

# **INTERNAL RULES OF PROCEDURE OF THE FAMILY LAW RULES COMMITTEE OF THE FLORIDA BAR**

## **I. INTRODUCTION**

The Family Law Rules Committee (committee) was established to consider proposals for changes to the Florida Family Law Rules of Procedure. The scope and function of the committee is to carry out the mandate of Rule 2.140, Florida Rules of General Practice and Judicial Administration, concerning the proposal of new rules of procedure and changes to existing rules. The committee is to be composed of attorneys and judges with extensive experience and training in an area of practice that calls for regular, frequent use of the rules, who will serve for 3-year staggered terms.

## **II. OFFICERS**

**a. Chair.** The President-Elect of The Florida Bar appoints the chair of the committee to serve for a 1-year term to coincide with the president-elect's term of office as president. The chair governs the committee during that term. Once appointed by the president-elect of The Florida Bar, the chair-elect immediately has the power to make any appointment authorized for that chair-elect's term of office as chair.

**b. Vice-Chair.** The President-Elect of The Florida Bar appoints at least 1 vice-chair to serve for a 1-year term to coincide with the committee chair. The vice-chair serves in the chair's absence and assists the chair as needed.

## **III. SUBCOMMITTEES**

### **a. Subcommittees Generally**

1. The chair has authority to create and appoint committee members to subcommittees. The chair appoints a chair for each subcommittee. Appointment, removal, or replacement of members to subcommittees is at the sole discretion of the chair. The chair must take into consideration the members' experience, area of practice, and membership in the judiciary in order to attempt to attain a balance of interests and experience in all subcommittees.

2. The subcommittees consider proposals assigned to them at the discretion of the chair.

3. Subcommittees may be standing or ad hoc. Standing subcommittees are created at the beginning of the chair's term and membership to the standing committees is assigned by the chair. Ad hoc subcommittees may be created by the chair to review matters not well-suited to review by the standing subcommittees or to handle a special project or assignment. Standing subcommittees are appointed by the chair at the beginning of the term as chair and continue for the bar year.

## **IV. CONDUCTING BUSINESS**

**a. Governing Rules.** The rules contained in the current edition of Robert's Rules of Order govern in all matters. The internal operating procedures can only be inconsistent with Roberts Rules of Order if they apply a stricter standard.

**b. Interpretation.** Interpretation of the application of these rules is made by the chair.

**c. Meetings.** The committee must conduct at least 2 meetings during the bar year. The chair may schedule additional meetings as necessary to conduct the business of the committee.

**d. Quorum.** No business can be conducted at any meeting unless a quorum is present. A quorum is defined as a simple majority of the full committee or subcommittee. Should a quorum not be present, any final votes scheduled must be postponed until after the meeting.

**e. Proxy voting.** Proxy voting is prohibited.

## **V. PROPOSALS – INITIATION AND ASSIGNMENT**

**a. Submission Requirements.** Each request must be submitted in writing or in person at a committee meeting to be considered by the committee, must include a basic statement of the issues or concern that the proponent seeks to address, and may include the proponent's specific recommendation for a new rule or amendment.

**b. Deficient Submissions.** In the event a proposal does not meet the submission requirements, the chair may so notify the proponent and provide the proponent with a copy of these procedures. The proponent may submit an amended proposal.

**c. Docketing.** When a proposed rule or amendment request is made, it will be assigned a docket number that will be carried by the proposal throughout its history before the committee.

**d. Assignment.** On receipt and docketing of a proposed rule or amendment request, the chair must make an initial determination whether the proposal should be considered by the committee at its next meeting or assigned to a subcommittee for consideration and recommendation.

## **VI. CONSIDERATION OF PROPOSALS BY SUBCOMMITTEE**

**a. Subcommittee Action.** If a proposal is referred by the chair to a subcommittee, the chair of the subcommittee will schedule meeting(s) to consider the proposal. The chair of the subcommittee may conduct meetings and votes in person or electronically so long as the quorum requirements are satisfied. The subcommittee assigned to consider a proposed rule or amendment request must consider whether the request should be accepted, rejected, or modified. Minutes of each meeting must be taken. An action report must be submitted to the chair and reported by the subcommittee chair at full committee meetings. A copy of the

action report must be in the full committee meeting's agenda and includes the report and any proposal for rule amendments in legislative format.

**b. E-mail vote.** If the chair determines that full committee consideration of subcommittee action committee is necessary prior to the next scheduled meeting of the full committee, the chair may conduct an e-mail vote of the full committee or schedule an emergency meeting of the full committee.

If a vote of the full committee is held by e-mail, the following rules apply.

1. The members of the committee must be permitted 2 business days to consider the proposal or proposed action and an additional 48 hours to vote.
2. If the chair determines that a shorter voting period must be established to meet a request by the Florida Supreme Court or other requesting entity for expedited or emergency consideration of the matter, the chair must announce the need for expedited consideration and the shortened voting deadline at the earliest practical opportunity. A voting period cannot be less than 24-hours.
3. A procedure for the committee members to electronically exchange comments on the proposal or proposed action prior to commencement of the e-mail voting period, may be established at the discretion of the chair.

**c. Committee Action Without Referral to a Subcommittee.** If the chair determines the proposal need not be referred to a subcommittee, the proposal may be included in the agenda for the next scheduled meeting of the committee.

## **VII. PERMISSIBLE ACTION BY THE COMMITTEE**

**a.** A proposal cannot be voted on by the Committee unless a proponent (designated member or subcommittee member or outside proponent designated by them) is present to explain the proposal and answer questions regarding the proposal.

**b.** Each proposed rule or amendment must appear on the agenda and be voted on by the committee. Action by the committee is by majority vote of those members present.

**c.** When a proposal is on the agenda for committee vote, it may only be:

(1) approved;

(2) tabled and sent back to the drafting committee or subcommittee;

(3) tabled for consideration at the next meeting;

(4) rejected; or

(5) amended. A motion to amend must be made, seconded, and passed by simple majority before a vote of the committee is taken to approve, table, or reject the proposal.

d. When a proposal is rejected, it cannot be considered again by the by the committee for 1 year from the date of its rejection.

e. Notice of committee action must be provided to the proponent of the proposal unless the proponent is a committee member.

## VIII. MISCELLANEOUS

a. **Agenda Requirements.** The agenda must be disseminated to all members in sufficient time to be reviewed by each member prior to each meeting. The agenda must include:

1. proposals in legislative format to be voted on;
2. referrals the chair closed and did not assign to a subcommittee for consideration;
3. the dates of all upcoming meetings scheduled or anticipated at the time of its issuance; and
4. status of all pending proposals.

b. **Member Attendance – Resignation.** All committee members are expected to attend all meetings. Two consecutive unexcused absences in one bar year is considered resigned. The chair may excuse absences.

c. **Suspension of Internal Operating Procedures.** These rules may be suspended by a two-thirds vote of those present.

d. **Amendment of Internal Operating Procedures.** These Internal Operating Procedures may be amended by a majority vote of those members present. Amendments become effective on committee approval.

## IX. ORIENTATION

a. **Mandatory for new members.** All new members must attend orientation the first year on the committee unless the chair excuses them from participating or allows them to postpone attendance for good cause shown.

b. **Date.** The orientation date will be determined by the chair.

c. **Content.** Subject to the discretion of the committee chair, orientation may include the following:

1. an overview of the rule-making procedures and Rule 2.140;
2. chair, vice-chair, and subcommittee chair introductions with a brief overview of issues pending before the committee or subcommittee;
3. circulation and explanation of the internal operating procedures.