

Ruling of the LPF Rules Committee

Subject: The interpretation of rules regarding absence and their application

Date: February 21, 2021

The Chairman referred a question to the Rules committee on what were the rules regarding vacancy and how to apply them. The below attempts to answer the question, following research and debate in committee.

The Secretary shall maintain a record of absences and excusals, including a running total over the preceding 12-month period, for each person on the EC.

Absence is established by a member's failing to answer quorum call at the meeting's start, failure to announce arrival if roll-call is missed, or failure to announce early departure.

A proxy maintains presence, and a present alternate holds an automatic proxy.

The Chairman shall issue excusals only for good and sufficient reason. The EC has the right to challenge each excusal. Once an excusal is accepted and the meeting is closed, the excusal stands. A non-excusal may be reversed by the absent member or his agent providing the Chair a good and sufficient reason and the EC passing subsequent a motion to *Amend Something Previously Adopted* which corrects the relevant previous minutes. The Secretary shall adjust the records accordingly.

When a member's absences meet the statutory standard for vacancy, the office or seat shall be deemed vacant and must or may be filled, depending on the requirements in rule for the office or seat. The statutory standard is three consecutive unexcused absences from regular or called meetings. The LPF rule requiring a vote to accept the de facto resignation of the member conflicts with statute, and is void in that case.

When a member's absences meet a non-statutory rule for vacancy, a motion to vacate the position by accepting the member's de facto resignation is in order. LPF rules currently provide for vacancy following three unexcused absences in a twelve month period.

An LPF rule attempts to limit excusals to two per term, but it has no actual effect because it limits excusals in addition to those provided for in statute*. Statute does not allow for any excusals in addition to those for which it provides.

This interpretation is issued this date, and should not be relied upon in whole once any law or rule regarding proxies, absences, and/or excusals is added or amended.

The majority adopted this ruling on a 2-1-0 vote.

* The minority interpretation of statute (FS 103.131) relating to the LPF rule which attempts to limit excusals was that there is only one defined 'good and sufficient reason' (FS 103.091) and that is the only excuse for which our Standing Rule provides. The majority interpretation of the same statute is that

'good and sufficient reason' appears throughout Florida Statutes, has a clear meaning, and is not limited to the one example provided in the same chapter.

For the Rules Committee,

Tony Sellers (Chairman)