

## BYLAWS OF THE PUBLIC INTEREST LAW SECTION

### Article I NAME AND PURPOSES

**Section 1 Name.** The name of the section is "Public Interest of The Florida Bar."

**Section 2 Purposes.** The section's purposes are to:

- (a)** 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;
- (b)** 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;
- (c)** study existing and proposed laws, rules, policies, and proposed legislation affecting the public interest, and to recommend to The Florida Bar or the section's executive council that The Florida Bar or the executive council, ~~respectively,~~ support or oppose those laws, rules, policies, or proposed legislation;
- (d)** support and, where appropriate, coordinate the efforts of lawyers engaged in volunteer or nonprofit public interest law activities in Florida; and
- (e)** advocate for the legal needs of people who are generally disenfranchised, under-represented, or lack meaningful access to traditional public forums.

### Article II MEMBERSHIP

**Section 1 Categories of Membership.** The members of the section are composed of the regular members and affiliate members.

**Section 2 Regular Members.** Any member in good standing of The Florida Bar may become a member of the section on application and payment of the section's annual. Any regular member who ceases to be a member in good standing of The Florida Bar will not be a member of the section. Every member is encouraged to participate in a section committee.

**Section 3 Affiliate Members.**

- (a) Eligibility.** The following persons who have an interest in the section's purposes may become an affiliate member of the section on application and payment of the section's annual dues: students currently enrolled in an accredited school of law, inactive bar members, or persons who hold positions directly related to the section's area of law.

**(b) Purpose.** Affiliate membership fosters the development, and communication of the multi-disciplinary information and ideas that comprise public interest law.

**(c) Rights and Privileges and Limitations.** Affiliate members have the same rights and privileges as regular members of the section except that they are not eligible to either serve on the executive council or vote on any section-wide matter, including, but not limited to, section elections as described in these bylaws. The number of affiliate members may not exceed one-third of the total section membership.

**Section 4 Annual Dues.** The annual dues will be in an amount fixed by the executive council and approved by The Florida Bar. The annual dues are due and payable on the first day of the fiscal year of the section. Annual dues will not be prorated.

### **Article III OFFICERS**

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

**Section 2 Ex-Officio Officer.** The sole ex-officio officer of the section is the immediate past chair.

**Section 3 Duties of Officers.** The duties of the officers are as follows:

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

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

**(c) Vice Chair.** The vice chair becomes chair-elect in the event of death, resignation, or failure of the chair-elect to serve for any reason. The vice chair serves as acting chair-elect's temporary disability or absence. The vice chair is responsible for other duties designated by the chair.

**(d) Secretary.** The secretary is responsible for all permanent files and records of the section, including the minutes of the meetings of the executive council and all section and council committee reports. The secretary must keep accurate minutes of the proceedings

of all meetings of the executive council and provide copies of the minutes to The Florida Bar's executive director.

(e) **Treasurer.** The treasurer serves as liaison to The Florida Bar and other sections on matters involving the section's finances and is responsible for accounting for all funds of the section, approving all disbursements, preparing annual financial statements under the supervision of the executive council, and preparing budget requests and amendments in a timely manner in accordance with the procedures of The Florida Bar.

**Section 4 Duties of Ex-Officio Officer.** The immediate past chair has duties as the chair of the section determines on consultation with the immediate past chair.

**Section 5 Term of Office of Officers.** The officers have the following terms:

(a) **Chair.** The term of office of the chair begins at the conclusion of the next annual meeting of the section after election to the office of chair-elect and ends at the conclusion of the next succeeding annual meeting of the general membership of the section. The chair is automatically succeeded by the chair-elect on expiration of the chair's term.

(b) **Chair-Elect.** The term of office of the chair-elect begins at the organizational meeting of the executive council during which the election to that office is held and ends at the conclusion of the next annual meeting of the section. The chair-elect is automatically succeeded by the vice chair on expiration of the chair-elect's term.

(c) **Vice Chair.** The term of the office of the vice chair begins at the organization meeting of the executive council during which the election of that office is held and ends at the conclusion of the next annual meeting of the section.

(d) **Secretary.** The term of office of the secretary begins at the organizational meeting of the executive council during which the election to that office is held and ends at the conclusion of the next annual meeting of the section.

(e) **Treasurer.** The term of office of the treasurer begins at the organizational meeting of the executive council during which the election to that office is held and ends at the conclusion of the next annual meeting of the section.

(f) **Term of Office of Ex-Officio Officer.** The term of office of the immediate past chair begins at the conclusion of the term as chair and ends at the conclusion of the next annual meeting of the section.

**Section 6 Eligibility.** Any voting member of the executive council except the ex-officio member is eligible to become an officer of the section subject to the elections requirements of these bylaws.

## Article IV EXECUTIVE COUNCIL

**Section 1 Governing Body.** The executive council is the governing body of the section. It has general supervision and control of the affairs of the section, subject to the ~~provisions of the Rules Regulating The Florida Bar, Standing Board Policies of the Board of Governors of The Florida Bar, and the bylaws of the section.~~ It authorizes all commitments or contracts which entail the payment of money and expenditures of all section funds in accordance with Florida Bar policies. It will not authorize commitments, contracts, or expenditures involving amounts of money in excess of the total amount which is anticipated as receipts from dues during the fiscal year plus the amount which has been previously collected from dues and remains unexpended.

As the governing body of the section, the executive council has the power and authority to determine 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. Any recommendation made to other than The Florida Bar, must have the prior approval of The Florida Bar.

**Section 2 Members.** The executive council is composed of no fewer than 9, and no more than 25, voting members and may include non-voting members.

**Section 3 Categories of Voting Members.** The voting members of the executive council is composed of the following:

(a) **Ex-Officio Member.** The sole ex-officio voting member of the executive council is the immediate past chair of the section.

(b) **Designated Members.** The section's officers are designated as members of the executive council. Each section committee created in these bylaws may designate its chair to serve as a voting member of the executive council.

(c) **At-Large Members.** The balance of the voting members of the executive council are at-large members. These at-large members must number not less than one-half of the voting members of the executive council; as constituted at the annual meeting of the section.

**Section 4 Non-Voting Members.** The past chairs of the section are ex-officio non-voting members of the executive council.

**Section 5 Terms of Office of Voting Members.** The voting members of the executive council have the following term with each term beginning at the initial meeting of the incoming executive council held in conjunction with the next annual meeting of the section and ending at the conclusion of the final meeting of the outgoing executive council held in conjunction with the next annual meeting of the section.

(a) **Ex-Officio Member.** The term of office of the immediate past chair is 1 year beginning at the conclusion of the term as chair and ending at the conclusion of the next annual meeting of the section.

**(b) Designated Members.** The term of office of the section's officers and chair of each section committee created in these bylaws is 1 year.

**(c) At-Large Members.** The term of office for at-large members is 2 years.

**Section 6 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.

**Section 7 Meetings.** All meetings of the executive council, its committees, and meetings of the section and its committees are governed by the following provisions unless otherwise provided.

**(a) General Provisions.** The executive council will conduct its business at regular and special meetings as provided in these bylaws. Meetings will 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.

**(b) Regular Meetings.** The executive council will hold its regular meetings in conjunction with the The Florida Bar's Annual Convention, Fall Meeting, and Winter Meeting. The outgoing executive council will hold its annual meeting and the incoming executive council will hold its organizational meeting at The Florida Bar Annual Convention.

**(c) 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.

**(d) Telephone or Electronic Meetings.** Special meetings of the executive council may be held by telephone conference call or any other form of electronic communications in which all members can hear and be heard by other members attending the meeting. Telephone meetings are subject to the same requirements regarding agenda, quorum, voting, and minutes as any other meeting.

**(e) 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, constitutes a quorum for the transaction of all business. A majority vote of the members of the executive council present and voting as recorded by the secretary constitutes the binding action of the executive council.

**(f) Agenda Items.** The section chair will distribute to all section members a written agenda of matters to be considered at any regular meeting of the executive council. The section chair will distribute 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 at the request of any two members of the executive council must, submit in writing, to each of the members of the executive council, any proposal on which the executive council may be authorized to act at scheduled regular or special meetings.

**Section 8 Executive Committee.** The executive committee of the executive council is composed of the officers and the ex-officio officer of the section.

(a) **Purpose.** The executive committee conducts the business of the section when time is of the essence and it is not possible or feasible for the executive council to act. The chair has sole discretion to convene the executive committee.

(b) **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, constitutes a quorum to conduct any business by the executive committee.

(c) **Actions.** Any action by the executive committee must be taken on proper motion, resolution, and majority vote.

(d) **Notice.** Immediately after the action taken by the executive committee, the chair must notify, in writing, all members of the executive council of the following:

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

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

(e) **Section Committee Responsibilities.** Each executive committee member must actively participate in at least 1 authorized section committee.

## **Article V EXECUTIVE COUNCIL COMMITTEES**

**Section 1 General.** The executive council's standing committees are budget, bylaws, and elections. The chair may appoint and dissolve other committees of the executive council, may appoint or remove members of all committees, appoints the chair of each committee, and may determine the jurisdiction and duties of each committee. Any regular member or affiliate member of the section may be appointed to a committee of the executive council, but the chair of the executive council committee must be an executive council member.

### **Section 2 Elections Committee.**

(a) **Purpose.** The elections committee manages and supervises the elections of the section.

(b) **General Duties of the Elections Committee**-The elections committee must:

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

**(c) Duties of the Elections Committee at the Midyear Meeting of the Section.** The elections committee must certify to the executive council at the midyear meeting of the section the number of:

- (1) designated members of the executive council whose terms commence at the initial meeting of the incoming executive council held in conjunction with the next annual meeting of the section;
- (2) at-large members of the executive council whose terms 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
- (3) 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.

**Section 3 Budget Committee.** The budget committee develops future budgets, manages the section's current annual budget, and makes reports and recommendations to the executive council on the section's fiscal affairs. The treasurer is the chair of this committee.

**Section 4 Bylaws Committee.** The bylaws committee on either the chair's direction or its own initiative, will periodically review and analyze the substance of any of these bylaws. Proposed amendments may be made by majority vote of the committee. These proposed amendments must be submitted for consideration to either the general membership or the executive council under these bylaws.

## **Article VI SECTION COMMITTEES**

**Section 1 Creation and Dissolution.** The section committees are established in this article. Additional section committees may be established by amending this article in accordance with 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.

**Section 2 Authorized Section Committees.** The following are authorized section committees:

**(a) Recruitment Committee.** The Recruitment Committee is responsible for member recruitment.

**(b) Engagement Committee.** The Engagement Committee is responsible for internal and external marketing, public relations, engagement with The Florida Bar, maintaining the section's website, and publishing.

**(c) Advocacy Committee.** The Advocacy Committee is responsible for litigation, legislation, amicus briefs, and work with community partners including non-profits.

(i) Procedures. The advocacy committee shall adopt internal operating policies and procedures that are not inconsistent with these bylaws or the bylaws or standing policies of The Florida Bar. These operating policies must be approved by the executive council. Any changes to these operating procedures must be approved by the executive council before becoming effective.

(ii) Membership. The advocacy committee shall be composed of the following members, as follows:

(1) one member of each of the subject matter workgroups described in these bylaws; and, hereinafter referred to as designated members. In the absence of a designated member, the chair of the subject matter workgroup will be the designated member of the advocacy committee; and

(2) the balance thereof to be at-large members 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.

**(d) Professional Development Committee.** The Professional Development Committee is responsible for section continuing legal education programs, mentoring, and expertise.

**(e) Networking Committee.** The Networking Committee is responsible for planning meetings, promoting camaraderie among section members, section awards, and section anniversary celebrations.

**Section 3 Reports to Executive Council.** Each section committee must report to the executive council on the past and future activities of the committee. Section committees must submit semi-annual written reports to the section coordinator in sufficient time for inclusion of the reports in the general mailing to section members prior to the annual and midyear meetings of The Florida Bar, unless otherwise directed by resolution of the executive council.

**Section 4 General Provisions.** Each section committee may adopt other internal operating procedures that are not in conflict with these bylaws, including the creation of subcommittees as

necessary. Each section committee must provide a copy of its internal operating procedures to the section coordinator on their adoption.

## **Article VII SUBJECT MATTER WORKGROUPS**

The executive council may approve subject matter workgroups of the section which will conduct meetings to discuss topics related to specific areas of public interest practice. These subject matter workgroups may make recommendations to standing committees for actions such as continuing education programs, legislative positions or amicus curiae briefs. At least once a year, the executive council will review the viability of continuing each of the subject matter workgroups.

## **Article VIII MEETINGS**

**Section 1 Annual Meeting.** The section will hold an annual meeting of the general membership of the section in conjunction with The Florida Bar's Annual Convention and provide 30-days advance notice to all members of the annual meeting's time and place of.

**Section 2 Annual Executive Council Meeting.** The outgoing executive council will hold an annual meeting preceding the annual meeting of the section.

**Section 3 Organizational Meeting of the Executive Council.** The incoming executive council will hold an organizational meeting after the section's annual meeting, at which the vice chair, secretary, and treasurer will be elected.

**Section 4 Other Meetings.** The chair may call other regular or special meetings of the executive council or of the general membership of the section. The chair must give 30-days advance notice of any meetings of the general membership to all section members.

## **Article IX ELECTIONS**

### **Section 1 At-Large Positions Available for Election to the Executive Council.**

**(a) General.** Elections of at-large members to the executive council will be held at the annual meeting of the section based on the number of at-large positions available for election determined by the executive council during the midyear meeting as set forth elsewhere in these bylaws. All regular members of the section in good standing are eligible to vote for 1 person for each position available for election to the executive council.

**(b) Notice of Positions Available for Election.** The elections committee will prepare a notice of positions available for election to the executive council and section procedures for nominations to fill them which will be regular mail or electronically all members of the section no later than the first day of March.

**(c) Nomination Procedures.** Any section member in good standing may nominate 1 person for each position available for election to the executive council. Nominations must be in writing and received via any delivery method by The Florida Bar no later than the 15th day of April.

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

**(e) Uncontested Elections.** If 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 will recommend to the executive council that the nominees be declared elected by acclamation.

**(f) Content of Official Ballots and Instructions.** The elections committee determines the form and content of official ballots and accompanying instructions for elections to fill positions available for election to the executive council. The elections committee may authorize the inclusion of biographical information about each nominee not to exceed 100 words, which each nominee must provide to the elections committee at least 15 days before the ballot is scheduled to be sent to the general membership.

**(g) Mailing and Return of Official Ballots.** The elections committee must distribute the official ballots for the election to fill positions available for election to the executive council at least 45 days prior to the first day of the annual meeting of the section. Section members must use the official ballot to vote and may use electronic means to transmit their official ballots to The Florida Bar. Votes made on anything other than the official ballot will not be counted in the election. Votes received at The Florida Bar after the Friday preceding the first day of the annual meeting will not be counted in the election.

**(h) Report of the Elections Committee.** The section administration will collect and account for all timely received official ballots and deliver them unopened to the elections committee at an open meeting that will be held within 48 hours of the annual meeting of the section. The elections committee will tabulate and record the votes then certify the following to the executive council; at the annual meeting of the section:

(1) any election disputes; and

(2) the election results.

**(i) Receipt and Approval of Report of the Elections Committee.** At the annual meeting of the section, the executive council will receive the report of the elections committee. The executive council first must decide any election disputes presented in the report of the elections committee. If a tie vote then exists between 2 or more nominees for the final position available for election to the executive council, the executive council

will break the tie by majority vote. The executive council will then approve the election results on either the breaking of a tie or the determination that no tie exists.

## **Section 2 Officers.**

**(a) General.** The vice-chair, treasurer, and secretary are elected by a majority vote of the members of the incoming executive council present at the organizational meeting of the executive council.

**(b) Eligibility of Nominees.** Only members of the executive council who have served a minimum of 1 year on the executive council are eligible to be nominated or elected as the vice chair of the section.

**(c) Nomination Procedures.** The elections committee will 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 must be listed on the agenda for the organizational meeting of the executive council which will be distributed 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.

**(d) Voting Procedures.** A separate vote must be taken for each officer to be elected. Voice votes must be used unless at least 5 members of the executive council request a secret ballot. Each member of the executive council has 1 vote for each officer to be elected. If no nominee receives a majority of votes on the first ballot, the members of the executive council will hold a second vote between the 2 nominees with the highest vote totals on the first ballot.

**Section 3 Vacancies.** The executive council may fill any permanent officer or executive council vacancy for the balance of the unexpired term at any time after the permanent vacancy, except as otherwise provided in these bylaws.

## **Section 4 Vacant At-Large Positions Council.**

The executive council may fill any vacant at-large position that is vacant for a reason other than the term is expiring.

## **Article X AMENDMENTS**

**Section 1 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 only if 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.

**Section 2 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,

only if a copy of each proposed amendment is e-mailed or mailed to each member of the executive council with the notice and agenda for that regular meeting.

**Section 3 Form of Amendments.** The executive council or a general meeting of the section will consider amendments to the bylaws only if 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 XI MISCELLANEOUS**

**Section 1 Fiscal Year and Administrative Year.** The fiscal year and the administrative year of the section are the same as that of The Florida Bar.

**Section 2 Compensation.** No salary or compensation will 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 these services.

**Section 3 Actions Consistent with the Florida Bar Board of Governors Policies.** The section may take no action contrary to the policies of The Florida Bar.