

**BYLAWS OF THE MARITAL AND FAMILY LAW SECTION OF THE HCBA
(AMENDED APRIL 13, 2022)**

**Article I
NAME AND PURPOSES**

Section 1. Name. The name shall be "The Marital and Family Law Section" ("Section") of the Hillsborough County Bar Association ("HCBA").

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

- (a) To provide an organization within the HCBA open to all members in good standing of the Florida Bar and the HCBA who have a common interest in marital and family law.
- (b) To provide a forum for discussion and exchange of ideas leading to the improvement of the practice of family law in Hillsborough County.
- (c) To assist the courts in establishing methods for a more certain and expeditious administration of justice.
- (d) To advise the various committees on rules regarding desirable amendments to improve and standardize judicial procedures.
- (e) To instill in members of the HCBA generally a desire to increase their effectiveness in the courtroom and in chambers with a view toward better service of the interests of their clients and the cause of justice.
- (f) To foster a spirit of cooperation and civility among marital and family lawyers so that their responsibilities to clients and to the courts will be discharged in an efficient, orderly, and courteous manner.
- (g) To promote and maintain appropriate standards of ethics and professionalism among family law practitioners.
- (h) To improve the administration of justice in marital and family law through study, conferences, continuing education, and meetings.

**Article II
MEMBERSHIP**

Section 1. Eligibility. Any member in good standing of the HCBA interested in the purposes of this Section is eligible for membership upon application and payment of this Section's annual dues, unless exempt from payment by the HCBA. Any member who ceases to be a member of the HCBA in good standing shall no longer be a member of Marital and Family Law Section. Affiliate members (non-attorney members of this Section) shall not serve on the Executive Council of this Section and shall not vote on any matter or in any election.

Section 2. Administrative Year. The administrative year of this Section shall run concurrently with the administrative year of the HCBA. There shall be at least four general membership meetings each administrative year. The Executive Council shall have regular meetings at least six times during the administrative year.

Section 3. Annual Dues. The annual dues of this Section shall be in an amount fixed by the Executive Council and approved by the HCBA. There shall be no proration of annual dues. Upon becoming a member of this Section, dues shall be payable in advance of each administrative year. Any member whose dues are in arrears for a period of three months shall thereupon cease to be a member of this Section.

Article III OFFICERS

Section 1. Officers. The officers of this Section shall be a Chair, Chair-Elect, and Secretary.

Section 2. Executive Council. There shall be an Executive Council composed of no more than twenty-one (21) members of this Section, in addition to the Chair, Chair-Elect, and Secretary. The immediate past two Chairs of this Section and the following judicial officers of the Thirteenth Judicial Circuit may be included as non-voting advisors of the Executive Council but shall not hold office: Family Law Judges, General Magistrates, and Hearing Officers of the Family Law Division in the Thirteenth Judicial Circuit. The non-voting advisors shall neither be permitted to vote nor counted for the purpose of determining a quorum.

Section 3. Duties of Officers. The duties of the officers shall be as follows:

- (a) Chair. The Chair shall preside over all general membership meetings of this Section and at all meetings of the Executive Council; shall serve as the liaison of this Section with the HCBA; shall appoint all committee chairs to the standing committees of this Section; shall direct and designate the duties and powers of the special committees of this Section with the approval of the Executive Council; shall approve and submit all reports of this Section to the HCBA; and shall perform such other duties as provided in these Bylaws and as customarily pertain to the office of Chair. The Chair shall be an ex-officio member of each committee of this Section. The Chair shall be charged with implementing and enforcing the attendance policy for the Executive Council. The Chair shall announce the results of the election of the Executive Council and the Secretary at the year-end general membership meeting.
- (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 this Section. The Chair-Elect shall obtain the budget from the HCBA for the upcoming administrative year and be responsible for overseeing the budget during the administrative year, including coordinating the reimbursement of expenses for the Executive Council and communicating any budgetary questions or issues.

- (c) Secretary. The Secretary shall become Chair-Elect in the event of death, resignation or failure of the Chair-Elect to serve for whatever reason; provided, however, that in case of temporary disability or absence of the Chair-Elect, the Secretary shall serve as acting Chair-Elect only for the duration of the Chair's disability or absence. The Executive Council shall then have the discretion to elect by a majority vote an acting Secretary who shall serve the remainder of the term. The Secretary shall be responsible for all permanent files and records of this Section, including the minutes of the meetings of this Section, the Executive Council, and all committee reports. The Secretary shall keep accurate minutes of the proceedings of all meetings of this Section and of the Executive Council and shall furnish copies of said minutes to the Executive Council for approval at the next meeting. The Secretary shall maintain records of absences and attendance of the Executive Council members and report to the Officers when an Executive Council member has not complied with the attendance policy. The Secretary shall assist the Chair with electronic voting as set forth in these Bylaws.
- (d) Matriculation of Officers. After an individual is elected Secretary, that individual shall serve as Secretary during the next administrative year. After serving as Secretary for that year, that individual shall then “matriculate” and serve as the Chair-Elect for the Executive Council during the next administrative year, unless otherwise voted on by the Executive Council. After that individual has served as Chair-Elect, then that individual shall “matriculate” and serve as Chair of the Executive Council, unless otherwise voted on by the Executive Council.

Section 4. Term of Office.

- (a) Officers. The term of office of the Chair, Chair-Elect, Secretary shall begin at the conclusion of the last general membership meeting for this Section during which the election results are announced and shall run until the conclusion of the next general membership meeting during which Executive Council elections for this Section are announced.
- (b) Executive Council. All members of the Executive Council shall serve for a term of three years; the terms of the members of the Executive Council being staggered so that seven members are elected every three years; the terms shall begin at the conclusion of the last annual general membership meeting when election results are announced, and the terms shall end three years thereafter at the conclusion of the last annual general membership when election results are announced. An individual may be reelected to the Executive Council position after their term ends; however, an individual who has been removed from the Executive Council for violation of the attendance policy is not eligible to run for election as a member of the Executive Council for a period of three years (1 term) following that member's removal. For the purposes of this paragraph only, service as an officer of this Section shall not be deemed service as a member of the Executive Council.

Article IV
DUTIES AND POWERS OF EXECUTIVE COUNCIL

Section 1. Governing Body. The Executive Council shall be the governing body of this Section. It shall have general supervision and control of the affairs of this Section, subject to the provisions of the Integration Rule and Bylaws of The Florida Bar, Bylaws of the HCBA, and the Bylaws of this Section. It shall authorize all commitments or contracts which entail the payment of money, and it shall 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 unexpended amount which has been previously collected from dues and from sponsorships. As the governing body of this 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 this Section which are not inconsistent with the policies of The Florida Bar and the HCBA. All recommendations of the Section to The Florida Bar, Board of Governors of the Florida Bar, Executive Council of the HCBA, any branch of the judiciary, or to any other group or body to which the recommendations may be directed must first be approved by the Executive Council; and if made to other than the Executive Council of the HCBA, shall have the prior approval of the Executive Council of the HCBA.

Section 2. Meetings. The Executive Council shall conduct its business at regular and special meetings as provided for in these Bylaws and scheduled by the Chair; provided, however, the business of the Executive Council between regular or special meetings may be conducted by email correspondence or telephone to the extent authorized by the Chair. Unless the Chair has authorized electronic voting for a specific vote of the Executive Council, members of the Executive Council must be present at an Executive Council meeting to vote. In the event the Chair determines a vote will be made electronically by the Executive Council, the Secretary shall prepare an email to the members of Executive Council with an electronic ballot, or another means of anonymous electronic voting, with a deadline certain. After the votes have been submitted to the Secretary electronically, the Secretary shall relay the results of the votes to the Chair before the next Executive Council meeting.

Section 3. Quorum. A majority of the Executive Council members shall constitute a quorum and a majority vote of those present shall suffice for binding action of the Executive Council. For purposes of electronic voting of the Executive Council, an electronic ballot circulated to the email addresses of the current voting members of the Executive Council shall constitute a quorum and a majority vote of those votes submitted shall suffice for binding action of the Executive Council. For electronic voting purposes, each Executive Council member has a duty to advise the Officers of the Section promptly of any change to his or her email address.

Article V
NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COUNCIL

Section 1. Election of Secretary. Each administrative year, any attorney who is a member of the Executive Council in good standing may email their name to the current Secretary by March 15th to nominate themselves for the Secretary position to be elected by a majority vote of the general membership. If there is only one nomination and a nominee is unopposed, then the

nominee shall be elected by default without the requirement of a majority vote of the general membership. If there is more than one nominee, then the current Secretary shall prepare the ballot with the nominees' names and shall direct the HCBA to circulate the ballots electronically to the general membership for a vote. The results of the election of the Secretary position shall be announced at the last general membership meeting of the administrative year.

Section 2. Election of Executive Council. Each administrative year, any attorney who is a member of this Section in good standing may email their name to the Secretary by March 15th to nominate themselves for one of the Executive Council vacancies to be filled by the membership by a plurality vote. The Secretary shall then prepare the ballot with the nominees' names and shall direct the HCBA to circulate the ballots electronically to the general membership for a vote. The results of the election of the Executive Council members shall be announced at the last general membership meeting of the administrative year.

Section 3. Vacancies of Executive Council. If at any time during a term of office of an Executive Council member, such office shall become permanently vacant by reason of death, resignation, ineligibility or other reason, such office shall be filled for the balance of such term by majority vote of the Executive Council at the next meeting of the Executive Council unless otherwise provided herein. Permanent vacancy shall be defined as being absent from three or more Executive Council meetings in an administrative year. In the event an Executive Council member is absent for three or more meetings in an administrative year, the Secretary shall notify the Chair of the attendance policy violation and the Chair shall notify the Executive Council member that his/her position is now vacant. The Chair shall nominate an individual to fill the position and put a vote to the Executive Council at the next Executive Council meeting for an individual to fill their position until the end of that individual's term.

Article VI COMMITTEES

Section 1. Standing Committees. The standing committees of this Section shall consist of the following:

- (a) Lawyer Magazine/Publications Committee;
- (b) Continuing Legal Education Committee;
- (c) Mentoring Committee/Guardian Ad Litem Committee;
- (d) Legislative Committee;
- (e) Newsletter Committee;
- (f) Membership Committee;
- (g) Social Committee;
- (h) Awards/Judicial Nominating Committee;
- (i) Bench Bar Committee;
- (j) Pro-Bono Committee; and
- (k) Public Access.

Section 2. Special Committees. Special committees may be designated by the Executive Council with such duties and powers as may be directed and designated by the Chair with the approval of the Executive Council.

**Article VII
MEETINGS**

Section 1. General Membership Meetings. There shall be general membership meetings of this Section as designated by the Chair, provided that notice of these meetings shall be given at least seven days in advance thereof.

**Article VIII
AMENDMENTS**

Section 1. Amendments. These Bylaws have been amended by the Board of Directors of the HCBA through a majority vote of the Executive Council and are effective as of the date these Bylaws are approved of by the Board of Directors at the HCBA. As of the date of the approval by the Board of Directors, these Bylaws shall remain in effect unless and until amended as provided herein. These Bylaws may be amended by a super majority (2/3) vote of the Executive Council after five days of advance notice by email to the Executive Council of such proposed amendment. However, changes that are non-substantive, which shall be defined by the acting Chair, to these Bylaws may be made by a majority vote of the Executive Council.

**Article IX
MISCELLANEOUS**

Section 1. The fiscal year of this Section shall be the same as that of the HCBA.

Section 2. No salary or compensation shall be paid to any member of this Section for performance of services to this 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 or the HCBA as established by its Executive Council.

Section 4. Marital and Family Law Section Awards. The Executive Council may, from time to time, determine that awards are warranted in order to recognize excellence in marital and family law advocacy or extraordinary service to this Section. Such awards may be presented to marital and family law attorneys, family law judges, family law general magistrates/hearing officers, or non-attorney persons or entities who provide important services in the field of family law. Any Executive Council member or general member of this Section may make a nomination for a person or entity to receive such an award, and the Executive Council may also, in its sole discretion, solicit nominations from the general membership of this Section. The presentation of an award from this Section and award winners shall be determined by a majority vote of the Executive Council. The Chair, in his/her sole discretion, may decide that voting on the presentation of an award, names for nominations for an award, and/or award winners can be made electronically as set forth in Article IX (8) below.

Section 5. Nominations for Awards Outside of the Marital and Family Law Section. The Executive Council may submit nominations for family law attorneys, family law judges, family law general magistrates, or non-attorney individuals or entities who provide important services in the field of family law to be considered for any award being offered by the HCBA, the Florida Bar, or any other applicable organization which is seeking award nominations. Any Executive Council member or general member of this Section may request that an individual or entity be considered as a nominee for such an award, and the Executive Council may also in its sole discretion solicit requests for possible nominees from the general membership of this Section. Nominees shall be determined by a majority vote of the Executive Council. The Chair in its sole discretion may decide that names for nominations for an award can be submitted and voted on electronically as set forth in Article IX (8) below.

Section 6. If a member or officer currently serving on the Executive Council is nominated for an award as set forth Article IX (4-5) above, the nominated member or officer shall not be permitted to vote for the nomination of the award or the award recipient for which they are nominated.

Section 7. In the event an annual award by this Section is established, the Award Committee of the Executive Council shall maintain and update a list of all award winners and provide it to the Chair at the end of each Administrative Year, and the list shall be provided with any published solicitations for nominations.

Section 8. Electronic Voting for Awards. At the sole discretion of the Chair, electronic voting may be carried out for awards from this Section and nominations for awards outside of this Section as set forth in Article IX (4-5) above. In the event the Chair determines a vote will be made electronically by the Executive Council, the Secretary shall prepare an email to the Executive Council soliciting names for nominations for the award(s), collect the names for nominations for award(s) from the Executive Council, and circulate an electronic ballot via email, or another means of anonymous electronic voting, with a deadline certain to the members of the Executive Council. After the votes have been submitted to the Secretary electronically, the Secretary shall relay the results of the votes to the Chair before the next Executive Council meeting.