

Exhibit 3 – September 2011 Memo - What is a Triple Motion

WHAT IS A TRIPLE MOTION

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Section Legislative Positions

- The Section's ability to take a position on a legislative matter is governed by the Standing Board Policies of the Board of Governors of The Florida Bar.
- For the Section to lobby on a particular legislative matter, the matter must meet all of the criteria listed in Section 9.50(a) of the Standing Board Policies.
- When the Executive Council adopts a "triple motion," it is affirmatively agreeing that the Section's proposed position on a particular legislative matter meets each of the criteria listed in Section 9.50(a).

Section 9.50(a) Criteria

A section may be recognized by the board of governors as taking a position on or advocating a position on a legislative issue only when all of the following criteria are met:

- the issue involved is within the section's subject matter jurisdiction as described in the section's bylaws;
- the issue is beyond the scope of the permissible legislative activity of The Florida Bar (or the issue is within the permissible scope of the legislative activity of The Florida Bar but the proposed section position is not inconsistent with an official position of the bar on that issue); and
- the issue is not one that carries the potential of deep philosophical or emotional division among a substantial segment of the membership of the Bar.

Section's Subject Matter

Section 2(a) of the Bylaws of the Business Law Section provides that the purposes of the Section are:

- to provide an organization within The Florida Bar that is open to all members in good standing of The Florida Bar who have a common interest in corporation, banking, business and related areas of law;

- to provide a forum for discussion and exchange of ideas leading to the improvement of the laws relating to corporation, financial institutions, business and related areas of law including, but not limited to, the substantive areas of law within the purview of the committees of the section;
- To provide education and professional development in substantive areas of law that are within the purview of committees of the section, and to enhance business law education generally; and
- To propose and comment upon legislation and regulations in the substantive areas of law that are within the purview of the committees of the section.

Notice of Section Proposals

- Sections are required to advise The Florida Bar of proposed legislative activity.
- Sections are required to report whether the legislative proposal has been circulated to all divisions, sections or committees that may be interested in the issue (and reciting the comments received).

Vote Required

To approve a legislative position, a section legislative proposal must be approved by:

- a 2/3 vote of the section's executive council present, finding the proposed legislative position to be within the scope of the requirements of Section 9.50(a); and
- a majority vote of those members present approving the position.