



National Headquarters
3725 Alexandria Pike
Cold Spring, KY 41076
Phone (859) 441-7300
Fax (859) 441-1416
Toll Free (877) 426-2838
www.dav.org

July 18, 2017

Mr. Albert H. Linden, Adjutant
Department of Florida
Disabled American Veterans
2015 SW 75th Street
Gainesville, FL 32607

EIN: 59-0915376

Dear Adjutant Linden:

The Constitution and Bylaws for the Department of Florida is hereby approved as of this date, with the following change.

Please add the following as Article 15, Section 15.2 of the Department Bylaws: *“To the extent to which any of the provisions of this Constitution and Bylaws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and Bylaws and lawful mandates, decisions and regulations of the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.”*

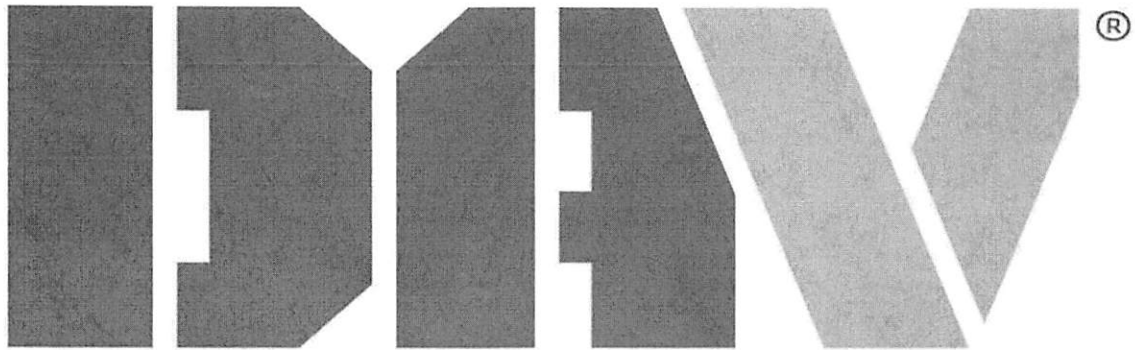
A copy of this document is being returned to the Department of Florida and a copy is being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

A handwritten signature in blue ink that reads 'Michael E. Dobmeier'.

MICHAEL E. DOBMEIER
National Judge Advocate

MED:kb
Enclosure



DISABLED AMERICAN VETERANS

DEPARTMENT OF FLORIDA

CONSTITUTION AND BYLAWS

RULES OF CONVENTION

AND DEPARTMENT REGULATIONS

**With Amendments Adopted
by the
Lake Mary, FL Convention
June 15 – 17, 2017**

**DEPARTMENT HEADQUARTERS
2015 SW 75th Street
Gainesville, Florida 32607
Telephone: (352) 331-0945
Fax: (352) 331-0946**

Web Site: www.davmembersportal.org/fl

TABLE OF CONTENTS

CONSTITUTION.....	3
Article I - Authority.....	3
Article II - Allegiance.....	3
Article III - Purpose.....	3
Article IV - Membership.....	3
Article V - Administration.....	4
Article VI - Legislation.....	4
Article VII - Executive.....	4
Article VIII - Powers.....	4
Article IX - Elected Officers.....	5
Article X - Auxiliaries.....	5
Article XI - Amendments.....	5
Department Bylaws.....	6
Article 1 - Policy.....	6
Article 2 - Legislative Activities.....	6
Article 3 - Department Convention.....	6
Article 4 - Mid Winter Conference.....	8
Article 5 - Officers.....	8
Article 6 - Officer Duties.....	9
Article 7 - The Corporation.....	10
Article 8 - The Department Executive Committee.....	11
Article 9 - Finances.....	13
Article 10 - Chapters.....	17
Article 11 - Fund Raising Activities.....	19
Article 12 - VA Voluntary Service Program (VAVS).....	20
Article 13 - Employees.....	20
Article 14 - Amendments.....	21
Article 15 - Miscellaneous.....	22

**DISABLED AMERICAN VETERANS
DEPARTMENT OF FLORIDA, INC.**

DEPARTMENT CONSTITUTION

ARTICLE I - AUTHORITY

Section 1.1: Under the authority of the National Constitution of the Disabled American Veterans, there has been, and is hereby established the Disabled American Veterans, State Department of Florida, Inc.

ARTICLE II - ALLEGIANCE

Section 2.1: The Disabled American Veterans, State Department of Florida, Inc., hereby recognizes the National Organization, known as Disabled American Veterans, incorporated by Act of Congress, and affirms its allegiance and subordination to the said National Organization, its Constitution, Bylaws and all rules, mandates and regulations promulgated pursuant thereto.

ARTICLE III - PURPOSE

Section 3.1: The purpose of the Disabled American Veterans, State Department of Florida, Inc., shall be to uphold and maintain the Constitution and the laws to the United States; to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, gassed, injured, and disabled veterans; to cooperate with the United States Veterans Administration and all other public and private agencies devoted to the cause of improving and advancing the condition, health, and interest of all wounded, gassed, injured and disabled veterans; to serve our comrades, our communities and our country; to encourage in all people that spirit of understanding which will guard against future wars.

ARTICLE IV - MEMBERSHIP

Section 4.1: Eligibility

Para. 1: Any man or woman, who was wounded, gassed, injured or disabled in line of duty during time of war, while in the service of either the military, air or naval forces of the United States of America, and who has from such service, or who may still be in active service in the armed forces of the United States of America is eligible for membership in the Disabled American Veterans, Department of Florida, Inc. Others who are disabled while serving with any of the armed forces of any nations associated with the United States of America as allies during any of its periods of war, who are American citizens and who are honorably discharged, are also eligible.

Para. 2: "During time of war" as used herein shall be as presently described in Section 11.11 of the National Bylaws and/or as might hereafter, by amendment to Section 11.11 be described as a period of war.

Section 4.2: Composition

The Disabled American Veterans, State Department of Florida, Inc. shall consist of all Chapters of the Disabled American Veterans which have been duly organized in the State of Florida, and which have been constituted as such by the Disabled American Veterans and all such Chapters which shall hereafter be so organized and constituted.

Section 4.3: Honorary Members

The Disabled American Veterans, State Department of Florida, Inc. shall not have honorary members.

ARTICLE V – ADMINISTRATION

Section 5.1: The administrative affairs of the Disabled American Veterans, State Department of Florida, Inc. shall be vested in the State Executive Committee, to be composed of the State Commander, the State Vice Commanders, immediate Past State Commander and one State Executive Committee person from each of the several State Areas, as they are now or may hereafter be composed and included in this State Department.

ARTICLE VI - LEGISLATION

Section 6.1: The supreme legislative powers of the Disabled American Veterans, State Department of Florida, Inc. shall be vested in a State Convention which shall be composed of the elected State Officers, the past State Commanders of Florida, the State Executive Committee person, and delegates and alternates of the Chapters, which are now, or may be hereafter included in this State Department.

ARTICLE VII - EXECUTIVE

Section 7.1: The executive power of the Disabled American Veterans, State Department of Florida, Inc. shall be vested in the State Commander.

Section 7.2: No person elected as State Commander shall serve for more than one year.

ARTICLE VIII - POWERS

Section 8.1: The Disabled American Veterans, State Department of Florida, Inc. will have perpetual succession, with power to sue and be sued in courts of law and equity; to receive, hold, own, use and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a constitution and bylaws and regulations to carry on its purposes, not inconsistent with the laws of the United States, the State of Florida, or the National Constitution and Bylaws; to establish and maintain offices for the conduct of its business; to establish district and local chapter or auxiliary organizations; to publish a newspaper or other publications devoted to the purpose of the corporation and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

Article IX - Elected Officers

Section 9.1: Each State Convention shall elect a State Commander, a State Senior Vice Commander, not more than four (4) State Junior Vice Commanders, a State Chaplain and a State Judge Advocate.

Article X - Auxiliaries

Section 10.1: The Disabled American Veterans, State Department of Florida, Inc. recognizes an Auxiliary and the National Order of Trench Rats as auxiliary units.

Article XI - Amendments

Section 11.1: This Constitution may be amended at any State Convention by a majority vote of the regularly elected and qualified delegates thereof, if, and when three-fourths of the several Chapters of the State Department then in existence and in good standing shall have ratified the proposed amendment(s), which ratification(s) must take place prior to the next State Mid-Winter Conference.

DEPARTMENT BY-LAWS

Article 1 - Policy

Section 1.1: This State Department shall be nonpolitical and non-sectarian and the name of this State Department or name of any unit thereof shall not be used in representing the desires or wishes of its membership in any political, sectarian or labor dispute. Provided, however, that the foregoing shall not prevent this State Department or any unit thereof from participating in political issues which have a direct bearing upon the welfare of Americas' disabled veterans.

Article 2 - Legislative Activities

Section 2.1: Prohibited Activities: No member shall appear before any legislative body and speak in the name of this State Department, a Chapter or other subordinate unit, as sponsoring or opposing any legislation contrary to any resolution then in effect, with regard to such legislation, which has been regularly adopted by the State Department, State Executive Committee, or by a Chapter, of which he is a member.

Section 2.2: Federal Legislation: No federal legislation shall be sponsored or endorsed by this State Department, Chapter or other subordinate unit except as provided in the National Bylaws.

Article 3 - Department Convention

Section 3.1: Supreme Power: The supreme power of this State Department shall be vested in the State Convention; such convention to be held between June 1 and June 30 annually unless prohibited by a national emergency or other conditions beyond the control of the State Department.

Section 3.2: Composition: The Department Convention shall be composed of the elected State Officers, the Past State Commanders of Florida, the State Executive Committee person and the delegates and alternates representing the Chapters of the State Department.

Section 3.3: Voting Strength: Each Chapter shall be entitled to one delegate and one alternate for its charter, and one delegate and one alternate for each fifteen (15) members or major portion thereof, using the mid-April National Headquarters membership report as a basis for numerical entitlement.

Section 3.4: Election of Delegates: All Chapter delegates and alternates shall be elected by their respective Chapters at least fifteen (15) days prior to a convention and shall be certified to the State Department on forms provided by the State Department. Chapter delegates strength will be elected prior to electing alternates. Elected

delegates and alternate credential slips will be signed by the Chapter Commander and the Chapter Adjutant in office at the time of election of such delegates and alternates.

Section 3.5: Voting

Para. 1: Each elected State Officer (except the State Chaplain, State Judge Advocate, and members of the State Finance Committee), State Executive Committee person, Past State Commander of Florida shall be entitled to one vote in the convention. Chapter delegates shall cast their pro-rata share of the Chapter's votes based on membership strength, except as herein specified.

Para. 2: No person shall cast a ballot in the State Convention in more than one representative capacity; nor shall any person be registered in more than one representative capacity, or as a delegate from more than one Chapter.

Para. 3: No person shall be entitled to cast a vote at a State Convention unless he/she is then a member in good standing and has registered and paid the registration fee. The Chairman of the Credentials Committee shall furnish to the State Adjutant a list of all registered State Officers, Past State Commanders of Florida, State Executive Committee persons and Chapter delegates and alternates who have registered and are qualified to vote.

Para. 4: No delegate or alternate representing any Chapter whose charter has been suspended or revoked and which has not been reinstated prior to the second convention day, shall be seated or entitled to vote.

Para. 5: In the absence of any delegate, his/her vote shall be cast by his/her alternate. In the event any delegation is entitled to cast more votes than the number of delegates present, the votes of those absent shall be cast in the same proportion as the votes of those present.

Para. 6: There shall be no form of unit rule or voting by proxy.

Section 3.6: Indebtedness

Para. 1: No delegate or alternate representing any Chapter which is indebted to the National Organization or State Department in any amount, except the Forget-Me-Nots which sale is later than the convention, shall be seated with the privilege of voting in any convention.

Para 2: No delegate or alternate representing any Chapter which has failed to submit a Chapter's Officers Report, Chapter Financial Report or any required fund-raising reports shall be seated with the privilege of voting unless such delegate shall present to the Executive Director the required completed forms prior to the start of the second convention day. The provisions of this section shall not deprive a Chapter of the right

to name officers to serve and represent a Chapter insofar as otherwise allowed during the convention proceedings.

Section 3.7: Quorum: A quorum shall consist of one or more delegates from Chapters representing at least fifty-one (51) percent of the members in good standing in the State as of the mid-April membership report issued by National Headquarters immediately preceding the convention.

Section 3.8: Registration Fee: A registration fee will be charged each delegate, alternate delegate or guest registering for the Annual Convention. The fee will be set by the Executive Committee and not exceed \$25.00.

Section 3.9: Rules of the Convention: The Rules of the Convention shall be adopted at the first business session of the Convention.

Article 4 – Mid Winter Conference

Section 4.1: Date: An annual Mid-Winter Conference will be held during the month of January.

Section 4.2: Composition: The Mid-Winter Conference shall be composed of the elected State Officers, the State Executive Committee person and the State Finance Committee person and representatives of the Chapters of the State Department.

Section 4.3: Meetings: The Mid-Winter Conference will have a State Executive Committee meeting, State Finance Committee meeting and such other Committee meetings as deemed necessary by the State Commander to carry out the administrative and executive business of the State Department.

Section 4.4: Training Classes: Training classes will be scheduled during the Conference to help those members attending to become better qualified to carry out their duties as State, Area, and Chapter Officers.

Section 4.5: Registration Fee: A registration fee will be charged each representative or guest registering for the Mid-Winter Conference. The fee will be set by the Executive Committee and not exceed \$25.00.

Article 5 - Officers

Section 5.1: Elections

Para. 1: The Convention shall elect the following:

- a. State Department Commander
- b. State Department Senior Vice Commander

- c. State Department Junior Vice Commander
- d. State Department Chaplain
- e. State Department Judge Advocate
- f. State Department Finance Committee member

Para. 2: No member shall be elected to more than one State Office.

Para. 3: Elected and/or appointed Officers shall hold office immediately following installation and until their successors have been duly elected and/or appointed and installed.

Para. 4: No State Vice Commander shall be elected or appointed from the same Area.

Section 5.2: Vacancies

Para. 1: Vacancies occurring in an elected Commander and/or Vice Commander office will be filled by promotion of the next lower Vice Commander to a higher position.

Para. 2: The State Department Commander shall appoint Vice Commanders as necessary, a State Judge Advocate, a State Chaplain or State Finance Committee person when a position is vacated, subject to the advice and consent of the State Executive Committee. The Finance Committee vacancy appointment shall remain in effect until the next Department Convention at which time a Finance Committee Member shall be elected to fill the remainder of the unexpired term.

Section 5.3: Duties

Para. 1: Without restriction of any provision in this Constitution and Bylaws, each officer will perform the duties of his or her office as prescribed by the National Constitution and Bylaws and the National Ritual, and Department Policies.

Para. 2: The State Vice Commanders in order named, shall perform the duties of the State Commander and State Senior Vice Commander during their absence. They shall also perform the duties that the State Commander assigns from time to time.

Article 6 – Officer Duties

Section 6.1: State Department Commander

Para. 1: Appointments Immediately following the adjournment of a State Convention, the State Commander shall appoint such officers as required by the National Bylaws or deemed necessary to the State Department, subject to the advice and consent of the State Executive Committee. The State Executive Committee may

grant the State Commander the authority to make non-elected position appointments without State Executive Committee approval.

Para. 2: Decisions The state commander shall render a decision upon receiving an opinion from the state judge advocate. the decision may be appealed to the state executive committee with subsequent appellate rights to the State Convention, provided that written notice of the intention to appeal is given to the State Adjutant within thirty (30) days after the decision of the State Commander

Para. 3: Nominating Committee Appointment The Department Commander, at the first business session of the Department Convention, shall appoint one at-large member to serve on the Nominating Committee. The at-large member shall not be an elected department officer.

Section 6.2: Adjutant/Treasurer

The Department Adjutant/Treasurer shall perform the duties as assigned by the Department Commander, the Department Executive Committee and/or the Department Convention. The Department Executive Director may serve as the Adjutant/Treasurer. However, the duties of the Adjutant/Treasurer shall not conflict with the duties of the Department Executive Director.

Section 6.3: Judge Advocate

Para. 1: The Department Judge Advocate shall be the legal advisor of the State Department. He shall upon request of the State Commander, State Executive Committee or State Convention, render an opinion of all matters directly concerning the State Department or Chapters thereof.

Para. 2: The Department Judge Advocate will render opinions on the provisions of all State Department and Chapter Constitution and Bylaws, Articles of Incorporation, and any changes made to them. All opinions of the Department Judge Advocate shall be advisory only.

ARTICLE 7 - THE CORPORATION

Section 7.1: Composition

The terms President, First Vice President, Vice President, Treasurer and Secretary as they appear in the State of Florida Articles of Incorporation shall be the same as:

- President Department Commander
- First Vice President..... Department Senior Vice Commander
- Vice President Department Junior Vice Commander

Secretary/Treasurer Department Executive Director
Board Member Department Adjutant/Treasurer
Board Member Immediate Past Department Commander
Board Members State Executive Committee Persons

Section 7.2: Elections

The Corporation Officers shall be elected in accordance with the Constitution and Bylaws of the Disabled American Veterans, State Department of Florida, Inc. and installed at the Department Convention.

Section 7.3: Meetings

The last order of business of each annual Department Convention shall be to call the Corporation Board of Directors into session and to conduct such business as may rightfully come before it. The Corporation shall hold such other meetings as are deemed necessary to carry out its purpose.

Article 8 - The Department Executive Committee

Section 8.1: Composition

There shall be a State Executive Committee composed as set out in Article V of the Constitution of the Department of Florida. Geographical areas as defined with reference to the State Executive Committee shall be:

Area 1 – Duval, Leon, St. Johns, Bay, Columbia, Jackson, Escambia, Clay, Okaloosa, Walton, Santa Rosa, Sewanee, Taylor, Lafayette, Nassau, Baker, Madison, Hamilton Jefferson, Gulf, Holmes, Bay, Gadsden, Liberty, Washington, Calhoun, Wakulla and Franklin Counties.

Area 2 – Seminole, Dixie, Pasco, Hernando, Citrus, Volusia, Flagler, Lake, Alachua, Sumter, Marion, Union, Putnam, Levy, Bradford and Gilchrest Counties.

Area 3 – Hillsborough, Pinellas and Polk Counties.

Area 4 – Orange, Brevard, Manatee, DeSoto, Charlotte, Sarasota, St. Lucie, Osceola, Hardee, Highlands and Indian River Counties.

Area 5 – Dade, Martin, Broward, Palm Beach, Lee, Collier, Monroe, Hendry, Okeechobee and Glades Counties.

Section 8.2: Election

Area Executive Committee Members and Alternate Executive Committee Members shall be elected by majority vote of the Chapter strength by the delegates from the chapters representing such Areas. The election shall take place during the State Convention, immediately prior to the first business session. The Area Executive Committee members and Alternates shall serve for two years. In even numbered years, the delegates from even numbered Areas shall elect their members, and in odd numbered years, the delegates from odd numbered Areas shall elect their Members.

Section 8.3: Tenure of Office

The State Executive Committee officers shall hold office from installation at the State Convention until their successors have been duly elected and installed. The Executive Committee members shall serve without expense to the State Department except as otherwise provided herein.

Section 8.4: Vacancy

If there is a vacancy in the office of an Area Executive Committee Member, the Area Alternate Executive Member shall fill the unexpired term. In the event both the Area Executive Committee Member and Alternate offices are vacant at the same time, appointment to fill the unexpired terms shall be made by the Department Commander with the consent of the Department Executive Committee within 30 days of the vacancy, but no later than seven days prior to the opening of the Department Convention. Such appointment shall remain in effect until the next Department Convention, at which time an Area Executive Committee Member and Alternate shall be elected to fill the remainder of the term. This office shall be considered an elected Department office.

Section 8.5: Restrictions

No person shall hold membership on the State Finance or Executive Committees in more than one representative capacity, and, prior to being sworn, must designate in writing to the State Commander in which capacity he or she will serve. Once such designation has been made it may not be changed during the ensuing term of office.

Section 8.6: Powers

Between Department Conventions, all legislative and administrative matters not otherwise specifically covered by the provisions of these Bylaws, resolutions or mandates adopted at the State Convention, shall be determined by majority vote of the State Executive Committee.

Section 8.7: Meetings

Para. 1: Within twelve (12) hours after the adjournment of a Department Convention, the State Executive Committee shall meet in the city in which the Convention was held. It will review the policies adopted by the Finance Committee and provide direction for the Officers of the Department. It shall transact such other business as may be properly brought before it or as may be required by the Constitution and Bylaws.

Para. 2: The Department Commander or majority of members of the Department Executive Committee shall have the authority to call for a meeting of the entire Executive Committee at any time between Department Conventions, provided however, that written notice of the time and place thereof shall have been given to all members of the Executive Committee in sufficient time, in advance, to enable them all to be present there at.

Para. 3: The majority of members of the Department Executive Committee shall constitute a quorum to conduct such business as may come before any of its meetings.

Section 8.8: Ballots

The Department Executive Committee may act between meetings, through the Executive Director, by means of mail, telephone or electronic mail ballots. The Executive Director must submit to each member of the Committee, for their vote, any matter requested by the State Commander or by not less than fifty percent (50%) of the members of the State Executive Committee. The results of the vote on each matter so referred to the members of the committee shall be conveyed by the Executive Director to each of the committee members, by mail, telephone or electronic means, as soon as the results of the vote is known. The results of all votes shall be conveyed to the Chapters of the Department through the monthly bulletin.

Section 8.9: Nominating Committee

Each Area shall elect two members to serve on the Nominating Committee at the Department Convention. The election shall take place during the State Convention, immediately prior to the first business session. The two members elected to the Nominating Committee from any Area must be from different chapters in the Area.

ARTICLE 9 - FINANCES

Section 9.1: Finance Committee

Para. 1: Composition

The State Finance Committee shall be composed of:

- a. Department Commander
- b. Four (4) elected members
- c. Department Senior Vice Commander (without vote)
- d. Department Adjutant/Treasurer (without vote)
- e. Department Executive Director (without vote)

Para. 2: Election

The elected members shall serve for four (4) years with one (1) member replaced annually by election, in the same manner as Department Officers at the Department Convention. No member of the Department Executive Committee shall serve as a voting member of the Department Finance Committee except for the Department Commander.

Para. 3: Powers

a. Adjustments to Accounts - The Finance Committee shall have the authority to adjust accounts and authorize expenditures within budgeted accounts to properly administer the financial affairs of the State Department; provided however, that any adjustment to accounts shall be recommended by the Finance Committee and shall have the approval of the majority of the Department Executive Committee; however, the total funds budgeted will not be exceeded for any reason without the recommendation of the Finance Committee and prior approval of the Department Executive Committee.

b. Transfers from Accounts - Transfers of funds shall only be considered if it is of an emergency nature or for modification or adjustment of a line item already approved by the Finance Committee. Fund transfers shall not be approved for an expenditure which by its nature would generate additional new expenditures. The transfer of funds from an inactive account to an active account shall not be approved if the shortage in the active account is due to willful disregard of budget allowances or carelessness in control of spending.

c. Employment of Executive Director - The State Finance Committee will, with the consent of the State Executive Committee, employ a Department Executive Director who shall be an employee of the Department of Florida and a member in good standing of the Disabled American Veterans, Department of Florida.

Para 4: Duties

All revenue and expenditures of the Department shall be under the direct supervision of the Department Finance Committee with the advice and consent of the Department Executive Committee. It shall be the responsibility of the Committee to:

- a. Provide audit of all accounts.
- b. Insure that proper bonds are in force for all officers and employees who are entrusted with the handling of any funds and revenues of the State Department.
- c. Insure payments of all bond premiums
- d. Insure economic and business-like administration of the State Department's Financial affairs.

Para 5: Meetings

The State Finance Committee will meet a minimum of four times a year to include the State Convention and State Mid-Winter Conference. The State Commander, Finance Committee Chairman or three Committee members shall have the power to call special meetings of the State Finance Committee. Proper notice of the time, place and business of the meeting shall be given at least fifteen (15) days in advance.

Section 9.2: Budget

Para. 1: The State Department shall operate under a budget approved at the annual State Convention by a majority vote of the registered delegates present. The budget shall be prepared by the State Finance Committee based upon experience and the projected needs of the State Department. In the event the submitted budget is rejected by the Convention, it shall be returned to the Finance Committee for necessary corrections and resubmitted to the Convention for final approval.

Para. 2: In the event the annual Convention shall adjourn without approving the budget, the post-Convention Finance Committee, with the approval of the State Executive Committee shall determine the budget.

Para. 3: The adopted budget shall provide mandatory guidelines governing the expenditures of funds allocated for specific purposes. However, this paragraph shall not prevent the Finance Committee, from making necessary changes within the budget to properly administer the business and Finances of the State Department. However, the total funds budgeted will not be exceeded for any reason without prior approval of the State Executive Committee.

Para. 4: No funds of the State Department shall be used to make loans or advances of any form or character to any promoter, individual, Chapter or Area. These restrictions shall not apply to approved travel advances nor to credit card purchases.

Section 9.3: Department Executive Director

Para. 1: The Department Executive Director, employed by the Department Finance Committee, shall coordinate the administrative and financial activities of the

Department, and be charged with the duties as set forth in the position description, approved by the Department Finance Committee, on file at Department Headquarters.

Para. 2: The Department Executive Director is the Resident Agent for the Disabled American Veterans, Department of Florida, Inc. as required by Florida statutes.

Para. 3: The Department Executive Director shall have a semi-annual financial report prepared and placed in the Department publication. The summary of the annual audit shall be published in the Department publication.

Para. 4: The Department Executive Director shall render statements to all Chapters as of April 30, before each State Convention, of each Chapter's indebtedness to the Department, if any, and on payment of such amount, the Chapter shall be considered free and clear of all indebtedness for the limited purpose of determining whether its delegates shall be entitled to a seat and vote at such Convention.

Para. 5: The Department Executive Director shall be responsible to the Department Finance Committee and the Department Executive Committee for the proper management of all business and fund-raising projects of the Department.

Para. 6: The Department Executive Director shall obtain and keep in full force a fidelity bond as required by National and other bonds as deemed necessary by the Department Finance Committee.

Para. 7: The Department Executive Director shall notify the Department Executive Committee, the Adjutants of all Chapters, within the Department of the date, time, and location of the meetings of the Department Executive Committee, and shall mail to all the above Officers copies of the minutes within 30 days after the meeting.

Para. 8: The Department Executive Director shall also serve as the Chief Executive Officer (CEO) of the Disabled American Veterans, Department of Florida.

Para. 9: The Department Executive Director shall assume such other duties and responsibilities as defined by the Department Finance Committee.

Section 9.4: Lotteries

Neither the State Department of Florida, Chapter or Auxiliary Unit, shall sponsor or conduct a lottery in the name or any part of the name of the Disabled American Veterans, except where authorized by law.

Section 9.5: Fund-Raising

Para. 1: All fund-raising activities conducted by the State Department, Chapters,

Disabled American Veterans Auxiliary and National Order of Trench Rats will require approval of the State Department and in compliance with the National Bylaws, State Executive and Finance Committee regulations, rules and policy now in effect, or as might hereafter be amended.

Para. 2: Disabled American Veterans Chapters and National Order of Trench Rats, conducting any fund-raising activity, including Forget-Me-Not Drives and Bingo shall remit ten percent (10%) of any net profit to the Disabled American Veterans, State Department of Florida, Inc.

Para. 3: Disabled American Veterans Auxiliary Units conducting Bingo games and Forget-Me-Not fund raising activities will remit ten percent (10%) of any net profit to the Disabled American Veterans, State Department of Florida, Inc.

Para. 4: Each subordinate body subject to the provisions hereof shall hold the State Department harmless from any claims arising from approval granted or withheld by any governing body hereunder, and the approval of such body, is specifically limited to the project submitted as a means of fund raising, and may not be construed to make the approving body a party to any contract or obligation arising out of the project.

Section 9.6: Grants by Department

Para. 1: The sole power of the State Department of Florida, Inc., Disabled American Veterans, to make gifts, contributions, grants, scholarships and awards shall be vested in the annual State Convention. Any such recommendations must be made by the State Finance Committee and approved by the State Executive Committee and the registered delegates present at the annual State Convention.

Para. 2: Notwithstanding the provisions of Para. 1, the State Commander shall have the authority to make gifts or contributions not to exceed the sum of two-hundred dollars (\$200.00) in each individual case. The State Commander shall submit a properly completed and signed voucher to the State Adjutant with a letter explaining the circumstances for each gift or contribution.

Article 10 - Chapters

Section 10.1: Organization

Para. 1: Chapters shall be organized and chartered as provided by National and State Department Bylaws. No chapter shall adopt or use the name of a living person. The name of a Chapter may not be changed from the name stated on its charter without the prior approval of the State Department Executive Committee and the National Executive Committee and no Chapter shall use a name other than as stated in its charter unless the change is so approved.

Para. 2: There shall be one (1) at large chapter to be known as Everglades Chapter #2.

Para. 3: Chapters will not move from their chartered location without prior written approval of the State and National Executive Committees.

Para. 4: Each Chapter owning or acquiring real property shall record in the public record a Declaration of condition, covenants, restrictions and reservations as applied to its real property. Regulation 2.2 provides instructions for this process of transferring, sale or encumbering Chapter property. No Chapter shall encumber its real property with mortgages, loans or liens without written authority from Department Headquarters. For Chapters which currently own real property this must be accomplished within 60 days after National approval of this bylaw change. For Chapters who acquire new real property, a certified copy of the recorded covenant shall be forwarded to Department Headquarters at the time of closing.

Section 10.2: Requirements

Para. 1: Each Chapter shall adopt its own Constitution and Bylaws within twelve (12) months subsequent to charter approval.

Para. 2: Chapters will elect its required officers not less than ten (10) days prior to each annual State Convention. Each Chapter shall submit a Chapter Officers report to the State Department and National Organization within ten (10) days after the installation of new Chapter Officers.

Para. 3: Chapter Officers terms of office shall be as stated in the Chapter Constitution and Bylaws. Officers will assume their duties upon election unless the Bylaws state otherwise.

Para. 4: Chapter constitution, bylaws and changes thereto will be submitted to Department Headquarters. The Department Executive Director will review, transmit and maintain a copy of the submissions to the Department Judge Advocate. The Department Judge Advocate will review the submissions, approve, or remand submissions and forward the documents in accordance with Article 9, Section 9.1 of the National Bylaws.

Para. 5: Chapter Articles of Incorporation will be submitted in accordance with Article 17 of the National bylaws.

Para. 6: Each Chapter will provide the Executive Director with an approved copy of its Constitution and Bylaws, Articles of Incorporation and the State of Florida's approval letter containing Corporation number.

Section 10.3: Chapter Records

Para. 1: Chapters shall keep complete and detailed financial records and all funds will be deposited in the name of the Chapter.

Para. 2: An audit of the Chapter books and financial records shall be made at the close of the Chapter's fiscal year and the Chapter annual financial report shall be forwarded to the Department Headquarters within 90 days thereafter.

Para. 3: More than one (1) audit of the Chapter's financial records in any one (1) year may be conducted if the Chapter so desires.

Para. 4: No member of a Chapter may serve on the auditing committee if he was authorized to make deposits or sign checks during the period being audited.

Section 10.4: Dissolution of Corporation

Any Chapter or other entity within the State of Florida which has been incorporated will, if for any reason such a corporation is dissolved, submit the public notice of dissolution required for publication by State of Florida Laws to the State Department Headquarters immediately upon publication.

Section 10.5: Merger of Chapters

Para. 1: Upon receipt of a written request, from the Chapters concerned, the State Department Commander, with the advice and consent of the State and National Executive Committees, may approve their merger.

Para. 2: Nonfunctioning Chapters that are not merged will be dissolved as prescribed in the National Constitution and Bylaws.

Article 11 - Fund Raising Activities

Section 11.1: Authorization:

Para. 1: No Chapter, Auxiliary Unit or other component of the State Department of Florida shall conduct any fund-raising activities without the proper consent of the State Department.

Para. 2: Requests for permission to hold fund raising activities will be made in writing at least twenty-one (21) days prior to the actual starting day of the fund-raising activity. All request will contain a full description and the duration of the activity.

Para. 3: If a promoter or promoters, or another person or organization is in any manner connected with a fund-raising activity, a sample copy of the contract or agreement must be submitted with the written request to conduct the said project or drive.

Para. 4: When an activity is approved where a contract or agreement is used, a copy of such contract or agreement signed by the promoter or promoters, or person or other organization, and Chapter or Auxiliary Units involved, must be submitted to the State Department Headquarters within ten (10) days after its execution.

Para. 5: Each person or professional promoter of fund raising activities shall furnish the Chapter Adjutant with a bond covering the anticipated return of the activity, but in no event, shall the bond requirement be less than one thousand dollars (\$1,000.00), thereby protecting the Chapter and the State Department.

Para. 6: Upon completion of any fund-raising project the Executive Director will be furnished a complete financial statement and any ten percent (10%) of the net proceeds that may be due. The complete financial statement and ten percent (10%) will be forwarded no later than 30 days after the completion of the event.

Article 12 – VA Voluntary Service Program (VAVS)

Section 12.1: Regulations

The State VAVS Chairman, with the approval of State Finance and the advice and consent of the Executive Committee, is authorized to issue such rules, as he determines to administer the State VAVS program.

ARTICLE 13 - EMPLOYEES

Section 13.1: Employment

a. Priority in employment will be given to disabled veterans, their widows, spouses and dependents.

b. Employment within the State Department Headquarters will be under the control of the Department Executive Director.

c. The Finance Committee, with the approval of the State Executive Committee, will establish the practices and procedures governing the employment of all employees of this State Department.

Section 13.2: Termination of Employees

No paid employee of the State Department of Florida after completing his probationary period, shall be discharged or his employment terminated without cause, and shall be given written notice specifying the reason for said termination. Any termination may be appealed in writing to the Executive Committee within thirty (30) days, of which a two thirds majority vote will be required to uphold the termination.

Article 14 – Amendments

Section 14.1: These Bylaws may be amended by a two-thirds vote of the registered delegates present and voting at the annual State Convention.

Para. 1: Amendments to these Bylaws submitted by Chapters, must be submitted to the Executive Director sixty (60) days prior to the scheduled annual State Convention. Amendments shall be in proper form, typed, double spaced and in triplicate.

Para 2: The Executive Director will mail a copy of the proposed Bylaw amendments to each Chapter at least thirty (30) days prior to any State Convention, which mailing is considered a first reading. In addition, each delegate to the State Convention will be given a copy of proposed Bylaw amendments at the time they register.

Para. 3: Proposed amendments in conflict with the National Bylaws will not be accepted. They will, however, be returned to the originating Chapter or Officers with a notation that they are in conflict.

Section 14.2: The State Constitution and Bylaws Committee shall have the right to combine like amendments or to rewrite proposed amendments for the purpose of clarity or continuity prior to the presenting of same on the convention floor for adoption. The Committee will also have the right to initiate proposed amendments, provided however that any committee proposed amendment must be read to the convention delegates during a business session and at least one (1) hour before a final vote at the subsequent business.

Section 14.3: These Bylaws shall be in full force and be effective after adoption by the Convention and approval by the National Judge Advocate.

Article 15 - Miscellaneous

Section 15.1: Rules of Order

All matters of procedure not otherwise provided for in these Bylaws or in the Rules of the Convention shall be governed by Robert's Rules of Order, Revised.



21

I CERTIFY that the within constitution and/or by-laws does not conflict with those of the National Organization, and to that extent, is approved subject to my letter of

Date: 7-18-17
DAV National Judge Advocate

I CERTIFY that the within constitution and/or by-laws does not conflict with those of the National Organization and to that extent is approved subject to my letter of

Date _____
L-W National Judge Advocate

