

BYLAWS OF THE FAMILY LAW SECTION

ARTICLE I NAME AND PURPOSES

Section 1. Name. This section will be known as the Family Law Section of The Florida Bar.

Section 2. Purpose. The purposes of the section are to:

- (a) provide an organization within The Florida Bar open to all members having an interest in the field of family law;
- (b) provide a forum for discussion and exchange of ideas and concerns leading to the improvement of the practice and substance of family law throughout Florida;
- (c) assist the courts in establishing methods for the consistent, fair, and expeditious administration of justice in family law proceedings;
- (d) encourage attorneys and judicial officers to consider and promote the interests and the needs of families affected by family law proceedings;
- (e) advise and recommend substantive changes in the law to the Florida Legislature;
- (f) comment and make recommendations regarding the Florida Rules and Forms to the Supreme Court of Florida;
- (g) foster a high standard of ethical conduct, civility and professionalism by all attorneys and judicial officers who participate in the family court system;
- (h) prepare and organize educational programs relating to family law; and
- (i) improve the quality of representation in family law proceedings.

Commented [ah1]: This addition was made due to a movement by the Bar to promote civility.

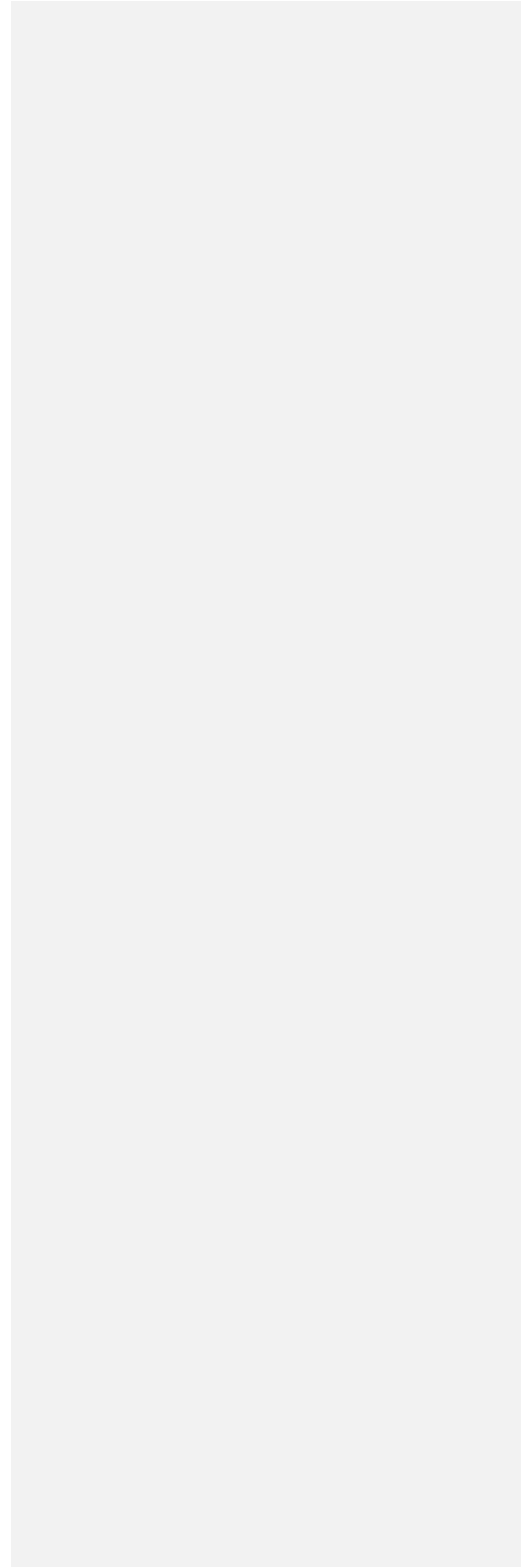
ARTICLE II MEMBERSHIP AND DUES

Section 1. Types of Membership. There are two types of section membership: (1) active and (2) affiliate.

Section 2. Active Membership. Any member of The Florida Bar in good standing is eligible for active membership.

Upon application and payment of the section's annual dues, any active member who ceases to be a member in good standing of The Florida Bar will no longer be a member of the

| section, unless he or she qualifies for affiliate membership.



Section 3. Affiliate Membership. Any person who meets at least one of the following requirements is eligible for affiliate membership upon application and payment of the section's annual dues.

(a) students currently enrolled in an accredited law school;

(b) graduates of an accredited law school;

(c) professors of an accredited law school;

~~(d) any person having a master's degree or doctorate in social work, mental health, behavioral or social sciences; marital and family therapists; physicians certified to practice adult or child psychiatry, certified public accountants licensed to practice in any United States jurisdiction; or appraisers, certified financial planners, actuaries or vocational rehabilitation specialists, all of whom must be authorized to do business in the state of Florida, or any students and/or interns of any of these professions;~~

Commented [ah2]: This language was originally in a later part of this article and was moved to section 3 due to a change in the priority of this type membership

~~(e)ii-~~ any Florida Supreme Court certified mediator; or

~~iii-~~ any person accepted for affiliate membership by the executive committee in its sole discretion;

~~(f)~~ any Florida legal assistant or paralegal who is employed and supervised by a member of The Florida Bar or a law firm practicing in the state of Florida and who has satisfied at least one of the following minimum requirements:

1) accreditation as a Florida Registered Paralegal; or

2) successful completion of the certified legal assistant (CLA) examination of the National Association of Legal Assistants, Inc., or

3) graduation from an ABA-approved program of study for legal assistants, or

4) graduation from a course of study for legal assistants which is institutionally accredited and which requires not less than the equivalent of 60 semester hours of classroom study, or

5) graduation from a course of study for legal assistants other than those set forth above, plus not less than 6 months of in-house training as a legal assistant in a law firm or legal office under the supervision of a member of The Florida Bar in good standing; or

6) a bachelor's degree in any field, plus not less than 6 months of in-house training as a legal assistant in a law firm or legal office under the supervision of a member of The Florida Bar in good standing; or

7) a minimum of 3 years of law related experienced under the supervision of an attorney, including at least 6 months of in-house training as a legal assistant in a law firm or legal office under the supervision of a member of The Florida Bar in good standing; or

8) two years of in-house training as a legal assistant in a law firm or legal office under the supervision of a member of The Florida Bar in good standing.

(g) any person accepted for affiliate membership by the executive committee in its sole discretion;

~~i. any person having a masters degree or doctorate in social work, mental health, behavioral or social sciences; marital and family therapists; physicians certified to practice adult or child psychiatry; certified public accountants licensed to practice in any United States jurisdiction; or appraisers, certified financial planners, actuaries or vocational rehabilitation specialists, all of whom must be authorized to do business in the state of Florida, or any students and/or interns of any of these professions;~~

Commented [ah3]: This provides for acceptance as a member for someone who may not fall into one of the above categories

Affiliate members will be limited to one-third of the total section membership. Affiliate membership does not provide membership to The Florida Bar or any other section within The Florida Bar. Affiliates have all the privileges accorded to active members of the section except that affiliates may not vote in any executive council meeting or the section's annual meeting elections, be eligible to serve on executive council or executive committee, hold office or participate in the selection of officers or members of the executive council. Affiliate members may be appointed as officers of substantive committees of the section as defined in Article VII. An affiliate member cannot be a member of the legislation committee unless designated as special advisor by the section chair.

Section 4. Annual Dues. The section's annual dues are determined by the executive council of the section subject to approval of the Board of Governors of The Florida Bar. Section membership is terminated if The Florida Bar fees or section dues are not timely paid and the member become delinquent. Annual dues will not be prorated. Each person who is admitted to The Florida Bar will be invited to become a member of the section. Upon acceptance, first-year members will be entitled to a waiver of the section dues as follows:

(a) Florida Bar Admission Between June 30 and December 31. The member will not be required to pay section dues until the June 30th following such member's admission to The Florida Bar if admitted between July 1 and December 31.

(b) Florida Bar Admission Between January 1 and June 30. The member will not be required to pay section dues until June 30th of the calendar year next succeeding the calendar year of the member's admission to The Florida Bar if admitted between January 1 and June 30 (e.g., if admitted to The Florida Bar on March 1, 2008, no section dues will be payable until the fiscal year beginning July 1, 2009).

ARTICLE III EXECUTIVE COUNCIL

Section 1. Executive Committee Officers. The executive committee officers are the chair, chair-elect, treasurer, secretary, and immediate past chair. The section chair may designate a member with special experience or knowledge relevant to a vote on a particular issue or group of issues. A majority of the executive committee members must approve this member unless the member is the chair of a committee, program, or ad hoc committee relevant to the issue or group of issues.

Section 2. Executive Council. The executive council consists of the executive committee officers and 32 other members elected by the section. The 32 members will be divided into 4 groups of 8 members with staggered terms. In addition, section trustees will be considered ex officio members of the executive council.

Section 3. Trustees. All past chairs of the section who are members of the section in good standing will be automatically appointed as trustees of the section and will be ex-officio members of the executive council each year. Trustees will not be considered council members for the purpose of determining a quorum. At all meetings of the executive council up to 3 trustees may cast votes on any proposal before the council. If more than 3 trustees are in attendance, the 3 trustees who most recently served as section chair will be permitted to vote.

Section 4. Elections. Executive committee officers and new executive council members will be elected at the section's annual meeting.

Section 5. Terms.

(a) **Executive Committee Officers.** The terms of officers will begin immediately after election at the section's annual meeting. At the time of election of executive committee officers, a new secretary will assume office; the prior secretary will become the treasurer; the treasurer will become the chair-elect; the present chair-elect will become the chair; the outgoing chair will become the immediate past chair and the immediate past chair will become a section trustee.

(b) **Executive Council.** At each section annual meeting an election will be held to re-elect or replace the 8 members whose terms are expiring as well as to fill any other open seats that may exist. A member's term begins on the date of the election and upon administration of the oath of office. A member's term ends upon the administration of the oath of office and ends at the close of the 4th succeeding annual meeting meeting of the section or as otherwise set forth. A current executive council member who has served for 3 full, continuous terms is not eligible for re-election. A full term is defined as a full 4-year cycle (as opposed to a member being appointed to fill a vacancy and serving less than a full term in that seat).

(c) **Unexpected Vacancies.**

1. Unexpected Vacancy on Executive Council. ¶ If a seat on the executive council becomes vacant for any reason, other than the expiration of the term, the seat will be filled for the balance of its term. Such vacancy shall be noticed to the membership of the Family Law Section by from the Section Administrator. Applicants for the vacancy must submit applications within seven (7) business days to the Section Administrator. The Section Administrator shall disseminate applications received by the deadline to the Executive Council for consideration, in advance of the vote to take place at its next meeting, electronic or live. A vacant seat will be voted in by majority vote of the executive council members present at the next executive council meeting.

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Commented [ah5]: This explains the procedure to fill a vacancy and to keep the votes confidential

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A vacancy in the treasurer, chair-elect, or chair positions will be filled by the current officers advancing to the next officer position. A vacancy in the secretary position will be noticed to the membership via electronic publication at least 30 days before the executive committee meets, live or electronically, to select a nominee. The executive committee will submit the name of a nominee to the executive council within 5 days after the 30-day notification period. The executive council will meet, live or electronically, and appoint the new secretary. The chair may administer the oath at that meeting.

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Voting to fill the unexpected vacancy at a live meeting shall be by written ballot, to be collected and tallied by the section secretary and section administrator.

Voting at other meetings shall be by email ballot, to be collected and tallied by the section secretary and administrator. Email ballots shall not be collected and tallied using an email address subject to the Sunshine Laws.

All votes, written ballots and email, shall be deleted or destroyed once the tally is complete. The chair may administer the oath at that meeting.

2. Unexpected Vacancy on Executive Committee. If there is an unexpected vacancy in the treasurer, chair-elect, or chair positions, the immediate past chair will fulfill the duties of that position for the remainder of the bar year. If the immediate past chair is unwilling or unable to fulfill the duties of that position, the remaining members of the executive committee will fulfill the duties of that position as directed by the chair or the acting chair, who may appoint an active trustee, to fill that position for the remainder of the bar year, starting with the most recent term served.

Commented [ah6]: This change creates a variety of ways to fill vacancies of the Executive Committee to ensure all positions are filled

If an unexpected vacancy in the secretary position occurs ~~after~~^{before} August 1st of the bar year, the section administrator will immediately notice the position to the executive council of the Family Law Section by email message and post the vacancy and the application on the Family Law Section website. The notice will provide a 30 day period for applications to be completed and delivered to the section chair and to the section administrator. Upon the expiration of the 30 day period, the section administrator will disseminate the applications to the members of the executive council for their comments as directed by the section chair. All written comments shall be shared with the executive committee and shall be deleted or destroyed once the nominee has been selected. The members of the executive council will have 5 days within which to submit comments. The executive committee will convene within 40 days of the notice of the vacancy to select the nominee for the secretary position. The immediate past chair will chair the meeting and the section chair, chair-elect, and treasurer will take a verbal vote to select the nominee for the secretary position. Immediately upon this selection, the section administrator will post the selection to the Family Law Section website. The election of the new secretary shall take place at the section's fall meeting and will be by acclamation at the section luncheon the day committee meetings are held. The section chair may administer the oath to the new secretary at the section luncheon.

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If there is an unexpected vacancy in the secretary position after the fall meeting, the immediate past chair will fulfill the duties of the secretary for the remainder of the bar year. If the immediate past chair is unable or unwilling to fill this position, the remaining members of the executive committee will fulfill the duties of the secretary as directed by the section chair or the section chair may appoint an active trustee to fill that position for the remainder of the bar year.

**ARTICLE IV NOMINATING COMMITTEE
FOR ELECTION OF EXECUTIVE
COMMITTEE AND EXECUTIVE
COUNCIL**

Section 1. Nominating Committee. The nominating committee will convene in the spring of each year for the upcoming bar year, to select the slate for the upcoming bar year. The chair-elect will appoint the section nominating committee (for the upcoming bar year). The nominating committee will be chaired by the section chair, who will be a non-voting member of the committee. However, in the event another member of the nominating committee is required to chair the meeting, in the absence of the chair than that person shall not forfeit his/her right to vote. The committee shall and consist of all current section executive committee officers and one section member at-large appointed by the chair elect, who is an —aActive executive council member or (whom may be an active section trustee). at large appointed selected by the chair elect. The section executive council member shall be appointed by the chair-elect. The executive council member selected cannot be up for renewal to executive council for the upcoming bar year, shall have attended all live executive council meetings for the current bar year, and shall have otherwise fulfilled all annual requirements of executive council members under Article VI, Section 2, for the prior and current bar year. Additionally, the executive council member or active section trustee shall have sufficient knowledge regarding the applicants’ service to the section and the criteria for the slate of the nominees.— The nominating committee will review all applications and nominations for executive council and secretary, and shall take an initial verbal vote to determine the slate of nominees for executive council and secretary. The slate of nominees will be submitted to the section at the section’s annual meeting. The chair of the committee may participate in all discussions as well as vote for the secretary and executive council positions. The chair is not required to vote and may chose not to vote, but has all the rights and privileges of every other member of the committee. If the chair chooses not to vote and there is a tie or no majority, the committee shall continue to vote until one applicant receives the majority. The applicants with the most votes but no majority shall be the only applicants for the remaining voting procedure.

Commented [ah7]: Objective criteria was added when choosing the members of the Committee.

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A nominee must be an active member as defined in Article II to be eligible for a seat on the executive council. The nominating committee will publish the names of the slate of nominees to the section at least 30 days prior to the section’s annual meeting. An eligible nominee for the office of secretary must be a current elected member of the executive council and not a trustee.

The nominating committee shall consider the following criteria in the selection of the slate of nominees: attendance record; leadership skills; length of section service; geographic racial, ethnic, gender and employment diversity; professionalism; comments received from the membership; and any other factors relevant to an applicant’s ability to fulfill a leadership role within the section.

Any Executive Council member seeking renewal for a successive term shall be deemed ineligible for nomination if that member has failed to comply with the yearly service requirements set forth in Article VI, Section 2 (b) of the Bylaws.

~~Section 2. **Election, Balloting.** –The election and installation of the new executive council members will be held at the section’s annual meeting and will be governed by Robert’s Rules of Order. of new secretary and executive council members will be held at the section’s annual meeting. All elections will be by acclamation unless the executive council orders and duly adopts a resolution prior to the annual meeting at which the election is held.~~

Commented [ah10]: This is a clarification for using Robert’s Rules

ARTICLE V RESPONSIBILITIES AND POWERS OF EXECUTIVE COMMITTEE OFFICERS

~~Section 1. **Attendance.** Absent good cause, aAll members of the executive committee are required to attend all executive committee meetings.~~

Commented [ah11]: Removal of good cause was to require attendance due to limited number of members.

Section 2. **Responsibilities and Powers.**

(a) **Generally.** The executive committee will be responsible for the daily operations of the section between regular or special meetings of the executive council. The executive committee may conduct its business by correspondence, by email vote, by live or telephonic meetings, as authorized by the chair. All actions of the executive committee are binding on the section and represent the position of the section and the executive council concerning all issues, including but not limited to the establishment of all legislative positions. ~~Actions of the executive committee are subject to later ratification by the executive council. It is the goal of the section to maintain transparency in its operation. The section recognizes that between meetings of the executive council, the executive committee conducts the daily operation of the section. The executive committee shall regularly report its actions to the executive council.~~

Commented [ah12]: Language was added to ensure the Executive Committee keeps the Executive Council informed of the actions it takes on behalf of the FLS

(b) **Responsibilities of the Chair.** The chair will preside at all meetings of the section, the executive council, and the executive committee. The chair will also serve as the chair of the nominating committee. The chair will appoint all committee chairs, officers, and members. The chair may create committees and appoint the chair, officers, and members of these committees. The chair may appoint special advisors, without voting rights, to committees. The chair will be responsible for reviewing the executive council members’ participation disclosure forms and contacting any members who are deficient in their duties. The chair will prepare and present a report on the work of the section for the past year to the Board of Governors of The Florida Bar and will prepare a written report for inclusion in The Florida Bar *Journal* as designated by The Florida Bar. The chair will perform other duties and acts as usually pertain to the office.

The chair must maintain impartiality while presiding during an executive council meeting and, as a result, is precluded from exercising the rights to make motions or speak in debate and is also precluded from voting except (i) when the vote is by ballot, or (ii) whenever the vote will affect the result. On a vote that is not by ballot, if a majority vote is required and there is a tie, the chair may vote in the affirmative to cause the motion to prevail. If there is one more in the affirmative than in the negative, the chair can create a tie by voting in the negative to cause the motion to fail. If a two-thirds vote is required, the chair may vote to cause, or to block, attainment

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of the necessary two-thirds.

(c) **Responsibilities of the Chair-Elect.** The chair-elect is responsible for duties as designated by the chair of the section. Upon the death, resignation or during the disability of the chair, or upon the chair's refusal to act, the chair-elect will perform the duties of the chair for the remainder of the chair's term, except in case of the chair's disability, and then only during so much of the term as the disability continues. The chair-elect will serve as the chair of the section's Long Range Planning Committee. The chair-elect will perform other duties and acts as usually pertain to the office.

(d) **Responsibilities of the Treasurer.** The treasurer will keep accurate records of all funds appropriated to and expended for the use of the section. The treasurer will work with the chair-elect to prepare and submit a projected budget to the executive council and will report periodically on the section's present and projected financial condition, advising the executive council on the financial impact of any proposed action that might have a significant impact on the financial condition of the section. The treasurer will serve as the chair of the finance committee. The treasurer will prepare other recommendations and special reports of financial affairs of the section as requested by the chair. The treasurer will perform other duties and acts as usually pertain to the office.

(e) **Responsibilities of the Secretary.** The secretary is the custodian of all books, papers, documents, and other property of the section. The secretary must keep a true record of the proceedings of all meetings of the section, the executive council, and the executive committee in accordance of Robert's Rules of Orders. In conjunction with the chair, as authorized by the executive council, the secretary will attend generally to the business of the section. The secretary will be responsible for taking and reporting to the executive council the results of all email votes. The secretary shall maintain a record of member attendance at executive council meetings, as attendance is defined in the Bylaws. The secretary will perform other duties and acts as usually pertain to the office.

Commented [ah13]: This change clarifies the duties of the secretary.

(f) **Responsibilities of the Immediate Past Chair.** The immediate past chair will advise and assist the section chair and other section officers as requested.

Section 3. Voting. Absent disability or refusal to act, the entire executive committee, and if appropriate, ~~any~~ special members appointed by the chair, will constitute a quorum for voting on any issue at executive committee meetings. In the event of disability or refusal to act by any member of the executive committee, the most recent trustee available will be contacted and will vote in his or her place. Upon the vote by three executive committee members finding there exists a disability or a refusal to act, the highest ranking executive committee officer so voting must immediately contact the most recent trustee as set forth above. The executive committee may vote by email with proper notice including a deadline for return of ballots. The executive committee may take binding action by a majority of the votes received by the deadline. In the event of a tie, the section chair shall vote.

Commented [ah14]: This language follows Robert's Rules.

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ARTICLE VI RESPONSIBILITIES AND POWERS OF THE EXECUTIVE COUNCIL

Section 1. Attendance. Members of the executive council ~~will~~ **must** attend and participate in ~~the at least~~ two (2) of the three (3) live Family Law Section's Fall, Midyear, and Annual meetings as described in Article IX Section 1. Executive council members must attend the entire executive council meeting for the times noticed on the agenda and participate in the entire meeting. Members ~~will should~~ **exercise their best efforts to** attend and participate in all other scheduled meetings, including all email votes, of the executive council. ~~An executive council member who is unable to attend an executive council meeting must submit a written request for an excused absence prior to the meeting. Absent emergent circumstances, the executive committee shall consider and determine any requests for an excused absence prior to the commencement of every executive council meeting. At the beginning of every executive council meeting, the secretary will announce the excused and unexcused absences and note them in the minutes of the meeting. The member may ask the executive council to reconsider a denial. The request must be in writing submitted within 15 days after notification of the denial. The reconsideration must take place at the next live meeting following the missed meeting.~~

Commented [ah16]: This change clarifies attendance requirements of a member for live meetings

Section 2. Responsibilities.

(a) **Bylaws.** At the beginning of each term of service on executive council, members will receive, and confirm in writing, receipt and review of the current bylaws. Members are expected to be familiar with their duties and responsibilities. Members will represent the section membership and promote the goals and activities of the section. Members will participate in and provide leadership for the various section committees. The executive council member who is a member of a committee must report on the activity of that committee to the executive council if the chair of that committee is not present.

(b) **Yearly Service Requirements.** During each year of service on the executive council, each member must:

Commented [ah17]: This clarifies the yearly requirements for members and provides examples of how to meet such requirements

1) ~~4)~~ **attend and participate in** at least two (2) of the three (3) live section meetings described in Article IX Section 1;

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2) ~~actively~~ serve on at least one section committee at all times;

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3) ~~provide mentoring services through The Florida Bar, a voluntary bar association or the Family Law Section, unless otherwise prohibited by applicable law, statute, rule, etc.;~~

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AND

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4) ~~timely and accurately complete and submit the Participation Disclosure form.~~

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In addition, they should:

~~2.) write or edit an article for publication in a section publication, or The Florida Bar Journal, or the Commentator, or write an article for the FAMSEG online newsletter or edit an issue of the Family Law Commentator; or edit an issue of the Family Law Commentator.~~

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~~63.2) lecture at, prepare materials for, participate in the planning of, or chair a section continuing legal education program or serve as a workshop leader at the Trial Advocacy Program, and, or volunteer for the equivalent of one (1) day;~~

OR

~~7. Volunteer at a Section event or otherwise substantially serve the section~~

~~4) provide mentoring services through The Florida Bar, a voluntary bar association or the Family Law Section.~~

(c) **Participation Disclosure.** ~~The Section Administrator shall distribute the Participation Disclosure form by email to the executive council on or before February 15th of each year. Each executive council member must timely submit a completed Participation Disclosure form accurately identifying compliance with the above requirements. The form must be submitted to the secretary chair-elect and the section administrator on or before March 15 of each year, and each executive council member shall maintain his or her Participation Disclosure forms submitted during his or her term of office. The Section Administrator shall keep and maintain each executive council member's annual Participation Disclosure forms submitted for each year of the duration of each executive council member's existing term.~~

(d) **Email Address.** Each executive council member must maintain a current email address. The member must provide the email address to the bar, the section's secretary and administrator and notify them of any changes.

Section 3. Live Meetings. The executive council will have at least three live meetings per bar year. The executive council may also have other live and/or telephonic meetings, including electronic web-based meetings as determined by the chair. The secretary may call a meeting of the executive council when 3 executive council members submit a written request. Sixteen members constitute a quorum for the transaction of business at a meeting of the executive council. Unless otherwise stated in these bylaws, meetings of the section will be conducted in accordance with Robert's Rules of Order.

Section 4. Conflicts of Interest. ~~If an executive council member believes membership on other boards within the bar, the profession or the community creates a conflict of interest, that member may abstain from a vote or discussion.~~ Executive Council members, including trustees, who are also members of the Florida Chapter of the American Academy of Matrimonial Lawyers have an automatic conflict of interest regarding any matter involving the Section's partnership with the Academy as it pertains to the contract terms for the annual Marital and Family Law Review course. While they may be present and participate in discussions pertaining to the contract/partnership between the two organizations, they may not vote on same. Members of Executive Committee, who are also contemporaneous members of the Board of Managers of the Florida Chapter of the American Academy of Matrimonial Lawyers, may not be involved in any negotiations involving the contract terms between the two organizations but the Executive Committee members may be involved in the preparation and transmittal and finalization of the contract once the negotiated terms have been approved by Executive Council. Those Executive

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Commented [ah18]: This clarifies the procedure for keeping track of each member's activities during the year in order to meet the yearly service requirement.

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Commented [ah19]: This language addresses a specific conflict between Executive Council members who are and are not Fellows of the FL Chapter of the AAML as it pertains to voting on a contract between the organizations for the Certification Review Course.

Council members and Trustees who do not have an automatic conflict interest will constitute a quorum for voting. A majority vote of that quorum is binding upon the section.

Section 5. Email Voting. When deemed necessary by the executive committee, the executive council may vote on an issue by email at the direction of the section chair. The executive council may take action binding the section by a majority of the votes received. The executive council may remove a member by 2/3rds vote. The executive council may ~~v~~ote by email with proper notice including a deadline for return of ballots.

Section 6. Powers of Executive Council

(a) The executive council has general supervision and control of the affairs of the section subject to the provisions of the bylaws of the section and the rules established by the Board of Governors of The Florida Bar. It will authorize all commitments or contracts that will entail the payment of money for the use or benefit of the section. It may not authorize commitments or contracts that expend more money during any fiscal year than the section's opening fund balance added to the section's actual revenue for the year.

(b) During the interim between annual meetings, and pursuant to Article III, the executive council may fill vacancies in its own membership or in the office of the secretary, treasurer, chair, or chair-elect. Members of the executive council and elected officers will serve until the close of the next annual meeting of the section.

(c) The executive council may take action binding the section by a majority vote of those present and voting.

Section 7. Removal of Executive Council Members

If an executive council member fails to attend two (2) regularly scheduled executive council meetings in a bar year, that member shall be deemed to have resigned from his or her position on the executive council and his or her current office shall be deemed vacant at the conclusion of the current term to be filled pursuant to these Bylaws. Such member shall not be eligible for election to or membership on the executive council for the next succeeding bar year.

If an executive council member violates Article VIII, Section II of the Bylaws or fails to comply with Article VI Section II (c) of the Bylaws shall automatically result in the immediate termination of the executive council member's current (term).

~~(a) **Presumption.** There is a rebuttable presumption that any executive council member with 2 unexcused absences of the 3 live executive council meetings in a fiscal year will be subject to removal. The burden will be on the member to show good cause to rebut the presumption of removal.~~

~~(b) **Good Cause.** Good cause may be shown by the demonstration of participation and compliance with other executive council duties during the current bar year or the two prior years of service. In addition, when presenting evidence of good cause to the executive council, the member may ask the executive council to reconsider the appropriateness of the absences leading to his or her removal, *ab initio*.~~

~~(c) **Notice.** When the executive committee is advised that a member has 2 unexcused absences in a bar year, the chair-elect will notify the member of the intent to remove and offer that member an opportunity to resign or rebut the presumption of removal at a hearing before the~~

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~~executive council. Any resignation by a member must be in writing. If the member chooses to rebut the presumption of removal, the secretary will provide the member and all current executive council members with written notice of the intent to remove the member from the executive council at least 30 days before the next live meeting. The hearing will be held at the live meeting immediately following the notice. The date of the meeting will be included in the written notice.~~

~~(d) — **Hearing.** A hearing will be held at the live meeting immediately following the 2nd unexcused absence of the member. The member will be permitted to make a presentation to the executive council at the live meeting to show good cause to rebut the presumption of removal. The executive council will then conduct a vote, by written ballot, to determine whether the member should be removed. There must be a quorum present at the time of a vote for the removal of a member. The written vote for removal will require a 2/3rd majority of those members present. In the event there is not a quorum present at the meeting where the hearing occurs, an email vote will be taken within seven (7) days of the meeting. This email vote will be consistent with the email voting requirements contained in these bylaws.~~

ARTICLE VII COMMITTEES

Section 1. Standing Committees. The standing committees have responsibility for the subject matter indicated by their names and responsibilities as the section chair may assign. The section's standing committees will be organized into operational and substantive committees as follows:

(a) **Operational Committees.**

- 1) Continuing Legal Education
- 2) Finance
- 3) Legislation
- 4) Long Range Planning
- 5) Marital & Family Law Review Course
- 6) Membership
- 7) Nominating
- 8) Publications
- 9) Rules and Forms
- 10) Sponsorship
- 11) Technology

(b) **Substantive Law Committees**

- 1) Alternative Dispute Resolution
- 2) Amicus Curiae
- 3) Children's Issues
- 4) Domestic Violence
- 5) Equitable Distribution
- 6) Non-Attorneys Professional Outreach Committee Litigation Support
- 7) Magistrates and Hearing Officers
- 8) Support Issues

Commented [AG21]: Name change because former name is outdated.

Upon approval of the executive council, the substantive law committees may be expanded, merged or retitled to suit the needs of the section. Any change is effective for one bar year only. Any of these committees may work jointly as the need arises.

Section 2. Committee Descriptions

(a) **Finance Committee.** The finance committee will be chaired by the treasurer of the section. The committee will be comprised of 11 members appointed by the section chair, to include the section chair, chair-elect, secretary, 2 executive council members-at-large, and one chair from each of the following standing committees: CLE, legislation, membership, sponsorship, and the Marital & Family Law Review Course.

(b) **Long Range Planning Committee.** The long range planning committee will be chaired by the chair-elect of the section. The committee will be comprised of 9 members, to include the 5 members of the executive committee, and 4 additional members of the executive council appointed by the section chair which will include 1 Trustee and 3 members-at-large.

(c) **Marital & Family Law Review Course.** ~~The marital and family law review course committee will be chaired by the individual who has served on the committee for the longest time.~~ The committee chair will serve as the liaison to the Florida Chapter of the American Academy of Matrimonial Lawyers (AAML) while the section is under contract with the AAML for the administration of this course. The committee will be comprised of 43 board certified members, each of whom will serve a 43-year term. ~~Each spring, Upon the secretary's election taking office, he or she the current section secretary will choose a board certified lawyer to join the committee for a 43-year term to begin immediately the following bar year.~~ This appointed member will be the chair of the Marital & Family Law Review Course when the section secretary becomes the section chair.

Commented [ah22]: The secretary and board certified lawyer need to start working on this review course right away due to the amount of work that needs to be done

(d) **Legislation Committee.** The section chair will appoint 30 members, a chair or chairs, committee officers, and an executive committee liaison. All members will be voting members. The attendance of 10 members will constitute a quorum at any meeting. The committee chair(s) and at least 1 of the vice chairs of the legislation committee will be members of the executive council of the section at the time of their appointment. A trustee may not serve as chair

of the committee unless the section chair deems it necessary and the appointment is approved by the executive committee.

(e) **Sponsorship Committee.** The sponsorship committee will be chaired by the chair-elect of the section. The committee will be comprised of at least 7 members appointed by the section chair, to include the treasurer, 3 executive council members at-large, one chair from the CLE committee and one Trustee.

Commented [ah23]: This committee is being restructured to ensure there is sufficient time to obtain sponsors for the various seminars and retreats put on by the FLS.

Section 3. Committee Appointments. The chair of the section will appoint committee chairs, other officers and if appropriate, members to each standing committee unless provided elsewhere in these bylaws. A section member may serve on one or more committees of his or her selection at the discretion of and assignment by the chair. Membership in the legislation committee, nominating committee, finance committee, Marital and Family Law Review Course Committee and long range planning committee will be limited as provided.

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Section 4. Committee Chair Responsibilities. Each committee chair will submit a report to the section chair and the section chair-elect by April 1st of each year commenting upon committee officers' and members' attendance, initiative, efforts and extraordinary services to the committee, or otherwise designating members who may have leadership potential. The report must also include members who failed to attend committee meetings, complete assignments, or meaningfully participate in committee and subcommittee activities. The outgoing chair of the standing committees will deliver the permanent committee files and records, if any, to the incoming committee chair.

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Section 5. Standing Committees. Standing committees will meet at least 3 times per fiscal year concurrent with the meetings of the section. All committee chairs or co-chairs will contact members of their committee within a reasonable time of the member joining the committee to provide orientation on the administration and purpose of the committee. The committee chairs will timely provide an agenda for each meeting to each member of their committees. The chairs of the committees will attend the executive council meetings to report on their committees, or designate an executive council member who serves on their committee to report. All committees will make and maintain written minutes of all meetings and the committee chair and secretary of each committee will ensure that a copy of the minutes from each meeting are provided to the executive council and each member of the committee.

ARTICLE VIII SECTION ADVOCACY POLICIES

Section 1. General Purpose. The section may be involved in various advocacy activities, including legislative, judicial or administrative action that is significant to the judiciary, the administration of justice, the legal rights of the public, or the interest of the section or its programs or functions. This advocacy may include, but it is not limited to, lobbying activities; legislative assistance; appellate involvement, including filing *amicus curiae* briefs; commenting on rules and forms of the Supreme Court of Florida; and providing comments and assistance to The Florida Bar and other sections of The Florida Bar. Involvement that is consistent with the policies outlined in these bylaws and the policies promulgated by The Florida Bar is accepted as an appropriate

section activity.

Section 2. Action on Behalf of the Section. All executive council members, legislation committee members, or section members must comply with the appropriate procedures and ~~receive~~ prior consent and approval of the executive council or the appropriate executive committee officer ~~when before~~ communicating, contacting, advancing, or opposing any position on behalf of the section ~~and before communicating with an individual in that regard~~. For example, no direct ~~or indirect~~ contact with a legislator ~~or his or her staff~~ on behalf of the section can occur without the ~~express direction and~~ prior approval of the legislation committee chair, lobbyist and section chair. ~~AA~~ section member is not prevented from communicating with any individual on his or her own but the ~~individual section member shall must~~ not represent that he or she is speaking on behalf of the section ~~and shall disclose to the individual that he or she is acting on an individual basis.-~~

Commented [ah24]: This change sets the parameters for a member of Executive Council, Legislation Committee, or FLS when advocating FLS policies.

A violation of this provision by a legislation committee member ~~or an executive council member shall will~~ result in an automatic removal of the member from the legislation committee. ~~A violation of this provision by an executive council member will be akin to missing 2 meetings in a bar year and will trigger the good cause hearing for removal as provided in Article VI of these bylaws. The vacant seat on the legislation committee shall result in the appointment of a legislation committee member by the chair of the section.~~

Section 3. Legislative Standing Positions. The section, by majority vote of the executive council members present and voting, must find that a proposed legislative position is within the scope of the policy outlined in Article I of these bylaws and the contents of this article. The section, by majority vote of the executive council members present and voting, must approve the substance of the proposed legislative position. No legislative position may be taken contrary to a legislative position of the Board of Governors of The Florida Bar or that is divisive as defined by The Florida Bar. The chair or the chair's designee must immediately notify the executive director of the bar of the section's proposal for a legislative position. The notification must be in writing using the approved form. The legislative position request must be reviewed by the board at its regularly scheduled meeting. All position requests must be approved by the board.

Section 4. Section Lobbyist. Upon approval of the executive council of the section and affirmation by The Florida Bar Board of Governors, the section may retain a lobbyist to assist in advancing its legislative positions. The section must submit the contract and any other requested information to the board, if required. The section lobbyist will communicate all proposed legislative developments to the legislation committee chair, the section chair, the executive committee liaison to the legislation committee and all others as directed by the section chair.

Section 5. Other Professionals. Upon approval of the executive council of the section and affirmation by The Florida Bar Board of Governors, if required, the section may retain other professionals to assist in advancing its general purpose. The section must submit the contract and any other requested information to the board, if required. Any professional hired by the section will communicate all proposed actions to the appropriate committee chair, the section chair, the executive committee and all others as directed by the section chair.

Section 6. Budget for Advocacy Activities. The section shall not budget or spend more for advocacy activities in Sections 4 and 5 above than the amount budgeted or received as voluntary dues from section members.

**ARTICLE IX MEETINGS
OF SECTION**

Section 1. Meetings. The section will hold a minimum of 3 live meetings per year. One will be in June in conjunction with The Florida Bar Annual Convention, a second will occur in September or October and a third will occur in January or February to coincide with the annual Marital & Family Law Review Course. If that program is no longer provided, the 3rd live meeting will be held within the month of January or February of each year.

Section 2. Actions of the Section. All standing committees and the executive council will meet during all live meetings.

**ARTICLE X MISCELLANEOUS
PROVISIONS**

Section 1. Fiscal Year. The fiscal year of the section will be the same as that of The Florida Bar.

Section 2. Dues. All dues and other money of the section will be deposited with The Florida Bar, subject to the fiscal arrangements fixed by the Board of Governors regarding income and disbursements of sections.

Section 3. Expenditures. Expenditures from dues and other funds of the section, whether current or accumulated, will be made at the recommendation or request of the executive council.

Section 4. Compensation. No salary or compensation will be paid to any officer, executive council member, or member of a committee, but the executive council may authorize payment of reasonable out-of-pocket expenses resulting from the performance of such services.

Section 5. Policy. The section may not take action contrary to the policies of The Florida Bar established by its Board of Governors.

Section 6. Robert's Rules of Order. Unless otherwise stated in these bylaws, meetings of the section will be conducted in accordance with Robert's Rules of Order.

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Commented [ah25]: This change identifies when Robert's Rules will be followed.

**ARTICLE XI
AMENDMENTS**

Section 1. Bylaw Amendments. These bylaws may be amended at any meeting of the section by a majority vote of the active members of the section present and voting, or by a two-thirds vote of the executive council members at any regular or special meeting of the council, if the council meeting has a quorum.

Section 2. Notice. Notice of the proposed amendment must be provided at least 10 days prior to the meeting. Notice may be posted on the section website or distributed by any means calculated to provide notice to the section membership.

Section 3. Board of Governors Approval. No amendment will be adopted or effective until approved by the Board of Governors of The Florida Bar.

