



PROPOSED



BYLAWS

OF THE

BRAIN AND SPINAL CORD INJURY

ADVISORY COUNCIL

ARTICLE I – NAME AND PURPOSE

Section 1 – Name: The name of the Council shall be the **Brain and Spinal Cord Injury Advisory Council** as provided for in section 381.78 (1), Florida Statutes.

Section 2 – Purpose: The purpose of the Council is to provide advice and expertise to the Department of Health (DOH) in the preparation, implementation and periodic review of the Brain and Spinal Cord Injury Program (BSCIP) as referenced in section 381.78 (4), Florida Statutes.

ARTICLE II – COMPOSITION AND MEMBERSHIP

Section 1 – Composition: The Council shall be composed of sixteen (16) members as referenced in section 381.78 (1), Florida Statutes, as follows:

- Four (4) persons who have brain injuries or family members of persons with brain injuries;
- Four (4) persons who have spinal cord injuries or family members of persons who have spinal cord injuries;
- Two (2) persons who represent the special needs of children who have brain or spinal cord injuries; and
- Six (6) persons composed of physicians, other allied health professionals, administrators of brain and spinal cord injury programs, and representatives from support groups that have expertise in areas related to the rehabilitation of persons who have brain or spinal cord injuries.

Section 2 – Membership Appointments: The State Surgeon General shall appoint the members of the Council in accordance with section 381.78 (2), Florida Statutes.

Section 3 – Membership Terms: All members shall serve for a term of four (4) years and may serve for no more than two terms (two consecutive or lifetime terms) in accordance with section 381.78 (2), Florida Statutes.

Section 4 – Membership Resignation, Termination and Absences: Any Council member who is unwilling, or unable to properly fulfill the duties of the office shall be succeeded by a person chosen by the State Surgeon General to serve out the balance of the replaced Council member's term. If the balance of the replaced Council member's term is less than 18 months, then the State Surgeon General may reappoint the succeeding member twice in accordance with section 381.78 (2), Florida Statutes.

Members may be removed from office by the State Surgeon General for malfeasance, misfeasance, negligence of duty, incompetence or permanent inability to perform official duties or for pleading nolo contendere to or found guilty of a crime. Malfeasance includes, but is not limited to, a violation of any specific prohibition within Chapter 381 in accordance with the provisions of section 381.78 (7), Florida Statutes.

If any Council member is absent for two consecutive meetings, their second consecutive absence will be considered as a voluntary resignation. Absence due to military service

requirements are exempt from this provision.

Section 5 – Membership Residency: All members of the Council shall be residents of the state of Florida.

Section 6 – Membership Conflict of Interest: No member shall cast a vote on any matter that would provide direct financial benefit to the member or create a conflict of interest under state law in accordance with the provisions of section 381.78 (6), Florida Statutes.

Section 7 – Membership Compensation: No member shall receive any compensation for performance of duties specified in, or arising out of his or her duties as a Council member. Members are entitled to per diem and travel expenses for required attendance at all Council meetings in accordance with section 112.061, Florida Statutes. Reasonable expenses for personal assistant services needed by members during required attendance at Council meetings shall be reimbursed in accordance with provisions of section 381.78 (5), Florida Statutes.

ARTICLE III - OFFICERS

Section 1 – Officers and Duties: There shall be two (2) officers on the Council consisting of a chair and vice-chair. Their duties are as follows:

The chair shall convene regularly scheduled meetings and shall preside or arrange for the vice-chair or another Council member to preside at each meeting.

The vice-chair shall perform the duties of the chair in their absence.

Section 2 – Election Procedures: The Council shall conduct the election of officers every two years.

Council members shall submit nominations for the chair and vice-chair office to the BSCIP Advisory Council Liaison.

Council members shall vote by electronic ballot and officers shall be elected by a simple majority vote of the Council.

Section 3 – Terms: Officers shall serve for a period of two (2) years and may be re-elected. If an officer is unwilling or unable to fulfill the duties of the office, they shall be succeeded by a person elected by the Council to serve out the balance of the term.

ARTICLE IV - MEETINGS

Section 1 – Regular meetings: The Council shall meet at least two (2) times annually in accordance with section 381.78 (3), Florida Statutes.

Section 2 – Special meetings: The chair, in coordination with the BSCIP Bureau Chief, may call additional meetings as necessary to meet the needs of the Council.

Section 3 – Notice of meetings: The BSCIP shall provide members with an electronic or written notice of each meeting not less than two weeks prior to the meeting.

Section 4 – Quorum: Nine (9) Council members or a simple majority of the total number of Council positions currently filled shall constitute a quorum.

Section 5 – Voting: All motions to be voted on shall be decided by a simple majority of the Council members present at the meeting in which the vote takes place. Council members may not vote by proxy.

ARTICLE V – TASK FORCES

The Council may establish special task forces as deemed necessary to carry out the work of the Council. The Council shall determine the purpose and objectives of the task forces, the number of members and areas of expertise required to carry out the objectives of the task forces, the number of members necessary for a quorum, and other rules governing task forces.

Section 1 - Task Force Chair: The Council chair shall appoint the task force chair for each task force in coordination with the BSCIP Bureau Chief. The task force chair may be a member of the Council.

The task force chair will serve until the conclusion of the task force's stated objective(s) and purpose.

Duties of the task force chair shall include:

- In coordination with the Council chair and the BSCIP Bureau Chief, appoint members of the task force or fill task force vacancies in accordance with the required qualifications and expertise needed to carry out the objective(s) and purpose of the task force.
- Convene regularly scheduled meetings/conference calls and preside or arrange for another task force member to preside at each meeting/conference call.
- In coordination with the BSCIP Staff Liaison assigned to the task force, publicize task force meetings/conferences call utilizing the DOH website.
- Develop agendas for each task force meeting/conference call.
- Submit quarterly status reports to the BSCIP Advisory Council Liaison and the Council regarding the activities of the task force and its progress towards meeting the objective(s) and purpose of the task force.

Any task force chair who is unwilling, or unable to properly fulfill the duties of the office shall be succeeded by a person chosen by the Council chair in coordination with the Bureau Chief of the BSCIP to serve out the balance of the task force's stated objective(s) and purpose.

Section 2 - Task Force Membership: Task force members shall be appointed by the task force chair in coordination with the BSCIP Staff Liaison. Task force members may be

non-council members.

Task force members will serve until the conclusion of the task force's stated objective(s) and purpose.

No task force member shall receive any compensation for performance of duties specified in, or arising out of his or her duties as a task force member. Members are not entitled to per diem and travel expense reimbursement.

Task force members may be removed from service on the task force by the task force chair, in coordination with the Council chair and the BSCIP Bureau Chief, for malfeasance, misfeasance, negligence of duty, incompetence or permanent inability to perform official duties or for pleading nolo contendere to or found guilty of a crime.

Section 3 - Task Force Meetings: Task force meetings should be held no less than four (4) times annually.

Task force meetings may be held in conjunction with an Advisory Council meeting or between meetings. Meetings will not be funded through the DOH, except through the use of the department's teleconferencing capabilities.

Task force meetings must be publicly noticed through the DOH public meeting notice website.

Written or electronic notice of task force meetings/conference calls shall be given as far in advance of the meetings/conference calls as possible.

ARTICLE VI - AMENDMENTS

Section 1 – Bylaw Amendments: These by-laws may be amended at any meeting by a simple majority vote of the Council members present, with concurrence of the DOH/DEMO/BSCIP.

Section 2 - Amendment Submittal: Proposed amendments to the by-laws shall be submitted to the Council chair and distributed to Council members at least one (1) week prior to the meeting for review.

CERTIFICATION

These bylaws were approved by the Brain and Spinal Cord Injury Advisory Council by a majority vote on May 12, 2011.

Council Chairperson

Date