0	0
88241 Outline Prt-Inhouse	3,671	0	0	0
Total Printed Course Mater	3,671	0	0	0
88221 Speaker Workshops	300	0	0	0
88231 Speakers Travel	2,747	0	0	0
88232 Speakers Meals	185	0	0	0
88233 Speakers Hotel	1,642	0	0	0
88239 Speakers Other Exp	443	0	0	0
Total Speaker Expense	5,317	0	0	0
61201 Equipment Rental	1,757	0	0	0
88252 Course Credit Fee	150	0	0	0



	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
<u>C0740 2009 Rep Physicians</u>				
88261 Meeting Room Rent	1,100	0	0	0
88262 Meeting Meals	3,630	0	0	0
88265 Refreshment Breaks	2,121	0	0	0
Total Presentation Expense	8,758	0	0	0
36998 Credit Card Fees	454	155	5	0
75102 1st Class & Misc Mai	26	0	0	0
75401 Express Mail	699	114	8	0
Other Expense	1,179	269	13	0
Total Expenses	40,684	1,058	29	0
Total Net General Ledger	2,016	10,475	605	0
32291 Section Fee	-1,613	-8,380	-484	0
Net Operations	403	2,095	121	0

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
C0754 2009 HL Cert Review				
31436 Course Section Diff	-500	-275	0	0
32001 Registrations	21,181	0	0	0
32010 Legal Span On-line	0	4,465	0	0
32205 Compact Disc	13,350	7,378	0	0
32301 Course Materials	800	100	0	0
Total Revenues	34,831	11,668	0	0
51101 Employee Travel	685	0	0	0
83431 Time CLE Courses	1,254	199	0	0
86421 C L E Administration	2,079	138	0	0
86543 Graphics & Art	24	0	0	0
86623 Registrars	1,287	297	0	0
Total The Florida Bar Staf	5,329	634	0	0
84256 Audio Taping/Tech	1,565	0	0	0
86432 Time Taping Editing	2,000	0	0	0
88281 A/V Ctr Dup/Prod	388	105	0	0
Total Cost of AV Media	3,953	105	0	0
86001 Administrative Exp	4,084	212	0	0
Total General and Administ	4,084	212	0	0
81411 Promotional Printing	210	0	0	0
81412 Promotional Mailing	442	0	0	0
86532 Advertising News	2,258	0	0	0
Total Promotion	2,910	0	0	0
88241 Outline Prt-Inhouse	2,701	966	0	0
Total Printed Course Mater	2,701	966	0	0
88231 Speakers Travel	2,261	0	0	0
88232 Speakers Meals	535	0	0	0
88233 Speakers Hotel	2,157	0	0	0
88239 Speakers Other Exp	600	0	0	0
Total Speaker Expense	5,553	0	0	0
61201 Equipment Rental	1,720	0	0	0
88252 Course Credit Fee	150	0	0	0
88262 Meeting Meals	3,426	0	0	0
88263 Meeting Hospitality	1,792	0	0	0
88265 Refreshment Breaks	2,175	0	0	0

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
C0754 2009 HL Cert Review ~~~~~				
Total Presentation Expense	9,263	0	0	0
36998 Credit Card Fees	418	104	0	0
75102 1st Class & Misc Mai	14	2	0	0
75401 Express Mail	345	66	0	0
Other Expense	777	172	0	0
Total Expenses	34,570	2,089	0	0
Total Net General Ledger	261	9,579	0	0
32291 Section Fee	-209	-7,663	0	0
Net Operations	52	1,916	0	0

	YTD 08-09 Actuals	YTD 09-10 Actuals	YTD 10-11 Actuals	Budget
C0757 HL Hot Topics ~~~~~				
31436 Course Section Diff	0	-250	-100	0
32010 Legal Span On-line	0	863	455	0
32205 Compact Disc	0	2,130	910	0
32301 Course Materials	0	100	0	0
-----	-----	-----	-----	-----
Total Revenues	0	2,843	1,265	0
-----	-----	-----	-----	-----
83431 Time CLE Courses	369	0	0	0
86421 C L E Administration	177	156	11	0
86543 Graphics & Art	0	12	0	0
86623 Registrars	0	231	55	0
-----	-----	-----	-----	-----
Total The Florida Bar Staf	546	399	66	0
-----	-----	-----	-----	-----
86432 Time Taping Editing	0	518	0	0
88281 A/V Ctr Dup/Prod	0	140	35	0
-----	-----	-----	-----	-----
Total Cost of AV Media	0	658	35	0
-----	-----	-----	-----	-----
86001 Administrative Exp	374	239	15	0
-----	-----	-----	-----	-----
Total General and Administ	374	239	15	0
-----	-----	-----	-----	-----
81411 Promotional Printing	1	0	0	0
-----	-----	-----	-----	-----
Total Promotion	1	0	0	0
-----	-----	-----	-----	-----
88241 Outline Prt-Inhouse	492	0	0	0
-----	-----	-----	-----	-----
Total Printed Course Mater	492	0	0	0
-----	-----	-----	-----	-----
88231 Speakers Travel	1,020	611	0	0
88232 Speakers Meals	34	3	0	0
88233 Speakers Hotel	416	208	0	0
88239 Speakers Other Exp	419	144	0	0
-----	-----	-----	-----	-----
Total Speaker Expense	1,889	966	0	0
-----	-----	-----	-----	-----
36998 Credit Card Fees	0	40	17	0
75401 Express Mail	0	62	14	0
-----	-----	-----	-----	-----
Other Expense	0	102	31	0
-----	-----	-----	-----	-----
Total Expenses	3,302	2,364	147	0
-----	-----	-----	-----	-----
Total Net General Ledger	-3,302	479	1,118	0
-----	-----	-----	-----	-----
32291 Section Fee	2,642	-383	-894	0

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

Unaudited Detail Statement of Operations  
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Page : 359  
Date : 8/05/11  
Time : 9:19:27

|                              | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget              |
|------------------------------|-------------------------|-------------------------|-------------------------|---------------------|
| C0757 HL Hot Topics<br>~~~~~ |                         |                         |                         |                     |
| Net Operations               | -----<br>-660<br>-----  | -----<br>96<br>-----    | -----<br>224<br>-----   | -----<br>0<br>----- |

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

Unaudited Detail Statement of Operations

Page : 360  
 Date : 8/05/11  
 Time : 9:19:27

|                            | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|----------------------------|-------------------------|-------------------------|-------------------------|--------|
| C0794 An RX for Compliance |                         |                         |                         |        |
| 31436 Course Section Diff  | -100                    | -50                     | 0                       | 0      |
| 32205 Compact Disc         | 550                     | 350                     | 0                       | 0      |
| Total Revenues             | 450                     | 300                     | 0                       | 0      |
| 86421 C L E Administration | 10                      | 6                       | 0                       | 0      |
| 86623 Registrars           | 77                      | 44                      | 0                       | 0      |
| Total The Florida Bar Staf | 87                      | 50                      | 0                       | 0      |
| 88281 A/V Ctr Dup/Prod     | 38                      | 21                      | 0                       | 0      |
| Total Cost of AV Media     | 38                      | 21                      | 0                       | 0      |
| 86001 Administrative Exp   | 20                      | 10                      | 0                       | 0      |
| Total General and Administ | 20                      | 10                      | 0                       | 0      |
| 36998 Credit Card Fees     | 8                       | 7                       | 0                       | 0      |
| 75401 Express Mail         | 10                      | 15                      | 0                       | 0      |
| Other Expense              | 18                      | 22                      | 0                       | 0      |
| Total Expenses             | 163                     | 103                     | 0                       | 0      |
| Total Net General Ledger   | 287                     | 197                     | 0                       | 0      |
| 32291 Section Fee          | -230                    | -158                    | 0                       | 0      |
| Net Operations             | 57                      | 39                      | 0                       | 0      |

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

Unaudited Detail Statement of Operations

Page : 361  
 Date : 8/05/11  
 Time : 9:19:27

|                                   | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|-----------------------------------|-------------------------|-------------------------|-------------------------|--------|
| <u>C0795 Melding/Quality Care</u> |                         |                         |                         |        |
| 31436 Course Section Diff         | -125                    | -25                     | 0                       | 0      |
| 32010 Legal Span On-line          | 469                     | 165                     | 0                       | 0      |
| 32205 Compact Disc                | 725                     | 169                     | 0                       | 0      |
| Total Revenues                    | 1,069                   | 309                     | 0                       | 0      |
| 86421 C L E Administration        | 50                      | 6                       | 0                       | 0      |
| 86543 Graphics & Art              | 12                      | 0                       | 0                       | 0      |
| 86623 Registrars                  | 99                      | 44                      | 0                       | 0      |
| Total The Florida Bar Staf        | 161                     | 50                      | 0                       | 0      |
| 88281 A/V Ctr Dup/Prod            | 38                      | 35                      | 0                       | 0      |
| Total Cost of AV Media            | 38                      | 35                      | 0                       | 0      |
| 86001 Administrative Exp          | 100                     | 10                      | 0                       | 0      |
| Total General and Administ        | 100                     | 10                      | 0                       | 0      |
|                                   | 506                     | 0                       | 0                       | 0      |
| Total Presentation Expense        | 506                     | 0                       | 0                       | 0      |
| 36998 Credit Card Fees            | 8                       | 2                       | 0                       | 0      |
| 75102 1st Class & Misc Mai        | 0                       | 5                       | 0                       | 0      |
| 75401 Express Mail                | 23                      | 6                       | 0                       | 0      |
| Other Expense                     | 31                      | 13                      | 0                       | 0      |
| Total Expenses                    | 836                     | 108                     | 0                       | 0      |
| Total Net General Ledger          | 233                     | 201                     | 0                       | 0      |
| 32291 Section Fee                 | -186                    | -161                    | 0                       | 0      |
| Net Operations                    | 47                      | 40                      | 0                       | 0      |

|                                  | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|----------------------------------|-------------------------|-------------------------|-------------------------|--------|
| <u>C0878 Fundamentals/HL Law</u> |                         |                         |                         |        |
| 31436 Course Section Diff        | 0                       | -1,425                  | -200                    | 0      |
| 32001 Registrations              | 0                       | 15,324                  | 0                       | 0      |
| 32006 Live Web Cast              | 0                       | 7,576                   | 0                       | 0      |
| 32010 Legal Span On-line         | 0                       | 2,289                   | 2,448                   | 0      |
| 32205 Compact Disc               | 0                       | 10,225                  | 2,540                   | 0      |
| 32207 DVD                        | 0                       | 2,550                   | 250                     | 0      |
| 32301 Course Materials           | 0                       | 200                     | 0                       | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| Total Revenues                   | 0                       | 36,739                  | 5,038                   | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| 51101 Employee Travel            | 0                       | 869                     | 0                       | 0      |
| 83431 Time CLE Courses           | 0                       | 2,136                   | 0                       | 0      |
| 86421 C L E Administration       | 0                       | 2,132                   | 26                      | 0      |
| 86543 Graphics & Art             | 0                       | 24                      | 0                       | 0      |
| 86623 Registrars                 | 0                       | 2,310                   | 143                     | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| Total The Florida Bar Staf       | 0                       | 7,471                   | 169                     | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| 86432 Time Taping Editing        | 0                       | 4,560                   | 0                       | 0      |
| 88281 A/V Ctr Dup/Prod           | 0                       | 595                     | 35                      | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| Total Cost of AV Media           | 0                       | 5,155                   | 35                      | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| 86001 Administrative Exp         | 0                       | 3,288                   | 36                      | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| Total General and Administ       | 0                       | 3,288                   | 36                      | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| 81411 Promotional Printing       | 0                       | 141                     | 0                       | 0      |
| 81412 Promotional Mailing        | 0                       | 484                     | 0                       | 0      |
| 86532 Advertising News           | 0                       | 1,211                   | 0                       | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| Total Promotion                  | 0                       | 1,836                   | 0                       | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| 88241 Outline Prt-Inhouse        | 0                       | 1,833                   | 0                       | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| Total Printed Course Mater       | 0                       | 1,833                   | 0                       | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| 88231 Speakers Travel            | 0                       | 1,243                   | 0                       | 0      |
| 88232 Speakers Meals             | 0                       | 96                      | 0                       | 0      |
| 88233 Speakers Hotel             | 0                       | 1,182                   | 0                       | 0      |
| 88239 Speakers Other Exp         | 0                       | 135                     | 0                       | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| Total Speaker Expense            | 0                       | 2,656                   | 0                       | 0      |
|                                  | -----                   | -----                   | -----                   | -----  |
| 61201 Equipment Rental           | 0                       | 939                     | 0                       | 0      |
| 84258 Web Services               | 0                       | 4,700                   | 0                       | 0      |
| 88252 Course Credit Fee          | 0                       | 150                     | 0                       | 0      |
| 88262 Meeting Meals              | 0                       | 2,442                   | 0                       | 0      |
| 88265 Refreshment Breaks         | 0                       | 1,298                   | 0                       | 0      |



|                                    | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|------------------------------------|-------------------------|-------------------------|-------------------------|--------|
| C0878 Fundamentals/HL Law<br>~~~~~ |                         |                         |                         |        |
| Total Presentation Expense         | 0                       | 9,529                   | 0                       | 0      |
| 36998 Credit Card Fees             | 0                       | 392                     | 49                      | 0      |
| 75102 1st Class & Misc Mai         | 0                       | 19                      | 0                       | 0      |
| 75401 Express Mail                 | 0                       | 341                     | 60                      | 0      |
| Other Expense                      | 0                       | 752                     | 109                     | 0      |
| Total Expenses                     | 0                       | 32,520                  | 349                     | 0      |
| Total Net General Ledger           | 0                       | 4,219                   | 4,689                   | 0      |
| 32291 Section Fee                  | 0                       | -3,375                  | -3,751                  | 0      |
| Net Operations                     | 0                       | 844                     | 938                     | 0      |

|                            | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|----------------------------|-------------------------|-------------------------|-------------------------|--------|
| C0972 2010 Rep Physicians  |                         |                         |                         |        |
| 31436 Course Section Diff  | 0                       | -1,075                  | -250                    | 0      |
| 32001 Registrations        | 0                       | 11,595                  | 0                       | 0      |
| 32006 Live Web Cast        | 0                       | 5,715                   | 0                       | 0      |
| 32010 Legal Span On-line   | 0                       | 1,355                   | 2,994                   | 0      |
| 32205 Compact Disc         | 0                       | 8,590                   | 3,740                   | 0      |
| 32207 DVD                  | 0                       | 2,625                   | 525                     | 0      |
| 32301 Course Materials     | 0                       | 550                     | 0                       | 0      |
| Total Revenues             | 0                       | 29,355                  | 7,009                   | 0      |
| 51101 Employee Travel      | 0                       | 278                     | 0                       | 0      |
| 83431 Time CLE Courses     | 0                       | 3,093                   | 0                       | 0      |
| 86421 C L E Administration | 0                       | 2,049                   | 37                      | 0      |
| 86543 Graphics & Art       | 0                       | 207                     | 0                       | 0      |
| 86623 Registrars           | 0                       | 1,881                   | 253                     | 0      |
| Total The Florida Bar Staf | 0                       | 7,508                   | 290                     | 0      |
| 86432 Time Taping Editing  | 0                       | 4,560                   | 0                       | 0      |
| 88281 A/V Ctr Dup/Prod     | 0                       | 840                     | 56                      | 0      |
| Total Cost of AV Media     | 0                       | 5,400                   | 56                      | 0      |
| 86001 Administrative Exp   | 0                       | 3,161                   | 53                      | 0      |
| Total General and Administ | 0                       | 3,161                   | 53                      | 0      |
| 86532 Advertising News     | 0                       | 412                     | 0                       | 0      |
| Total Promotion            | 0                       | 412                     | 0                       | 0      |
| 88241 Outline Prt-Inhouse  | 0                       | 4,062                   | 0                       | 0      |
| Total Printed Course Mater | 0                       | 4,062                   | 0                       | 0      |
| 88221 Speaker Workshops    | 0                       | 250                     | 0                       | 0      |
| 88231 Speakers Travel      | 0                       | 677                     | 0                       | 0      |
| 88232 Speakers Meals       | 0                       | 294                     | 0                       | 0      |
| 88233 Speakers Hotel       | 0                       | 448                     | 0                       | 0      |
| 88239 Speakers Other Exp   | 0                       | 294                     | 0                       | 0      |
| Total Speaker Expense      | 0                       | 1,963                   | 0                       | 0      |
| 61201 Equipment Rental     | 0                       | 2,184                   | 0                       | 0      |
| 84258 Web Services         | 0                       | 1,750                   | 0                       | 0      |
| 88252 Course Credit Fee    | 0                       | 150                     | 0                       | 0      |
| 88262 Meeting Meals        | 0                       | 2,559                   | 0                       | 0      |
| 88265 Refreshment Breaks   | 0                       | 1,249                   | 0                       | 0      |

|                                    | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|------------------------------------|-------------------------|-------------------------|-------------------------|--------|
| C0972 2010 Rep Physicians<br>~~~~~ |                         |                         |                         |        |
| Total Presentation Expense         | 0                       | 7,892                   | 0                       | 0      |
| 36998 Credit Card Fees             | 0                       | 487                     | 57                      | 0      |
| 75102 1st Class & Misc Mai         | 0                       | 9                       | 0                       | 0      |
| 75401 Express Mail                 | 0                       | 369                     | 54                      | 0      |
| Other Expense                      | 0                       | 865                     | 111                     | 0      |
| Total Expenses                     | 0                       | 31,263                  | 510                     | 0      |
| Total Net General Ledger           | 0                       | -1,908                  | 6,499                   | 0      |
| 32291 Section Fee                  | 0                       | 1,526                   | -5,199                  | 0      |
| Net Operations                     | 0                       | -382                    | 1,300                   | 0      |

|                            | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|----------------------------|-------------------------|-------------------------|-------------------------|--------|
| C0993 2010 HL Cert Review  |                         |                         |                         |        |
| 31436 Course Section Diff  | 0                       | -550                    | -200                    | 0      |
| 32001 Registrations        | 0                       | 18,815                  | 0                       | 0      |
| 32006 Live Web Cast        | 0                       | 4,535                   | 0                       | 0      |
| 32010 Legal Span On-line   | 0                       | 561                     | 5,957                   | 0      |
| 32205 Compact Disc         | 0                       | 11,345                  | 7,800                   | 0      |
| 32207 DVD                  | 0                       | 500                     | 1,000                   | 0      |
| 32301 Course Materials     | 0                       | 800                     | 100                     | 0      |
| 39999 Miscellaneous        | 0                       | 4,463                   | 0                       | 0      |
| Total Revenues             | 0                       | 40,469                  | 14,657                  | 0      |
| 51101 Employee Travel      | 0                       | 883                     | 0                       | 0      |
| 83431 Time CLE Courses     | 0                       | 3,719                   | 0                       | 0      |
| 86421 C L E Administration | 0                       | 2,944                   | 64                      | 0      |
| 86543 Graphics & Art       | 0                       | 86                      | 0                       | 0      |
| 86623 Registrars           | 0                       | 1,485                   | 275                     | 0      |
| Total The Florida Bar Staf | 0                       | 9,117                   | 339                     | 0      |
| 86432 Time Taping Editing  | 0                       | 6,807                   | 0                       | 0      |
| 88281 A/V Ctr Dup/Prod     | 0                       | 420                     | 77                      | 0      |
| Total Cost of AV Media     | 0                       | 7,227                   | 77                      | 0      |
| 86001 Administrative Exp   | 0                       | 4,541                   | 91                      | 0      |
| Total General and Administ | 0                       | 4,541                   | 91                      | 0      |
| 81411 Promotional Printing | 0                       | 106                     | 0                       | 0      |
| 81412 Promotional Mailing  | 0                       | 476                     | 0                       | 0      |
| 86532 Advertising News     | 0                       | 2,397                   | 0                       | 0      |
| Total Promotion            | 0                       | 2,979                   | 0                       | 0      |
| 88241 Outline Prt-Inhouse  | 0                       | 2,910                   | 107                     | 0      |
| Total Printed Course Mater | 0                       | 2,910                   | 107                     | 0      |
| 88231 Speakers Travel      | 0                       | 2,416                   | 0                       | 0      |
| 88232 Speakers Meals       | 0                       | 242                     | 0                       | 0      |
| 88233 Speakers Hotel       | 0                       | 2,757                   | 0                       | 0      |
| 88239 Speakers Other Exp   | 0                       | 517                     | 0                       | 0      |
| Total Speaker Expense      | 0                       | 5,932                   | 0                       | 0      |
| 61201 Equipment Rental     | 0                       | 2,259                   | 0                       | 0      |
| 84258 Web Services         | 0                       | 3,850                   | 0                       | 0      |
| 88252 Course Credit Fee    | 0                       | 150                     | 0                       | 0      |
| 88262 Meeting Meals        | 0                       | 2,995                   | 0                       | 0      |
| 88265 Refreshment Breaks   | 0                       | 2,222                   | 0                       | 0      |

|                                    | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|------------------------------------|-------------------------|-------------------------|-------------------------|--------|
| C0993 2010 HL Cert Review<br>~~~~~ |                         |                         |                         |        |
| Total Presentation Expense         | 0                       | 11,476                  | 0                       | 0      |
| 36998 Credit Card Fees             | 0                       | 510                     | 162                     | 0      |
| 75102 1st Class & Misc Mai         | 0                       | 19                      | 7                       | 0      |
| 75401 Express Mail                 | 0                       | 234                     | 96                      | 0      |
| Other Expense                      | 0                       | 763                     | 265                     | 0      |
| Total Expenses                     | 0                       | 44,945                  | 879                     | 0      |
| Total Net General Ledger           | 0                       | -4,476                  | 13,778                  | 0      |
| 32291 Section Fee                  | 0                       | 3,581                   | -11,022                 | 0      |
| Net Operations                     | 0                       | -895                    | 2,756                   | 0      |

|                                   | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|-----------------------------------|-------------------------|-------------------------|-------------------------|--------|
| C1086 2010 HL Hot Topics<br>~~~~~ |                         |                         |                         |        |
| 86421 C L E Administration        | 0                       | 138                     | 2                       | 0      |
| 86543 Graphics & Art              | 0                       | 61                      | 0                       | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| Total The Florida Bar Staf        | 0                       | 199                     | 2                       | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| 86001 Administrative Exp          | 0                       | 220                     | 3                       | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| Total General and Administ        | 0                       | 220                     | 3                       | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| 88231 Speakers Travel             | 0                       | 803                     | 0                       | 0      |
| 88232 Speakers Meals              | 0                       | 177                     | 0                       | 0      |
| 88233 Speakers Hotel              | 0                       | 708                     | 0                       | 0      |
| 88239 Speakers Other Exp          | 0                       | 47                      | 0                       | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| Total Speaker Expense             | 0                       | 1,735                   | 0                       | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| 88252 Course Credit Fee           | 0                       | 150                     | 0                       | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| Total Presentation Expense        | 0                       | 150                     | 0                       | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| 75401 Express Mail                | 0                       | 0                       | 21                      | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| Other Expense                     | 0                       | 0                       | 21                      | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| Total Expenses                    | 0                       | 2,304                   | 26                      | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| Total Net General Ledger          | 0                       | -2,304                  | -26                     | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| 32291 Section Fee                 | 0                       | 1,843                   | 21                      | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |
| Net Operations                    | 0                       | -461                    | -5                      | 0      |
| -----                             | -----                   | -----                   | -----                   | -----  |

|                            | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|----------------------------|-------------------------|-------------------------|-------------------------|--------|
| C1108 Fundamentals/HL Law  |                         |                         |                         |        |
| 31436 Course Section Diff  | 0                       | 0                       | -855                    | 0      |
| 32001 Registrations        | 0                       | 0                       | 9,380                   | 0      |
| 32006 Live Web Cast        | 0                       | 0                       | 4,820                   | 0      |
| 32010 Legal Span On-line   | 0                       | 0                       | 792                     | 0      |
| 32205 Compact Disc         | 0                       | 0                       | 4,700                   | 0      |
| 32207 DVD                  | 0                       | 0                       | 1,525                   | 0      |
| 32301 Course Materials     | 0                       | 0                       | 750                     | 0      |
| Total Revenues             | 0                       | 0                       | 21,112                  | 0      |
| 51101 Employee Travel      | 0                       | 0                       | 480                     | 0      |
| 83431 Time CLE Courses     | 0                       | 0                       | 2,473                   | 0      |
| 86421 C L E Administration | 0                       | 0                       | 1,806                   | 0      |
| 86543 Graphics & Art       | 0                       | 0                       | 267                     | 0      |
| 86623 Registrars           | 0                       | 0                       | 1,287                   | 0      |
| Total The Florida Bar Staf | 0                       | 0                       | 6,313                   | 0      |
| 86432 Time Taping Editing  | 0                       | 0                       | 2,840                   | 0      |
| 88281 A/V Ctr Dup/Prod     | 0                       | 0                       | 280                     | 0      |
| Total Cost of AV Media     | 0                       | 0                       | 3,120                   | 0      |
| 86001 Administrative Exp   | 0                       | 0                       | 2,550                   | 0      |
| Total General and Administ | 0                       | 0                       | 2,550                   | 0      |
| 86532 Advertising News     | 0                       | 0                       | 1,614                   | 0      |
| Total Promotion            | 0                       | 0                       | 1,614                   | 0      |
| 88241 Outline Prt-Inhouse  | 0                       | 0                       | 333                     | 0      |
| Total Printed Course Mater | 0                       | 0                       | 333                     | 0      |
| 88231 Speakers Travel      | 0                       | 0                       | 976                     | 0      |
| 88232 Speakers Meals       | 0                       | 0                       | 322                     | 0      |
| 88233 Speakers Hotel       | 0                       | 0                       | 811                     | 0      |
| 88239 Speakers Other Exp   | 0                       | 0                       | 169                     | 0      |
| Total Speaker Expense      | 0                       | 0                       | 2,278                   | 0      |
| 61201 Equipment Rental     | 0                       | 0                       | 840                     | 0      |
| 84258 Web Services         | 0                       | 0                       | 3,200                   | 0      |
| 88252 Course Credit Fee    | 0                       | 0                       | 150                     | 0      |
| 88262 Meeting Meals        | 0                       | 0                       | 2,349                   | 0      |
| 88265 Refreshment Breaks   | 0                       | 0                       | 988                     | 0      |
| Total Presentation Expense | 0                       | 0                       | 7,527                   | 0      |

|                                    | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|------------------------------------|-------------------------|-------------------------|-------------------------|--------|
| C1108 Fundamentals/HL Law<br>~~~~~ |                         |                         |                         |        |
| 36998 Credit Card Fees             | 0                       | 0                       | 265                     | 0      |
| 75102 1st Class & Misc Mai         | 0                       | 0                       | 23                      | 0      |
| 75401 Express Mail                 | 0                       | 0                       | 618                     | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |
| Other Expense                      | 0                       | 0                       | 906                     | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |
| Total Expenses                     | 0                       | 0                       | 24,641                  | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |
| Total Net General Ledger           | 0                       | 0                       | -3,529                  | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |
| 32291 Section Fee                  | 0                       | 0                       | 2,823                   | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |
| Net Operations                     | 0                       | 0                       | -706                    | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |



|                            | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|----------------------------|-------------------------|-------------------------|-------------------------|--------|
| C1173 Adv HL Topics/Cert   |                         |                         |                         |        |
| 31436 Course Section Diff  | 0                       | 0                       | -475                    | 0      |
| 32001 Registrations        | 0                       | 0                       | 22,650                  | 0      |
| 32006 Live Web Cast        | 0                       | 0                       | 4,815                   | 0      |
| 32010 Legal Span On-line   | 0                       | 0                       | 654                     | 0      |
| 32205 Compact Disc         | 0                       | 0                       | 5,605                   | 0      |
| 32207 DVD                  | 0                       | 0                       | 1,525                   | 0      |
| 32301 Course Materials     | 0                       | 0                       | 1,080                   | 0      |
| Total Revenues             | 0                       | 0                       | 35,854                  | 0      |
| 51101 Employee Travel      | 0                       | 0                       | 542                     | 0      |
| 83431 Time CLE Courses     | 0                       | 0                       | 2,814                   | 0      |
| 86421 C L E Administration | 0                       | 0                       | 3,317                   | 0      |
| 86543 Graphics & Art       | 0                       | 0                       | 362                     | 0      |
| 86623 Registrars           | 0                       | 0                       | 1,232                   | 0      |
| Total The Florida Bar Staf | 0                       | 0                       | 8,267                   | 0      |
| 86432 Time Taping Editing  | 0                       | 0                       | 6,682                   | 0      |
| 88281 A/V Ctr Dup/Prod     | 0                       | 0                       | 280                     | 0      |
| Total Cost of AV Media     | 0                       | 0                       | 6,962                   | 0      |
| 86001 Administrative Exp   | 0                       | 0                       | 4,683                   | 0      |
| Total General and Administ | 0                       | 0                       | 4,683                   | 0      |
| 81411 Promotional Printing | 0                       | 0                       | 115                     | 0      |
| 81412 Promotional Mailing  | 0                       | 0                       | 496                     | 0      |
| 86532 Advertising News     | 0                       | 0                       | 1,614                   | 0      |
| Total Promotion            | 0                       | 0                       | 2,225                   | 0      |
| 88241 Outline Prt-Inhouse  | 0                       | 0                       | 764                     | 0      |
| Total Printed Course Mater | 0                       | 0                       | 764                     | 0      |
| 88221 Speaker Workshops    | 0                       | 0                       | 500                     | 0      |
| 88231 Speakers Travel      | 0                       | 0                       | 2,426                   | 0      |
| 88232 Speakers Meals       | 0                       | 0                       | 550                     | 0      |
| 88233 Speakers Hotel       | 0                       | 0                       | 2,576                   | 0      |
| 88239 Speakers Other Exp   | 0                       | 0                       | 275                     | 0      |
| Total Speaker Expense      | 0                       | 0                       | 6,327                   | 0      |
| 61201 Equipment Rental     | 0                       | 0                       | 5,561                   | 0      |
| 84258 Web Services         | 0                       | 0                       | 2,735                   | 0      |
| 88252 Course Credit Fee    | 0                       | 0                       | 150                     | 0      |
| 88262 Meeting Meals        | 0                       | 0                       | 3,758                   | 0      |
| 88263 Meeting Hospitality  | 0                       | 0                       | 491                     | 0      |

|                                   | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|-----------------------------------|-------------------------|-------------------------|-------------------------|--------|
| C1173 Adv HL Topics/Cert<br>~~~~~ |                         |                         |                         |        |
| 88265 Refreshment Breaks          | 0                       | 0                       | 2,617                   | 0      |
| Total Presentation Expense        | 0                       | 0                       | 15,312                  | 0      |
| 36998 Credit Card Fees            | 0                       | 0                       | 528                     | 0      |
| 75102 1st Class & Misc Mai        | 0                       | 0                       | 10                      | 0      |
| 75401 Express Mail                | 0                       | 0                       | 191                     | 0      |
| Other Expense                     | 0                       | 0                       | 729                     | 0      |
| Total Expenses                    | 0                       | 0                       | 45,269                  | 0      |
| Total Net General Ledger          | 0                       | 0                       | -9,415                  | 0      |
| 32291 Section Fee                 | 0                       | 0                       | 7,532                   | 0      |
| Net Operations                    | 0                       | 0                       | -1,883                  | 0      |

|                                    | YTD<br>08-09<br>Actuals | YTD<br>09-10<br>Actuals | YTD<br>10-11<br>Actuals | Budget |
|------------------------------------|-------------------------|-------------------------|-------------------------|--------|
| C1290 Fundamentals/HL Law<br>~~~~~ |                         |                         |                         |        |
| 88252 Course Credit Fee            | 0                       | 0                       | 0                       | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |
| Total Presentation Expense         | 0                       | 0                       | 0                       | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |
| Total Expenses                     | 0                       | 0                       | 0                       | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |
| Total Net General Ledger           | 0                       | 0                       | 0                       | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |
| Net Operations                     | 0                       | 0                       | 0                       | 0      |
| -----                              | -----                   | -----                   | -----                   | -----  |

|                                   | July<br>2011<br>Actuals | YTD<br>11-12<br>Actuals | Budget        | Percent<br>Budget |
|-----------------------------------|-------------------------|-------------------------|---------------|-------------------|
| <b>Total Health Law</b>           |                         |                         |               |                   |
| 31431 Section Dues                | 33,120                  | 33,120                  | 40,500        | 81.78             |
| 31432 Affiliate Dues              | 750                     | 750                     | 1,200         | 62.50             |
| 31433 Admin Fee to TFB            | -19,620                 | -19,620                 | -24,105       | 81.39             |
| <b>Total Dues Income-Net</b>      | <b>14,250</b>           | <b>14,250</b>           | <b>17,595</b> | <b>80.99</b>      |
| 32191 CLE Courses                 | 0                       | 0                       | 12,696        | 0.00              |
| 32293 Section Differential        | 55                      | 55                      | 4,050         | 1.36              |
| 35201 Sponsorships                | 0                       | 0                       | 5,000         | 0.00              |
| 35700 Member Service Progr        | 260                     | 260                     | 0             | *                 |
| 36506 Section Handbook            | 75                      | 75                      | 700           | 10.71             |
| 38499 Investment Allocatio        | 0                       | 0                       | 5,125         | 0.00              |
| <b>Other Income</b>               | <b>390</b>              | <b>390</b>              | <b>27,571</b> | <b>1.41</b>       |
| <b>Total Revenues</b>             | <b>14,640</b>           | <b>14,640</b>           | <b>45,166</b> | <b>32.41</b>      |
| 36998 Credit Card Fees            | 4                       | 4                       | 0             | *                 |
| 51101 Employee Travel             | 0                       | 0                       | 1,481         | 0.00              |
| 71001 Telephone/Direct            | 51                      | 51                      | 550           | 9.27              |
| 71005 Internet Charges            | 31                      | 31                      | 450           | 6.89              |
| 81412 Promotional Mailing         | 41                      | 41                      | 0             | *                 |
| 84001 Postage                     | 0                       | 0                       | 380           | 0.00              |
| 84002 Printing                    | 0                       | 0                       | 300           | 0.00              |
| 84009 Supplies                    | 0                       | 0                       | 100           | 0.00              |
| 84010 Photocopying                | 0                       | 0                       | 150           | 0.00              |
| 84013 Health Law Journal          | 100                     | 100                     | 4,000         | 2.50              |
| 84051 Officers Travel Expe        | 0                       | 0                       | 1,000         | 0.00              |
| 84052 Meeting Travel Expen        | 0                       | 0                       | 1,000         | 0.00              |
| 84054 CLE Speaker Expense         | 0                       | 0                       | 2,000         | 0.00              |
| 84101 Committee Expenses          | 0                       | 0                       | 800           | 0.00              |
| 84201 Board Or Council Mee        | 0                       | 0                       | 5,000         | 0.00              |
| 84202 Annual Meeting              | 0                       | 0                       | 6,000         | 0.00              |
| 84204 Midyear Meeting             | 0                       | 0                       | 4,000         | 0.00              |
| 84205 Section Service Prog        | 80                      | 80                      | 1,000         | 8.00              |
| 84301 Awards                      | 0                       | 0                       | 550           | 0.00              |
| 84416 Handbook                    | 6                       | 6                       | 700           | 0.86              |
| 84422 Website                     | 0                       | 0                       | 5,000         | 0.00              |
| 84701 Council Of Sections         | 0                       | 0                       | 300           | 0.00              |
| 84998 Operating Reserve           | 0                       | 0                       | 4,058         | 0.00              |
| 84999 Miscellaneous               | 0                       | 0                       | 500           | 0.00              |
| <b>Total Operating Expenses</b>   | <b>313</b>              | <b>313</b>              | <b>39,319</b> | <b>0.80</b>       |
| 86543 Graphics & Art              | 29                      | 29                      | 5,323         | 0.54              |
| <b>Total TFB Support Services</b> | <b>29</b>               | <b>29</b>               | <b>5,323</b>  | <b>0.54</b>       |

|                           | July<br>2011<br>Actuals | YTD<br>11-12<br>Actuals | Budget | Percent<br>Budget |
|---------------------------|-------------------------|-------------------------|--------|-------------------|
| Total Health Law<br>===== |                         |                         |        |                   |
| Total Expenses            | 342                     | 342                     | 44,642 | 0.77              |
| Net Operations            | 14,298                  | 14,298                  | 524    | 2,728.63          |

|                            | July<br>2011<br>Actuals | YTD<br>11-12<br>Actuals | Budget | Percent<br>Budget |
|----------------------------|-------------------------|-------------------------|--------|-------------------|
| Total Health Law CLE       |                         |                         |        |                   |
| -----                      |                         |                         |        |                   |
| 31436 Course Section Diff  | -30                     | -30                     | 0      | *                 |
| 32205 Compact Disc         | 220                     | 220                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| Total Revenues             | 190                     | 190                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| 86421 C L E Administration | 168                     | 168                     | 0      | *                 |
| 86543 Graphics & Art       | 276                     | 276                     | 0      | *                 |
| 86623 Registrars           | 176                     | 176                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| Total The Florida Bar Staf | 620                     | 620                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| 86001 Administrative Exp   | 176                     | 176                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| Total General and Administ | 176                     | 176                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| 81411 Promotional Printing | 89                      | 89                      | 0      | *                 |
| 81412 Promotional Mailing  | 130                     | 130                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| Total Promotion            | 219                     | 219                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| 88252 Course Credit Fee    | 300                     | 300                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| Total Presentation Expense | 300                     | 300                     | 0      | *                 |
| -----                      |                         |                         |        |                   |
| 36998 Credit Card Fees     | 37                      | 37                      | 0      | *                 |
| 75401 Express Mail         | 1                       | 1                       | 0      | *                 |
| -----                      |                         |                         |        |                   |
| Other Expense              | 38                      | 38                      | 0      | *                 |
| -----                      |                         |                         |        |                   |
| Total Expenses             | 1,353                   | 1,353                   | 0      | *                 |
| -----                      |                         |                         |        |                   |
| Total Net General Ledger   | -1,163                  | -1,163                  | 0      | *                 |
| -----                      |                         |                         |        |                   |
| Net Operations             | -1,163                  | -1,163                  | 0      | *                 |
| -----                      |                         |                         |        |                   |

Report :  
Program : YAZAPFR  
User id : EBRENNEIS

Unaudited Detail Statement of Operations

Date : 8/12/11  
Time : 13:40:59

|                            | July<br>2011<br>Actuals | YTD<br>11-12<br>Actuals | Budget | Percent<br>Budget |
|----------------------------|-------------------------|-------------------------|--------|-------------------|
| C1108 Fundamentals/HL Law  |                         |                         |        |                   |
| 31436 Course Section Diff  | -30                     | -30                     | 0      | *                 |
| 32205 Compact Disc         | 220                     | 220                     | 0      | *                 |
| Total Revenues             | 190                     | 190                     | 0      | *                 |
| 86421 C L E Administration | 3                       | 3                       | 0      | *                 |
| 86623 Registrars           | 11                      | 11                      | 0      | *                 |
| Total The Florida Bar Staf | 14                      | 14                      | 0      | *                 |
| 86001 Administrative Exp   | 3                       | 3                       | 0      | *                 |
| Total General and Administ | 3                       | 3                       | 0      | *                 |
| 36998 Credit Card Fees     | 6                       | 6                       | 0      | *                 |
| 75401 Express Mail         | 1                       | 1                       | 0      | *                 |
| Other Expense              | 7                       | 7                       | 0      | *                 |
| Total Expenses             | 24                      | 24                      | 0      | *                 |
| Total Net General Ledger   | 166                     | 166                     | 0      | *                 |
| Net Operations             | 166                     | 166                     | 0      | *                 |

|                            | July<br>2011<br>Actuals | YTD<br>11-12<br>Actuals | Budget | Percent<br>Budget |
|----------------------------|-------------------------|-------------------------|--------|-------------------|
| C1290 Fundamentals/HL Law  |                         |                         |        |                   |
| 86421 C L E Administration | 165                     | 165                     | 0      | *                 |
| 86543 Graphics & Art       | 276                     | 276                     | 0      | *                 |
| 86623 Registrars           | 165                     | 165                     | 0      | *                 |
| Total The Florida Bar Staf | 606                     | 606                     | 0      | *                 |
| 86001 Administrative Exp   | 173                     | 173                     | 0      | *                 |
| Total General and Administ | 173                     | 173                     | 0      | *                 |
| 81411 Promotional Printing | 89                      | 89                      | 0      | *                 |
| 81412 Promotional Mailing  | 130                     | 130                     | 0      | *                 |
| Total Promotion            | 219                     | 219                     | 0      | *                 |
| 88252 Course Credit Fee    | 300                     | 300                     | 0      | *                 |
| Total Presentation Expense | 300                     | 300                     | 0      | *                 |
| 36998 Credit Card Fees     | 31                      | 31                      | 0      | *                 |
| Other Expense              | 31                      | 31                      | 0      | *                 |
| Total Expenses             | 1,329                   | 1,329                   | 0      | *                 |
| Total Net General Ledger   | -1,329                  | -1,329                  | 0      | *                 |
| Net Operations             | -1,329                  | -1,329                  | 0      | *                 |



## Webinar Attendance

**May 3<sup>rd</sup>**  
**“A.H.C.A. Change of Ownership”**  
**49**

**June 7<sup>th</sup>**  
**“Accountable Care Organizations”**  
**23**

**July 5<sup>th</sup>**  
**“EMTALA and State Emergency**  
**Access Statute”**  
**10**

**August 2<sup>nd</sup>**  
**“Health Information Exchange**  
**Participation Agreements”**  
**8**

**September 6<sup>th</sup>**  
**“Legislative Update on Healthcare**  
**Laws”**  
**33**

**October 4<sup>th</sup>**  
**“Appellate Case Law Update”**

**November 1<sup>st</sup>**  
**“Tips for Practicing Health Law**  
**During Constant Reform”**

**December 6<sup>th</sup>**  
**“Administrative Trials at the**  
**Division of Administrative**  
**Hearings”**

## CLEs for 2011 – 2012 Fiscal Year

**3<sup>rd</sup> Annual FUNDamentals of Florida Health Care Law**  
**Don Shula’s Hotel & Golf Club, Miami Lakes**  
**September 16, 2011**  
**Course #1294**

**Representing the Physician 2012**  
**Renaissance Hotel International Plaza, Tampa**  
**January 27, 2012**  
**Course # 1314**

**Health Law Certification Review 2012**  
**Orlando**  
**March 9-10, 2012**  
**Course #1328**

Exhibit C



Rick Scott  
Governor

H. Frank Farmer, Jr., MD, PhD, FACP  
State Surgeon General

July 14, 2011

Cynthia A. Mikos  
Allen Dell, P.A.  
202 South Rome Avenue  
Suite 100  
Tampa, Florida 33606

**Via First Class Mail and  
Electronic Mail:  
cmikos@allendell.com**

Dear Ms. Mikos:

The Florida Department of Health's (DOH) mission is to protect and promote the health of those in Florida. DOH implements its mission, in part, through the regulation of close to one million licensed health care practitioners. The DOH employs more than 90 dedicated government attorneys to fulfill this responsibility. The citizens of Florida can be proud that among these attorneys are former judges as well as more than a few who have achieved board certification. The attorneys representing the DOH are a wonderfully diverse group who enjoy a great deal of experience in substantive areas such as administrative law, practitioner regulation, patient confidentiality and privacy, environmental health and unlicensed activities. Additionally, DOH attorneys are on the front lines of the State's efforts to combat the epidemic of prescription pain medication abuse.

The challenges of being an attorney in government service have never been greater than they are right now. State budget pressures have effectively frozen the pay of state employees. Last year, the state budget did not allocate resources to reimburse government attorneys for their bar dues. Finally, this year's budget will compel state employees to significantly increase their contribution towards standard benefits and retirement. These most recent challenges are, of course, layered on top of the well recognized disparity in compensation between the private and public sector.

Cynthia, please accept this request for the Executive Council of the Health Law Section to consider a modification to its dues structure in order offset the sacrifices DOH attorneys endure by being in government service. Specifically, I propose a waiver of the HLS dues for attorneys employed by the DOH so that these attorneys can enhance their professional development through HLS participation. I believe this proposal would accomplish several related goals including:

- Driving HLS membership numbers (which in all likelihood would lead to additional HLS revenue as DOH attorneys leave government service to enter the private sector).
- Expand the pool of potential attorneys to present at HLS sponsored CLE programs.

Cynthia Mikos, Esquire

Page Two

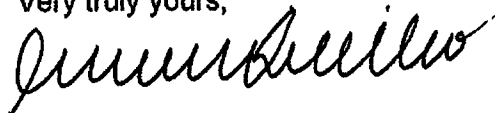
July 14, 2011

- Promote the Florida Bar's initiative of increasing governmental lawyer participation in bar activities.
- Expand the HLS's focus to include public health issues which may benefit the membership at large.

In short, I believe the HLS would benefit enormously from increased participation from DOH attorneys. Likewise, I know that DOH attorneys would value HLS membership.

Cynthia, I thank you in advance for your consideration of this matter. Please do not hesitate to contact me should I be able to provide the HLS with additional information concerning this request.

Very truly yours,



Nicholas W. Romanello  
General Counsel

NWR/mh

cc: Ashlea Wiley (via electronic mail: [awiley@flabar.org](mailto:awiley@flabar.org))

**Memorandum**

**To:** Chair, Florida Health Law Section  
**From:** Barry Spivey, Chair, RPPTL Legislation Committee  
**Re:** RPPTL Section legislative proposals

---

Attached is a Legislative Position Request that the RPPTL Section is submitting to the Board of Governors that would create s. 765.2021, terminating the right of a divorced spouse to exercise the authority granted in a healthcare surrogate designation by the former spouse unless the document provides otherwise, and creating s. 765.3031 terminating the right of a divorced spouse to exercise the authority granted in a living will, unless the document provides otherwise.

Also attached is a copy of the proposed legislation and the White Paper accompanying it for your review. We hope that your section will look favorably on this request or, at a minimum, express no opposition to it. If we can assist in any way in your consideration of this proposal, please let me know.

Thank you for your consideration of this request.

Exhibit E

# LEGISLATIVE POSITION REQUEST FORM

GOVERNMENTAL AFFAIRS OFFICE

Date Form Received \_\_\_\_\_

## GENERAL INFORMATION

**Submitted By** Sean Kelley, Chair, Guardianship and Advanced Directives Committee of the Real Property Probate & Trust Law Section

**Address** Kelley & Kelley, P.L., 904 Anastasia Blvd., Saint Augustine, FL 32080, Telephone (904) 819-9706

**Position Type** Guardianship and Advanced Directives Committee, RPPTL Section, The Florida Bar

## CONTACTS

### Board & Legislation Committee Appearance

Sean Kelley, Kelley & Kelley, P.L., 904 Anastasia Blvd, Saint Augustine, FL 32080 Telephone (904) 819-9706  
Barry Spivey, Spivey & Fallon, P.A., 1515 Ringling Blvd., Suite 885, Sarasota, FL 34236 Telephone (941) 840-1991  
Peter M. Dunbar, Pennington, Moore, Wilkinson, Bell & Dunbar, P.O. Box 10095, Tallahassee, FL 32302-2095, Telephone (850) 222-3533  
Martha J. Edenfield, Pennington, Moore, Wilkinson, Bell & Dunbar, P.O. Box 10095, Tallahassee FL 32302-2095, Telephone (850) 222-3533  
(List name, address and phone number)

### Appearances

**Before Legislators** (SAME)  
(List name and phone # of those having face to face contact with Legislators)

**Meetings with  
Legislators/staff** (SAME)  
(List name and phone # of those having face to face contact with Legislators)

## PROPOSED ADVOCACY

All types of partisan advocacy or nonpartisan technical assistance should be presented to the Board of Governors via this request form. All proposed legislation that has *not* been filed as a bill or a proposed committee bill (PCB) should be attached to this request in legislative format - Standing Board Policy 9.20(c). Contact the Governmental Affairs office with questions.

### If Applicable,

**List The Following** N/A  
(Bill or PCB #) (Bill or PCB Sponsor)

**Indicate Position** Support  Oppose \_\_\_\_\_ Tech Asst. \_\_\_\_\_ Other \_\_\_\_\_

### Proposed Wording of Position for Official Publication:

"Supports creation of new Fla.Stat. 765.2021 and 765.3031 to terminate the authority of a health care surrogate or surrogate appointed under a living will upon the divorce or annulment of the marriage between the surrogate and the principal."

### Reasons For Proposed Advocacy:

Presently, Chapter 765 does not provide for the termination of a surrogate's authority upon the dissolution or annulment of the marriage between the surrogate and the principal. If the principal becomes incapacitated after the dissolution of marriage, but before they have executed new advance directives, it would leave a former spouse in control of these important health care or end of life decisions. This is contrary to the probable intent of the incapacitated principal. The proposed statutory sections allow for the principal to override the default termination in the document itself. They also allow the Court to provide otherwise in the final judgment of dissolution in those rare cases where it would be advantageous to leave the authority of the former spouse surrogate intact.

**PRIOR POSITIONS TAKEN ON THIS ISSUE**

Please indicate any prior Bar or section positions on this issue to include opposing positions. Contact the Governmental Affairs office if assistance is needed in completing this portion of the request form.

**Most Recent Position**  [NONE]   
 (Indicate Bar or Name Section) (Support or Oppose) (Date)

**Others**  
 (May attach list if more than one )  [NONE]   
 (Indicate Bar or Name Section) (Support or Oppose) (Date)

**REFERRALS TO OTHER SECTIONS, COMMITTEES OR LEGAL ORGANIZATIONS**

The Legislation Committee and Board of Governors do not typically consider requests for action on a legislative position in the absence of responses from all potentially affected Bar groups or legal organizations - Standing Board Policy 9.50(c). Please include all responses with this request form.

**Referrals**

The Florida Bar Family Law Section  Support  
 (Name of Group or Organization) (Support, Oppose or No Position)

The Florida Bar Elder Law Section  Support  
 (Name of Group or Organization) (Support, Oppose or No Position)

The Florida Health Law Section   
 (Name of Group or Organization) (Support, Oppose or No Position)

The Florida Bar General Practice Solo & Small Firm Section   
 (Name of Group or Organization) (Support, Oppose or No Position)

**Please submit completed Legislative Position Request Form, along with attachments, to the Governmental Affairs Office of The Florida Bar. Upon receipt, staff will further coordinate the scheduling for final Bar action of your request which usually involves separate appearances before the Legislation Committee and the Board of Governors unless otherwise advised. For information or assistance, please telephone (904) 561-5662 or 800-342-8060, extension 5662.**

## WHITE PAPER

### TERMINATION OF AUTHORITY OF SURROGATES UPON DISSOLUTION OF MARRIAGE – NEW SECTIONS 765.2021 AND 765.3031

#### I. SUMMARY

Chapter 765 permits a principal to designate someone to act as a health care surrogate and as a surrogate under a Living Will if the principal is unable to make these decisions for him or herself. *See Fla.Stats. 765.202 and 765.303 respectively.* These designations remain in effect unless revoked by the principal. The Chapter does not include any other terminating events, such as dissolution of marriage, between the principal and the surrogate.

#### II. CURRENT SITUATION

A health care surrogate designation executed during marriage in which a spouse is designated as the health care surrogate currently remains in effect even after a final judgment of dissolution or annulment. The same is true for a surrogate designated under a Living Will. This can result in a former spouse remaining as the primary surrogate which, in almost every case, is contrary to the intent of the incapacitated principal.

#### III. EFFECT OF PROPOSED CHANGES

If new sections 765.2021 and 765.3031 are adopted, a final judgment of dissolution or annulment will terminate the former spouse's authority to act as health care surrogate or as a surrogate under a living will. This statutory default can be overridden by contrary language in the final judgment or in the document itself.

#### IV. ANALYSIS

The existing statutes fail to provide for the revocation of a surrogate's authority upon the dissolution or annulment of the marriage between the principal and the surrogate. Although ill advised, many people fail to revoke their existing advance directives or execute new advance directives upon dissolution. This results in the former spouse retaining his or her authority under the principal's health care surrogate or living will. In the vast majority of cases, this would be contrary to the intent of the principal. In the instance where a principal becomes incapacitated during or after the divorce, having failed to revoke existing documents or execute revised documents, the situation may be irreversible.

This same issue has already been considered and addressed for provisions affecting a former spouse in a decedent's last will (Fla. Stat. 732.507(2)) or revocable trust (Fla. Stat. 736.1105). Those statutes provide that upon the dissolution or annulment of the marriage, any provision of a will or trust executed by the decedent prior to the divorce or annulment which affects the former spouse becomes void.

Under the proposed legislation, unless the final judgment of divorce or advance directive document provides otherwise, a former spouse will be considered to have predeceased the principal and the document will otherwise remain in effect. In the instance where a health care surrogate document or living will names an alternate surrogate, that alternate will then be able to act.

The proposed statutes will allow a Court to override the default termination of authority in those rare cases where the parties may want the former spouse surrogate to continue to act. The principal may also provide against termination of authority in the documents themselves. Therefore, if a principal would like a current spouse to continue as a Surrogate, even if they divorce later, he or she can provide appropriate language in the document(s) to override the statute.

#### **V. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS**

Clarity in determination of Health Care Surrogates and Surrogates appointed under Living Wills upon dissolution or annulment will save money by reducing the need for Court proceedings involving the determination of, or removal of, Surrogates.

#### **VI. DIRECT IMPACT ON PRIVATE SECTOR**

None anticipated.

#### **VII. CONSTITUTIONAL ISSUES**

None anticipated.

#### **VIII. OTHER INTERESTED PARTIES**

1. The Florida Bar Family Section.
2. The Florida Bar Elder Law Section.



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A bill to be entitled

An act relating to health care surrogates and surrogates appointed under living wills; creating s. 765.2021 F.S.; creating s. 765.3031 F.S.; providing for the termination of health care surrogates and surrogates appointed under living wills upon dissolution or annulment of marriage; and providing an effective date.

Be it Enacted by the Legislature of the State of Florida:

Section 1. Section 765.2021, Florida Statutes, is hereby created to read:

765.2021. Termination of Authority Upon Dissolution of Marriage. -- A spouse's authority as a health care surrogate shall terminate upon the dissolution or annulment of the marriage, unless the document or the final judgment of dissolution provides otherwise. After the dissolution or annulment, the document designating a health care surrogate shall be administered as if the former spouse predeceased the other spouse and is therefore unable to perform his or her duties. The remainder of the document shall be unaffected.

Section 2. Section 765.3031, Florida Statutes, is hereby created to read:

765.3031. Termination of Authority Upon Dissolution of Marriage. -- A spouse's authority as a surrogate under a living will shall terminate upon the dissolution or annulment of the marriage, unless the document or the final judgment of dissolution provides otherwise. After the dissolution or annulment, the living will shall be administered as if the former spouse predeceased the other spouse, and the remainder of the document shall be unaffected.

Section 3. This act shall take effect July 1, 2012.

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## Health Law Section 2009 – 2010 CLE Numbers

### **1<sup>st</sup> Annual FUNDamentals of Florida Health Care**

**Renaissance Orlando Airport Hotel**

**September 18, 2009**

**Course #0878**

**Live: 71**

**Webcast: 34**

### **Representing the Physician 2010**

**Hilton Orlando**

**January 22, 2010**

**Course # 0972**

**Live: 57**

**Webcast: 22**

### **Health Law Certification Review 2010**

**Renaissance Orlando Airport Hotel**

**March 5-6, 2010**

**Course #0993**

**Live: 48**

**Webcast: 11**

### **“Personal and Confidential : Special Symposium on Ethics and Lawyer Responsibility for Patient Information”**

**June 25, 2010**

**Annual Convention – Boca Raton Resort**

**Course #1086**

**31**

Exhibit F

## **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 3<sup>rd</sup> Webinar**

**“A.H.C.A. Change of Ownership”**

**49**