

BYLAWS OF THE ENVIRONMENTAL AND LAND USE LAW SECTION

Article I NAME AND PURPOSE

Section 1. Name. The name shall be "Environmental and Land Use Law Section, The Florida Bar."

Section 2. Purposes. The purposes of this section are:

(a) To provide an organization within The Florida Bar open to all members in good standing of The Florida Bar who have a common interest in environmental and land use law.

(b) To provide a forum for discussion and exchange of ideas leading to increased knowledge and understanding of environmental and land use law on the part of Bar members.

(c) To study proposed and existing legislation affecting the environment and use of land and recommend to the Board of Governors that the Bar support or oppose that legislation.

Article II MEMBERSHIP

Section 1. Eligibility. Any member in good standing of The Florida Bar interested in the purposes of this section is eligible for membership upon application and payment of this section's annual dues. Any member who ceases to be a member of The Florida Bar in good standing shall no longer be a member of the Environmental and Land Use Law Section.

Section 2. Affiliate Membership. The executive council may enroll, upon request and upon payment of the prescribed dues as affiliate members of the section, other persons who have shown interest in and contribution to the section's activities as defined herein below (hereinafter "affiliates"). The purpose of affiliate membership is to foster the development and communication of multi-disciplinary information utilized in environmental and land use law, but not to encourage the unauthorized practice of law. The number of affiliates shall not exceed one-third of the section membership.

- (a) "Affiliate" or "affiliate member" means any person who practices a profession dealing with the environment or land use. Such persons may include, but are not necessarily limited to, engineers, biologists, planners, architects, realtors, builders, geologists, chemists, ecologists, meteorologists, authorized house counsel, and law students enrolled at an ABA-accredited Florida law school.
- (b) Affiliates shall have all the privileges accorded to members of the section except that affiliates shall not vote, hold office, or participate in the selection of officers or members of the Executive Council, or advertise affiliate membership in any way.

The section shall reimburse The Florida Bar for expenses incurred by The Florida Bar in administering this section's affiliate memberships.

Section 3. Administrative Year. The administrative year of the section shall run concurrently with the administrative year of The Florida Bar.

Section 4. Annual Dues. The annual dues shall be in an amount fixed by the executive council and approved by the Board of Governors of The Florida Bar. There shall be no proration of annual dues. Upon becoming a member, dues shall be payable thereafter in advance of each membership year. Any member whose dues are in arrears for a period of 3 months shall thereupon cease to be a member of the section.

Article III OFFICERS

Section 1. The officers of this section shall be a chair, a chair-elect, a secretary and a treasurer.

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

(a) *Chair.* The chair shall preside at all meetings of the section and at all meetings of the executive council. He or she shall appoint all committees and committee chairs with the approval or concurrence of the executive council, be responsible for all reports to be submitted to The Florida Bar or to the Board of Governors of The Florida Bar, and shall perform such other duties as customarily pertain to the office of chair. The chair shall be an ex-officio member of each committee of the section.

(b) *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.

(c) *Secretary.* The secretary shall be responsible for all permanent files and records of the section, including the minutes of the meetings of the section, the executive council and all committee reports. He or she shall keep accurate minutes of the proceedings of all meetings of the section and the executive council and shall furnish copies of said minutes to the executive director of The Florida Bar and to the section administrator.

(d) *Treasurer.* The treasurer shall serve as liaison to the Bar and other sections on matters involving section 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 budget committee of The Florida Bar.

Section 3. Term of Office.

(a) *Chair*. Except for the term of office of the first chair, the term of office of the chair shall begin at the conclusion of the next annual meeting of the section after which he or she was elected and shall end at the conclusion of the next succeeding annual meeting. Upon expiration of the chair's term, he or she shall be automatically succeeded by the chair-elect.

(b) *Chair-elect*. The term of office of the chair-elect shall run concurrently with that of the chair.

(c) *Secretary*. The term of office of the secretary shall begin at the conclusion of the annual meeting of the section during which he or she was elected secretary and shall end at the conclusion of the next annual meeting of the executive council.

(d) *Treasurer*. The term of office of the treasurer shall begin at the conclusion of the annual meeting of the section during which he or she was elected treasurer and shall end at the conclusion of the next annual meeting of the executive council.

Article IV EXECUTIVE COUNCIL

Section 1. There shall be an executive council composed of 16 members of the section, plus the chair, chair-elect, secretary, and treasurer, who shall be ex-officio voting council members. In addition, all past chairs shall be ex-officio voting council members.

Section 2. Term of Office. All members of the executive council, excluding members of the first executive council, shall serve for a term of 2 years, the terms of the members being staggered so that 8 members shall take office at the conclusion of every other annual section meeting and shall serve until the conclusion of the annual meeting of the section 2 years thereafter, and 8 members shall take office at the conclusion of every other annual meeting and shall serve until the conclusion of the annual meeting of the section 2 years thereafter.

Section 3. 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 board of governors, 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. The executive council shall authorize the chair to appoint such committees as are necessary to perform such duties and exercise such power as the council may direct. As the governing body of the section, it 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, Board of Governors of 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 Board of Governors of The Florida Bar, shall have the prior approval of the Board of Governors of The Florida Bar.

Section 4. Meetings. The executive council shall conduct its business at regular and special meetings as provided for in these bylaws, provided, however, the business of the executive council between regular or special meetings may be conducted by correspondence to the extent authorized by the chair. Meetings of the council may be held by telephone conference call. Members of the council must be present at a meeting in order to vote. In the event any member of the executive council other than a past chair who is not an officer, is absent during the fiscal year from more than 2 meetings that have been noticed at least 30 days in advance, his/her office shall be deemed vacant, and such vacancy shall be filled as otherwise provided in these bylaws. The chair of the section may, and upon the request of any member of the council, shall, submit or cause to be submitted in writing, to each of the members of the council, any proposal upon which the council may be authorized to act at scheduled regular or special meetings. The chair may call special meetings to be conducted by telephone conference call.

A majority of the council, including ex-officio members qualified to vote, but not including the past chairs unless the past chair is an officer, shall constitute a quorum for the transaction of all business. A majority vote of the members of the council present and voting as duly recorded by the secretary shall constitute the binding action of the executive council.

ARTICLE V

TERMS OF OFFICERS AND EXECUTIVE COUNCIL MEMBERS: NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COUNCIL

Section 1. Officers and Executive Council Members. The officers and executive council members shall be designated in the petition to the board of governors for section status. The first officers shall serve for a term beginning upon approval of said petition and ending at the conclusion of the first annual meeting of the Section. Five members of the first executive council designated in said petition shall serve a term beginning upon approval of the petition and ending at the conclusion of the second annual meeting, and 5 shall serve an additional year.

Section 2. Election of Officers. The chair-elect, secretary, and treasurer shall be elected by a plurality of the membership of the section in attendance at its annual meeting. Nominations may be provided by the executive council and shall be accepted from the floor.

Section 3. Election of Executive Council Members. The members of the executive council to be elected each year for 2-year terms commencing at the conclusion of the second annual meeting of the section shall be elected by a plurality of the membership in attendance at the annual meeting of the section. Nominations may be made by the executive council and shall be accepted from the floor. This section shall not apply to the past chairs of the section unless the past chair is an officer.

Section 4. Vacancies. Except as is otherwise provided herein, any permanent vacancy occurring in an office or membership on the executive council shall be filled for the balance of the unexpired term by vote of the executive council at its next meeting.

Article VI COMMITTEES

Committees may be designated by the executive council with such duties and powers as may be directed and designated by the executive council.

Article VII MEETINGS

Section 1. Annual Meeting. The section shall hold an annual meeting for the purpose of electing officers and conducting such other business as may be appropriate. The time and place of the annual meeting shall be designated by the executive council, provided that notice to all members as to the time and place of such annual meeting shall be given at least 30 days in advance thereof.

Section 2. Annual Executive Council Meeting. There shall be an annual meeting of the executive council.

Section 3. Other Meetings. There shall be such other regular or special meetings of the executive council and membership of the section as may be designated by the chair, provided that notice of such other meetings of the section shall be given to the membership at least 30 days in advance thereof.

Article VIII AMENDMENTS

These bylaws may be amended at any annual meeting of the section by a majority vote of the members of the section present and voting, provided such proposed amendment shall first have been approved by a majority of the executive council and provided, further, that no amendment so adopted shall become effective until approved by the Board of Governors of The Florida Bar.

Article IX MISCELLANEOUS

Section 1. The fiscal year of the section shall be the same as that of The Florida Bar.

Section 2. No salary or compensation shall be paid to any member of the section for performance of services to the section, but the executive council may authorize the payment of reasonable out-of-pocket expenses resulting from performance of such services.

Section 3. No action of this section shall be contrary to the policies of The Florida Bar as established by its board of governors.

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