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STATEMENT OF CASE AND FACTS

The Florida Certification Plan was adopted by this court on January 28, 1982, and became effective July 1, 1982, The Florida Bar re: Amendment to Integration Rule (Certification Plan), 414 So.2d 490 (Fla. 1982).

As provided in article XXI, Section 4 of the Integration Rule governing Florida Specialization Regulation (Certification and Designation Plans):

The Board of Governors may require those who wish to participate in these plans to pay reasonable fees to The Florida Bar to be approved by the court. The funds derived from such fees shall be used exclusively for purposes related to the plans.

The Florida Bar Board of Governors recently reviewed the cost attendant to the administration of the Plan and determined that to ensure its future financial stability, the application fee and annual fee should be increased.

Point I

THE FLORIDA CERTIFICATION PLAN
APPLICATION FEE AND ANNUAL FEE
MUST BE INCREASED TO ENSURE
FINANCIAL STABILITY.

Article XIX, Section 10 of the Integration Rule Bylaws sets out the fees for the operation of the Florida Certification Plan as follows:

(a) Filing Fee. \$150. This is for the filing and review of an individual's certification application. This fee is not refundable regardless of the disposition of the individual's application.

(b) Examination/Certification Fee. \$150. This fee must be paid before the taking of the examination for certification or before an applicant who otherwise qualifies receives his certificate. This fee is not refundable regardless of the results of the applicant's test.

(c) Annual Fee. \$50. This fee is assessed against each plan participant.

(d) Course Approval Fee. \$125. This fee is assessed against sponsors who want their course approved under the plan.

(e) Individual Credit Approval. \$5. This fee is assessed against applicants or plan participants to cover administrative costs of processing a credit request where a sponsor refuses to cooperate with approval under the plan.

Since commencement of the Plan in 1982, fees have been collected from applicants, certified lawyers and continuing legal education sponsors in accordance with Section 10 above. As a self-supporting program, these funds have been used, under a cost accounting system, exclusively to cover expenses in connection with the certification program.

Appendix A, details our income, expense and net projections from fiscal year 1984-85 through 1989-90. The income is based on the fees currently set out in article XIX, Section 10. Our projections beginning in fiscal year 85-86 assume a conservative, yet realistic, expectation of attorney participation; an average inflation rate of 5.4% over the five-year period; and a gradual

expansion of the areas of practice available under the plan. The deficit projected totals \$231,206.

The data contained in Appendix B incorporates increases in the application fee from \$150 to \$200 beginning in fiscal year 86-87 and in the annual fee from \$50 to \$75 beginning in fiscal year 85-86. Our assumptions as to attorney participation, inflation and expansion of the Plan are the same as those made in Appendix A. Incorporating the fees increase as proposed, means ending each fiscal year with a positive fund balance. The \$231,206 deficit, ending fiscal year 89-90, under the current fee structure is eliminated and replaced by a \$64,195 positive balance.

While it is the goal of both the Board of Certification, Designation and Advertising (BCDA) and the Board of Governors that the Certification Plan be accessible to all bar members who qualify, the proposed fees increase, amounting to \$150 per participant over a five-year period, is expected to make a substantial difference in the fiscal health of the Plan.

Conclusion

For the reasons outlined in this brief, The Florida Bar Board of Governors respectfully requests this Court adopt the proposed changes as set out in Appendix C attached to the brief and petition filed in this matter.

The Florida Bar Board of Governors further respectfully requests this Court provide the proposed changes be effective for all applications and annual audits received by the Certification Department of The Florida Bar after March 1, 1986. The Board of Governors requests approval by that date so the proposed amendments to the Certification Plan may be incorporated into the appropriate forms and bar members apprised prior to the mailing of annual audits in May and application filing July 1.

Respectfully submitted,



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