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August 9, 2019

Mr. Andy Marshall, Adjutant
Department of Florida
Disabled American Veterans
2015 SW 75th Street
Gainesville, FL 32607

EIN: 59-0915376

Dear Adjutant Marshall:

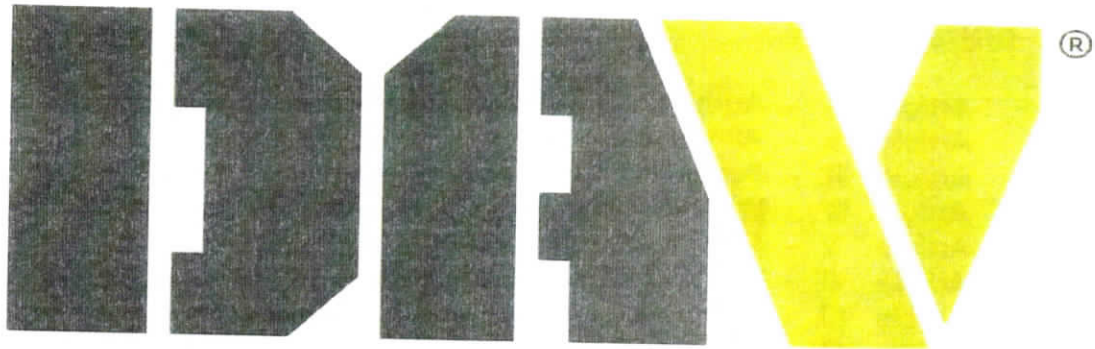
The Constitution and Bylaws for the Department of Florida, is hereby approved as of this date.

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

Sincerely,

MICHAEL E. DOBMEIER
National Judge Advocate

MED:kgb
Enclosure



DISABLED AMERICAN VETERANS

DEPARTMENT OF FLORIDA

CONSTITUTION AND BYLAWS

With Amendments Adopted

by the

**Lake Mary, FL Convention
June 20th – June 23rd, 2019**

DEPARTMENT HEADQUARTERS

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**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 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 following Rules of the Convention may be amended by majority vote at the first business session of a State Convention, notwithstanding the provisions of the State Department Bylaws to the contrary.

Rule 1: Robert's Rules of Order, Newly Revised, will govern except as hereafter specifically stated.

Rule 2: For purposes of recognition, a member of this convention shall:

- a. Use the floor microphone
- b. Address the chair as "Comrade Commander".
- c. State his/her name and Chapter or Title.
- d. Proceed only after recognition by the chair.

Rule 3: Debate shall be limited to five (5) minutes for each speaker, except by a two-thirds (2/3) vote of the Convention Delegates present.

Rule 4: Not more than two (2) representatives from any one (1) Chapter shall be permitted to discuss any one (1) subject, except by two thirds (2/3) vote of the Convention Delegates present.

Rule 5: Recognition shall be granted only once to any one (1) speaker on any one (1) subject, except by two-thirds (2/3) vote of the Convention delegates present. A rebuttal of not more than three (3) minutes may be permitted.

Rule 6: No person who has talked for or against any motion, resolution or report on the convention floor, shall be permitted to make a motion to table same. A motion to table is not debatable and shall require a majority affirmative vote. A tabled motion may be taken from the table for reconsideration by a majority vote.

Rule 7: Each Chapter delegation shall select a chairman who shall announce the vote of the delegation. When a poll of any delegation is demanded by a member

thereof, who is entitled to vote, the chairman shall poll the vote of such delegation without debate or discussion.

Rule 8: In all voting on any subject before the convention no person shall participate except fully accredited delegates and alternates acting as delegates who have registered and paid the registration fee.

Rule 9: Voting shall be viva voce, excepting when a roll call is demanded by the Chair or by not less than seven (7) delegation units, or in the case of the election of State Department Officers, or in the selection of the next convention city, or bylaw approval, provided however, that the election of a State Department Officer or the selection of the next convention city or bylaw approval, may be made viva voce when there is no contest.

Rule 10: Roll Call Votes shall:

a. Be in the order listed by the Executive Director as taken from the mid-April National Membership Reports.

b. In years ending with an even number, all roll call voting shall begin with the highest numbered Chapter voting first, and in years ending with an odd number, all roll call voting shall begin with the lowest numbered Chapter voting first.

Rule 11: Nominations for State Department Officers shall be made by the Nominating Committee and from the floor.

Rule 12: Only one (1) nominating speech and only one (1) seconding speech shall be permitted for each candidate for elective office.

Rule 13: In the event more than two (2) candidates are nominated for the same office, and one (1) candidate does not receive a majority of the vote cast by the convention on the first ballot, the top two (2) candidates only will be eligible for election to the office.

Rule 14: Discussion of personal grievances, local conditions and claims concerning one (1) individual with respect to his personal interest shall not be in order before the Convention; however, these may be discussed before an appropriate committee of the body in session with the approval of the respective committees.

Rule 15: The Nominating Committee will make its report to the Convention as the first order of business on a Saturday morning and further nominations and the election of State Department Officers will be the first order of business on that Saturday afternoon.

Rule 16: State Department Officers, including State Executive Committee persons, will be installed immediately after the annual election of officers in the afternoon session of the third convention day. Newly elected and installed State Department Officers will be officially presented at an annual affair held in the evening of the same day as the election of State Department Officers.

Rule 17: The following committees are hereby provided as the Standing Committees of the annual State Convention. They shall meet at the call of the

annual State Convention, the State Commander or the Committee Chairman. No committee advisor has the right to vote in his committee.

a. Committee on Constitution and Bylaws, whose advisor shall be the State Department Judge Advocate.

b. Committee on Finance.

c. Committee on Resolutions, whose advisor shall be a DAV National Service Officer.

d. Committee on Credentials, whose advisor shall be the State Junior Vice Commander.

e. Committee on Special Projects, whose advisor shall be the State Adjutant. It shall be the duty of this committee to present recommendations to the annual convention as to sites where a Convention and Mid-Winter Conference might next be held.

f. Nominating Committee.

1) 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 the first business session. The two members elected to the Nominating Committee from any Area must be from different chapters in the Area.

2) The Area Committeeperson or his alternate will inform the Executive Director of the name and room number of the delegates immediately following registration.

3) The State Commander will call the first business session of the Committee to order on the first day of the annual State Convention. He will act as temporary Chairman to elect permanent chairman as the first order of business.

4) The time and place of committee meetings shall be announced to the Convention delegates in order that candidates for elective office may appear before the committee.

5) This committee shall consider all candidates and present a slate of candidates to the annual State Convention.

6) Upon being elected to the Nominating Committee, a member shall not be permitted to be a candidate for any office in at the convention in he/she is elected to serve on the committee. Resignation from the Nominating Committee during the convention shall not grant the ability to run for the offices in, Section 5.1: Election: Para. 1.

g. Any other Committee deemed necessary by the State Commander to carry out his executive responsibilities.

Rule 18: Resolutions

a. No resolution can be discussed by the Convention until the same has been reported by a Convention Committee, except by unanimous consent. Resolutions referred to, but not favorably reported by such committee, are in order and may be called up for consideration by proponents at the time a motion to discharge said committee is in order but before consideration of such motion. The Chair will advise the delegates when such resolution may be called up.

b. If such resolution relates to a change in the Constitution and Bylaws, it may not be considered unless the proponent had it read at the time the resolutions favorably

reported by the Convention Constitution and Bylaws Committee were read to the Convention.

Rule 19: The election of the Area Executive Committeeman and Alternate Executive Committeeman will occur between the morning and afternoon sessions on Saturday.

Section 3.10: Amendment of Rules: The foregoing Rules of the Convention may be amended by majority vote of the body at the first business session of a Department Convention, notwithstanding anything contained in these Bylaws to the contrary.

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.

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 (including the change and the revised document incorporating the proposed change) thereto will be submitted to Department Headquarters in triplicate, signed by both the Chapter Commander and the Chapter Adjutant. 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.

Section 15.2: Gender

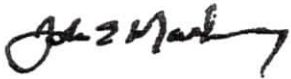
The masculine gender, whenever used in the Constitution or in these Bylaws, shall include the feminine gender.

Section 15.3:

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.

Approved at Department of Florida Convention on June 22, 2019

Approved by John Markiewicz, Department Judge Advocate





Andy Marshall
Department Executive Director



Thomas Ayala
Department Commander



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.

Date: 8-9-19
DAV National Judge Advocate

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RULES OF THE CONVENTION

Rule 1: The following Rules of the Convention may be amended by majority vote at the first business session of a State Convention, notwithstanding the provisions of the State Department Bylaws to the contrary.

Rule 2: For the purpose of recognition, a member of this convention shall:

- a. Use the floor microphone.
- b. Address the chair as "Comrade Commander".
- c. State his name and Chapter or title.
- d. Proceed only after recognition by the chair.

Rule 3: Debate shall be limited to five (5) minutes for each speaker, except by a two thirds (2/3) vote of the Convention delegate present.

Rule 4: Not more than two (2) representative from any one (1) Chapter shall be permitted to discuss any one (1) subject, except by two thirds (2/3) vote of the Convention delegates present.

Rule 5: Recognition shall be granted only once to any one (1) speaker on any one (1) subject, except by two-thirds (2/3) vote of the Convention delegates present. A rebuttal of not more than three (3) minutes may be permitted.

Rule 6: No person who has talked for or against any motion, resolution or report on the convention floor, shall be permitted to make a motion to table same. A motion to table is not debatable and shall require a majority affirmative vote. A tabled motion may be taken from the table for reconsideration by a majority vote.

Rule 7: Each Chapter delegation shall select a chairman who shall announce the vote of the delegation. When a poll of any delegation is demanded by a member thereof, who is entitled to vote, the chairman shall poll the vote of such delegation without debate or discussion.

Rule 8: In all voting on any subject before the convention no person shall participate except fully accredited delegates and alternates acting as delegates who have registered and paid the registration fee.

Rule 9: Voting shall be viva voce, excepting when a roll call is demanded by the Chair or by not less than seven (7) delegation units, or in the case of the election of State Department Officers, or in the selection of the next convention city, or bylaw approval, provided however, that the election of a State Department Officer or the selection of the next convention city or bylaw approval, may be made viva voce when there is no contest.

Rule 10: ROLL CALL VOTES SHALL:

(a) Be in the order listed by the Executive Director as taken from the mid-April National Membership Reports.

(b) In years ending with an even number, all roll call voting shall begin with the highest numbered Chapter voting first, and in years ending with an odd number, all roll call voting shall begin with the lowest numbered Chapter voting first.

Rule 11: Nominations for State Department Officers shall be made by the Nominations Committee and from the floor.

Rule 12: Only one (1) nominating speech and only one (1) seconding speech shall be permitted for each candidate for elective office.

Rule 13: In the event more than two (2) candidates are nominated for the same office, and one (1) candidate does not receive a majority of the votes cast by the convention on the first ballot, the top two (2) candidates only will be eligible for election to the office.

Rule 14: Discussion of personal grievances, local conditions and claims concerning one (1) individual with respect to his personal interest shall not be in order before the Convention; however, these may be discussed before an appropriate committee of the body in session with the approval of the respective committees.

Rule 15: The Nominating Committee will make its report to the Convention as the first order of business on a Saturday morning, and further nominations and election of State Department Officers will be the first order of business on that Saturday afternoon.

Rule 16: State Department Officers, including State Executive Committee persons, will be installed immediately after the annual election of officers on the afternoon session of the third convention day. Newly elected and installed State Department Officers will be officially presented at an annual affair held in the evening of the same day as the election of State Department Officers.

Rule 17: The following committees are hereby provided as the Standing Committees of the annual State Convention. They shall meet at the call of the annual State Convention, the State Commander or the committee Chairman. No committee advisor has the right to vote in his committee.

- (a) Committee on Constitution and Bylaws, whose advisor shall be the State Judge Advocate.
- (b) Committee on Finance.
- (c) Committee on Resolutions, whose advisor shall be a National Service Officer.
- (d) Committee on Credentials, whose advisor shall be the State Junior Vice Commander.
- (e) Committee on Special Projects, whose advisor shall be the State Adjutant. It shall be the duty of this committee to present recommendations to the annual convention as to sites where a Convention and Mid Winter Conference might next be held.
- (f) Nominating Committee.

1. 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 the first business session. The two members elected to the Nominating Committee from any Area must be from different chapters in the Area.

2. The Area Committeeperson or his alternate will inform the Executive Director of the name and room number of the delegates immediately following registration.

3. The State Commander will call the first business session of the Committee to order on the first day of the annual State Convention. He will act as temporary Chairman to elect permanent chairman as the first order of business.

4. The time and place of committee meetings shall be announced to the Convention delegates in order that candidates for elective office may appear before the committee.

5. This committee shall consider all candidates and present a slate of candidates to the annual State Convention.

6. Upon being elected to the Nominating Committee, a member shall not be permitted to be a candidate for any office in ARTICLE V - OFFICERS, SECTION 5.1: ELECTION; PARA. 1 at the convention in he/she is elected to serve on the committee. Resignation from the Nominating Committee during the convention shall not grant the ability to run for the offices in ARTICLE V - OFFICERS, SECTION 5.1: ELECTION; PARA. 1.

(g) Any other Committee deemed necessary by the State Commander to carry out his executive responsibilities.

Rule 18: No resolution can be discussed by the Convention until the same has been reported by a Convention Committee, except by unanimous consent. Resolutions referred to, but not favorably reported by such committee, are in order and may be called up for consideration by proponents at the time a motion to discharge said committee is in order but before consideration of such motion. The Chair will advise the delegates when such resolution may be called up.

(a.) If such resolution relates to a change in the Constitution and Bylaws, it may not be considered unless the proponent had it read at the time the resolutions favorably reported by the Convention Constitution and Bylaws Committee were read to the Convention.

Rule 19: The election of the Area Commissioner and Area Executive Committee person will occur between the morning and afternoon sessions on Saturday.

**SECTION 1
DEPARTMENT REGULATIONS
OF THE
STATE EXECUTIVE COMMITTEE
DISABLED AMERICAN VETERANS
DEPARTMENT OF FLORIDA
(Adopted)**

The following Regulations have been adopted by the State Executive Committee under the authority given to it by Article VIII, Section 8.6 of the State Constitution. In each instance, the Constitution or Bylaws to which they refer are cited.

REGULATION 1.1 STATE COMMANDER

- a. The State Commander holding office at the time of the National Convention, the National Legislative Conference and the C & A Conference, will be the State delegate thereto. The next officer in succession will be the delegate in the event such requirement is necessary.
- b. In the event of the death of the Commander, or suspension, or resignation, or removal, or inability to act, the office of the Commander will be assumed by the State Senior Vice Commander.
- c. Procedures of the National Bylaws, Article 16, Section 16.1 will prevail except when a State commander is involved; in that event, the Senior Vice Commander or the National Commander shall notify the Commander of the specific violation.

REGULATION 1.2 - STATE SENIOR VICE COMMANDER The State Senior Vice Commander and all Junior Vice Commanders shall perform such other duties as may be assigned to him by the State Commander.

REGULATION PAGE R-1 REVISED JUN 2001

REGULATION 1.3 - MEMBERSHIP COMMITTEE

- A. The State Commander shall appoint a Membership Committee as follows:
 - (1) A State Membership Committee Chairman.
 - (2) One Member from each of the five Department Areas.
- B. Great care should be exercised to insure that members of this Committee are will to establish a strong membership program and should have a proven record of recruiting new members. The Commander shall remove any member of this committee who fails to perform his assigned duties.
- C. The Committee with the approval of the State Commander, may appoint one(1) Recruiting Officer in each district. Designated recruiters may wear the Department Cap with the words "Recruiting Officer" on the right side, during the period their appointment.

REGULATION PAGE R-3a REVISED AUG 1991

**SECTION 2
CHAPTER INTEREST
DEPARTMENT REGULATIONS OF THE
STATE EXECUTIVE COMMITTEE
DISABLED AMERICAN VETERANS
DEPARTMENT OF FLORIDA**

REGULATION 2.1 - FUND RAISING ACTIVITIES-(Ref. Article IX, Sec. 9.5, para 1)

a. The receipts and expenditures of fund raising drives by Chapters which involve public solicitation in any manner shall be kept segregated from the general funds of the Chapter in the Chapter books. This does not mean that such funds must be deposited in a separate account, but applies to segregating the expense involved in raising the contributions and the income derived from the program from their expenses and income of the Chapter.

b. No Chapter or Auxiliary Unit shall conduct any fund raising activity without proper consent of the State Department. Request for consent must be made at least twenty-one (21) days prior to the actual start of any proposed fund raising activity. In special case, the State Commander and State Adjutant may waive the twenty-one (21) day notice. The request must be in writing, using the Department Form FR-2-90 Revised Sept 90, with reasonable information contained therein, including a copy of any bond when required, so as to provide State Headquarters with a full understanding of the activity. If the request is not approved, the request will be returned to the Chapter or Auxiliary Unit indicating the reason or reasons for denial. The Chapter or Auxiliary Unit will be given the opportunity to correct the deficiencies and resubmit the application.

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

In the event 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, any the Chapter or Auxiliary Unit involved, must be submitted to State Headquarters within ten days after its execution.

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

e. Upon completion of any fund raising project, the State Adjutant shall be furnished a financial statement covering the completed program.

f. Ten percent (10%) of the net profit of all fund raising activities, including For- Get-Me-Not drives, shall be sent to the State Adjutant to be used to fund the programs of the Department.

(1) In the case of onetime fund raising activities. The report of the activity and the 10% payment will be made no later than thirty (30) days after the completion of the event. This will be reported on the Department Form FR-1-88 Revised Sept. 1990.

(2) In the case of ongoing fund raising activities, the reports and 10% payments will be made on a quarterly schedule, as follows:

1st Quarter (Jul-Aug-Sept) due no later than October 30

2nd Quarter (Oct-Nov-Dec) due no later than January 30

3rd Quarter (Jan-Feb-Mar) due no later than April 30

4th Quarter (Apr-May-Jun) due no later than July

REGULATION PAGE R-4 REVISED AUG 1991

Bingo quarterly reports will be submitted on the Department Form FR-4-89 Revised 12/15/89 and the Department Form FR-4-89A Revised 7/90.

Lounge Quarterly reports will be submitted on Department Form FR-3-89 Revised 12/15/89.

All other ongoing activities will use the Form FR-1-88 Revised September 1990.

The fourth (4) quarter report must include a request for renewal of all ongoing fund raising activities.

(3) In the event a fund raising is cancelled or no profit is realized, a report is still required.

(4) Exempted from these provisions will be any Chapter Bulletin Ad activities as long as the Chapter is not using a professional promoter or other person. Any Chapter using a professional promoter or other person in its Bulletin Ad activities, having obtained permission for this type fund raising activity first, will submit a report and ten percent(10%) of the net profit to the State Adjutant by April 15th each year.

REGULATION 2.2 - CHAPTER PROPERTY

a. Sale of Chapter property shall not be considered a fundraiser and therefore 10% is not required to be paid to the Department. However, Chapters proposing to sell real property are required to submit a written request to the Department giving sales price and terms of the proposed sale 30 days to entering into a contract for sale. No contract shall be entered into prior to approval of the terms by the Department. Chapter should obtain property damage insurance to protect the Chapter.

b. The following Declaration of Covenant shall be recorded in the public Record:

DECLARATION OF CONDITIONS, COVENANTS, RESTRICTIONS AND RESERVATIONS

THIS DECLARATION, made this _____ day, of _____, 20_____

By _____, DISABLED AMERICAN VETERANS, INC., Florida non-profit corporations, hereinafter referred to as "DECLARANT."

WITNESSETH:

WHEREAS, DECLARANT is duly organized and existing Florida non-profit corporation; and WHEREAS, pursuant to its Articles of Incorporations, DECLARANT has duly adopted certain Bylaws which restrict DECLARANT's power to contract for and/or to convey or encumber its property without the prior written consent of the DISALBED AMERICAN VETERANS, DEPARTMENT OF FLORIDA INCORPORATED, a Florida non-profit corporations; and WHEREAS, in particular, the Bylaws of DECLARANT provide, among other things, as follows: Upon dissolution of the Chapter, the assets remaining after the payment of all debts shall be distributed as provided in Article 6, Section 6.4, Paragraphs 5 and 6, of the National Bylaws; and

WHEREAS, the Bylaws of the DISABLED AMERICAN VETERANS, a National non-profit

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corporation, provide, among other things, as follows:

Upon revocation of the charter of a chapter or county or district council under the jurisdiction of a state department, all property, money and effects of the chapter or county or district council shall become the property of the state department; and

All contracts entered into by a subordinate unit, whether or not subject to approval by the National Executive Committee, and including, without limitation, leases, contracts for the sale or purchase of real or personal property and employment and consulting contracts, should advance and promote the purposed of DAV; and

Chapters within a state are under the jurisdiction of that State Department, State

Departments are responsible not only for the enforcement of the Department and Chapter Constitutions, Bylaws, and Regulations, but also for the enforcement of the National Constitution, Bylaws, and Regulations; and
WHEREAS, DECLARANT, is the owner in fee simple of the real property described on the attached Exhibit "A" (hereinafter referred to as the "Property"); and,
WHEREAS, DECLARANT is desirous of subjection the Property to the restrictions hereinafter set forth, which shall apply to the Property for so long as DECLARANT shall remain the owner of the Property;

NOW, THEREFORE, DECLARANT does hereby declare that the Property described herein shall be held, transferred, sold and conveyed subject to the conditions, covenants, restrictions and reservations hereinafter set forth:

1. The above and foregoing recitals are true, correct and incorporated herein.
2. The Property described on the attached Exhibit "A" shall not be conveyed or encumbered by a mortgage or other forms of security agreements, without the written consent of the **DISABLED AMERICAN VETERANS, DEPARTMENT OF FLORIDA INCORPORATED**, a Florida non-profit corporation.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered

In the presence of: _____

DISABLED AMERICAN VETEERANS, INC., a
Florida non-profit corporation

_____ BY: _____
Print name: _____ Its Commander

Print name: _____

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STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was sworn to and subscribed before me this _____ day,
Of _____, 2013 by _____, Commander of _____,
DISABLED AMERICAN VETERANS., Florida non-profit corporation. He/She () is personally known to me or () has produced a driver's license as identification.

-

Notary Public
Print Name: _____
My Commission Expires: _____
Commission No: _____

EXHIBIT "A"

Enter the address and legal description of the real property and the book and page number of the recorded deed.
REGULATION PAGE

FUND RAISING REQUEST FORM
(Ref. Article IX, Sec. 9.5 Para 1)
Department of Florida, Disabled American Veterans

DATE: _____

FROM: CHAPTER NAME AND NUMBER _____

TO: _____

TYPE OF FUND RAISING ACTIVITY: Please be specific. For "Donation Drawings", state what prizes will be awarded, date and where prize will be awarded. If alcoholic beverages are involved, so state. If another organization is involved, so state. **USE ONE FORM FOR EACH FUND RAISING ACTIVITY.**

INTENDED USE OF PROCEEDS: _____

DAY/DATE (S) TO BE HELD: _____

WHERE ACTIVITY WILL BE HELD: _____

10% of the net profits will be forwarded to the State Department of Florida, DAV, on the required reporting schedule. (Quarterly ongoing fund raising, and 30 days following the completion of the event for one-time activities. (Refer to Article IX, Section 9.5, Para. 2, of the State Bylaws).

APPROVED BY CHAPTER VOTE:

TELEPHONE: _____
DATE

CHAPTER

ATTEST: COMMANDER/ADJUTANT

HOME TELEPHONE: _____

APPROVED BY DEPARTMENT:

DATE

ATTEST: Executive Director

BALLOT DATE/NUMBER: _____

1. NO REQUESTS WILL BE APPROVED IF A CHAPTER IS DELINQUENT IN ANY PREVIOUSLY APPROVED FUND RAISING REPORTS.
2. ALL CHAPTER FUND RAISING ACTIVITIES MUST BE APPROVED BY THE STATE DEPARTMENT.
3. PLEASE ALLOW THREE WEEKS FOR APPROVAL.
4. REPORT FORMS WILL BE SENT WITH THE APPROVAL.

FORM FR 2-88 REVISED SEPTEMBER 1990
REGULATION PAGE R-6 REVISED July 2013

EXHIBIT I

FUND RAISING ACTIVITY (10%) REPORT

DATE: _____

TO: _____

CHAPTER/UNIT/NOTR NAME AND NUMBER _____

TYPE OF FUND RAISING ACTIVITY _____

DATE (S) HELD _____

1. GROSS INCOME 1. \$ _____

2. GROSS EXPENSES (LIST) 2. \$ _____

_____ \$ _____ \$ _____

_____ \$ _____ \$ _____

_____ \$ _____ \$ _____

3. NET PROFIT (LINE 1 MINUS LINE 2) 3. \$ _____

4. TO DAV DEPARTMENT (10% OF LINE 3) 4. \$ _____

5. NET BALANCE TO CHAPTER/UNIT 5. \$ _____

ADJUTANT/TREASURER

COMMANDER

REPORT FOR ONE TIME FUND RAISING IS DUE WITHIN 30 DAYS OF COMPLETION OF THE EVENT

ONGOING FUND RAISING IS TO BE REPORTED QUARTERLY AS PROVIDED FOR IN DEPARTMENT REGULATION 2.1

IF AN EVENT IS NOT HELD, OR THERE IS NO NET PROFIT, FILE A NEGATIVE REPORT.

PLEASE NOTE: LINE 1: REFERS TO ALL FUND RECIVED OR DONATED AS A RESULT OF THE ACTIVITY.

LINE 2: LIST ONLY THOSE COSTS DIRECTLY RELATED TO GROSS INCOME. THE PURPOSE FOR WHICH THE FUNDS ARE BEING RAISED IS NOT A DEDUCTIBLE "EXPENSE".

LINE 3: BALANCE REPRESENTS NET PROFIT AFTER EXPENSES ARE DEDUCTED.

A. ONE COPY TO THE STATE DEPARTMENT WITH CHECK FOR THE AMOUNT ON LINE 4 PAYABLE TO DAV, DEPARTMENT OF FLORIDA.

B. ONE COPY FOR CHAPTER.

C. THIS FORM MAY BE REPRODUCED.

FORM FR-1-88 SEPT 1990

REGULATION PAGE R-7 REVISED July 2013

QUARTERLY BINGO REPORT

DATE: _____

FROM: CHAPTER (UNIT) (NOTR) NAME & NUMBER _____

TO: STATE DEPARTMENT OF FLORIDA, DAV, 2015 SW 75th Street, Gainesville FL 32607

1. TOTAL GROSS RECEIPTS FROM PLAYERS\$ _____

2. PLAYER PAYOUT \$ _____

3. BINGO SUPPLIES \$ _____

4. ADVERTISING \$ _____

5. PRORATED SHARE OF EXPENSE TO
OPERATE CHAPTER HOME (see below). \$ _____

6. OTHER EXPENSES NOT COVERED ABOVE WHICH IS DIRECTLY RELATED TO BINGO
(Prorated amount new bingo equipment, guard for parking lot, etc.)

List:

_____ \$ _____

_____ \$ _____

_____ \$ _____

7. GROSS EXPENSES: Line 2 through 6\$ _____

8. BALANCE: Line 1 minus Line 7\$ _____

9. TO STATE DEPARTMENT 10% OF LINE 8\$ _____

10. NET TO CHAPTER/UNIT/NOTR: Line 8 minus Line 9....\$ _____

Commander/Adjutant

Treasurer

Proration of expenses is merely establishing a method of distributing actual expenses to the program or activity for which the expenses was incurred. While actual use for each function is not easy or practical to measure, it must be fairly distributed to each program or activity. This should be established by the Chapter at the beginning of each year and provided to the Department office along with the request for this activity.

Otherwise divide monthly expenses by 30. Multiply 1/30th figure by the number of bingo days. Use utilities figures from the preceding month to facilitate figuring.

Reports are due as listed in Regulation 2.1 of the State Department Bylaws.

Form FR-4-89 Revised 6/15/95.

REGULATION PAGE R-8 REVISED July 2013

QUARTERLY BINGO REPORT FOR THE PERIOD OF _____ 19__ thru _____ 19__ This form is to be completed quarterly and filed with the Quarterly Bingo Report form FR-4-87. A copy should be maintained with Chapter records.

**#OF GROSS CASH PLAYER OTHER DEPOSIT DEPOSIT
DATE PLAYERS RECEIPTS PAYOUTS PAYOUTS DATE AMOUNT**

#OF	GROSS CASH	PLAYER	OTHER	DEPOSIT	DEPOSIT
DATE	PLAYERS	RECEIPTS	PAYOUTS	PAYOUTS	DATE AMOUNT
TOTALS					

FORM FR-4-87A Revised 7-90 SECTION II EXHIBIT 2A
REGULATION PAGE R-9 REVISED AUG 1991

QUARTERLY LOUNGE REPORT

DATE: _____

FROM: CHAPTER (UNIT) (NOTR) NAME & NUMBER _____

TO: STATE DEPARTMENT OF FLORIDA, DAV ,2015 SW 75th Street, Gainesville, FL 32607

- 1. TOTAL SALES.....\$ _____
- 2. WAGES/BARTENDERS.....\$ _____
- 3. WAGES/CLEANING.....\$ _____
- 4. WAGES/GUARD.....\$ _____
- 5. EMPLOYER F.I.C.A.....\$ _____
- 6. LIQUOR/BEER/WINE.....\$ _____
- 7. FOOD.....\$ _____
- 8. MISCELLANEOUS LOUNGE SUPPLIES.....\$ _____
- 9. PRORATED SHARE OF EXPENSES TO OPERATE CHAPTER HOME (SEE BELOW)..\$ _____
- 10. OTHER EXPENSES NOT COVERED ABOVE WHICH IS DIRECTLY RELATED TO LOUNGE (NEW EQUIPMENT, LICENSES, REPAIRS, ETC.) LIST:

\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____
- 11. GROSS EXPENSES: LINE 2 THROUGH 10.....\$ _____
- 12. BALANCE: LINE 1 MINUS LINE 11.....\$ _____
- 13. TO STATE DEPARTMENT 10% OF LINE 12.....\$ _____
- 14. NET TO CHAPTER (UNRESTRICTED AS TO HOW USED)\$ _____

 COMMANDER/ADJUTANT SIGNATURE TREASURER

Proration of expenses is merely establishing a method of distributing actual expenses to the program or activity for which the expenses was incurred. While actual use for each function is not easy or practical to measure, it must be fairly distributed to each program or activity. This should be established by the Chapter at the beginning of each year and provided to the Department office along with the request for this activity. Otherwise divide monthly expenses by 30. Multiply 1/30th figure by the number of lounge days. Use utilities figures from the preceding month to facilitate figuring.

Reports are due as listed in Regulation 2.1 of the State Department Bylaws.
 Form FR-3-89 Revised 6/15/95
 REGULATION PAGE R-10 REVISED JUN 1995

**SECTION 3
EMPLOYEE REGULATIONS
DEPARTMENT REGULATIONS OF THE
STATE EXECUTIVE COMMITTEE
DISABLED AMERICAN VETERANS
DEPARTMENT OF FLORIDA
(Adopted)**

The following Regulations has been adopted by the State Executive Committee under the authority given to it by Article XIII, Section 8.1 of the State Constitution. In each instance, the Constitution or Bylaws to which they refer are cited.

REGULATION 3.1 - TERMINATION OF EMPLOYEES

- a. An employee who has attained tenure and has been terminated may appeal his termination by filing a letter of appeal stating the facts surrounding said termination.
- b. All appeal letters shall be mailed to the State Commander via certified or registered mail within fifteen (15) working days after the termination.
- c. The State Commander shall receive the appeal letter on behalf of the State Executive Committee.
- d. The State Commander shall cause a ballot to be issued to the State Executive Committee for their vote. The appeal letter and all documentation regarding the termination shall be included in said ballot. A majority vote of the State Executive Committee to affirm or overrule the termination shall be final.
- e. Employees who have been terminated shall not be paid during the suspension of employment unless they have been re-instated by the State Executive Committee, at which time they will receive all pay and benefits retroactively to the date of termination.

REGULATION 3.2 - EMPLOYEE LEAVE

- a. Authority to grant annual leave to Department Service Officers, secretarial support personnel, and employees at State Headquarters is vested in the State Adjutant; the Finance Committee for the Adjutant.
 1. Annual and sick leave shall accrue at the rate of four (4) hours per month the first year of employment and at the rate of eight (8) hours per month thereafter.
 2. The maximum annual leave that may be accumulated is twenty (20) work days.
 3. Upon termination of employment all accumulated annual leave up to the maximum of twenty (20) days shall be paid to an employee regardless of how such employment terminates.
 4. Upon termination of employment except for cause, an employee is entitled to receive payment at his or her current rate of pay for accumulated sick leave in excess on one hundred (100) hours based on the following formula. The employee is entitled to payment for fifty percent(50%) of all such excess accumulated said leave; however, no payment shall be made for more than a total of one hundred (100) such excess hours.
 5. In order for an employee to receive payment for any excess accumulated sick leave when resigning a letter of resignation must be submitted two (2) weeks before the effective date of such resignation.
 6. No payment of sick leave will be made to any employee who is terminated for cause.

REGULATION PAGE R-13 REVISED AUG 1991

b. Military Leave Fifteen days per year with full pay if the employee is a member of the National Guard or Organized Reserve when ordered to active duty for training.

c. Court Leave - If the employee is unable to obtain exemption, payment of full salary may be authorized and there will be no charge to accumulated leave. However, any fee collected for court service or jury duty is to be deducted from the employee's pay.

d. Annual and sick leave is earned from date of employment but cannot be credited until after 90 days of employment. This means that no leave with pay is to be granted until 90 days of employment. Any leave taken during the first ninety (90) days of employment will be considered "Leave without pay". In the event circumstances require an employee to be absent from duty and the employee had exhausted all annual and sick leave, such employee may be carried in a "Leave without pay" status for an additional period not to exceed two months.

1. If the employee is still unable to return to duty after the expiration of the said two months, consideration will be given to the matter of permanent replacement by the Commission, for Department Service Officers and secretarial support staff; and the State Adjutant for employees at State Headquarters. Temporary assistance may be employed during the time regular employees are on leave or on "Leave without pay", provided however, that the costs shall not exceed the amounts that would have been paid to the regular employees during the same period.