

VETERANS OF FOREIGN WARS OF THE UNITED STATES
DEPARTMENT OF FLORIDA

VETERANS OF FOREIGN WARS
JUL 17 2018

BY-LAWS

ARTICLE I – NAME AND JURISDICTION

Section 1 – Name – This Subdivision of the Veterans of Foreign Wars of the United States, Incorporated, shall be known as the “Department of Florida, Veterans of Foreign Wars of the United States, Incorporated”, hereafter referred to as “Department”.

Section 2 – Territorial Jurisdiction – The territorial jurisdiction of this Department shall conform to the territorial limits of the State of Florida.

ARTICLE II – OBJECTS

Section 1 – The objects of this association are fraternal, patriotic, historical, charitable and educational; to preserve and strengthen comradeship among its members; to assist worthy Comrades; to perpetuate the memory and history of our dead and to assist their surviving spouses and orphans; to maintain true allegiance to the Government of the United States of America and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institutions of American freedom and to preserve and defend the United States from all her enemies.

ARTICLE III – AUTHORITY

Section 1 – Authority – The supreme power of this Department shall be vested in the National Convention of the Veterans of Foreign Wars of the United States, and shall, at all times, be governed by the Congressional Charter and By-Laws adopted by said National Convention, mandates of the National Council of Administration and lawful orders of the Commander-in-Chief.

Section 2 – Subject to the provisions of the National Congressional Charter and By-Laws, the government of this Department shall be governed by Department By-Laws, adopted by said Department Convention mandates of the Department Council of Administration and lawful orders of the Department Commander.

ARTICLE IV – DEPARTMENT HEADQUARTERS

Section 1 – The Department Headquarters of this Department shall be located in the City of Ocala, Florida.

Section 2 – All orders emanating from Department Headquarters shall be in writing or printed form.

Section 3 – The Department Adjutant, unless otherwise limited or restricted by the Council of Administration, shall employ or discharge Department Headquarters office personnel as and when he/she deems necessary for the furtherance of Department.

Section 4 – The Department Service Officer, unless otherwise limited or restricted by the Department Council of Administration shall employ and discharge Department Service Office personnel, with the approval of the Department Adjutant as when he/she deems necessary for the furtherance of the Department Service Office affairs.

ARTICLE V – COUNCIL OF ADMINISTRATION

Section 1 – The District Commanders of the Department Council of Administration, as provided for in the National By-Laws, shall be one for each District in the Department. They shall, in accordance with the provisions of the National By-Laws, each be selected from the, and represent a District as hereinafter provided.

Section 2 – The Department Council of Administration Districts shall be numbered the same as, and in accordance with, the designated Districts of this Department, as shown on a current map which is attached and which may be altered, in accordance with the National By-Laws, from time to time as the need may arise.

Section 3 – The Department Districts otherwise shall be formed, chartered and operated in accordance with the provisions of Article IV of the National By-Laws. No Post physically located within the geographical area of an established District, may by resolution or other means be permitted to move the Post Home and membership to another District without physically relocating the Post to said District or the geographical boundaries of the two district boundaries be relocated.

Section 4 – The Department Council of Administration shall meet at least three times a year, at such time and place as the Department Commander, or Council of Administration shall designate. Special meetings called by the State Commander or upon the written request of the majority of the Council of Administration will be held at a location to be determined by the State Commander.

Section 5 – Minutes of the Council of Administration shall be published posted on the official website of the Department of Florida.

ARTICLE VI – DEPARTMENT CONVENTION

Section 1 – The Department shall hold an annual Convention in accordance with Article V of the National By-Laws. Proposals for the time and place of the annual Convention may be recommended by a Post, Posts or District.

Section 2 – The voting strength of each Post in the Department shall be one delegate for every thirty (30) members or fraction thereof in good standing recorded in Department Headquarters, as of the thirtieth (30th) day prior to the convening of the Department Convention.

Section 3 – Only those officers, Past Officers and delegates to the Department Convention for whom registration fee has been paid shall be entitled to a vote in the Convention.

Section 4 – A fee shall be required by the Department Council of Administration, Department of Florida, for the registration of each person receiving credentials. The amount of such fee shall be set by the Department Council of Administration.

Section 5 – Voting on all elective Officers shall be by roll call vote, provided that should only one candidate be nominated for an elected office, the presiding officer shall be empowered to instruct a member of the Convention to cast one vote for the nominee who shall then be declared elected. Elected Officers are the State Commander, State Senior Vice Commander, State Junior Vice Commander, State Quartermaster, State Judge Advocate, State Surgeon and State Chaplain. The Appointed Officers are the State Chief of Staff, State Inspector, State Service Officer and the Officer of the Day.

Section 6 – The minutes of the Department Convention shall be recorded and a digest thereof furnished to all Post Commanders, and Department Officers not later than sixty (60) days after the Convention posted on the official website of the Department of Florida.

Section 7 – The Department Commander will appoint all Convention Directors and Convention Committees as he deems necessary to conduct the business of the Department Convention.

ARTICLE VII – RESOLUTIONS

Section 1 – All resolutions for Convention consideration shall be typewritten, in quadruplicate and shall be in the hands of the Department Adjutant at least thirty (30) days prior to the convening of the Convention, so an appropriate copy for study thereof may be forwarded at least fifteen (15) days prior to the convening of the Convention, to the Committee Directors concerned and to the Department Commander.

Section 2 – No resolution, other than those of condolence and appreciation, shall be considered by the Convention, unless the provisions of Section 1 of this Article have been complied with except by a two-thirds (2/3) vote of the Convention delegates registered.

Section 3 – Resolutions, if approved at Department Convention, other than amendments to the National By-Laws and Manual of Procedure and Ritual changes, and to the Department By-Laws, are mandates for the administrative year that follows. If the actions sought are not accomplished during the year, the Resolutions, if still desirable, need to be reaffirmed by introduction at the Convention next following.

Section 4 - Any resolutions or action of any Department Convention affecting the continuing policy, operations or finances of this Department, shall be listed by subject in a separate file to be maintained by the Department Adjutant at Department Headquarters, which shall be available to the Department Officers and Council of Administration at all times.

Section 5 - Announcement to Posts of Resolutions referred to Committees for consideration at Department Conventions will include the originator, a synopsis of the position of the Resolution if the position is not in the title and whether the Resolution is an initial submission or a re-affirmation.

ARTICLE VIII – DEPARTMENT DUES

Section 1 – The Department dues shall be \$8.00 per annum, payable by every member in good standing, except Life Members. Effective 1 October 1998.

Section 2 – DEPARTMENT ASSESSMENT

Every Post shall remit \$1.00 for each member of record as of July 1st (minimum \$100.00), payable by August 31st each year. All assessment proceeds will be used to operate the Department Service Office.

ARTICLE IX – REMITTANCES TO DEPARTMENT

The remittances of money to Department Headquarters shall be made payable to the "Department of Florida Veterans of Foreign Wars", without adding thereto the name of any Comrade.

ARTICLE X – FINANCES

Section 1 – General Fund – All money received by the Department from whatever source, which is not set aside as a Special Fund, or for a designated purpose, shall constitute the General Fund.

Section 2 – Special Fund

- (A) **Dues Reserve Fund** – In accordance with Section 517, National By-Laws, the Department Quartermaster will set up and maintain a "Dues Reserve Fund" to which he/she shall deposit and maintain \$110,000 which shall be retained in a savings account until such time that the Department Council of Administration can transfer it to the General Fund.
- (B) **Restricted Fund** – The Department Quartermaster, in each annual budget, provide for the following restricted funds:
1. **Hospital**: which shall be available for the payment of expenses of VFW VA VS Representatives at VA Hospitals/Clinics and contributions to VA VS accounts for patient care.
 2. All VA VS Bank Accounts must be under the Department of Florida's Employer Identification Number (EIN).
 3. All VA VS Representatives will be covered under the Department of Florida's corporation.
 4. All VA VS Representatives must be bonded through the Department of Florida VFW.
 5. The State Quartermaster will be the Co-Signor on all VA VS accounts.

Payments may be made from these funds only in accordance with policies established by the Department Convention or Department Council of Administration with the limits of the Budget.

Section 3 – Custody of Funds – The Department Quartermaster shall be the custodian of all funds and will maintain separate accounts for the General Fund, all special funds and such funds as may be required by the National By-Law.

Section 4 – Budget & Finance – Upon the date of his installation, the Department Commander shall appoint a Budget and Finance Committee consisting of not less than three (3) nor more than five (5) members, with the option of appointing two (2) alternates. He shall appoint the Director and Deputy Director from the members on the committee. No more than (1) member from the same District shall serve at the same time as either member or alternate. The Budget and Finance Committee, acting for the Council of Administration, shall audit the accounts and records of the Department Quartermaster once each fiscal quarter and report their findings to the Council. The Budget and Finance Committee will be responsible not merely for detailed audits of the accounts, but also for insuring expenditures for any budgeted item does not exceed the budgeted allotment for that item and make recommendations at any time to the Council, touching on the financial affairs of the Department.

Section 5 – Bonds – All Department Officers and employees handling Department monies or property shall be bonded in a sum at least double the amount of funds or property for which they may be accountable.

Section 6 – Annual Budget – In accordance with the National By-Laws, the Council of Administration will adopt at its first meeting after the Department Convention, an annual budget based upon the tentative budget as submitted by the Department Quartermaster with recommendations of the Budget and Finance Committee. No expenditures of Department funds may be authorized and exceed the allowance set forth in the annual budget, except as the Council of Administration, upon recommendation of the Budget and Finance Committee, may amend the budget from time to time.

Section 7 – Invested Department Funds – The funds of the Department now invested, or any funds that shall be invested in the future, shall not be liquidated, except by a vote of two-thirds (2/3) of the entire membership of the Council of Administration sitting in regular session, or at a special meeting called for that purpose by the Department Commander and then only on a recorded roll call vote.

ARTICLE XI – POST CORPORATIONS

Section 1 – The Post Corporations shall be organized subject to the provisions of the National By-Laws and Manual of Procedure.

(A) The duties and authority of the Board of Directors of said Corporation shall be specifically stated in said Incorporation Unit By-Laws.

(B) No paid employees, except the Post Quartermaster, shall be a member of the Board of Directors of said Corporation.

(C) The Department of Florida, VFW along with all the Posts and Districts in Florida have been issued charters by the Veterans of Foreign Wars of the United States, which is a Congressionally Chartered Membership Corporation created by an act of Congress.

(D) Pursuant to their charters, those units are bound to pursue the purpose set forth in the Congressional Charter and abide by the Charter, By-Laws, Manual of Procedure and the laws and usages of the Veterans of Foreign Wars of the United States, together with the By-Laws of the Department of Florida, VFW. Each unit is a corporation or unincorporated association as determined by the statutes of the State of Florida.

(E) The Department of Florida, Veterans of Foreign Wars of the United States does not own an interest in any clubroom, canteen, facility or any fund raising activity operated by any such chartered unit, or clubroom, canteens, facilities or other fund raising activities operated for or on behalf of the Department of Florida, Veterans of Foreign Wars of the United States. The Department of Florida, Veterans of Foreign Wars of the United States does not derive any profit from such facilities or activities.

Section 2 – Clubrooms, canteens, facilities or other fund raising activities of chartered units are carried on by such units in furtherance of the fraternal, patriotic, historical and educational purposes set forth by Congress.

(A) The Department of Florida, Veterans of Foreign Wars of the United States, shall not be responsible for the negligent or wrongful acts of omissions nor the contractual obligations or debts of any Post, District nor the negligent or wrongful acts of omissions of contractual obligations or debts of any activity, clubroom, holding company or unit sponsored, conducted or operated by, for or in behalf of any Post or District.

(B) The Department of Florida, Veterans of Foreign Wars of the United States, does not lend money or extend credit to any chartered unit. It is in no manner responsible for the debts or any liability incurred by any chartered unit or any clubroom, canteen, facility or other fund raising activity operated by it. As unincorporated associations or corporations, they are responsible for their own debts and liabilities. To the extent the Department of Florida, Veterans of Foreign Wars of the United States, is threatened with or sustains damage arising from a debt or liability incurred by a chartered unit, the Department of Florida, Veterans of Foreign Wars of the United States, may seek to recover such damages and any costs and expenses incurred from such chartered unit or persons responsible for such debt or liability.

(C) Title to all real property or bills of sale of unincorporated units shall be taken in the name of the unit Trustees.

ARTICLE XII – HOSPITAL PROGRAM

Section 1 – Committee – The Department Commander shall appoint a standing Department Hospital Committee, which shall be responsible for the administration of the Department's Hospital Program.

Section 2 – Appointees – The Department Commander shall appoint one Hospital Activities Representative for each VA Hospital in Florida, upon the recommendation of the Department Commander and Department Quartermaster, and shall set their remuneration either in salary or expense allowance from the "Hospital Fund" and such other funds as may be appropriated by the Council for such purpose.

ARTICLE XIII – DEPARTMENT OF FLORIDA VFW RETIREMENT HOME

Section 1 – The Department of Florida VFW Veterans Retirement Home, Inc. is a non chartered unit of the Department of Florida Veterans of Foreign Wars of the United States.

Section 2 – The authority for the control and operation of the facility is assigned and granted to the Board of Directors as established in the Articles of Incorporation of the Department of Florida, VFW Veterans Home, Inc.

Section 3 – The President of the Board of Directors will make an annual report to the membership at the Department Convention.

ARTICLE XIV – AMENDMENTS

These By-Laws may be amended by the Department Convention by a two-thirds (2/3) vote of the voting strength present, provided no amendment shall be considered unless a copy of same shall have been forwarded to all Posts, Districts and Department Officers at least thirty (30) days prior to the convening of the Convention.

Wherever these By-Laws or subsequent amendments may be found to be in conflict with the present or any future National By-Laws, the latter shall prevail and be binding upon this Department as though written herein.

APPROVED in its entirety at the 37th Department Convention, Miami Beach, Florida, 18 June 1967 and amended at the 38th Annual Convention in Orlando, Florida, 16 June 1968.

APPROVED by the National Commander-in-Chief, Joseph a. Scerra, Reconfirmed in its entirety at the 42nd Department Convention, Cocoa Beach, Florida, 25 June 1972.

AMENDED at the 43rd Department Convention, Jacksonville, Florida, 24 June 1973, and approved by the National Commander-in-Chief, Patrick Carr, Reconfirmed in its entirety at the 44th Department Convention, Cocoa Beach, Florida, 21 June 1974, and approved by the National Commander-in-Chief, Ray Soden.

RECONFIRMED in its entirety at the 45th Department Convention, Miami Beach, Florida, 15 June 1975, and approved by the National Commander-in-Chief, John Stang. Reconfirmed in its entirety at the 46th Department Convention, Orlando, Florida, 19 June 1976.

AMENDED at the 47th Department Convention, Hollywood, Florida, 25 June 1977, and approved by the National Commander-in-Chief, R. D. Smith.

AMENDED at the 48th Department Convention, Tampa, Florida, 24 June 1978, and approved by the National Commander-in-Chief, Dr. John Wasyluk.

RECONFIRMED in its entirety at the 49th Department Convention, Daytona Beach, Florida, 24 June 1979.

AMENDED at the 50th Department Convention, Kissimmee, Florida, 14 June 1980, and approved by the National Commander-in-Chief, Howard Vander Clute.

AMENDED at the 51st Department Convention, Orlando, Florida, 13 June 1981, and approved by the National Commander-in-Chief Arthur Fellwock.

RECONFIRMED in its entirety at the 52nd Department Convention, Hollywood, Florida 24 June 1982.

RECONFIRMED in its entirety at the 53rd Department Convention, Hollywood, Florida, 24 June 1983.

RECONFIRMED in its entirety at the 54th Department Convention, Orlando, Florida, 15 June 1984.

AMENDED at the 55th Department Convention, Kissimmee, Florida, 28 June 1985, and approved by the National Commander-in-Chief, Billy Ray Cameron.

RECONFIRMED in its entirety at the 56th Department Convention, Kissimmee, Florida, 27 June 1986.

RECONFIRMED in its entirety at the 57th Department Convention, Kissimmee, Florida, 26 June 1987.

AMENDED at the 58th Department Convention, Orlando, Florida, 24 June 1988, and approved by the National Commander-in-Chief Earl L. Stock, Jr.

AMENDED at the 59th Department Convention, Orlando, Florida, 30 June 1989, and approved by the National Commander-in-Chief Larry W. Rivers.

RECONFIRMED in its entirety at the 60th Department Convention, Kissimmee, Florida, 30 June 1990.

RECONFIRMED in its entirety at the 61st Department Convention, Kissimmee, Florida, 27 June 1991.

RECONFIRMED in its entirety at the 62nd Department Convention, Orlando, Florida, Kissimmee, Florida, 19 June 1992.

RECONFIRMED in its entirety at the 63rd Department Convention, Kissimmee, Florida, 19 June 1993.

RECONFIRMED in its entirety at the 64th Department Convention, Kissimmee, Florida, 25 June 1994.

AMENDED at the 65th Department Convention, Orlando, Florida, 24 June 1995, and approved by the National Commander-in-Chief, Allen F. Kent.

RECONFIRMED in its entirety at the 66th Department Convention, Orlando, Florida, 21 June 1996.

AMENDED at the 67th Department Convention, Orlando, Florida, 20 June 1997, and approved by the National Commander-in-Chief, James E. Nier

AMENDED at the 68th Department Convention, Orlando, Florida, 21 June 1998, and approved by the National Commander-in-Chief, John E. Moon.

AMENDED at the 69th Department Convention, Orlando, Florida, 20 June 1999, and approved by the National Commander-in-Chief, Thomas A. Pouliot.

AMENDED at the 70th Department Convention, Kissimmee, Florida, 16 June 2000, and approved by the National Commander-in-Chief, John W. Smart.

RECONFIRMED in its entirety at the 71st Department Convention, Kissimmee, Florida, 16 June 2001.

AMENDED at the 72nd Department Convention, Orlando, Florida, 21 June 2002, and approved by the National Commander-in-Chief, James N. Goldsmith.

AMENDED at the 73rd Department Convention, Orlando, Florida 21 June 2003, and approved by the National Commander-in-Chief, Raymond Sisk

RECONFIRMED in its entirety at the 74th Department Convention, Orlando, Florida 19 June 2004.

AMENDED at the 75th Department Convention, Jacksonville, Florida 18 June 2005, and approved by the National Commander-in-Chief, John Furgess.

RECONFIRMED in its entirety at the 76th Department Convention, Daytona Beach, Florida, 23 June 2006.

RECONFIRMED in its entirety at the 77th Department Convention, Jacksonville, Florida 15 June 2007.

AMENDED at the 78th Department Convention, Orlando, Florida, June 20, 2008.

AMENDED at the 79th Department Convention, Orlando, Florida, June 19, 2009.

AMENDED at the 80th Department Convention, Orlando, Florida, June 18, 2010.

AMENDED at the 81st Department Convention, Daytona Beach, Florida, 24, June 2011.

AMENDED at the 82nd Department Convention, Orlando, Florida, 15, June 2012.

AMENDED at the 83rd Department Convention, Orlando, Florida, 14, June 2013.

AMENDED at the 84th Department Convention, Jacksonville, Florida, 20, June 2014.

AMENDED at the 85th Department Convention, Orlando, Florida, 12, June 2015.

AMENDED at the 86th Department Convention, Orlando, Florida, 11, June 2016.

AMENDED at the 87th Department Convention, Orlando, Florida, 23, June 2017.

AMENDED at the 88th Department Convention, Orlando, Florida, 22, June 2018.

Daniel Anderson

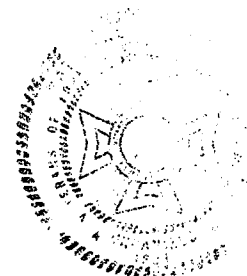


State Commander
Department of Florida

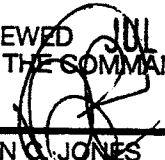
ATTEST:



Eugene L. Perrino Sr.
State Adjutant/Quartermaster



REVIEWED JUL 16 2018
FOR THE COMMANDER-IN-CHIEF



KEVIN JONES
ASSISTANT ADJUTANT GENERAL
BY DAVID E. PROHASKA, DIRECTOR
ADMINISTRATIVE OPERATIONS