

# BYLAWS OF THE WORKERS' COMPENSATION SECTION

## ARTICLE I NAME AND PURPOSE

**Section 1. Name.** "The Workers' Compensation Section of The Florida Bar."

**Section 2. Purpose.** The purposes of this section are to:

- (a) provide an organization open to all members in good standing of The Florida Bar who have a common interest in workers' compensation law;
- (b) provide a forum for the discussion and exchange of ideas to improve section members individual trial and appellate abilities in workers' compensation cases;
- (c) assist the judiciary in establishing methods for the certain and expeditious administration of justice;
- (d) instill in section members a desire to increase their effectiveness in trial and appellate proceedings to better serve their clients and the cause of justice;
- (e) aid in the development of the state's workers' compensation law; and
- (f) serve the public and The Florida Bar specifically.

## ARTICLE II MEMBERSHIP

**Section 1. Eligibility.** The word "member" in these bylaws includes full members and affiliate members, subject to certain restrictions, applicable to affiliate members.

(a) **Members of The Florida Bar.** Any member in good standing of The Florida Bar is eligible for membership in the section on application and payment of the section's annual dues. Any member who ceases to be a member in good standing of The Florida Bar will be automatically removed from section membership.

**(b) Affiliate Membership.**

(1) *Affiliate Eligibility.* The executive council of the section may, at its discretion, enroll as affiliate members of the section:

- (A) persons who are law school faculty members;
- (B) full-time law students at any accredited Florida law school; and
- (C) legal assistants and paralegals.

(2) *Affiliate Members Dues.* Affiliate members must pay the annual dues prescribed by the executive council of the section.

(3) *Affiliate Membership Ratio.* Affiliate members will be limited to no more than one-third of the section's membership at any one time.

(4) *Affiliate Restrictions.* Affiliate members will have all the privileges of membership in the section except that they are not eligible to hold office as an elected or appointed officer, become a voting member of the executive council, participate in the nomination and selection of section officers or members of the executive council.

**Section 2. Administrative Year.** The administrative year of the section runs concurrently with the administrative year of The Florida Bar.

**Section 3. Annual Dues.** The annual dues of the section will be in an amount as set by the executive council and approved by The Florida Bar. Annual dues may not be prorated and are payable in advance of each membership year. Any member whose dues are in arrears for a period of three months will cease to be a member of the section. A lapsed member may reapply for membership in the section by paying all dues in arrears, and provided the member continues to meet the criteria for section membership.

### **ARTICLE III OFFICERS**

**Section 1.** Section officers will include a chair, a chair-elect, a secretary and a treasurer.

**Section 2. Executive Council.** The executive council is comprised of 30 voting members. Two voting members, 1 claimant and 1 defense, are to be elected from each of the 5 Florida appellate districts by the vote of section members whose principal place of business is located within each such appellate district. Twenty additional voting members are to be elected "at large" by the vote of all eligible section members. Members who formerly served as section chair and/or executive council members who cumulatively served at least 12 years on the executive council may serve as non-voting emeritus members of the council. Members of emeritus status are to be afforded notice of all meetings of the executive council.

**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. The chair:

- (1) appoints all committees and committee chairs;
- (2) is responsible for all reports to be submitted to The Florida Bar; and
- (3) performs such other duties as customarily pertain to the office of chair. In addition to the standing committees, the chair is authorized to appoint committees

to perform duties and exercise power as the chair, with agreement of the council, may direct. The chair serves as an ex-officio member of each section committee.

**(b) Chair-elect.** The chair-elect becomes chair in the event of the death, resignation or failure of the chair to serve for whatever reason. The chair-elect will serve as acting chair for the duration of a chair's temporary disability or absence. The chair-elect is responsible for duties as the chair may designate. The chair-elect serves as an ex-officio member of each section committee.

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

**(d) Treasurer.** The treasurer is responsible for maintaining and monitoring all accounts, reports and other documents prepared concerning section funds, revenues and expenditures to make certain that all accounts, reports and other documents are accurate, and is to confer with appropriate employees of The Florida Bar in the proper disbursements of section funds. The treasurer will report on the section's present and projected financial condition upon request of the chair or other members of the executive council.

#### **Section 4. Term of Office.**

**(a) Chair.** The chair's term of office begins July 1 of the year following his/her term as chair-elect and ends on July 1 of the following year.

**(b) Chair-elect, Secretary and Treasurer.** The terms of office of the chair-elect, secretary and treasurer run concurrently with that of the chair, beginning July 1 following election and ending the following July 1.

**(c) Executive Council.** All members of the executive council serve 3-year staggered terms, with 10 members taking office on July 1 each year following their election. Fifteen members of the executive council must be attorneys who predominantly represent employers/carriers and 15 members of the executive council must be attorneys who predominantly represent claimants.

**(d) Executive Committee.** The members of the executive committee consist of the chair, chair-elect, and the secretary or treasurer. The council may elect 3 of its membership to also serve on the executive committee. The executive committee's powers include those delegated to it by the council including managing the affairs of the section during the interim between meetings of the council. In so doing, the executive committee has the same powers as the council provided any action that it may take does not conflict with the policies and expressed wishes of the council. A majority of the executive committee may exercise its powers without a formal meeting by mail, by electronic means, or by telephone.

**Section 5. Executive Council Members’ Terms of Office**

**(a) Election of Members and Staggered Terms.** One candidate who predominantly represents employers in workers’ compensation proceedings and 1 candidate who predominantly represents claimants in workers’ compensation proceedings, and whose principal places of business lie within the appellate district which they would represent if elected, are to be elected to membership on the executive council from each of the 5 Florida appellate districts. “Principal place of business” is defined as the city or town which the candidate has reported to The Florida Bar as the candidate’s official bar address.

**(b)** Without limiting the existing terms of members presently serving on the executive council:

- (1) District-wide elections by plurality vote will be held in 2017 for 2-year terms within the second appellate district.
- (2) District-wide elections by plurality vote will be held in 2018 for 3-year terms within the fourth and fifth appellate districts.
- (3) District-wide elections by plurality vote will be held in 2019 for 3-year terms within the first, second and third appellate districts.

District-wide elections by plurality vote will be held beginning in 2018 for 3-year terms in procedural conformity with the sequence set forth in subsections (1) through (3) of this subdivision for all 5 appellate districts.

**(c)** Twenty at-large candidates, 10 who predominantly represent employers and 10 who predominantly represent claimants will be elected by plurality vote as at-large council members.

**(d)** Elections may take place electronically, by mail, or by live balloting, 1 ballot per section member. All ballots will include space for the voting member to affix their bar number and signature below an affidavit attesting to their identity.

Live balloting for all members who have not voted electronically or by mail will take place at the general section membership meeting held, as determined by the executive council, in conjunction with the annual Workers’ Compensation Education Conference or The Florida Bar Workers' Compensation Forum.

Mail and electronic ballots must be received by the program administrator of The Florida Bar, or an alternate designee noted in balloting instructions, no later than 5:00 p.m. the Tuesday 2 weeks in advance of the general section membership meeting.

**ARTICLE IV  
DUTIES AND POWERS OF EXECUTIVE COUNCIL**

**Section 1. Governing Body – The Executive Council.** The executive council is the governing body of the section. The council is vested with the power and authority to

formulate, fix, determine, and adopt policy concerning the affairs and purposes of the section which are not inconsistent with the policies and rules regulating The Florida Bar and the bylaws of the section. The executive council is authorized to enter into commitments or contracts requiring the payment of money and to authorize the expenditures of section funds. The executive council will not, however, authorize commitments, contracts, or expenditures of money in excess of the total amount anticipated as receipts from dues during the fiscal year plus unexpended moneys previously collected from dues. The executive council is to appoint officers as required by these bylaws. All recommendations of this section to The Florida Bar, any branch of the judiciary or to any other group or body, must first be approved by the executive council and, if made to other than The Florida Bar, must have the prior approval of The Florida Bar.

**Section 2. Meetings.** The executive council will hold no fewer than 3 regular meetings each year. The executive council may act or transact authorized business without meeting, by written approval of the majority of the executive council. The chair may call meetings of the council on no less than 7 days advance written notice. Meetings may be conducted in person, by telephone, or by electronic means.

**Section 3. Voting.** A simple majority of the council constitutes a quorum for the transaction of all section business. A simple majority vote of the members of the council present and voting is sufficient to bind the executive council.

## **ARTICLE V NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COUNCIL**

**Section 1. Election of Officers.** The executive council will elect a chair-elect, a secretary and a treasurer at the annual meeting of the executive council.

**Section 2. Election of Executive Council.** It is the intent of the section to maintain a balanced representation, both geographically and between employee and employer/carrier representatives on both the executive council and in the selection of officers of the executive council. To facilitate this policy:

(a) No more than 2 representatives from any law firm may serve on the council at any given time.

(b) A representative who has served as chair of the council may elect emeritus status at any time and is thereafter entitled to full voting rights on matters that require a vote of the council. A representative who had not served as chair of the council may at any time elect emeritus status but is not entitled to a vote on matters that require a vote of the council.

(c) A nominating committee consisting of the chair, chair-elect, and immediate past chair is established for the purpose of submitting to the executive council at its annual meeting: nominations for officers of the executive council for the subsequent year; nominations to fill vacancies on the executive council to be elected by the executive council; and nominations for all district and/or at-large vacancies on the executive council. Nominations are subject to the approval of the executive council in

accordance with these bylaws. The general section membership may make additional nominations related to the election of executive council members in accordance with these bylaws.

The nominating committee will maintain balanced representation between employee representatives and employer/carrier representatives within each appellate district and the at-large membership of the executive council. The executive council, through the nominating committee, must notify the members of the section of its intention to:

(1) nominate section members to be elected to, or to fill any vacancy, on the executive council; and

(2) accept nominations from section members to fill vacancies on the executive council.

The nominating committee will meet at least 60 days prior to the annual election. Notice of the nominating committee nominees shall be given at least 45 days in advance of the annual election.

### **Section 3. Vacancies.**

(a) Any member of the executive council who fails to attend 2 meetings of the council during any fiscal year of The Florida Bar is automatically removed from the executive council. The chair is to notify the executive council and the member whose position has been vacated by operation of this section of the vacancy. The executive council may, at its discretion and by majority vote, reverse the removal of a council member for violation of this provision. If removal of a council member for violating this provision is not reversed by the executive council, the nominating committee will promptly consider all nominations to fill the vacancy.

(b) If an officer or member of the executive council dies or resigns, or a position becomes vacant by operation of section 3 (a), or for any other reason, the nominating committee will recommend a member in good standing to be appointed to serve the balance of such member's term subject to the approval, by majority vote, of the executive council. Vacancies will be filled at the next regular or special meeting of the executive council following the occurrence of the vacancy.

## **ARTICLE VI COMMITTEES**

**Section 1. Standing Committees.** The standing committees of the section are:

- (a) rules committee;
- (b) judiciary committee;
- (c) board certification committee;
- (d) membership committee;

- (e) education committee;
- (f) long range planning committee, to be chaired by the chair-elect; and
- (g) legislative committee.

**Section 2. Special Committees.** The executive council may create special committees with duties and powers as designated by the executive council.

## **ARTICLE VII MEETINGS**

**Section 1. Annual Executive Council and Section Meeting.** The section annual meeting and elections will be held, as determined by the executive council, in conjunction with the annual Workers' Compensation Education Conference or The Florida Bar Workers' Compensation Forum. Section members are to be afforded 30 days advance notice of the time and place for the annual meeting.

### **Section 2. Other Meetings.**

- (a) The chair may call additional special meetings of the executive council and/or the section membership on not less than 5 days advance notice.

## **ARTICLE VIII AMENDMENTS**

These bylaws may be amended at any annual section meeting by a majority vote of the section members present and voting. Any proposed amendment must first be approved by a majority of the executive council. An amendment so adopted becomes effective when approved by The Florida Bar.

## **ARTICLE IX MISCELLANEOUS**

**Section 1.** The fiscal year of the section is the same as that of The Florida Bar.

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

**Section 3.** The section may not take any action contrary to the policies of The Florida Bar.