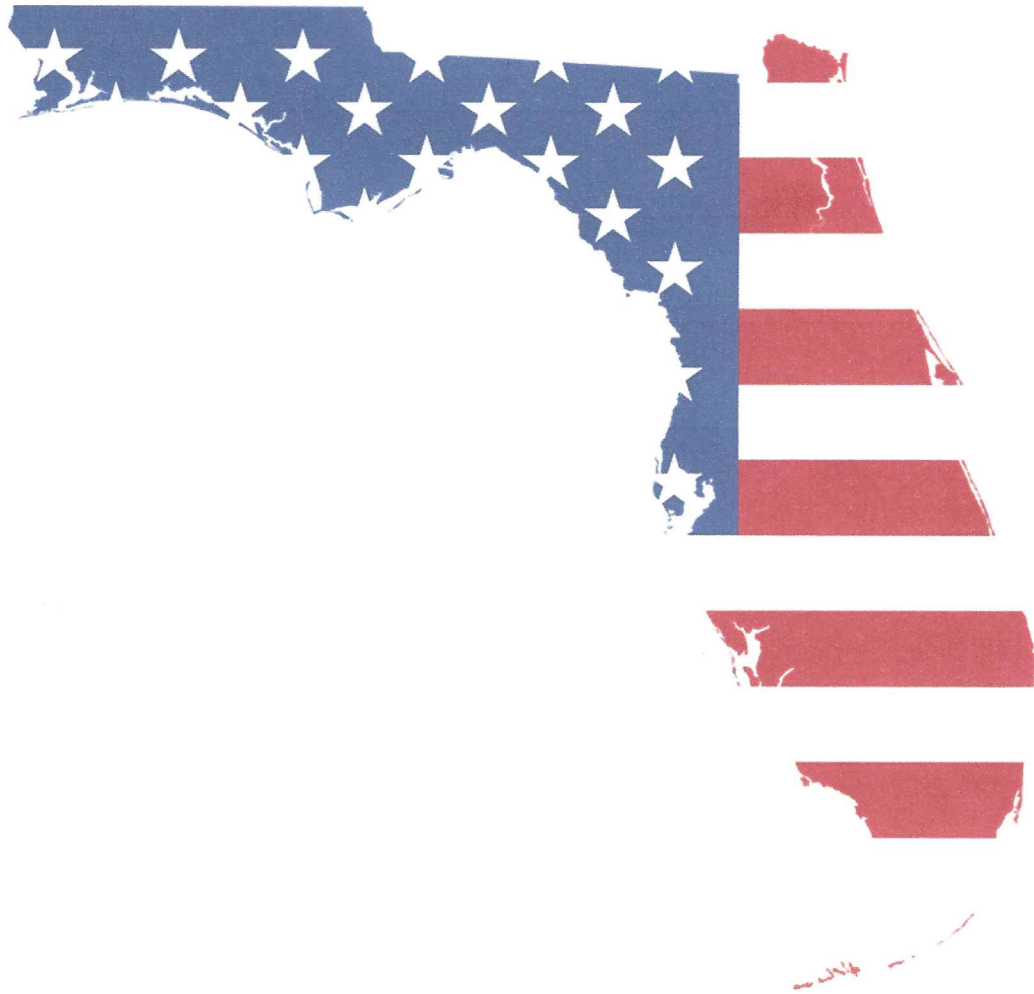




Department of Florida

Committed to Serve...Those who served

# Bylaws



**Effective FEB 16, 2020**

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# AMVETS Department of Florida, Inc.

## BYLAWS

### ARTICLE I. ORGANIZATION

**Section 1.** The name of this organization shall be AMVETS (American Veterans), Department of Florida, Inc., and it shall hereinafter be referred to as Florida AMVETS.

**Section 2.** Florida AMVETS shall be organized with a Department Executive Board (DEB), an Executive Director, and under this, Districts and Posts. Florida AMVETS does not own an interest in any social quarters, clubroom, canteen facility, or any other fund-raising activity operated by a subordinate Post and said organization does not derive any profit from such facilities or activities. Florida AMVETS shall not, in any way, be responsible for the neglect or wrongful acts, omissions, contractual obligations, or debts of any subordinate activity or clubroom. These activities shall, always, be under the direct control of each Post. All funds, property, or assets of any kind or nature, as well as all books and records, shall remain the property of said Post and shall be placed in the care and custody of the respective Finance Officer.

**Section 3.** The administrative powers between State Conventions and State Executive Committee (SEC) meetings shall be vested in the DEB. The DEB shall consist of the Department Commander, 1 Vice Commander, 2 Vice Commander, Finance Officer, Judge Advocate, Provost Marshall and immediate Past Department Commander. The DEB shall meet at the call of the Department Commander. All members of the DEB shall have a vote, and the Department Commander will vote only to break a tie. The Department Executive Director and the Adjutant will be an ex officio member with the Adjutant recording the meeting, neither will not have a vote.

**Section 4.** There shall be no closed meetings to Florida AMVETS except for privileged matters including executive sessions considering employment matters, legal advice, honors and awards meeting and grievance matters. Meetings are open only to AMVETS in Good Standing. Guests may be escorted into the meeting, then escorted out of the meeting once presentation has been completed

**Section 5.**

Florida AMVETS shall be divided into Districts composed of the following counties and all Posts located within these counties shall be a member of their respective district.

- |               |  |
|---------------|--|
| District I    | Dade, Broward, Monroe  |
| District II   | Brevard, Orange, Volusia, Seminole, Osceola  |
| District III  | Hillsborough, Pinellas   |
| District IV   | Jackson, Okaloosa, Walton, Holmes, Washington, Bay, Santa Rosa, Escambia                         |
| District V    | Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, Taylor             |
| District VI   | Collier, DeSoto, Lee, Hendry, Charlotte, Glades  |
| District VII  | Palm Beach, Martin, St. Lucie, Indian, River, Okeechobee   |
| District VIII | Marion, Citrus, Hernando, Pasco  |
| District IX   | Manatee, Hardee, Sarasota, Highlands   |
| District X    | Nassau, Duval, Clay, Putnam, St. Johns, Flagler  |
| District XI   | Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilcrest, Levy, Baker, Union, Bradford, Alachua, |

- A. Districts shall be formed with a minimum of three (3) active Posts. Once formed a District may remain as long as there are two active posts in good standing.
- B. Each recognized Department District shall submit for approval a current and complete copy of its District Constitution and Bylaws, as revised and amended, to the Department Judge Advocate within 30 days of such change. The Constitution and Bylaws will be reviewed at the annual meeting and if revised a copy will be forwarded to the Department Judge Advocate prior to May 15<sup>th</sup>.
- C. Each Recognized Department District in accordance with its constitution and bylaws is authorized to elect or appoint subordinate officers as will be necessary and is required to forward a list of its officers to Department Headquarters within 20 days of election or appointment.
- D. Each recognized Department District is authorized to enact whatever administrative and fiscal policies and procedures as may be necessary to operate as a Department District including the authority to establish dues from the member Posts.
- E. Each District may at its discretion or by two-thirds (2/3) vote set per capital dues not to exceed one dollar (\$1.00) per annual member as of the State Convention each year. These dues are to be used for administrative expenses and the Commander's travel expenses. Newly chartered Posts shall be exempt from paying dues for one complete assessment year after issuance of their charter.
- F. No recognized Department district shall have administrative authority over its local posts. However, the District Commander's duties include acting as a District Deputy Inspector General. When called on by the Department Commander, the District Commander shall travel within the geographic boundaries of the District for the purpose of representing the Organization, investigate or assist in settling disputes, follow up, make recommendations and report activities. The District 1<sup>st</sup> and 2<sup>nd</sup> Vice Commanders will, at the request of the Department 1<sup>st</sup> and 2<sup>nd</sup> Vice Commanders provide assistance in matters affecting membership and programs. The Districts will assist the Department ensuring the Posts within their Districts submit the Post revalidations to the Department prior to the due date.
- G. Posts will not be revalidated if they have not paid their previous year's per capita dues by May 1<sup>st</sup> of the New Year.

**Section 6.** Membership processing procedures shall be in accordance with the AMVETS National Membership and the Department of Florida Membership Manual. The Executive Director and the Department 1<sup>st</sup> Vice Commander are responsible to ensure that the Department of Florida Membership Manual is up to date with latest changes and procedures from AMVETS National Membership.

**Section 7.** Any member in good standing may change membership in a post or a department and join a new post without repaying the current dues. Such transfer shall be subject to the approval of the posts and departments involved. No transfer shall be denied by the post or department from which transfer is requested without just cause. The losing post or department has 30 days to either approve a request for transfer or show just cause why the transfer should not be executed. Failure to respond to the requesting (gaining) post or department in writing, by either approving and returning the request for transfer, or providing just cause for denial of requested transfer, within 30 days, will be taken as approval for the requested membership transfer.

**Section 8.** Membership shall run from September 1<sup>st</sup> through August 31<sup>st</sup>. Eligibility for membership and requirements for holding office within Florida AMVETS shall not be discriminatory for any reason, including on the basis of race, color, religion, gender, sexual orientation, or national origin.

**Section 9.** All monies, property, or assets of any kind or nature, as well as all books and records, owned, held, or used by any activity, clubroom, holding company, or post which may be sponsored, conducted, or operated by, or on behalf of any post, county council, district, or department shall be the property of such post, county council, district, or department, and must be placed in the care and custody control of the respective finance officers.

## **ARTICLE II. OFFICERS**

**Section 1. COMMANDER.** The Commander is the senior executive officer of the Department. He shall preside at all meetings of the SEC, DEB and the State Convention. He may delegate a vice commander to serve as a temporary substitute when needed. The Commander directs and supervises the activities of all elected and appointed officers and committees. Together with the Finance Officer, the Commander is responsible for all funds received and expended by the Department. The Commander shall preside at all meetings. He shall be the business executive of the Department and shall maintain a close liaison with National Headquarters. He shall be the representative of the Department with the State of Florida, and is the only officer authorized to represent the Department within the State.

- A.** The Department Commander shall, with the approval of the SEC, appoint the following Officers to serve during said Commander's term of office: Adjutant, Public Relations Officer, Chaplain, Inspector General, Deputy Inspector General(s), Sons of AMVETS Coordinator, Florida Junior AMVETS Coordinator and Legislative Officer. Further provided that the Office of Chaplain be rotated annually, if possible, among the major faiths.
- B.** The Department Commander shall appoint a Membership Committee and a Programs Committee. Each Committee shall consist of at least four (4) members in addition to the Vice Commander for that Committee, who shall be the Chairman for that Committee.
- C.** There shall be an Honors and Awards Committee consisting of all Past Department Commanders of Florida AMVETS and the current District Commanders, and the Chairman shall be the immediate Past Department Commander, unless he declines, and in that event the Committee members shall elect a Chairman. The White Clover Award, given to the Department AMVET of the Year, shall be the Department's highest award. Any member of the Florida AMVETS, except the Commander, is eligible for this award.
- D.** There shall be a Bylaws Committee, consisting of the Department Judge Advocate as Chairman, and at least four (4) members, as appointed by the Department Commander with the approval of the DEB. The members of this Committee shall elect a Vice Chairman from among those on the Committee.
- E.** The Department Commander shall appoint a Department Grievance Committee, consisting of a Chairman and five (5) members of the Florida AMVETS, to hear grievances and appeals provided for in these Bylaws. The Department Commander shall designate the Chairman. They will report their findings and recommendations to the Department Commander and Judge Advocate and then to the SEC or Convention. This

Committee shall function during the State Convention and SEC and such other times as is deemed necessary by the Commander.

- F. The Commander shall appoint, and Chair, a Personnel Committee consisting of a minimum of five (5) current or Past District Commanders. This Committee is empowered to employ a compensated "Executive Director" and a "Membership Processor", in accordance with Article X of these Bylaws.
- G. In addition, the Department Commander, with the approval of the DEB shall appoint other Committees as deemed necessary for conducting Florida AMVETS business. Such appointees shall serve at the pleasure of the Department Commander, during the term of the Department Commander who made the appointments.
- H. The Department Commander and Judge Advocate are members of all Committees ex officio without right to vote, except on the Committees in which they Chair. The Finance Officer is a member of all Committees in which finances of the Department are concerned, but shall have voice but no vote, except in the Finance Committee.
- I. The Department Commander shall appoint an Honor Guard Committee. This Committee shall be comprised of a minimum of five (5) members or prior members of Florida AMVETS Post Honor Guards. Each Post having an established Honor Guard should be equally represented on this Committee whenever possible. The Committee members shall elect the Chairman of this Committee.
- J. There shall be a Florida AMVETS Finance Committee, consisting of the Finance Officer as the Chairman, three (3) members elected from the floor at the Convention, who shall be on a rotating basis for three (3) year terms. At each Convention, one (1) member to the Finance Committee shall be elected for a three (3) year term. The Commander shall appoint a successor to fulfill any vacated position. This appointment will remain in effect until the next Department Convention at which time a member will be elected to serve the unexpired term of the vacated position. No two (2) members of this Committee shall be from the same Post or District, except for the Finance Officer.

**Section 2.** The duties of the elected officers and committees shall be performed, basically as prescribed in these Bylaws, and with the National Officers Manual, but not limited to them.

**Section 3. FIRST VICE COMMANDER.** The First Vice Commander shall be charged with the membership programs and shall assist the Commander in carrying out the duties of his office and functions. He shall perform such other duties as may be required of him by the Commander. In the absence of the Commander, the First Vice Commander shall preside at all meetings and Conventions of the Department. If the Office of Commander is vacated, the First Vice Commander shall act as Commander until the successor is designated pursuant to the provisions of these Bylaws. He is of equal rank to the Second Vice Commander.

**Section 4. SECOND VICE COMMANDER.** The Second Vice Commander shall be charged with promoting all programs and activities as set forth by the National Second Vice Commander. He will also promote all programs as set forth by the Department. He will assist the Commander in carrying out his duties as directed by the Commander. In the absence of the Commander, and the First Vice Commander, the Second Vice Commander shall preside at all meetings and the Conventions of the Department. If the Office of Commander and First Vice Commander are vacated, the Second Vice Commander shall act as Commander until a successor is designated pursuant to the provisions of these Bylaws. He is of equal rank to the First Vice Commander.

**Section 5. JUDGE ADVOCATE.** The Judge Advocate is the legal advisor and parliamentarian of the Department. He shall incorporate all valid amendment into the Department Bylaws, and whenever deemed necessary shall cause said Bylaws to be presented to the Department Convention in revised form. He is also Chairman of the Bylaws Committee.

**Section 6. FINANCE OFFICER.** The Finance Officer is charged with the collection, banking, and disbursement of all Department funds and will perform as outlined in the Officer's Manual. The Finance Officer is also the Chairman of the Finance Committee.

**Section 7. PROVOST MARSHAL.** The Provost Marshal shall maintain order at all meetings and verify that persons attending meeting are bona fide members. He is the custodian of the Department Colors and is in charge of the color detail during the presentation and retirement ceremonies of the colors at the SEC and Convention. He will assist during the voting of the body, when voting by the show of hands or by ballot is required. He shall carry out such other duties as may be assigned to him by the Department Commander. He, or his designated representative, will perform duties as a bailiff during meetings of the Department Grievance Committee.

**Section 8. ADJUTANT.** The Adjutant is an appointed officer and shall act as recording secretary to the Commander, and shall perform such other official duties as may be required by the Commander, SEC, or DEB.

**Section 9. CHAPLAIN.** The Chaplain is an appointed officer and is charged with the spiritual welfare of the members of the Department. All services shall be of nonsectarian nature. It shall be his duty to notify appropriate Department officers and the National Chaplain of all deceased members so that proper responses can be made from these levels.

**Section 10. PUBLIC RELATIONS OFFICER.** The Public Relations Officer is an appointed officer and shall handle all publicity for the Department. He shall make it his duty to create goodwill for the Department. He shall act as liaison officer with the National Organization for the purpose of securing publicity for the National Organization and within the Department, with the approval of the Department Commander. He will also function as the Department Historian.

**Section 11.** The Sons of AMVETS Coordinator is an appointed officer who shall monitor all actions of the Sons of AMVETS and shall report all findings to the DEB, SEC, or Convention.

**Section 12. FLORIDA JUNIOR AMVETS COORDINATOR.** The Florida Junior AMVETS Coordinator is an appointed position and the Chairman of the Florida Junior AMVETS Coordinating Committee. The individual members of the Committee shall be given specific duties in guiding and assisting the individual officers of the Junior AMVETS, as well as advising and guiding them generally. The Chairman of the Committee will appoint a member of the Committee to provide the support and guidance to each functional section of the Florida Junior AMVETS. The majority vote of the committee will preapprove all expenditures of the Florida Junior AMVETS. The Department Junior AMVETS Executive Committee shall approve all final decisions made by the Department Junior AMVETS in reference to financial matters.

**Section 13. LEGISLATIVE OFFICER.** The Legislative Officer is an appointed officer and shall represent the Department of Florida in the initiation and/or support of proposed state legislation and interface with state legislators. He shall be the Florida AMVETS representative to the Florida Veterans' Council and the liaison with the Florida Department of Veterans' Affairs.

**Section 14. NATIONAL EXECUTIVE COMMITTEEMAN.** The National Executive Committeeman (NEC) shall be a member of the National Executive Committee and it shall be his duty to further the interest of the Department in every way that will not conflict with the aims

and purposes of the National Organization. He shall report to the DEB, SEC, or Convention on anything deals with the National Organization.

**Section 15.** ALTERNATE NATIONAL EXECUTIVE COMMITTEEMAN. The Alternate National Executive Committeeman (Alternate NEC) shall perform the duties of the NEC if the NEC cannot attend the National Executive Committee.

**Section 16.** EXECUTIVE DIRECTOR. The Executive Director may be a volunteer or employee. The Executive Director shall be the Department Administrator, and perform such duties as outlined in the Executive Director Job Description, the AMVETS National and Department Constitution and Bylaws and the Department of Florida Personnel Policy. This position shall be directly responsible to the Department Commander and must be an AMVETS member in good standing.

**Section 17.** MEMBERSHIP PROCESSOR. The Membership Processor may be a volunteer or employee position. The function is primarily clerical support in response to general and routine membership matters *and* shall perform such duties as outlined in the Membership Processor job description, the AMVETS National and Department Constitution and Bylaws and the Department of Florida Personnel Policy. This position will report to the First Vice-Commander for Membership who will in turn submit Reports to the Department Executive Director.

**Section 18.** DISTRICT COMMANDERS. District Commanders are elected in accordance with the Constitution and Bylaws of the appropriate district. They are not considered Department officers.

- A. District Commanders shall assist the Department Commander in carrying out his duties and functions in their Districts and shall endeavor to further the aims and purposes of the Department, as directed by the Department Commander, and the Constitution and Bylaws of the District. District Commander's duties include acting as a District Deputy Inspector General. When called on by the Department Commander, the District Commander shall travel within the geographic boundaries of the District for the purpose of representing the Organization, investigate or assist in settling disputes, follow up, make recommendations and report activities.
- B. District Commanders have a specific duty to instruct Posts on the requirements for revalidation each year and to insure it is accomplished in an efficient and timely manner.
- C. District Commanders will be the primary link between the Department Commander and all Posts in the District. This will include assistance and guidance of all Posts in the District.

## **ARTICLE III. DEPARTMENT CONVENTION AND SEC MEETINGS**

**Section 1.** There shall be a Department Convention held annually in June, at which time it shall elect Department Officers.

**Section 2.** The Convention and SEC sites may be selected for a maximum of five (5) years in advance and must be submitted by the Commander at a Department Convention.

**Section 3.** A Convention chairman will be appointed by, and serve at the pleasure of, the Department Commander.



**Section 4.** Each Post shall be entitled to one (1) alternate for each delegate provided for in this Article. Alternates shall have all the rights and privileges of delegates, except during elections. They may vote only in the event the delegate they represent is absent from the floor.

**Section 5.** At the Department Convention, each Post in the Department shall be entitled to two (2) delegates for the first twenty-five (25) paid up members. Each Post is authorized one (1) additional delegate for each twenty-five (25) paid up members, or major fraction thereof, in excess of, and exclusive of the first twenty-five (25) paid up members.

**Section 6.** All Duly registered AMVET members shall have one (1) vote except during elections. Post delegates shall be entitled to (1) vote each for the elective officers of the Department. All Past National Commanders, Past Department Commanders and District Commanders shall be entitled to one (1) separate vote each. The Department Commander must cast his vote in the event of a tie vote.

**Section 7.** The Department Commander personally, or through his Convention Chairman have final authority over all Convention arrangements.

**Section 8.** A quorum at all SECs and the Department Conventions shall consist of one-third (1/3) of the registered, voting delegates, providing there is at least one (1) elected Department officer to preside over the meeting.

**Section 9.** The SEC shall meet during the months of September/October and February/March depending upon the meeting space availability. Should such space not be available during these months, the SEC may be held in the subsequent month. The Department Convention will be held during the month of June. There shall be a minimum of thirty (30) days notification prior to each SEC or Convention.

- A. The SEC shall consist of all Department officers, elected and appointed, including District Commanders and Post Delegates.
- B. All registered delegates at the SEC will be permitted to vote except for the election of officers. SEC election of officers will be held using the formula for elections as at the Department Convention.

**Section 10.** When it becomes necessary to get DEB consensus on an important issue that cannot be delayed waiting for a regularly scheduled SEC or Convention, the Department Commander may use conference call technology to conduct an electronic meeting. The following procedures will be followed to set up and hold an electronic meeting:

- A. The Department Commander will set up the electronic meeting through freeconferencecall.com or any similar company. He will advise the names of the DEB that will be on the call and get the proper dial in protocol.
- B. The Department Commander will notify DEB members at least 48 hours prior to the electronic meeting. He will give each member the dial in protocol, date and time of the meeting and the subject to be discussed.
- C. When the meeting is started the adjutant will take roll call of each DEB member and any invited special guest participating. DEB members wishing to be recognized on the teleconference call will state their last name and ask to be recognized. When recognized by the Commander, they may speak.

- D. If voting is required, the Commander will call each member's name and ask for their ye or nay vote. The member will respond first giving their last name followed by their vote preference. The Adjutant will record each name and vote. After the vote is complete the adjutant will advise the voting results.

**Section 11.** The Department Commander must approve all fundraisers at the SEC or Department Convention, including those of subordinate organizations.

## **ARTICLE IV. CONVENTION ELECTIONS**

**Section 1.** Elections of officers shall be by roll call vote and shall be conducted by the Commander and supervised by the Judge Advocate with the assistance of the Provost Marshal. A majority vote shall be required for the election of any office. In the event no candidate received a majority vote on the first ballot, the candidate receiving the lowest number of votes shall be dropped and the remaining candidates only, will be voted on. In case an additional ballot should be required, and the same process shall be carried out until one candidate has a majority of the total votes cast. Should a tie result, the Commander must cast his vote to break the tie. The order of voting shall be determined by a random drawing of a Post number and the order of voting for Department officers shall be; NEC (even years), Alternate NEC (even years), Commander, First Vice Commander, Second Vice Commander, Judge Advocate, Finance Officer, Provost Marshal, Finance Committee, and Trustees for the Department Service Foundation.

**Section 1.B.** The delegates at the State Convention of the Florida Department of AMVETS shall elect five (5) members of the Board of Trustees who shall be on a rotating basis for three year terms. Two (2) trustees will be elected at two consecutive conventions with one (1) being elected at the third convention. No more than one (1) member from any post nor more than two (2) Previous Department Commanders of the Florida Department of AMVETS shall serve at any one time as one of these five (5) members of the Board of Trustees.

**Section 2.** The Department Convention shall elect a Department Commander who must have the following minimum qualifications:

- A.** He must have been a member in good standing in the Florida AMVETS for at least two (2) years prior to election.
- B.** He must have held some other Department, District, or Post elective office.

**Section 3.** The term of office for the Commander shall be for one (1) year, effective at the close of business of the Convention at which he was elected. He may succeed himself for only (1) term.

**Section 4.** All District Commanders shall be elected and installed in their own Districts prior to the Convention.

**Section 5.** All elected Department officers shall be residents of the State of Florida and must retain such residency throughout their term of office. They must have been a Post member in good standing for a minimum of six (6) months immediately prior to election, with the exception of the Department Commander, and must retain membership in a Florida AMVETS Post throughout their term of office.

**Section 6.** Each even numbered year, the Department shall elect one (1) NEC and one (1)

Alternate NEC. These offices are to run for a two (2) year period effective at the close of the Convention. The elected NEC and Alternate NEC shall be residents of the State of Florida and must retain such residency throughout their term of office.

**Section 7.** The Convention shall elect a First Vice Commander, a Second Vice Commander, a Judge Advocate, a Finance Officer, and a Provost Marshal. These titles and no others shall be used in Florida AMVETS, including all Districts and Posts. The Department Vice Commanders may succeed themselves one (1) additional term. All terms of office shall be effective at the close of business of the Convention at which he was elected.

**Section 8.** Voting on all questions shall be by voice vote except when the presiding officer may be in doubt as to the voice vote. He may require a standup vote or show of hands.

**Section 9.** The Executive Director shall advise each Post, thirty (30) days prior to the Department Convention, the number of delegates and alternates they are entitled to as provided for in these Bylaws.

**Section 10.** Proxy vote shall not be allowed.

**Section 11.** Intentions to become a candidate for office may be announced at any time. Nominations for any office shall be made at the February/March SEC and at the Department Convention one day prior to the election. Nomination speeches, and seconding speeches, though not required, if desired, shall be limited to five (5) minutes for the Commander and NEC and two (2) minutes for all others. In addition, nominations will be reopened just prior to election for each office from the floor but no speeches will be allowed.

**Section 12.** Any nominee for Department office must show the Commander proof of AMVET membership eligibility.

**Section 13.** No member may hold more than one (1) elected or appointed office and one (1) elected or appointed committee position on the Department level at the same time. No elected officer shall hold more than two (2) elected positions at any level of Florida AMVETS.

**Section 14.** Should vacancies occur in any of the elected positions, such vacancies will be filled as follows:

- A.** If the position of Department Commander is vacated, the First Vice Commander will succeed to that office. The Second Vice Commander will then succeed to the position of First Vice Commander. The vacancy of the Second Vice Commander will be filled by appointment by the Department Commander until the next scheduled election. The appointment will be subject to the approval during the next SEC or Convention, whichever comes first.
- B.** If the position of NEC is vacated the Alternate NEC will succeed to that position to serve out the term. If a vacancy occurs in the position of Alternate NEC the Department Commander will appoint a replacement upon approval of the DEB until the next SEC or Convention, whichever comes first. If approved, the new Alternate NEC will serve out the unexpired term of the previous incumbent.
- C.** If any other elective position becomes vacant it will be filled by appointment by the Department Commander until the next scheduled election. The appointment will be subject to the approval during the next meeting of the SEC or Convention, whichever comes first.

## ARTICLE V. REMOVING OFFICERS

**Section 1.** The Commander, with the consent of the DEB, may remove an appointed Department officer, committee chairman, or committee member.

**Section 2.** An elected department officer may be removed from office only by a two-thirds vote of the Department Executive Board after written charges against such officer shall have been preferred and furnished by certified mail to the officer concerned and to the members of the Department Executive Committee. A full hearing shall be held by the Department Executive Committee on charges preferred against an elected department officer. Such hearing shall be held not less than 30 days after the charges are referred and mailed.

**Section 3.** Charges must be made under oath and based upon disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member of AMVETS. The procedure for a hearing will be the same as those for members-at-large (MAL) and Post Commanders.

**Section 4.** The National Bylaws provide that any elected officer who has been suspended or expelled upon a "showing of cause" has the right of appeal. The appeal shall be to the National Executive Committee.

**Section 5.** Any officer or committee member who is absent from two (2) successive duly called and notified SEC, unless he submits a valid excuse to the Commander, in writing, is deemed to have vacated his office and the Commander shall fill this office under the appointive powers herein immediately.

## ARTICLE VI. FINANCE

**Section 1.** The AMVETS (American Veterans) Department of Florida Service Foundation, Inc. shall conduct a semi-annual review of the financial records of the Department during the February/March SEC and in conjunction with the September/October SEC meetings each year. The review should include but not be limited to; confirming all bank balances, reviewing and confirming correctness of any revenues and expenses exceeding \$500.00, and reviewing expenses associated with all grant monies received. A copy of the report of the Committee shall be reported to all Department officers and Posts of the Department. The Commander may appoint an Auditing Committee, with the approval of the DEB, who may audit the records and books or accounts of any Post within the Department, or of any subordinate organization within the control of such, or connected therewith, who shall use the identification of AMVETS. All books and records of the Subordinate Organizations, Department of Florida shall be made available for review or audit on authorization from the National Commander for either examination or audit for just cause. The DEB may, if it deems necessary, employ accountants to make such an audit. Audit results shall be made available to the delegates of the Department Convention.

**Section 2.** The expenses of the Commander shall be indicated in the budget. From this budget, the Commander will draw his travel expenses, with accountability.

**Section 3.** All requests for approval of any travel reimbursement will be made by phone or letter to the Commander, and if granted, the signed authorization will be sent out immediately. No reimbursement will be made for any form of travel unless the request is accompanied by an expense report form that has been signed in advance by the Commander or approved by telephone.

**Section 4.** The Florida AMVETS is registered with the Internal Revenue Service (IRS), and has been assigned an Employer Identification Number (EIN).

**Section 5.** The revenue of this Department shall be derived from the membership fees and dues of the members of the Posts in the Department, and such other sources consistent with the provisions of the National Constitution and Bylaws. AMVETS dues (annual membership) in any Post within the Florida AMVETS shall be thirty-five dollars (\$35.00), of which fifteen dollars (\$15.00) shall be forwarded to the National Organization, ten dollars (\$10.00) remains with this Department and ten dollars (\$10.00) stays at the Post. MAL dues shall be thirty-five dollars (\$35.00), of which fifteen dollars (\$15.00) shall be forwarded to the National Organization, five dollars (\$5.00) placed in an advertisement fund for the Department, and the remaining fifteen dollars (\$15.00) remains with this Department. In the case of life membership, the minimum rate shall be established by the National Constitution and Bylaws.

**Section 6.**

- A.** The Department Finance Committee will submit a provisional annual budget to the Department Executive Committee prior to the conclusion of the February/March SEC. Within 30 days thereafter, the Department Commander may submit recommendations for budgetary change. The Department Executive Board may adopt or reject such recommendations by majority vote. The Finance Committee will submit the annual budget to the Department Executive Board at the preconvention meeting for approval. The Finance Committee will submit the approved annual budget to the delegates on the floor at the Department Convention in June.
- B.** In determining the provisional budget, revenue will be based on last year's actual numbers with tangible assumptions and realistic and/or proven income projections. The expenses will be based on last year's actual numbers and adjusted for projected inflation. A contingency budget line will be developed solely to address unexpected expenses or unforeseen losses in revenues.

**Section 7.** The fiscal year for Florida AMVETS shall be July 1 to June 30.

**Section 8.** Florida AMVETS is registered with the State of Florida Department of Revenue, as a tax-exempt organization, and has been issued a Consumers Certificate of Exemption Number.

**Section 9.** All Department and Post official handling over \$5,000.00 of AMVETS funds shall be properly bonded with a good and solvent bonding Surety Company as surety to cover the average amount of AMVET funds handled by such individual in a single year. In case of delinquencies in the payment of accounts due Department or National Headquarters, action shall be taken at once by the proper officials to bring about an immediate and complete settlement. The SEC shall approve the bonds provided by Department and Post officials.

**Section 10.** No contracts involving expenditures of Florida AMVETS funds shall be negotiated without inviting a reasonable number of competitive bids, and where the required products are of equal quality, the contract shall be awarded to the lowest bidder. All contracts to be executed by the Florida AMVETS shall be approved by the Finance Committee, and the SEC, and signed by the Commander and attested by the Finance Officer after the Judge Advocate has approved said contract.

**Section 11.**

- A.** (a) No public fundraising project or program of any kind or character shall be undertaken by or on behalf of any national district, state department or subordinate thereof, unless the

contract, agreement or other arrangement under which such project is to operate has first been submitted for prior approval of a standing committee that shall be composed of the president of the National Service Foundation, the national judge advocate and the National Commander. The National Executive Director and the executive director of the National Service Foundation shall be ex-officio members of this committee. A public fundraising project is defined as any project or program involving a solicitation or request to nonmembers of AMVETS for a donation or pertaining to the sale of merchandise, goods, tickets or advertising matter of any kind or character. The committee shall render a decision within three weeks on all matters submitted to it. In the event of an adverse decision of this committee, an appeal may be made to the National Executive Committee at its next session. All federal or state reports required to be filed by said state department or subordinate thereof, including the state service foundation, pursuant to federal or state legislation or administrative regulations pertaining to the fundraising or the disposition of any of the assets of said state department or subordinates thereof, including the state service foundation, shall, at least 14 days prior to filing with any federal or state agency, be submitted to the aforesaid standing committee for preliminary review and recommendations concerning the preparation and filing thereof. Failure of a state department or subordinate thereof to adhere to the provisions of this section shall be considered grounds for disciplinary action.

- B.** No public fundraising project or program of any kind or character shall be undertaken by or on behalf of any post or combination of posts or subordinate thereof unless the contract, agreement or other arrangement under which such a project or program is to operate has first been submitted for the prior approval of the department judge advocate and then to a standing committee of the national organization composed of the president of the National Service Foundation, the national judge advocate and the National Commander. The National Executive Director and the executive director of the National Service Foundation shall be ex-officio members of this committee. The committee shall render a decision within three weeks on all matters submitted to it. In the event of an adverse decision by said committee, an appeal may be made to the National Executive Committee at its next session. A public fundraising project is defined as any project or program involving a solicitation or request to nonmembers of AMVETS for a donation or pertaining to the sale of merchandise, goods, tickets, or advertising matter of any kind or character. In the event of an adverse decision by the department judge advocate, an appeal may be made at the next state executive committee meeting. Its action shall be final. Any fundraising project or program conducted by a post or any combination of posts or subordinates thereof in which there is no other person, firm or corporation involved, and in which such fundraising project or program is conducted solely by the post, shall not be deemed to be within the purview of this section, provided that the anticipated gross receipts from such fundraising project or program do not exceed the sum of \$10,000; in the event it is anticipated that the gross receipts will exceed \$10,000 in any fiscal year, then said project or program shall be submitted as described above. Failure of a post or combination of posts or subordinates thereof to adhere to the provisions of this section shall be considered grounds for disciplinary action.
- C.** The request for public fundraising projects or programs covered under Section 11 (a) above will be sent certified mail, return receipt requested to AMVETS National Executive Director, 4647 Forbes Blvd, Lanham, MD. 20706. A copy must be sent to AMVETS Department of Florida Executive Director at the published address. The request for public fundraising projects covered under Section 11 (b) must be sent to AMVETS Department of Florida Judge Advocate via certified mail, return receipt requested. The Department Judge Advocate will advise the Department Executive Board when a request is received.

**Section 12.** All Post funds and accounts, including receipts and disbursements, shall be under the control of the Post Finance Officer. All Post and Florida AMVETS accounts shall be kept in accordance with generally accepted accounting procedures.

**Section 13.** Whenever a Post Clubroom, Canteen or Social Quarters is maintained or operated for the convenience and pleasure of Post members, and the name of AMVETS or its insignia is displayed or used, a Board of at least 3 Trustees shall be elected by, and from among the membership of the Post to supervise its activities, operations, and finances. No elected Post officer may hold a position as a trustee since those are elected positions. Trustees are not considered elected post officers of the Post. All monies derived from such activities shall be accounted for and placed in the care and custody of the Post Finance Officer.

**Section 14.** No Post officer (elected or appointed) or trustee may be employed in compensated position within the Post or its Clubroom/Canteen/Social Quarters. Such personnel may perform the duties of a paid employee but shall not accept compensation.

## **ARTICLE VII. CHARTERS**

### **Section 1.**

- A.** The DEB may suspend, cancel, or revoke a Post charter in accordance with the Uniform Code of Procedure for the Revocation, Cancellation, or Suspension of Post Charters (Appendix A of the National Constitution and Bylaws). If the charter of a post is suspended, the post may operate only to address the issues which caused the suspension.
- B.** In the event that an appeal of the actions of the DEB, the procedure is laid out in Appendix A of the National Constitution and Bylaws.
- C.** A Post charter that has been thus suspended may be reinstated by action of the DEB if that Post purged itself of the offense within sixty (60) days of its suspension. If the delinquency is not cleared to the satisfaction of the DEB within sixty (60) days, appropriate action shall be taken by the committee to affect revocation or cancellation of the charter.
- D.** Whenever a Post charter is suspended, cancelled, or revoked the Executive Director shall immediately notify all subordinate organizations of that Post as well as the Department subordinate authorities.

**Section 2.** Any Post failing to meet the obligations imposed upon it by these Bylaws, or ceasing to function for six (6) months as a Post of AMVETS, or voluntarily ceasing to function as a Post or merging with one or more other Posts, or refusing or failing to pay the Department or National per capita dues within sixty (60) days after collection by the Post, shall, upon order of the DEB, surrender its charter.

### **Section 3.**

- A.** Upon revocation, cancellation, or suspension of the charter of a Post, said Post shall immediately cease operations, and upon revocation or cancellation shall turn over its charter and assets to the Department Commander or DEB. The DEB is authorized, empowered, and directed by and through its duly authorized agent to take possession, custody, and control of all records, property, and assets of said Post. So much of the said

assets as are required for the purpose shall be applied to any indebtedness of said Post, provided, however, that nothing herein contained shall be construed as requiring this Department to take over or to assume any financial responsibility of such Post. Assets to be held in trust for a period of twelve (12) months and in the event it is not reissued within the twelve (12) month period said property, money, and effects shall become the absolute property of Florida AMVETS.

- B. When a charter of a Post of this Department is canceled or revoked for any reason, said charter shall be returned to the National Headquarter within thirty (30) days.

**Section 4.** With DEB approval, the Department Commander, after written notice to the Post Commander, may invoke and formulate a trusteeship to take over the operation of a post for good and sufficient reasons for and for the well-being of the AMVET Organization.

- A. The Commander will appoint a Lead Trustee and up to two (2) additional trustees, if necessary, to correct the issues leading up to the trusteeship. The Commander's notice must detail in writing the exact reason(s) for invoking the trusteeship.
- B. Within 15 days of appointment, the Lead Trustee must submit a Corrective Action Plan (CAP) addressing all issues that will be addressed to remove the trusteeship. Each issue addressed must have a plan that, when implemented will correct the deficiency. Each of the issues in the CAP should have an estimated timeframe of when it will be implemented and how long will it take to rectify the issue. This plan will be presented to the Department Commander for review by the DEB.
- C. The Trustee(s) are authorized, empowered and directed by and through the Department Commander to remove and appoint any normally elected or appointed officers. The CAP may include suspending the post Charter until certain conditios are corrected. If so, the DEB will authorize the suspension. Trustees will have unaccompanied and unrestricted access to any and all areas of the Post and any and all records of the Post
- D. The Trustees will schedule and conduct a townhall meeting for post executive board officers advising them of the trusteeship, the process needed to lift the trusteeship and the estimated time it will take.
- E. When the results of the CAP have been accomplished, the number of the trustees may be reduced with only the Lead Trustee ensuring that the plan stays in effect and the Post is truly on the way to recovery.
- F. The Lead Trustee will submit a final report to the DEB suggesting that the Commander lift the trusteeship. This report will recap of the actions that were successful in removing the Commander's issues for invoking the trusteeship. The decision to lift the trusteeship will be made by the DEB.
- G. If the trusteeship is to continue longer that a year, it must be renewed by a 2/3 vote of the DEB.
- H. The Trusteeship must not violate any Federal, State, County, or City law, statute ordinance or any other condition that affects trusteeship operations.

**Section 5.** Posts may appeal the Trusteeship within 15 days of notification. Appeals will be forwarded to the AMVETS Department of Florida Executive Director by Certified Mail-Return Receipt Requested following the guidelines published in AMVETS National Bylaes, Appendix C.



## ARTICLE VIII. DISCIPLINE OF POST MEMBERS

### Section.1

- A. Each Post of AMVETS shall be the judge of its own membership, subject to the provisions of the National Constitution and Bylaws.
- B. Filing of charges determined by the hearing authority (Commander) to be frivolous shall constitute conduct unbecoming an AMVET. The Commander making such determination will immediately file Category A charges against the member filing frivolous charges.
- C. Under the provisions of the Uniform Code of Procedure for the Suspension or Expulsion of a Member (Appendix B, National Bylaws), any member of AMVETS may prefer charges against any other member alleging one or more of its specified reasons for suspension or expulsion. Such charges must be made under oath (notarized, setting forth the time and place of the alleged offenses or other bases for the charges and signed by the accuser. All such charges and specifications shall be filed with the Post Commander, unless a MAL, a District Commander, or a Post Commander is involved, in which case they are filed with the Department Commander. The respective Commander must, within five (5) days, send a copy of the charges and specifications and copies of supporting documentation by Certified Mail - Return Receipt Requested, to the member, together with a notice fixing a date, place, and time of a hearing. Such hearing shall be held not less than thirty (30) days after the date of mailing. Under the proceedings by the DEB for the suspension or expulsion of a member upon a "showing of cause", written charges shall be furnished by it to the member at least thirty (30) days prior to the date set for a hearing.
- D. Disciplinary action against a member of a subordinate organization, other than for violations of House Rules, shall not be handled by Florida AMVETS but shall be referred to the parent organization, through the Department Commander. Similarly, members of subordinate organizations may not initiate charges against a member of AMVETS, except for violations of House Rules
- E. The disciplinary actions of a subordinate organization will be observed by the Post of AMVETS to which that subordinate organization belongs to.

### Section 2.

- A. Category A Charges. Grounds for discipline include:

- (1) The DEB may suspend or expel any Department officer for defalcation or misappropriation of Florida AMVETS funds.
- (2) Members may be suspended or expelled by a Post or DEB upon proper showing of cause. Written charges shall be based upon disloyalty, neglect of duty,

dishonesty, or conduct unbecoming a member of AMVETS. The provisions of Article XI, below, also apply.

- (3) AMVETS or any component part thereof shall not be used to promote the interest of any individual, organization, or product. Any violation of this provision shall be sufficient cause for disciplinary action against the offending member or Post.
- (4) In addition to the above stated grounds, members may be suspended or expelled for one or more of the following reasons:
  - (a) Any failure to comply with any obligation imposed upon members under the National Constitution and Bylaws;
  - (b) Any violation of the law that reflects unfavorably upon the name of AMVETS;
  - (c) Any other conduct unbecoming an AMVET;
  - (d) Ineligibility for membership at the time of acceptance into membership;
  - (e) Procurement of membership upon fraud or deception.
- (5) Although each Post is the judge of its own membership, when the conduct of any member is such that it will in any way reflect upon, discredit, or invite criticism of the organization, the Department Commander shall immediately bring the matter to the attention of the Post. If the Post fails to act to protect the name of AMVETS, then the DEB may suspend its charter, pending a hearing and final action by the SEC.
- (6) The Department Judge Advocate shall prosecute all Category A charges brought to the DEB or to the Department Grievance Committee. The Post Judge Advocate shall prosecute all charges at the Post level.
- (7) Any elected or appointed District or Post officer against whom charges are filed may be suspended from office at the discretion of the Department Commander, pending the outcome of their hearing.

**Section 3.** Category B Charges. Violation of Post House Rules. Each Post that operates a Clubroom/Canteen/Social Quarters, for the convenience of its members, shall formulate a set of House Rules, which governs the conduct within the facility. These House Rules must be approved by the membership and prominently displayed within the facility the rules govern. The Post may discipline individuals who violate these rules.

#### **Section 4.**

##### **A. Processing Category A Charges:**

- (1) A written grievance shall be prepared, signed, and notarized. The grievance will be forwarded to the Post or Department Commander, whichever is applicable within (45) days from discovery of the incident. The respective Commander must, within five (5) days, send a copy of the charges and specifications and copies of supporting documentation by Certified Mail - Return Receipt Requested, to the member, together with a notice fixing a date, place, and time of a hearing. Such hearing shall be held not less than thirty (30) days after mailing. The accused shall also be advised that he has the right to counsel, to have a court reporter, to face his accuser, and to present witnesses in his behalf. He shall also be advised that the cost of counsel, court reporter, and appearance of his witnesses will be at his

expense. He shall be notified that his AMVETS privileges are suspended pending resolution of the charges. This means that he is not eligible to participate in any Post functions, any meetings, nor the Post Canteen. Specifically, he is not permitted on Post property until the hearing is concluded, Grievance Committee has rendered their decision and the membership on the floor has voted to accept their recommendation.

- (2) The Post Executive Committee or the DEB, consisting of a minimum of five (5) members, shall hear the charges. No member of the Post Executive Committee or the DEB who has firsthand knowledge of the incident(s) to be heard or is a witness thereto, shall be seated to hear the charges. The Commander shall then temporarily appoint disinterested Post members in good standing to achieve a minimum of five voting members.

#### **B. Processing Category B Charges:**

- (1) A written grievance shall be prepared, signed, and notarized. The grievance will be forwarded to the Post Commander within (15) days from the date of incident. The Post Commander must, within five (5) days, send a copy of the charges and specifications and copies of supporting documentation by Certified Mail - Return Receipt Requested, to the member, together with a notice fixing a date, place, and time of a hearing. Such hearing shall be held not less than thirty (30) days after mailing. The accused shall also be advised that he has the right to counsel, to have a court reporter, to face his accuser, and to present witnesses in his behalf. He shall also be advised that the cost of counsel, court reporter, and appearance of his witnesses will be at his expense. He shall also be notified that his canteen privileges are suspended pending resolution of the charges, but such suspension in no way restrict his access to AMVETS or subordinate organization's meetings or committee activities.
- (2) A Post Grievance Committee consisting of a minimum of five (5) AMVET members in good standing shall be designated to hear the charges, determine guilt or innocence and recommend disciplinary action where appropriate. No members of the Post Executive Committee or a member of the Board of Trustees, elected or appointed, shall be a member of this Grievance Committee, with the exception of the Judge Advocate who shall act as prosecutor. Disciplinary actions taken by this committee are limited to Clubroom/Canteen/Social Quarters activities and will in no way, affect the individual's membership or restrict access to meetings or participation in committee activities.

#### **Section 5.**

- A. Appeals referenced in AMVETS National Bylaws, Appendix B, section 9 will be handled in accordance with AMVETS National Bylaws, Appendix C. Except that category A appeals at Post level will be sent to the Department Executive Director (address listed in AMVETS Department of Florida Officers Roster, latest edition)
  - (1) The decision of this body is final and further appeal will not be entertained, including appeals filed to a higher body will not be recognized.
  - (2) Any member resigning their membership, suspended, or revoked shall have their name directed to the Department Executive Director to have the same purged.

- (3) Appeals as a result of a Category B hearing of a Post Grievance Committee may be appealed, in writing, to the Post Executive Committee within fifteen (15) days of the imposition of the penalty. The decision of that body is final and further appeal to a higher level will not be recognized.

## **Section 6.**

- A. Any member, regardless of position, who is listed on the Florida Department of Law Enforcement (FDLE) database, or any similar official state or federal database, as a Sexual Offender, Sexual Predator, Sexual Deviant, or for that matter found to be involved in abusive nature (basically considered Crimes Against Nature) with a minor child(ren) is deemed ineligible for membership in Florida AMVETS and shall be immediately dropped from the rolls of Florida AMVETS without a hearing. Similarly, applicants for membership, so listed, will be ineligible for membership.
- B. Likewise, any visitor so labeled as addressed in Section 6A, above, found to be on any Florida AMVETS property will be asked to leave the premises with notice of applicable trespassing laws in effect. If the individual refuses, actions will be taken to notify appropriate Civil Authorities for the individual's removal.

## **ARTICLE IX. UNIFORM, AWARDS AND DECORATIONS**

### **Section 1. AMVETS men and AMVETS women's uniform:**

- A. The AMVETS uniform for males consists of an AMVETS hat, a navy blue blazer, medium-gray trousers, white dress shirt, black belt, navy blue necktie and appropriate black footwear.
- B. The AMVETS uniform for females consist of an AMVETS hat, a navy blue blazer, medium-gray slacks or medium-gray skirt, white dress blouse and appropriate black belt and neckwear and black footwear.
- C. White shirt with epaulets with the following patches:
  - (1) Right sleeve – AMVETS patch two (2) inches below the seam, the Florida AMVETS patch may be worn below the AMVETS Patch;
  - (2) Left sleeve – American Flag, blue field uppermost and always forward, two (2) inches below the seam, a POW/MIA patch may be worn beneath the Flag patch;
  - (3) The AMVETS collar insignia will be worn on collars, vertical from the tip of the collar.
  - (4) Ribbons awards and decorations listed on your DD214 may be worn on your white shirt in the same location as is required on a military uniform. If it is not listed on your DD214, DD215 or another authorized document it cannot be worn on your AMVETS shirt.
  - (5) Name tags may be worn above the right pocket.
- D. Medium gray trousers for men and medium gray slacks or skirts for female members.

- E. Navy blue blazer with AMVETS patch on the left breast pocket.
- F. Navy blue tie, black belt and shoes.
- G. Official AMVETS hats are different, depending on the title of the member:
  - (1) Post officers and Members: Green with gold piping and lettering
  - (2) State Officers: White with green piping and lettering
  - (3) State District Officers – Green band, white top with gold piping and lettering
  - (4) National Officers – White with gold piping and lettering
  - (5) National Commander – Gold with white piping and lettering.
    - (a) Labeling on right side of hat to be post number, title, date and name.
    - (b) Labeling on left side of hat may include, life member, city, post, group and state

Members may wear the hat of the highest elected office they held, provided that the year they served is indicated on it. The AMVETS uniform and hat should be worn at all AMVETS functions. Additionally, it should be worn at all patriotic events and when cooperating with, or participating in observances of, other veterans military organizations. The cap should be worn indoors and outside; however, it should be removed when entering a church, unless worn by a member (or the commander) of an armed honor or color guard. To properly hold the AMVETS hat during prayer, simply grasp the hat lengthwise in the right hand with the insignia showing, insert four fingers inside the hat and place it over your heart.

**Section 2.** AMVETS Department of Florida authorizes a summer uniform. The summer uniform is authorized from 1 May to 31 October because of the normal hot weather. The summer uniform is the same as item A above, except the blue blazer is not required and the blue tie is exchanged for an optional bolo tie allowing the shirt top button to be open.

**Section 3.** The minimum acceptable uniform requirement at any AMVETS function is the hat.

## **ARTICLE X. EMPLOYEES**

**Section 1.** No elected officer and no trustee, at any level of Florida AMVETS, may be employed in a compensated position at any level.

**Section 2.** Employees of this Department shall be reviewed by the Personnel Committee who is charged with the hiring, firing, and the recommendation of salaries for each position. The Finance Committee shall approve the amount of compensation for the positions before taking effect.

**Section 3.** Employees of this Department shall be given a job description and they are expected to perform the duties to which that job description describes to the utmost of their ability. They will also work for and through the Commander.

**Section 4.** No paid employee of this Department shall be eligible for election to any Department level office of AMVETS, nor shall he participate in the election or pre-election activities on the part of any candidate for election to Department-level office in the Department. However, said employee shall have the right to vote, if a member of AMVETS. Any violation of this provision

shall be cause for dismissal from his position. Employees of posts are covered under post operating procedures.

**Section 5.** All matters and work rule issues concerning Department of Florida employees will be handled in accordance with the Department of Florida Personnel Policy in effect.

## **ARTICLE XI. DISCRIMINATION AND HARASSMENT**

**Section 1.** It is AMVETS policy that all employees have a right to work in an environment free of discrimination, which includes freedom of harassment - whether that harassment is based on sex, age, race, national origin, religion, sexual orientation, marital status, or membership in other protected groups. This policy applies to employees of the Department, Posts and in any Post activity. AMVETS prohibits harassment of its employees in any form - by supervisors, coworkers, customers, or suppliers. Such conduct may result in disciplinary action up to and including dismissal of the employee who harasses others. With respect to non-employees, offending customers, and suppliers will be asked to leave and not to return. Specifically, no supervisor, either explicitly or implicitly, shall threaten or insinuate that any employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment or career development. Other harassing conduct in the workplace, whether physical or verbal, committed by supervisors or others is also prohibited. This includes: slurs, jokes, or degrading comments concerning sex, age, race, national origin, religion, sexual orientation, marital status, or membership flirtation, advances, or propositions; continued or repeated abuse of a sexual nature; graphic verbal comments about an individual's body; and the display in the work place of sexually suggestive objects or pictures. Sexual harassment is often described as unsolicited advances. It may range from inappropriate sexual suggestions to coerced sexual relations. Harassment is viewed as a situation in which an individual in a position to control, influence, or affect another's employment, compensation, promotion, or job assignments uses that power to coerce a person into sexual contact or relations or punishes the refusal. The harasser may be the victim's employer, supervisor, coworker, or employee. Sexual harassment may also include:

- A. Unsolicited verbal sexual comments;
- B. Subtle pressure for sexual activity;
- C. Sexist remarks about a person's body or sexual activities;
- D. Patting, pinching, or unnecessary touching;
- E. Demanding sexual favors, accompanied by implied or overt threats involving one's employment, compensation, promotion, or job assignment; or
- F. Physical assault.

All complaints received must be reported to the Commander. As with all other complaints of discrimination, the Commander will order or conduct a thorough investigation to determine if harassment has occurred or if any AMVETS policy has been breached. The complaint will be investigated and, if such investigation confirms the allegation, appropriate disciplinary action up to and including dismissal will be taken. All complaints and actions taken to resolve such complaints will be treated confidentially.

**Section 2.** It is the policy of AMVETS to avoid the hiring, transfer, or promotion of relatives of employees into situations where the possibility of favoritism or conflicts of interest might exist. Under these restrictions relatives are defined as those related by blood or marriage and those with whom a significant personal relationship exists. Therefore, applicants will not be hired, or employees promoted or transferred into the same department at a location where a relative is

already employed. In addition, applicants will not be hired, or employees promoted or transferred into a position where a relative occupies a position in the supervisory chain under which the employee will be working. Restrictions apply to both voluntary and compensated employees.

**Section 3.** This Article shall be binding upon all subordinate organizations of this Department.

## **ARTICLE XII. DEFINITIONS**

Definition of the word "he", "him" or "chairman", wherever they appear in these Bylaws, shall be referring to both sexes.

## **ARTICLE XIII. PARLIAMENTARY LAW**

At any level of Florida AMVETS, meetings and all matters and proceedings not otherwise provided for herein shall be conducted pursuant to these Bylaws, and the current edition *Robert's Rules of Order*.

## **ARTICLE XIV. NATIONAL ORGANIZATION**

This Department, as a component of the National Organization of AMVETS, and as such, is subject to the Constitution and Bylaws thereof; which same Constitution and Bylaws are hereby adopted and made part of these Bylaws by reference. Any provisions of these Bylaws which are, is, or may come to be, in conflict with, or contrary to, said National Constitution and Bylaws shall be, and is, hereby automatically amended to conform therewith.

## **ARTICLE XV. NATIONAL CONVENTION**

**Section 1.** This Department shall be represented at the National Convention by the immediate Past Department Commander as a delegate and the newly elected commander as the alternate delegate. The delegate and his alternate shall not represent any Post. The immediate Past Department Commander shall be the Chairman of delegates to the National Convention. Caucuses will be held at the call of the Chairman or any five (5) delegates. In the event the Department Commander succeeds himself in office, he will be both the Department delegate and the Chairperson of the delegation. The Commander before him will be the alternate delegate.

**Section 2.** Each local Post shall be entitled to two (2) delegates and two (2) alternates for its first fifty (50) members, or fraction thereof, thereafter the Post shall be entitled to one (1) delegate and one (1) alternate for each additional fifty (50) members. The number of delegates and alternates to which each Post is entitled will be computed by National Headquarters as of July 1st of each year and reported to the Post as soon thereafter as may be possible. Each Post must be chartered prior to May 1st to be eligible to vote at the National Convention.

## **ARTICLE XVI. POST ORGANIZATION**

**Section 1.** Ten (10) or more eligible individuals may form local Posts by making application to this Department. If the Department approves, the application shall be forwarded to the National Headquarters.

**Section 2.** Posts shall be governed locally by their own officers chosen according to their own Constitution and Bylaws, except that election of officers shall be held annually between May 1 and May 14 and said officers shall be installed by an AMVET in good standing who has attained,

at least, the rank of Post Commander, District Commander, Department or National Officer and assume office no later than June 1 thereafter. The Posts shall be subject and subordinate, however, to the jurisdiction of the National and Department Headquarters, and any provision of a Post Constitution found to be in conflict with or contrary to the provisions of these Bylaws or the National Constitution shall be null and void. Officers of Posts shall use the equivalent titles provided for Department Officers in these Bylaws. Posts shall have the option of having additional Vice Commanders if prescribed by their Constitution and Bylaws, but no trustee of the clubroom or canteen shall fill any of these positions. In the absence of a post commander, the vice commanders in order of their numerical rank shall preside at meetings and represent the commander.

**Section 3.** Every Post shall be required to revalidate its charter within seven (7) days following the annual meeting. An appropriate device to be issued by the National Department shall evidence such charter revalidation. In order to revalidate such charter, receive a Certificate of Revalidation of its charter, and have the ability to register for the State Convention, each Post, aside from any other requirements imposed in these Bylaws, shall:

- A. Furnish the Department Executive Director with a certified list of current Post Officers. In the "Official Contact" section of the AMVETS Post Officer Form, each post will be encouraged to enter a permanent Mailing address. This address should be the one and only address to which all official post correspondence will be sent.
- B. File Internal Revenue Form 990 for the Post calendar or fiscal year with the United States Internal Revenue Service (IRS), as required by current IRS regulations, and indicate on the Revalidation form the date the 990 was filed with the IRS.
- C. Furnish the Department Judge Advocate with two (2) copies of the Post's current Constitution and Bylaws or a certification stating the copy previously submitted has not been materially amended;
- D. Be fully paid up with all Post accounts with Department and National Headquarters;
- E. Any post operating a clubroom, Canteen or Social Quarters shall be required to carry workers' compensation insurance (in accordance with the law of the state of Florida) and public liability insurance, including product liability and personal injury coverage, with a minimum single limit of \$500,000. Posts that maintain a building primarily for meeting purposes shall be required to carry public liability insurance, including product liability and personal injury coverage with a minimum single limit coverage of \$300,000 or the minimum local amount prescribed by the State of Florida. The AMVETS Department of Florida and the AMVETS National Headquarters shall be included as additional insured in all policies and a certificate of said insurance shall be furnished to the AMVETS Department of Florida and to AMVETS National Headquarters.
- F. Have at least ten (10) members in good standing at the time of revalidation;
- G. Provide the Department Executive Director a copy of the Post Articles of Incorporation and certificates of good standing issued by the Florida Department of State, Division of Corporations.
- H. Provide the Department Executive Director with proof of Bonding of Officers handling over \$5,000.00 of AMVETS funds. Two (2) copies of all the above must be submitted, one to be placed in the Department files and the other to be forwarded to the National



Headquarters. Failure to comply with the above requirements will result in the noncomplying Post not being seated at the State Convention.

#### **Section 4.**

- A.** All Posts shall comply with local, state, and federal laws and statues in the operation of the Post and its facilities. Each Post shall certify, to the National Department yearly, that it is in compliance with these Bylaws.
- B.** Upon compliance with all the above requirements, National Headquarters shall issue to such Post a Certificate of Revalidation.
- C.** On or before August 1 of each year the National Headquarters shall furnish this Department a list of Posts that have not complied with the above requirements, directing that such Posts be disciplined. This Department, by September 1, notwithstanding and in addition to any other provisions of the Constitution and Bylaws, shall suspend the charter of such Post until it shall comply with such requirements, unless the Post has complied with such requirements prior to such suspension. Any charter so suspended shall remain suspended until such Post shall have complied with such requirements and shall have received a Certificate of Revalidation to the charter from National Headquarters. Any Post whose charter remains in a state of suspension for a consecutive six (6) month period for any of the foregoing reasons shall, on March 1, have its charter automatically revoked without any further action being necessary either by this or National Departments. This Department shall not have its representatives seated or his expenses paid at any meeting of the National Executive Committee unless it has been certified in writing that all Posts in the Department have complied with the aforesaid requirements or furnished written evidence that appropriate disciplinary action has been taken against all Posts not so complying.
- D.** All Posts Constitution and Bylaws at inception or as being amended shall be sent to the Department Judge Advocate for review and/or recommendations. If the Department Judge Advocate accepts the Constitution and Bylaws as submitted, he shall direct same, reflecting his acceptance, immediately to National Headquarters for filing with his approval attached thereto.

## **ARTICLE XVII. SUBORDINATE ORGANIZATIONS**

**Section 1.** Florida AMVETS recognizes the following subordinate organizations:

- A.** Service Foundation, Department of Florida,
- B.** Sad Sacks, Department of Florida,
- C.** Ladies Auxiliary, Department of Florida,
- D.** Sons of AMVETS, Department of Florida,
- E.** Junior AMVETS, Department of Florida, and,
- F.** AMVET Riders, Department of Florida.

**Section 2.** Membership and participation in these subordinate organizations shall be governed by their own Constitution and Bylaws.

## **ARTICLE XVIII. BIENNIAL SELF AUDIT PROCESS**

**Section 1.** Biannual audits will be conducted on odd years in accordance with Article XIX AMVETS National Bylaws.

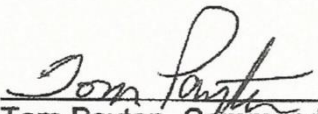
**Section 2.** The Post Commander appoints at least two AMVETS members approved by the membership, who is independent of any financial/treasury function.

- A. Minimal assessments to include but not limited to:
1. Confirm all bank and investment balances;
  2. Review and confirm correctness of any large expenses (anything exceeding \$500);
  3. Review expenses associated with all grant monies received;
  4. Review Commander's discretionary fund and any other discretionary funds or accruals;
  5. Review revenue and expenses associated with Charitable Games/Bingo;
  6. Review Membership Fund.
- B. Results of the annual audit will be explained at the annual meeting by the appointed committee members. A copy of their report will be posted to give all AMVETS members access.

## **ARTICLE XIX. AMENDMENTS**

These Bylaws may be amended at any State Convention or SEC, by a majority vote of the total authorized delegates present and voting, providing that such proposed amendments shall be submitted by a Post, or SEC member, to the Department Commander, and sent by him, to the Posts and members of the SEC by mail at least thirty (30) days prior to the opening date of the next Convention or SEC. These Bylaws may be amended without prior notice by unanimous vote of the delegates present and voting at any State Convention or SEC. However, no amendment may be adopted, unless, and until, the same is referred to the Constitution and Bylaws Committee, considered by it, and reported on at the State Convention, with the exception of a unanimous vote from the floor.

These Bylaws were approved by a majority vote by the membership on February 16, 2020 at the S.E.C. in Orlando, Florida.

  
\_\_\_\_\_  
Tom Payton, Commander  
AMVETS Department of Florida

*Doug Furgeson*  
\_\_\_\_\_  
Doug Furgeson  
Department Judge Advocate

Date Signed: February 16, 2020

Date Signed: February 16, 2020