

**The Association of Florida Magistrates  
and Hearing Officers, Inc.**

**BYLAWS**

**ARTICLE I – NAME**

The name of this organization is **The Association of Florida Magistrates and Hearing Officers, Inc.**, which is also known and referred to hereafter as the “Association.”

**ARTICLE II – MISSION STATEMENT**

The mission of the Association is to provide a forum through which Florida magistrates and hearing officers may more effectively and efficiently meet their duties and responsibilities as established by rule, statute, and administrative order. It is also our goal to advance awareness of the role of magistrates and hearing officers within the judicial branch of government through fellowship, education, conferences, programs and other activities designed to educate and inform the members, the Bar and public.

**ARTICLE III – PURPOSES AND RESPONSIBILITIES**

The purposes and responsibilities of the Association shall include, but are not limited to, the following:

- a. To meet for fellowship; to network; to engage in educational activities (including but not limited to providing continuing education to quasi-judicial officers, their staff, members of the judiciary and attorneys); and to conduct conferences, institutes, programs, and forums in which the magistrates and hearing officers may meet to discuss mutual problems and solutions.
- b. Develop programs for the improvement of the administration of justice in the State of Florida, and to study/improve the practice, the rules of procedure, the rules of evidence, and legislation pertaining to the administration of justice in the substantive law areas in which the Association’s members preside.
- c. Acquire and disseminate information to all magistrates and hearing officers for the improvement of their practice and procedure as quasi-judicial officers within the Court system of the State of Florida.
- d. Provide a unified voice for the magistrates and hearing officers of the State of Florida.

e. Perform any other purpose that qualifies this entity as an exempt organization under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

#### **ARTICLE IV – MEMBERS AND DUES**

Section 1 – Members. All magistrates and hearings officers currently employed by a governmental entity within the State of Florida, including the State, a county, a city, a town, municipality or other Florida governmental entity, may be members of the Association. This includes part-time magistrates and hearing officers who are paid by any of the above described governmental entities. Administrative law judges or civil traffic hearing officers are not eligible for membership.

Section 2 - Associate Members. Any magistrate or hearing officer who is elevated to judicial office, in Florida (by either election or appointment) may remain in the association as a non-voting associate member. Any magistrate or hearing officer who has retired from his/her employment, or has been released or resigned or in good standing from his/her employment may remain in the association as a non-voting associate member.

Section 3 – Dues. The dues of the members and associate members of the Association may from time-to-time be assessed by a majority vote of the members present at a regular meeting of the Association.

#### **ARTICLE V – OFFICERS OF EXECUTIVE COMMITTEE and BOARD OF DIRECTORS**

Section 1 – Members of Executive Committee. The officers of the Association shall comprise the Executive Committee of the Association. Associate Members cannot serve on the Executive Committee. The officers' positions are as follows: Immediate Past Chair, Chair, Chair-Elect, Treasurer and Secretary. The Executive Committee shall conduct the business of the Association between meetings. All business of the Association consistent with these Bylaws shall be exercised by the Executive Committee when the Association is not in session. A majority of the whole number of Executive Committee members shall constitute a quorum.

Section 2 – Election. The officers, with the exception of the Treasurer, shall be elected by a majority vote of the members present at the regular Annual Meeting of the Association, as shall be held each December to correspond with annual reporting to Sunbiz. There shall be an initial election for all four (4) Officers' positions. Thereafter, at the Annual Meeting, a new Secretary shall be elected and assume office. The prior Secretary will become Treasurer, the prior Treasurer will become the Chair-Elect, the Chair-Elect will become the Chair, and the Chair will become the Immediate Past Chair. Each Officer shall serve a one (1) year term in

the position he or she is elected to commencing upon the adjournment of the Annual Meeting. However, the Chair, Chair-Elect, Treasurer, and Secretary may serve a second, consecutive one (1) year term upon a majority vote of the members present at the regular, Annual Meeting. Voting by proxy shall not be permitted. Any person desirous of being Association Secretary shall notify the Chair, in writing, at least forty-five (45) days prior to the first day of the Annual Meeting in December at which the annual election of officers shall occur so his or her name can be placed on the ballot.

Section 3 - Immediate Past Chair (Sunbiz role: "Immediate Past President") The Immediate Past Chair shall perform such duties as are assigned by the Chair or the Executive Committee. For the purposes of Sunbiz, the Immediate Past Chair shall be identified as the "Immediate Past President" of the Association.

Section 4 – Chair (Sunbiz role: "President"). The Chair shall be principal executive officer of the Association and shall supervise and control the Executive Committee. The Chair shall appoint all members of standing committees specified in these Bylaws whose appointments are not otherwise determined, including the Committee Chairs and members of such committees. The Chair shall be an ex officio member of all committees and shall preside at all meetings of the Association, the Executive Committee, and Board of Directors. The Chair shall faithfully execute all instructions, directions, and resolutions of the Association or the Executive Committee. Upon completion of their term, the Chair shall serve as Immediate Past Chair. For the purposes of Sunbiz and banking, the Chair shall be identified as the "President" of the Association.

Section 5 - Chair-Elect (Sunbiz role: "Vice President"). The Chair-Elect shall perform the duties of the Chair in the event of the incapacity, unavailability, or the absence of the Chair, and shall perform such other duties as may be required by the Chair or the Executive Committee or as may be delegated to the Chair-Elect by the Chair. In the event of the incapacity, unavailability, or the absence of the Chair-Elect, the Treasurer shall discharge such responsibility. On Sunbiz, the Chair-Elect shall be identified as the "Vice President" of the Association. For the purposes of banking, the Chair-Elect shall be identified as a signatory to the account by either the "President" or "Secretary" (as listed on Sunbiz) of the Association.

Section 6 – Treasurer (Sunbiz role: "Chief Financial Officer"). The Treasurer shall be the custodian of the funds of the Association, shall keep complete records of its receipts and disbursements, and shall have the same ready at all times for inspection by the Association. The Treasurer shall prepare, or cause to be prepared, an annual financial report to be presented to the Executive Committee at the Annual Meeting. The Treasurer shall be appointed by the Chair with the concurrence of the Chair-Elect and Secretary or, alternatively, by a majority of three (3) officers comprising Executive Committee. The Treasurer's term shall be for one (1) year commencing with the term of the Chair. In an effort to promote expertise, uniformity, and consistency in financial records, the Treasurer may serve a second,

consecutive one (1) year term subject to the election and appointment process described herein. In the event of the incapacity, unavailability, or the absence of the Treasurer, the Secretary shall discharge such responsibility. On Sunbiz, the Treasurer shall be identified as the “Chief Financial Officer” of the Association. For the purposes of banking, the Treasurer shall be identified as a signatory to the account by either the “President” or “Secretary” (as listed on Sunbiz) of the Association.

Section 7 – Secretary (Sunbiz role: “Secretary”). The Secretary shall record, or cause to be recorded, the minutes of all meetings of the Association and keep such other records as may be directed by either the Chair or the Executive Committee. In the event of the incapacity, unavailability, or the absence of the Secretary, the Chair-Elect shall discharge such responsibility. For the purposes of Sunbiz and banking, the Secretary shall be identified as the “Secretary” of the Association.

Section 8 – Registered Agent. The Executive Committee shall be tasked with identifying an appropriate Registered Agent for the Association, whose role it will be each year to submit (with approval of the board) an annual report to Sunbiz each year (due between January 1 and May 1). The Executive Committee may appoint by majority vote any individual it deems fit for this purpose (including present or past board members). This role may be vacated and/or filled by majority vote of the Executive Committee at any time, as circumstances require.

Section 9 - Association Bank Account. Between January 1 and May 1 each year, the Association listing on Sunbiz (Florida Department of State) shall be updated to reflect the current board (as elected during the Annual Meeting each December). In keeping with Florida Corporation and banking regulations, the “President” (Chair) and “Secretary” (Secretary) shall be named as managers of the Association Bank Account at all times. The Chair-Elect and Treasurer shall be named as signatories of the Association Bank Account at all times. The authorization of additional signatories is at the discretion of the Executive Committee, which will make such designations with majority vote during an Executive Committee meeting (as memorialized by meeting notes). Any such person’s name must also be added to the Sunbiz account, if they are also in service on the Executive Committee.

Transition between and/or the addition of any Executive Committee member as a manager or signatory of the Association Bank Account shall be discussed in Executive Committee within seven (7) days of election, and must be memorialized by minutes. Minutes shall be presented to the Association’s Bank at the time any change must be made to the Bank record and/or signature cards; however, to avoid unnecessary delay in processing, the Executive Committee should not make appointments with the bank until Sunbiz has been updated. Both the outgoing “President” (Chair) and the outgoing “Secretary” (Secretary) (as listed on the account at the time of election) are empowered to make changes on the bank account to substitute the new officers, and the duty of making any necessary transition between board members shall be organized by the shifting officers within 60 days of the election.

Section 10 - Mid-Term Vacancies in Office. Should a mid-term vacancy occur in the office of Chair, Chair-Elect, Treasurer, or Secretary due to a member's resignation of the position and/or an executive committee member being released in good standing from his/her employment as a magistrate and/or hearings officer, then the Offices shall be filled in the following manner:

- a. The vacancy in the office of Chair will be filled by the Chair-Elect for the remainder of the term.
- b. A Chair-Elect filling a vacancy in the office of Chair for any portion of a term shall also remain Chair for the next full term unless s/he declines to serve. Should s/he choose not to remain Chair for the next full term, then the Treasurer would succeed to office of the Chair by succession consistent with these bylaws.
- c. The vacancy in the office of Chair-Elect will be filled by the Treasurer for the remainder of the term.
- d. A Treasurer filling a vacancy in the office of Chair-Elect for any portion of a term shall also remain Chair-Elect for the next full term unless s/he declines to serve. Should s/he choose not to remain Chair-Elect for the next full term, then that position would be filled by an election.
- e. The vacancy in the office of Treasurer shall be filled by the Secretary for the remainder of the term.
- f. The vacancy in the office of the Secretary shall be filled by the Chair-Elect with the Chair-Elect assuming the dual responsibilities of both Secretary and Chair-Elect for the remainder of the term or until such time as the office of Secretary may be filled.

Section 11 - Special Election. In the event of an executive committee vacancy, the Chair will announce the available position at the first available general meeting, memorializing the announcement in a membership-wide email thereafter. Any qualified member desirous of filling a mid-term vacancy shall notify the Chair, in writing, at least forty-five (45) days prior to the announced date of the special session vote so that his or her name can be placed on the ballot. Once elected, the special election officer will serve out the remainder of the term. The special election officer may serve a second consecutive one (1) year term in the same position upon majority of three (3) officers comprising the Executive Committee, if that majority believes continued experience in the partial term office to be appropriate.

Section 12 - Board of Directors. The Board of Directors shall consist of the Executive Committee and the Representatives from each Circuit Court within the State of Florida. Election for Circuit Representative shall be held within each Circuit by the magistrates and hearing officers no later than forty-five (45) days prior to the Annual Meeting. If there is no election, the Circuit Representative currently serving, shall remain in that position for the next year. Upon election, each Circuit shall immediately inform the Chair of the name, e-mail address, and telephone number of the newly elected Circuit Representative. Retired magistrates and hearing officers may vote in the Circuit where his or her address of record for The Florida Bar is registered. A majority of the whole number of the Board of Directors shall constitute a quorum.

## **ARTICLE VI – MEETINGS**

Section 1 – Notice of Meetings. Notice of the place, date, and hour of the Annual Meeting and any educational conference, institute or program shall be delivered personally, by mail or by email, to all members in a reasonable time in advance of such meetings. Information advising those parties who cannot physically appear at meetings will be furnished so that they can participate by video, phone, or other electronic means, depending on the technology available, which may be dictated by the time and location of the meeting.

Section 2 – Annual Business Meeting. The Annual Business Meeting of the Association shall be held at such time and place as may be determined by the Chair, with the advice and consent of the Executive Committee during the month of December. While live in-person attendance is encouraged, members may participate by video or phone, or other electronic means, dependent on the technology available, and dictated by the time and location of the meeting. Those members appearing in person, by video, phone or other electronic means, may vote. However, no voting by proxy shall be permitted.

Section 3 – Quorum. The business of the Association may be transacted by a majority vote of members present at the Annual Meeting.

Section 4 – Voting. The Association encourages members to attend the Annual Meeting and other meetings live in person when possible. However, because no funding is provided by the State or any other resource for members to attend the Annual Meeting or other meetings live in person and because of the geographic distances between the Circuits in which our members serve, members may vote at the Annual Meeting and other meetings by video, phone, email, or other electronic means, as directed by the Chair in the meeting notice. The Chair, with the support of the majority vote of the executive committee, has discretion to call a special vote by email if circumstances merit. However, voting by proxy shall not be permitted.

Section 5 – Executive Committee Meetings. Meetings of the Executive Committee shall be held at the call of the Chair at such time and place as determined by the Chair. Notice of the place, date, and hour of such meetings shall be delivered personally, by mail, or by e-mail (or other electronic means) to all members of the Executive Committee in a reasonable time in advance of such meeting.

Section 6 – Educational Conference. An educational conference, institute, or program may be held at such time and place as determined by the Chair, with the advice and consent of the Executive Committee and input from the Board of Directors. The educational conference may include education programs not only for members, but also for their staff, members of the judiciary and attorneys.

## **ARTICLE VII – COMMITTEES**

Section 1 – Operational Committees. The Association shall have six (6) operational committees as follows:

- A. Membership
- B. Finance
- C. Publications
- D. Website
- E. Legislation
- F. Safety

Subsection A – Membership Committee. The Membership Committee shall create informational materials regarding the benefits of membership, a membership registration form, as well as contacting and recruiting members. In addition, the Committee shall create, maintain, and update a roster of all current and retired magistrates and hearing officers in the State of Florida on a Circuit by Circuit basis including physical and e-mail address(es), and telephone number(s).

Subsection B – Finance Committee. The Finance Committee shall assist the Executive Committee and its Officers in creating an annual budget, establishing membership fees, and in planning educational conferences, institutes, programs, and events. This Committee shall be chaired by the Treasurer.

Subsection C – Publications Committee. The Publications Committee shall publish a quarterly newsletter to be submitted electronically to all members, and shall solicit articles written by members for publication in The Florida Bar Journal, The Florida Bar’s Sections and Divisions publications, in law reviews and other print and electronic media on substantive, procedural, and other topics.

Subsection D – Website Committee. The Website Committee shall be responsible to create, maintain, and update the Association’s website.

Subsection E – Legislation Committee. The Legislative Committee shall assist the Association, the Executive Committee, and the Board of Director’s Officers by tracking and disseminating proposed and newly enacted substantive legislation impacting the areas of substantive law over which the members preside, and by serving as a conduit for the coordination and sharing of legislative information impacting the members in the performance of their job functions and the benefits of employment.

Subsection F – Safety Committee. The Safety Committee shall from time to time survey the current physical facilities and circumstance in which magistrates, hearing officers, and their staff work, to evaluate the safety thereof, and to make recommendations regarding same.

Section 2 – Substantive Committees. The Association shall have six (6) substantive committees as follows:

- A. Education Committee.
- B. Probate and Guardianship Committee.
- C. Juvenile Dependency Committee.
- D. Mental Health Committee.
- E. Family Law Committee.
- F. Child Support Committee.
- G. Annual Educational Institute Committee.
- H. Mentorship Committee.

Subsection A –Education Committee. The members of the Education Committee shall be responsible for the educational presentations of the Association to the members, their staff, the bench and the Bar. The Education Committee shall serve staggered terms of three (3) years. Service on the Education Committee shall include the obligation to participate in the Office of the State Courts Administrator’s judicial education training program, which qualifies a magistrate, or hearing officer to teach.

Subsection B – Probate and Guardianship Committee. The Probate Committee shall review and or propose changes in laws governing probate and guardianship law, and make recommendations to the Association and other entities concerning the improvement of rules, methods of procedure, and practice in the probate and guardianship divisions of Florida courts.

Subsection C – Juvenile Dependency Committee. The Juvenile Dependency Committee shall review and or propose changes in laws governing juvenile dependency and make recommendations to the Association and other entities concerning the improvement of rules,



methods of procedure, and practice in the juvenile dependency division of Florida courts. The Juvenile Dependency Committee Chair and those members designated by the Chair shall also meet regularly with designated members of the Family Law Committee to confer on issues affecting Unified Family Courts throughout the State and shall make recommendations to the Association concerning the improvement of the operation, practice, and procedures of those Unified Family Courts.

Subsection D – Mental Health Committee. The Mental Health Committee shall review and or propose changes in Baker Act and Marchman Act laws and make recommendations to the Association and other entities concerning the improvement of rules, methods of procedure, and practice in the mental health division of the Florida courts.

Subsection E – Family Law Committee. The Family Law Committee shall review and or propose changes in family law and make recommendations to the Association concerning the improvement of rules, methods of procedure, and practice in the family law divisions of the Florida courts. The Family Law Committee Chair and those members designated by the Chair shall also meet regularly with designated members of the Juvenile Dependency Committee to confer on issues affecting Unified Family Courts throughout the state and shall make recommendations to the Association concerning the improvement of the operation, practice, and procedures of those Unified Family Courts.

Subsection F - Child Support Committee. The Child Support Committee shall review and or propose changes in laws governing child support and expenses in the nature of child support (including but not limited to Title IV-D matters and administrative support in Chapter 409, F.S.) and make recommendations to the Association and other entities concerning the improvement of rules, methods of procedure, and practice regarding child support matters in the Unified Family Courts of Florida.

Subsection G – Annual Educational Institute Committee. An annual educational institute may be held at such time and place as determined by the Annual Education Institute Committee. The Committee shall co-chaired by the Chair of the Association and Chair of the Education Committee. The members of the Executive Committee shall serve on the Committee. The Co-Chairs of the Committee may designate other members of the committee. The Institute may include education programs not only for members, but also for non-members, their staff, members of the judiciary, and attorneys.

Subsection H – Mentorship Committee. The Mentorship committee will partner experienced Magistrates and Hearing Officers with incoming peers and shall continue to host and be responsible for the Question of the Month (QOTM) events on Zoom.

### **ARTICLE VIII – COMMITTEE TERMS**

Committee members duly appointed and acting shall continue to serve at the discretion of the Chair until the respective successor committee members are appointed.

### **ARTICLE IX – PARLIAMENTARY PROCEDURE**

Robert’s Rules of Order, most recent edition, except as otherwise provided herein, shall govern all meetings of and within the Association.

### **ARTICLE X – ASSOCIATION REPRESENTATION ON OTHER BODIES**

The Association may, in its discretion, select a representative to The Florida Bar and its various Sections and Divisions as the Executive Committee deem appropriate, as well as any other entities that the Association may determine is appropriate. Any representative’s vacancy in midterm of twelve (12) months or less shall be filled by appointment of the Chair.

### **ARTICLE XI – BYLAWS AMENDMENT**

These Bylaws may be amended or revised by a majority vote of the members of the Association present at any regular or special meetings of the Association. The Chair, with the support of the majority vote of the executive committee, has discretion to call a special vote by email if circumstances merit. However, the proposed amendment or revision shall be submitted in writing to the Association’s Secretary no later than thirty (30) days prior to any such meeting and/or electronic vote and that the Secretary shall, at least fifteen (15) days prior to such meeting and/or electronic vote, publish and furnish each member of the Association a written copy of such proposed amendment or revision either electronically or by regular U.S. Mail.

### **ARTICLE XII – ARTICLES OF INCORPORATION**

Section 1 – Priority of Articles of Incorporation. Nothing in these Bylaws shall be construed to affect the legal status of this Association as defined by its Articles of Incorporation. The Articles of Incorporation and provisions thereof shall have priority over the provisions of these Bylaws in the event of inconsistencies herein.

Section 2 – Inconsistencies. Should any portion of these Bylaws be inconsistent with the Articles of Incorporation and affect its legal status or status with the Internal Revenue Service then, in that event, those portions of the Bylaws creating the inconsistency will be considered a nullity.

### **ARTICLE XIII – DISSOLUTION**

Section 1 – Asset Disposition. In the event of the dissolution of the Association, the Executive Committee shall, after paying or making provision for the payment of all of the liabilities of the Association, dispose of all of the remaining assets of the Association by transferring such assets to either the Florida Court Education Council, or if such organization is not then in existence, or unable to accept such transfer, then to the Supreme Court of the State of Florida as the Executive Committee shall determine. Such transfer of assets shall be for the sole and exclusive purpose of providing education to magistrates, hearing officers, and their staff, and related purposes specified in Article III of the Bylaws. Except, any assets held upon condition requiring return, transfer, or other conveyance in the event of dissolution, then those asset(s) shall be returned, transferred, or conveyed in accordance with such requirements.

Section 2 – Asset Disposition – Alternative Option. In the event that both the Florida Court Educational Council and the Supreme Court of the State of Florida are unable to accept such transfer of assets, the Executive Committee shall designate an exempt organization under Section 501(c) of the Internal Revenue Code or a governmental unit described in Section 170(c)(1) of the Internal Revenue Code to receive such transfer of assets, provided such assets are exclusively held and applied for those quasi-judicial educational purposes as shall at the time of transfer qualify under Section 501(c)(3) of the Internal Revenue Code. Any assets not disposed of in the preceding manner shall be disposed of by a Court of general jurisdiction of the county in which the principal office of the organization is then located, in such a manner, and to such organization or organizations as qualify under Section 501(c)(3) of the Internal Revenue Code, as said Court shall determine.