

BYLAWS OF THE PUBLIC INTEREST LAW SECTION

Article I NAME AND PURPOSES

1.10 Name. The name of the section shall be the "Public Interest Law Section of The Florida Bar."

1.20 Purposes. The Public Interest Law Section shall have the following purposes:

1.201 To provide an organization within The Florida Bar open to all members of The Florida Bar in good standing, and nonmembers, who have a common interest in advocacy and enhancement of constitutional, statutory or other rights that protect the dignity, security, justice, liberty, or freedom of the individual or public;

1.202 To provide a forum for discussion and exchange of ideas leading to increased knowledge and understanding of the areas of public interest law on the part of members of the section, members of the bar, and the general public;

1.203 To study existing and proposed laws, rules, policies and proposed legislation affecting the public interest, and to recommend to The Florida Bar or the executive council of the Public Interest Law Section that The Florida Bar or the executive council, respectively, support or oppose such laws, rules, policies, or proposed legislation;

1.204 To support and, where appropriate, coordinate the efforts of lawyers engaged in volunteer or nonprofit public interest law activities in Florida;

1.205 To advocate for the legal needs of people who are generally disenfranchised, under-represented or lack meaningful access to traditional public forums.

Article II MEMBERSHIP

2.10 Categories of Membership. The members of the section shall be composed of the following described categories:

2.101 Regular Members. Any member in good standing of The Florida Bar shall, upon making proper application for membership in the section and making payment of the annual dues described in paragraph 2.20 of these bylaws, become a regular member of the section with any and all rights and privileges accorded thereto as described in these bylaws. Any regular member who thereafter ceases to be a member in good standing of The Florida Bar shall, thereupon, no longer continue to enjoy the rights and privileges of being a regular member of the section. Every member is encouraged to participate in a section committee;

2.102 Affiliate Members. Any person, other than a member in good standing of The Florida Bar, who has an interest in the purposes of the section, as described in paragraph 1.20, of

these bylaws, shall, upon making proper application for membership in the section and making payment of the annual dues described in paragraph 2.20 of these bylaws become an affiliate member of the section with any and all rights and privileges accorded thereto more particularly described in paragraph 2.1022 of these bylaws;

2.1021 Purpose. Affiliate membership is created in order to assist the section in fostering the development, and communication by and between members and non-members alike, of the multi-disciplinary information and ideas that comprise public interest law.

2.1022 Rights and Privileges and Limitations. Affiliate members shall enjoy any and all of the same rights and privileges as regular members of the section except that they shall not be eligible to either serve on the executive council or vote on any section-wide matter whatsoever, including but not limited to section elections as described in Article VIII of these bylaws. In addition, at no time shall the number of affiliate members exceed one-third of the total section membership.

2.20 Annual Dues. The annual dues shall be in an amount fixed by the executive council and approved by The Florida Bar. The annual dues shall be due and payable on the first day of the fiscal year of the section as described in paragraph 10.10 of these bylaws. There shall be no proration of annual dues whatsoever regardless of the date of payment of same during any fiscal year.

Article III OFFICERS

3.10 Officers. The officers of the section shall be a chair, a chair-elect, a secretary, and a treasurer.

3.101 Ex-Officio Officer. The sole ex-officio officer of the section shall be the immediate past chair.

3.20 Duties of Officers. The duties of the officers shall be as follows:

3.201 Chair. The chair shall preside at all meetings of the section and at all meetings of the executive council, and shall appoint all committees and committee chairs with the approval or concurrence of the executive council. The chair shall be an ex-officio member of each committee of the section, and shall represent the section on the council of sections of The Florida Bar. The chair shall be responsible for all reports to be submitted to The Florida Bar, and shall perform such other duties as customarily pertain to the office of chair.

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

3.203 Secretary. The secretary, working in conjunction with The Florida Bar, shall be responsible for all permanent files and records of the section, including the minutes of the meetings of the executive council and all the reports of all section and council committees. The secretary shall assure that accurate minutes of the proceedings of all meetings of the executive council are made and shall furnish copies of said minutes to The Florida Bar.

3.204 Treasurer. The treasurer shall serve as liaison to The Florida Bar and other sections on matters involving the section's finances and shall have the responsibility of accounting for all funds of the section, shall approve all disbursements, shall prepare annual financial statements under the supervision of the executive council, and shall prepare budget requests and amendments in a timely manner in accordance with the procedures of The Florida Bar.

3.205 Duties of Ex-Officio Officer. The immediate past chair shall have such duties as the chair of the section shall determine upon consultation with the immediate past chair.

3.30 Term of Office of Officers. The officers shall have the following terms:

3.301 Chair. The term of office of the chair shall begin at the conclusion of the next annual meeting of the section after election to the office of chair-elect and shall end at the conclusion of the next succeeding annual meeting of the general membership of the section. Upon expiration of the chair's term, the chair shall be automatically succeeded by the chair-elect.

3.302 Chair-Elect. The term of office of the chair-elect shall begin at the organizational meeting of the executive council during which the election to that office is held and shall end at the conclusion of the next annual meeting of the section.

3.303 Secretary. The term of office of the secretary shall begin at the organizational meeting of the executive council during which the election to that office is held and shall end at the conclusion of the next annual meeting of the section.

3.304 Treasurer. The term of office of the treasurer shall begin at the organizational meeting of the executive council during which the election to that office is held and shall end at the conclusion of the next annual meeting of the section.

3.305 Term of Office of Ex-Officio Officer. The term of office of the immediate past chair shall begin at the conclusion of the term as chair, and shall end at the conclusion of the next annual meeting of the section.

3.40 Eligibility. Any voting member of the executive council except the ex-officio member shall be eligible to become an officer of the section subject further to the provisions of paragraph 8.201 of these bylaws.

Article IV
EXECUTIVE COUNCIL

4.10 Governing Body. The executive council shall be the governing body of the section. It shall have general supervision and control of the affairs of the section, subject to the provisions of the Rules Regulating The Florida Bar and the bylaws of the section. It shall, in accordance with the policies of The Florida Bar, authorize all commitments or contracts which entail the payment of money and authorize the expenditures of all section funds. It shall not, however, authorize commitments, contracts or expenditures involving amounts of money in excess of the total amount which is anticipated as receipts from dues during the fiscal year plus the amount which has been previously collected from dues and remains unexpended.

As the governing body of the section, the executive council shall be vested with the power and authority to formulate, fix, determine and adopt matters of policy concerning the affairs and purposes of the section which are not inconsistent with the policies of The Florida Bar. All recommendations of the section to The Florida Bar, any branch of the judiciary or to any other group or body must first be approved by the executive council, and if made to other than The Florida Bar, shall have the prior approval of The Florida Bar.

4.20 Members. The executive council shall be composed of not less than 9, and no more than 25, voting members.

The executive council may include non-voting members.

4.30 Categories of Voting Members. The voting members of the executive council shall be composed of the following described categories:

4.301 Ex-Officio Member. The sole ex-officio voting member of the executive council shall be the immediate past chair of the section.

4.302 Designated Members. The officers of the Public Interest Law Section of The Florida Bar are designated as members of the executive council. Each section committee created in these bylaws shall be entitled to designate its chair to serve as a voting member of the executive council.

4.303 At-Large Members. The balance of the voting members of the executive council shall be referred to as at-large members. These at-large members shall number not less than one-half of the voting members of the executive council, as same is constituted at the annual meeting of the section.

4.40 Categories of Non-Voting Members. The non-voting members of the executive council shall be the past chairs of the section, who shall be ex-officio members of the executive council.

4.50 Terms of Office of Voting Members. The voting members of the executive council shall have the following terms, and with each such term to commence at the initial

meeting of the incoming executive council held in conjunction with the next annual meeting of the section, and to expire at the conclusion of the final meeting of the outgoing executive council held in conjunction with the next annual meeting of the section.

4.501 Ex-Officio Member. The term of office of the immediate past chair shall be 1 year commencing at the conclusion of the term as chair, and ending at the conclusion of the next annual meeting of the section.

4.502 Designated Members. The term of office of the chair of each section committee created in these bylaws shall be 1 year.

4.503 At-Large Members. The term of office for at-large members shall be 2 years.

4.504 Removal for Lack of Attendance. Any at-large member of the executive council who misses 2 meetings in 1 year without approval of the chair may be removed by the chair.

4.60 Meetings. All meetings of the executive council, its committees, and meetings of the section and its committees shall be governed by the following provisions unless otherwise provided.

4.601 General Provisions. The executive council shall conduct its business at regular and special meetings as provided in these bylaws. Meetings shall be conducted according to Robert's Rules of Order, unless another procedure is adopted by a majority of the members present and voting. The business of the executive council may also be conducted by correspondence.

4.602 Regular Meetings. The executive council shall hold its regular meetings in conjunction with the annual meeting, midyear meeting, and general meeting of sections and committees of The Florida Bar. At the annual meeting of The Florida Bar the outgoing executive council shall hold its annual meeting and the incoming executive council shall hold its organizational meeting.

4.603 Special Meetings. The executive council may hold special meetings as agreed to in advance by a majority of the executive council, or when called by the chair with the concurrence of at least 2 other officers. Bylaws may not be amended at these meetings.

4.604 Telephone Meetings. Special meetings of the executive council may be held by telephone conference call in which all members can hear and be heard by other members attending the meeting. Telephone meeting shall be subject to the same requirements regarding agenda, quorum, voting and minutes as any other meeting.

4.605 Quorum. A majority of the executive council, including members present via a telephone connection that allows them to hear and be heard by other members, shall constitute a quorum for the transaction of all business. A majority vote of the members of the executive council present and voting as duly recorded by the secretary shall constitute the binding action of the executive council.

4.606 Agenda Items. The section chair shall arrange for the distribution to all section members a written agenda of matters to be considered at any regular meeting of the executive council. The section chair shall arrange for the distribution to all members of the executive council and, if practical, to all members of the section, an agenda of matters to be considered at any special meeting of the executive council. The chair of the section may, and shall upon the request of any two members of the executive council, submit or cause to be submitted in writing, to each of the members of the executive council, any proposal upon which the executive council may be authorized to act at scheduled regular or special meetings.

4.70 Duties of the Executive Council - At the Midyear Meeting of the Section. The executive council shall, at the midyear meeting of the section, upon consideration of both the report of the elections committee pursuant to paragraph 5.25 of these bylaws, and the criteria to fix and determine the minimum number of at-large members required to sit on the executive council pursuant to paragraph 4.303 of these bylaws, fix and determine the number of at-large positions available on the executive council as of the next annual meeting of the section, and which such number shall be the sum of the following 2 parts:

(1) the number of at-large positions available for election to the executive council at such next annual meeting of the section; and

(2) the number of at-large positions not available for election to the executive council at such next annual meeting of the section.

4.80 Executive Committee. There shall be created an executive committee of the executive council composed of the officers and the ex-officio officer of the section.

4.801 Purpose. The executive committee is created in order to permit the business of the section to be conducted whenever a situation exists wherein time is of the essence and it is not possible or feasible for the executive council, as a whole, to act thereupon. Whether such a situation exists in order to so convene the executive committee shall be determined in the sole discretion of the chair.

4.802 Quorum. All 5 members of the executive committee, including those members present by way of a telephone conference call in which they can hear and be heard by all other members in attendance at the meeting, shall constitute a quorum for the conduct of any and all business by the executive committee.

4.803 Actions. Any action by the executive committee shall be taken upon proper motion, resolution, and majority vote.

4.804 Notice. Immediately after the action taken by the executive committee, the chair shall notify, in writing, any and all members of the executive council of the following:

(1) the nature of the situation that exists causing the chair to so convene the executive committee; and

(2) the action taken by the executive committee, including, but not limited to, the vote taken upon any motion made.

4.805 Procedures for Consideration of Amicus Curiae Briefs.

(1) Any member of the section may propose the section participate as amicus curiae in pending litigation. The section chair, the chair-elect of the section, the secretary of the section, the treasurer of the section, and the chair of the committee most relevant to the issue being litigated may, after joint consultation and by a majority vote, act upon a request for the section to join as amicus curiae in lieu of any action by the executive council if it is not possible or feasible for the executive council to act. The section chair shall immediately notify in writing all members of the executive council of action on amicus briefs taken under this provision of the bylaws.

(2) The proponent that the section participate as amicus curiae shall arrange for the distribution of copies of all relevant material to the section chair, the chair-elect of the section, the secretary of the section, the treasurer of the section, and the chair of the committee most relevant to the issue in advance of the meeting at which the issue of the section participation as amicus curiae will be considered. The proponent should also identify a member of the section who is interested in drafting the briefs for the section.

(3) When the proponent of an amicus brief anticipates that it will be considered and decided by the legislation committee and the executive council at the meetings scheduled within 72 hours of each other, it shall be the responsibility of the proponent to furnish the information about the proposal that is described in section 5.505 to each member of the executive council and to the chair of each section committee, and it shall be the responsibility of the chair of the legislation committee to furnish a copy of the written recommendation of the legislation committee to each member of the executive council not later than the beginning of the meeting at which the recommendation is to be considered by the executive council.

(4) The section chair, the chair-elect of the section, the secretary of the section, the treasurer of the section, and the chair of the committee most relevant to the issue shall take 2 votes with respect to each request for amicus curiae that is submitted for consideration:

(a) by a majority vote there must be a finding that the proposed amicus curiae involves a matter that is significant to the judiciary, the administration of justice, the fundamental legal rights of the public, or interests of the section, its programs, or functions; and

(b) by a majority vote to approve participation of the section as amicus curiae.

(5) The section chair shall notify The Florida Bar in writing of the proposed action by the section. The notice shall comply with applicable bar policies and include a requested deadline for action by the bar on review of the proposed action and reasons for the stated deadline.

Article V
EXECUTIVE COUNCIL COMMITTEES

5.10 In General. The executive council shall have committees on budget, bylaws, legislation and elections. The chair may appoint and dissolve such other committees of the executive council as are deemed necessary or expedient, may appoint or remove members of all committees, shall appoint the chair of all committees, and may determine the jurisdiction and duties of all such committees. Any regular member or affiliate member of the section shall be eligible to be appointed to a committee of the executive council, but the chair of such committees shall be a member of the executive council.

5.20 Elections Committee. The elections committee shall be responsible for managing and supervising the elections of the section.

5.201 Duties of the Elections Committee - In General. The elections committee, in general, shall have the following duties:

- (1) to determine the annual schedule for section elections in accordance with Article VIII of these bylaws;
- (2) to approve the form and content of all official ballots;
- (3) to receive and tabulate all official ballots; and
- (4) to report the results of all section elections to the executive council.

5.202 Duties of the Elections Committee - At the Midyear Meeting of the Section. The elections committee shall certify the following to the executive council at the midyear meeting of the section:

- (1) the number of ex-officio voting members of the executive council whose terms shall commence at the initial meeting of the incoming executive council held in conjunction with the next annual meeting of the section, and which such number shall, pursuant to paragraph 4.301 of these bylaws, necessarily be fixed at 1;
- (2) the number of designated members of the executive council whose terms shall commence at the initial meeting of the incoming executive council held in conjunction with the next annual meeting of the section;
- (3) the number of at-large members of the executive council whose terms shall expire at the conclusion of the final meeting of the outgoing executive council held in conjunction with the next annual meeting of the section; and
- (4) the number of vacancies created by the resignation of any of those at-large members of the executive council whose terms do not expire at the conclusion of the final meeting of the outgoing executive council held in conjunction with the next annual meeting of the section.

5.30 Budget Committee. The budget committee shall be responsible for developing future budgets, for managing the section's current annual budget, and shall make reports and recommendations to the executive council with respect to the fiscal affairs of the section. The treasurer shall be designated the chair of this committee.

5.40 Bylaws Committee. The bylaws committee shall, from time to time, upon either the chair's direction or its own initiative, review and analyze the substance of any one or more of these bylaws as may be deemed desirable and then, if appropriate, upon majority vote, make proposed amendments to such bylaws. These proposed amendments shall be in writing and then submitted for consideration to either the general membership or the executive council pursuant to the provisions of Article XI of these bylaws.

5.50 Legislation Committee. The legislation committee shall be composed of 9 members, as follows:

(1) one member to be appointed by the membership of each of the section committees described in Article VI of these bylaws; and, hereinafter referred to as designated members; and

(2) the balance thereof to be appointed by the chair of the section, and hereinafter referred to as at-large members. Further, only at-large members are eligible to become chair of this committee, and said chair shall be designated by the chair of the section.

5.501 Terms. At-large members shall serve 1-year terms commencing at the conclusion of the annual meeting of the section. Designated members appointed by the first amendment law, and delivery of legal services committees shall serve 2-year terms commencing at the conclusion of the annual meeting of the section in even-numbered years. Designated members appointed by the disability law, civil rights and legal needs of children committees shall serve 2-year terms commencing at the conclusion of the annual meeting of the section in odd-numbered years.

5.502 Procedures. The legislation committee may adopt internal operating policies and procedures that are not inconsistent with these bylaws or the bylaws or standing policies of The Florida Bar.

5.503 Subject Matter. Neither the legislation committee nor the executive council shall approve proposed legislative action unless it involves a matter that is significant to the judiciary, the administration of justice, the fundamental legal rights of the public or interests of the section, its programs or functions.

5.504 Jurisdiction. The legislative committee shall receive and act upon all proposals for legislative action that are submitted by committees or individual members of the section before action by the executive council. In addition, the legislation committee may originate proposals for legislative action, and shall receive and make recommendations to the executive council on legislative matters referred to the section by The Florida Bar or other bar sections or bar committees.

5.505 Content of Legislative Proposals. Proposals for legislative action that are submitted to the legislation committee shall be accompanied in all cases by a copy of the legislation proposed or opposed together with the following information:

(1) copies of or references to similar legislation that is being considered by or has recently been considered by the legislature;

(2) a statement concerning the principal known proponents and opponents of the legislation including a brief statement of the known or perceived rationale for their support or opposition; and

(3) a statement of the known position on the legislative proposal that has been taken by any section committee of the Public Interest Law Section, or any other bar section or bar committee, including the reasons for the position.

5.506 Recommendations to Executive Council. The legislation committee shall consider and vote upon every legislative proposal that is submitted unless subsequently withdrawn. A decision to make a favorable recommendation to the executive council shall be by majority vote of all members of the legislation committee, shall be in writing and shall include:

(1) a finding as to whether the legislative proposal falls within the subject matter on which the Section may take action as specified in 5.503;

(2) a finding as to whether the legislative proposal is contrary to announced positions of The Florida Bar;

(3) an explanation of the reasons why the legislature is deemed the most appropriate forum in which to address the subject matter of the proposal;

(4) if appropriate to the issues, a brief memorandum of law on the issue(s) including references to pertinent statutes and cases;

(5) a statement of the resources that the proponent of the issue is prepared to dedicate to the lobbying effort that will be required on the issue;

(6) a recommendation as to what resources of the Section, if any, the executive council should commit in support of the legislative proposal; and

(7) a recommendation as to whether the executive council should approve the legislative proposal as a position of the Public Interest Law Section.

5.507 Executive Council Procedures on Legislative Proposals. The following procedures shall guide consideration of legislative proposals by the Executive Council.

(1) Notice to interested parties -

(a) the written recommendation of the legislation committee, together with the information described in 5.505, shall be submitted to the section chair at least 20 days before the date of the meeting of the executive council at which the matter is to be considered;

(b) the section chair shall arrange for the distribution of copies of all legislative proposals to all members of the executive council and to the chair of each section committee in advance of the meeting at which they are placed on the meeting agenda for consideration by the executive council;

(c) when the proponent of a legislative proposal anticipates that it will be considered and decided by the legislation committee and the executive council at meetings scheduled within 72 hours of the other, it shall be the responsibility of the proponent to furnish the information about the proposal that is described in 5.505 to each member of the executive council and to the chair of each section committee, and it shall be the responsibility of the chair of the legislation committee to furnish a copy of the written recommendation of the legislation committee to each member of the executive council, not later than the beginning of the meeting at which the recommendation is to be considered by the executive council;

(d) legislative proposals not submitted to the section chair or executive council members in a timely fashion shall not be considered until the next succeeding meeting of the executive council unless the members unanimously agree to waive the untimely notice.

(2) The executive council shall take two votes with respect to each legislative proposal that is submitted for consideration:

(a) by a vote of two-thirds of the members present, the executive council must find that the legislative proposal is within the scope of 5.503; and

(b) by a majority vote of the members present, approve the proposal as a legislative position of the section.

(3) The section chair shall notify The Florida Bar in writing of the adoption of a legislative position by the section. The notice shall include a requested deadline for action by the bar on review of the legislative proposal and reasons for the stated deadline.

5.508 Procedures While Legislature is in Session. During the time when the Florida Legislature is in session, or during the time when committees of the legislature are meeting, the section chair, the chair-elect of the section, the secretary of the section, the treasurer of the section and the chair of the legislation committee may, after joint consultation, and by a majority vote, act upon pending or proposed legislation in lieu of action by the executive council if it is not possible or feasible for the executive council to act. The section chair shall immediately notify in writing all members of the executive council of action on legislative proposals taken under this provision of the bylaws.

Article VI

SECTION COMMITTEES

6.10 Creation and Dissolution. The section shall have such committees as are established in this Article. Additional section committees may be established by amending this Article in accordance with the provisions of Article IX of these bylaws. Section committees may be dissolved by the adoption of an amendment to this article which strikes all provisions relating to the committee to be dissolved.

6.20 Authorized Section Committees. There shall be section committees on delivery of legal services, disability law, homelessness, consumer protection, civil rights and legal needs of children.

6.30 Procedures - Selection of Chair. Each section committee shall adopt procedures for the selection and removal of its chair, who shall serve on the executive council as a designated member thereof pursuant to the provisions of paragraph 4.302 of these bylaws, and any other officers, including any qualifications for each position, and shall submit such procedures, in writing, to the chair of the section. At or before the midyear meeting of the section, the chair of each section committee shall report, in writing, to the chair of the elections committee the name of the chair of the section committee for the upcoming bar year.

6.40 Procedures - Selection of Designated Member of the Legislation Committee. Each section committee shall adopt procedures for the selection and removal of its designated member of the legislation committee, as described in paragraph 5.50(1) of these bylaws, including any qualifications for that position, and shall submit such procedures, in writing, to the chair of the section. At or before the annual meeting of the section, the chair of each section committee shall report, in writing, to the chair of the section the name of the section committee's designated member of the legislation committee for the upcoming bar year, but such designated member shall not be the chair of the section committee.

6.50 Reports to Executive Council. Each section committee shall report to the executive council on the past and future activities of the committee. Unless otherwise directed by the resolution of the executive council, section committees shall submit semi-annual written reports to the section coordinator in sufficient time for inclusion of such reports in the general mailing to section members prior to the annual and midyear meetings of The Florida Bar.

6.60 General Provisions. Each section committee shall adopt other internal operating procedures that are not in conflict with these bylaws, including the creation of such subcommittees as may be deemed necessary. When such internal operating procedures are adopted, a copy shall be provided to the section coordinator.

Article VII MEETINGS

7.10 Annual Meeting. The section shall hold an annual meeting of the general membership of the section in conjunction with the annual meeting of The Florida Bar. Notice to all members as to the time and place of such annual meeting shall be given at least 30 days in advance thereof.

7.20 Annual Executive Council Meeting. There shall be an annual meeting of the outgoing executive council preceding the annual meeting of the section.

7.30 Organizational Meeting of the Executive Council. Following the annual meeting of the section, there shall be an organizational meeting of the incoming executive council, at which time the chair-elect, secretary and treasurer shall be elected.

7.40 Other Meetings. There shall be such other regular or special meetings of the executive council or of the general membership of the section as may be designated by the chair, provided that notice of such other meetings of the general membership of the section shall be given to the membership at least 30 days in advance thereof.

Article VIII ELECTIONS

8.10 At-Large Positions Available for Election to the Executive Council. Elections of at-large members to the executive council shall be held at the annual meeting of the section, and the number of any such at-large positions available for election to the executive council shall be fixed and determined by the executive council during the midyear meeting pursuant to paragraph 4.60 of these bylaws. All regular members of the section in good standing shall be eligible to vote for 1 person for each such position available for election to the executive council.

8.101 Notice of Positions Available for Election. The elections committee shall prepare a notice of positions available for election to the executive council and section procedures for nominations to fill same. This notice shall be e-mailed or mailed to all members of the section not later than the first day of March.

8.102 Nomination Procedures. Any section member in good standing may nominate 1 person for each position available for election to the executive council. Such nominations must be in writing and received, via any delivery method, including facsimile transmission, by The Florida Bar not later than on the 15th day of April.

8.103 Determination of Eligibility. The elections committee shall determine the eligibility, under these bylaws, of each person nominated to fill a position available for election to the executive council and verify the willingness of the person so nominated to become a nominee. A person who is determined to be ineligible solely because of nonmembership in the section shall be allowed 7 days to become eligible by becoming a member of the section.

8.104 Uncontested Elections. In the event that the number of eligible nominees is equal to or less than the number of positions available for election to the executive council, the elections committee shall, in lieu of holding an election by e-mailed or mail ballot, recommend to the executive council that the nominees be declared elected by acclamation.

8.105 Content of Official Ballots and Instructions. The elections committee shall determine the form and content of official ballots and accompanying instructions for elections to fill positions available for election to the executive council. The official ballot shall be printed

on any color paper other than white. The official ballot shall be accompanied by instructions stating that:

- (1) each member may vote for no more than 1 nominee for each position available for election to the executive council;
- (2) official ballots containing votes for more nominees than there are positions available for election to the executive council shall be declared invalid;
- (3) the date upon which the completed official ballots must be received at The Florida Bar as determined by paragraph 8.106 of these bylaws.

The elections committee may authorize the inclusion, with the e-mail or mailing of official ballots, of a biographical sketch of each nominee not to exceed 100 words. It shall be the responsibility of each nominee to prepare and deliver such biographical information to the elections committee not less than 15 days prior to the scheduled e-mail or mailing of the official ballots.

8.106 Mailing and Return of Official Ballots. The elections committee shall arrange for official ballots for the election to fill positions available for election to the executive council to be e-mailed or mailed by The Florida Bar to each member of the section not later than 45 days prior to the first day of the annual meeting of the section. In order to be counted, official ballot shall be utilized rather than any reproduction or facsimile thereof, and same must be received at The Florida Bar not later than on the Friday preceding the first day of the annual meeting of the section.

8.107 Report of the Elections Committee. The section administration shall maintain custody of, and account for, all timely received official ballots, and deliver them unopened to the elections committee at an open meeting that shall be held within 48 hours of the annual meeting of the section. Based upon the number of positions available for election to the executive council, the elections committee shall, first, tabulate and record the nominees receiving the largest number of votes, and then certify the following to the executive council, at the annual meeting of the section:

- (1) any and all election disputes;
- (2) the election results.

8.108 Receipt and Approval of Report of the Elections Committee. At the annual meeting of the section, the executive council shall receive the report of the elections committee. The executive council shall, first, by majority vote, fully and finally determine any and all election disputes presented in the report of the elections committee. If a tie vote then exists by and between 2 or more nominees for the final position available for election to the executive council, the executive council shall, by majority vote, break said tie. Upon the breaking of said tie, or in the event a tie vote does not so exist, then the executive council shall, by majority vote, approve the election results.

8.20 Officers. The chair-elect, treasurer and secretary shall be elected by a majority vote of the members of the incoming executive council present at the organizational meeting of the executive council.

8.201 Eligibility of Nominees. Only members of the executive council who have served a minimum of 1 year on the executive council shall be eligible to be nominated or elected as the chair-elect of the section.

8.202 Nomination Procedures. The elections committee shall solicit and receive eligible nominations for each officer to be elected at the organizational meeting of the executive council. Those nominees for each office who have been identified shall be listed on the agenda for the organizational meeting of the executive council which shall be e-mailed or mailed to all members of the section prior to the annual meeting of the section. Additional nominations may be received at the organizational meeting of the executive council prior to the election of officers.

8.203 Voting Procedures. A separate vote shall be taken for each officer to be chosen. Voice votes shall be used unless at least 5 members of the executive council request a secret ballot. Each member of the executive council shall have 1 vote for each officer to be elected. Should no nominee receive a majority of votes on the first ballot, the members of the executive council shall choose between the 2 nominees with the highest vote totals on the first ballot.

8.30 Vacancies. Except as is otherwise provided herein, if, at any time, a permanent vacancy occurs either in an office or on the executive council, then the executive council may, at any time subsequent thereto, by proper motion, resolution, and majority vote, fill any such vacancy for the balance of the unexpired term.

8.40 At-Large Positions Not Available for Election to the Executive Council. Except as otherwise provided herein, if there exists at-large positions not available for election to the executive council, as fixed and determined by the executive council pursuant to the provisions of paragraph 4.60 of these bylaws, then the executive council may, at any time, whatsoever, by proper motion, resolution, and majority vote, fill any such position for a term of office not to exceed 2 years.

Article IX AMENDMENTS

9.10 Approval by General Membership. These bylaws may be amended at any general meeting of the section by a majority vote of the members of the section present and voting, provided that a copy of each proposed amendment is e-mailed or mailed to each member of the section with the notice and agenda for that meeting of the section.

9.20 Approval by Executive Council. These bylaws may be amended at any regular meeting of the executive council by a majority vote of the council members present and voting, provided that a copy of each proposed amendment is e-mailed or mailed to each member of the executive council with the notice and agenda for said regular meeting.

9.30 Form of Amendments. No amendment shall be considered by the executive council or a general meeting of the section, unless it is submitted in a written form that clearly indicates the provisions to be amended with text to be deleted stricken through and text to be added underlined.

Article X
MISCELLANEOUS

10.10 Fiscal Year and Administrative Year. The fiscal year and the administrative year of the section shall be the same as that of The Florida Bar.

10.20 Compensation. No salary or compensation shall be paid to any member of the section for performance of service to the section, but the executive council may authorize the payment of reasonable out-of-pocket expenses resulting from performance of such services.

10.30 Actions Consistent with the Florida Bar Board of Governors Policies. No action of this section shall be contrary to the policies of The Florida Bar.