CONSTITUTION

PREAMBLE

For God and country, we associate ourselves together for the following purposes: To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in all Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and goodwill on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; and to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I

NAME

The name of this organization shall be (Post name and number) The American Legion, Department of Florida

ARTICLE II

NATURE AND PURPOSE

Section 1. The object and purpose of this Post shall be to promote the principles and policies as set forth in the foregoing preamble, and the National and Departmental Constitutions of The American Legion.

Section 2. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service. Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any meeting of the Post.

Section 3. While requiring all members of the organization to perform their full duty as a citizen according to their own conscience and understanding, the organization shall be non-partisan in politics, and shall not be used for the dissemination of partisan principles.

ARTICLE III

MEMBERSHIP

Section 1. Eligibility for membership in this Post shall be as prescribed by the National Constitution for the American Legion.

Section 2. Application for membership shall be made in writing under such regulations as may from time to time be prescribed by the Post Executive Committee.

Section 3. All applications for membership, including transfers, shall be acted upon at the next Post meeting following the making of such supplications, and shall, at such meeting, be accepted, rejected or referred for further investigation. Should a majority of the members present, and voting cast their vote against the acceptance of said application, then the application shall be recorded as rejected.

Section 4. Any member of the Post may be reprimanded, suspended, removed from office or expelled from this Post and/or The American Legion only by proper showing or cause. Charges shall be based upon disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of the American Legion. Any and all discipline of an Officer or Member must be in accordance with The Rules of Trial as defined by the American Legion Department of Florida.

REV A 10/25/2019
Section 5. Any member who has been expelled or suspended for any cause has the right to appeal the action and such appeal must follow “The Rules Governing Appeals” as established by The American Legion Department of Florida

Section 6. A member of this Post who has been expelled or suspended from the Post for any cause may be reinstated to membership by a two-thirds vote of the membership present at a Post meeting and the payment of current dues for the year in which the reinstatement occurs.

Section 7. No person who has been expelled by another post shall be admitted to membership in this Post without the consent of the expelling post, except that where such consent has been asked to and denied by such post, he/she may then appeal to the State Executive Committee of the Department of the expelling post for permission to apply for membership in this Post, and shall be ineligible for membership until such permission is granted.

ARTICLE IV
OFFICERS

Section 1. The administrative affairs of the Post shall be under the supervision of the Executive Committee which shall consist of the officers of the Post and such ex-officio members as may be provided by the By-laws.

Section 2. The elective officers of this Post shall be a Commander, a First Vice Commander, a Second Vice Commander, a Finance Officer, a Historian, a Chaplain, a Sergeant-at-Arms and three Trustees. Elections are per the Post By-Laws.

Section 3. The appointive officers of this Post shall be an Adjutant, a Service Officer and a Judge Advocate. They shall be appointed by the Commander-elect, subject to the approval of the newly elected Executive Committee. Their terms of office shall be concurrent with the elected officers.

Section 4. All elective officers and committeemen shall be elected annually except the Trustees, who are elected for a three-year term, with staggered terms, one being elected each year. Officers shall hold office until their successors are duly installed, or as otherwise provided. All appointive officers will serve at the pleasure of the Commander.

Section 5. In case of resignation, death, illness, suspension, or removal from office of the Post Commander, the First Vice Commander shall perform the duties of the Commander until a special election can be called. Should the First Vice Commander be unable or unwilling the Second Vice Commander shall assume the role of Commander until a special election can be called.

Section 6. Any member of this Post in good standing shall be eligible to hold office in this Post.

Section 7. The duties of the officers and executive committeemen shall be those usually pertaining to such officers or committeemen or as provided in the By-Laws.

ARTICLE V
EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee is comprised of the Commander and all Officers, both elected and appointed and the immediate Past Post Commander in good standing.

Section 2. The Post Commander is the chairperson of the Executive Committee.

Section 3. The Post Executive Committee shall have general management of the Post within a budget established by the Post membership annually. The Executive Committee shall hire and terminate employees and take care of the routine operation of the Post. Any expenditures not included in the budget and not considered routine must be brought to the membership at a regular meeting for a vote, or at a special membership meeting. The decisions of the Executive Committee cannot preclude the will of the
The membership is the final authority in a Post.

**Section 4.** All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of the term, shall be filled by a two-thirds vote of the members of the Executive Committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who is succeeded.

**ARTICLE VI**

**FINANCE**

**Section 1.** The revenue of the Post shall be derived from annual membership dues and from such other sources as may be approved by the Executive committee.

**Section 2.** The amount of such annual Post dues shall be fixed and determined by the Post membership.

**Section 3.** The Post shall pay to National Headquarters the national and departmental annual membership dues for every member of this Post within 30 days of receipt.

**Section 4.** No funds of this Post shall be withdrawn or expended except as authorized in the annual budget approved by the membership. Should an expenditure be required or desired the Executive Committee may make a recommendation to the membership at the next regularly scheduled Post Meeting after which a vote should be taken to approve the expenditure.

**ARTICLE VII**

**AMERICAN LEGION AUXILIARY**

**Section 1.** This Post recognizes an auxiliary organization to be known as the Auxiliary Unit of the *(Post name and number)* The American Legion, Department of Florida

**Section 2.** Membership the Auxiliary Unit *(Post number)* shall be as prescribed by the National Constitution of the American Legion Auxiliary.

**ARTICLE VIII**

**SONS OF THE AMERICAN LEGION**

**Section 1.** This Post recognizes a Post program to be known as the Sons of the American Legion *(Post name and Squadron number, same as Post number)* The American Legion, Department of Florida

**Section 2.** Membership in the Sons of the American Legion Squadron *(Post number)* shall be prescribed by the National and Department Constitution of the Sons of the American Legion.

**ARTICLE IX**

**AMERICAN LEGION RIDERS**

**Section 1.** This Post recognizes a Post program to be known as the American Legion Riders Chapter *(Post number)*

**Section 2.** Membership in the *(Post name and number)* American Legion Riders shall be prescribed by the National and Department Constitution and By-Laws, past Resolutions of the National and Department and the Department Standard Operating Procedure of the American Legion Riders. The *(Post name and number)* may adopt Standing Rules as submitted by the *(Post number)* Chapter

**ARTICLE X**

**AMENDMENTS**

**Section 1.** This constitution is adopted subject to the provisions of the National Constitution of the American Legion and the Department Constitution of The American Legion Department of Florida. Any amendments to
said National or Department Constitutions which conflict with any provisions hereof shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such conflict.

Section 2. This constitution may be amended at any regular Post meeting by vote of two-thirds of the members of this Post attending, such regular meeting and voting, provided that the proposed amendments shall have been submitted in writing and read, after proper notice is provided, at the next proceeding regular meeting of this Post, and providing further, that written notice shall have been given to all members at least fifteen (15) days in advance of the date when such amendment is to be voted upon, notifying said members that at such meeting a proposal to amend the Constitution is to be voted on. A copy of the meeting minutes where the amendment was voted on and approved will need to be provided to Department when submitting revisions to the Post Constitution and By-Laws.
(POST NAME AND NUMBER) THE AMERICAN LEGION
DEPARTMENT OF FLORIDA

BY-LAWS

ARTICLE I

Section 1. The Post existing under these By-laws is to be known as (Post name and number) The American Legion Inc. Department of Florida

Section 2. The objectives of this Post are as set forth in the Constitution.

ARTICLE II
MANAGEMENT

Section 1. The government and management of this Post are entrusted to an Executive Committee elected by the general membership.

Section 2. The Executive Committee shall consist of the elected and appointed officers of the Post and the at large representative members as hereinafter provided. All elected officers and committeepersons shall be elected annually in (Month) and shall take office at the next meeting following the Annual Department Convention. The Trustees shall serve for three years with staggered terms; one being elected each year. All elections of officers and committeemen shall be by written ballot. The majority of the votes shall be required to elect an officer candidate - including a run-off election, if necessary, between two or more candidates receiving the highest number of votes and which total a majority of the votes cast. Executive Committee members shall be elected by the plurality method. Any member of (Post number), in good standing, shall be eligible to hold office in the Post upon providing a legible copy of their DD Form 214 or Certificate of Service to the Post Adjutant that shows membership eligibility.

Section 3. The immediate Past Commander, upon completion of the term for which elected and if not otherwise a member of the Executive Committee, shall be an ex-officio member of the Executive Committee with full voting rights for the following year.

Section 4. All vacancies existing in the Executive Committee, or in any office of the Post from any cause other than the expiration of term, shall be filled by a two-thirds vote of the members of the Executive Committee, and a person so appointed shall hold office for the unexpired term of the member of the committee or officer who is succeeded. A vacancy shall exist when an Executive Committee member or officer is absent from the Post for a continuous period considered detrimental to the Post by the Executive Committee. This action must be ratified by the membership.

ARTICLE III
POST EXECUTIVE COMMITTEE

Section 1. The newly elected Post Executive Committee shall meet for organization at the call of the Post Commander within ten days after the election. At that meeting an Adjutant, Judge Advocate and Service Officer shall be selected by the Commander and approved by the newly elected Executive Committee. Thereafter, the Executive Committee shall meet at the call of the Commander at least once every month and as often as the Commander may deem necessary. The Commander shall call a meeting of the Executive committee upon the joint written request of three or
more members of said committee. (#) members of the Executive Committee shall constitute a quorum thereof.

Section 2. The Post Executive Committee shall approve the hiring and dismissal of such employees as may be necessary; shall authorize and approve all expenditures, covering normal operating expenses, or routine needs as covered in the Annual Post Budget. Any expenses not covered in an annual budget above the authorized dollars listed below shall require individual approval by the membership; shall require adequate surety bonds from all persons having custody of post funds; shall hear the reports of Post Committee Chairmen; and generally shall have charge of and be responsible for the management of the affairs of the Post. Notwithstanding the foregoing, any expenditure in excess of ($XXX.XX), other than normal operating, or in an emergency shall first be approved by the membership at a regular or specially called Post meeting.

Section 3. It is important for the Executive Committee to remember that any decision made by the Executive Committee shall not preclude the will of the membership. The membership actions at a meeting is the final authority.

ARTICLE IV
DISCIPLINE

Section 1. Discipline within the Post shall take two forms. The first is from the Executive Committee for actions in the social quarters and the other for much more serious actions against The American Legion, the Post and the Post members.

Section 2. The House Committee may be given the responsibility by the Executive Committee to investigate improper social quarters conduct and recommend disciplinary action against members and/or guests who violate Lounge Rules. Disciplinary action against members and their guests must be documented in writing, with witnesses and the Executive Committee will deal with the disciplinary action. The resulting disciplinary actions shall be delivered to the member in writing, in a timely manner. Any member so notified has the right to appeal the disciplinary action to the Executive Committee.

Section 3 This discipline concerns actions against The American Legion, against the Post or a Post member. Any disciplinary action where the potential punishment is suspension or expulsion from The American Legion, or in the case of an Officer, the removal from office, against any Member or Officer shall be upon sworn or verified written charges by the accuser(s) as per the Department of Florida RULES GOVERNING TRIALS. These Rules Governing Trials shall govern any and all trials held by The American Legion, Department of Florida or any Post within The American Legion, Department of Florida.

ARTICLE V
DUTIES OF OFFICERS

Section 1. Duties of the Post Commander. It shall be the duty of the Commander to preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and such officer shall be the Chief Executive Officer of the Post. The Commander shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post for the year, and recommendations for the ensuing year, which shall be read at the annual meeting in (month) and a copy thereof shall immediately be forwarded to the Department Adjutant. He shall be responsible for securing surety bond covering all persons handling Post funds. The
Commander shall have oversight on membership programs and perform such other duties as directed by the Post membership.

Section 2. Duties of the First Vice Commander. The First Vice Commander shall be especially concerned with Post membership and shall assume the duties of Commander in the absence or disability of the Commander, or when called upon by the Commander.

Section 3. Duties of the Second Vice Commander. The Second Vice Commander shall be concerned with patriotic observations of all kinds, in developing Post activities, and in entertainment features of Post meetings and shall assume the duties of the Commander whenever so directed by the Commander or in the absence or disability of both the Commander and the First Vice Commander. The Second Vice commander shall be chairman of the Entertainment committee.

Section 4. Duties of the Adjutant. The Adjutant shall have charge of and shall keep a full and correct record of all proceedings of all meetings, shall keep such records as the Department and National organizations may require; shall render reports of membership annually or when called upon at a meeting, and under direction of the Commander, handle all correspondence of the Post.

Section 5. Duties of the Finance Officer. The Finance Officer shall have charge of all finances and shall be responsible for their safe deposit in federally insured banks or other financial institutions and shall report once a month report to the Executive Committee the condition of the finances of the Post, with such recommendations as deemed expedient or necessary for raising funds with which to carry on the activities of the Post. The Finance Officer shall also be an authorized signer on checks and shall insure that two signatures are required on all checks. He/she shall also report to the Post membership at the regular monthly meetings a detailed profit and loss statement on the financial condition of the Post. The Finance Officer shall also perform financial audits on the Post programs; The Sons of the American Legion Squadron and American Legion Riders Chapter.

Section 6. Duties of the Post Historian. The Historian shall be charged with keeping a record of events of interest of the Post and shall perform such duties as may properly pertain to the office as may be deemed by the Post or the Executive Committee.

Section 7. Duties of the Chaplain. The Chaplain shall be charged with the spiritual welfare of the Post members and families and will offer divine, but non-sectarian service in the event of dedications, funerals, public functions, etc. and will adhere to such ceremonials rituals as may be recommended by the National and Department headquarters from time to time.

Section 8. Duties of the Sergeant-at-Arms. The Sergeant-at-Arms shall preserve order at all meetings and shall perform such other duties as may be assigned from time to time by the Executive Committee or Commander.

Section 9. Duties of the Service Officer. The Service Officer shall be responsible for bringing to the attention of all veterans and their dependents the rights and benefits granted them by law. The Service Officer shall assist veterans with there need for VA care. The Service Officer must be certified annually by the Department of Florida.

Section 10: Duties of the Judge Advocate. The Judge advocate shall serve as the interpreter of the Constitution and the By-Laws of the Post and upon request shall advise on the appropriateness of the Post actions and decisions insofar as they affect the good of the American Legion. The Judge
Advocate is the parliamentarian will be responsible for all trials held in the Post. The Judge Advocate will oversee the audits of Post finances and report to the Executive Committee any irregularities or problems discovered.

**ARTICLE VI**

**DELEGATES**

Delegates and alternates to a Department convention shall be elected by the Post at a regular meeting of the Post to be held at least 20 days prior to the date of the convention.

**ARTICLE VII**

**APPOINTMENTS**

Section 1. The Commander, immediately upon taking office each year, shall appoint, subject to membership approval the following standing committees: Americanism, Ceremonials, Children and Youth, Economic, Finance, Foreign Relations, Graves and Memorials, House and Entertainment, Legislative, Membership Public Relations Service, Veterans Affairs and Rehabilitation, National Security, Sons of the American Legion and American Legion Riders. Such standing committees shall consist of such members, and the chair thereof, as shall be designated by the Post Commander.

Section 2. The Commander shall automatically be a member of each standing committee and shall appoint the Chairman for such committees, subject to the approval of the Executive Committee.

Section 3. Special committees may be designated by the Commander as the business of the Post may require.

**ARTICLE VIII**

**DUTIES OF COMMITTEES**

Section 1. **Americanism Committee.** The Americanism Committee shall be charge with the inspiration of patriotism and god citizenship by arrangements for proper observances of patriotic occasions; encouragement of patriotic and civil phases of instruction in schools; by Americanization of aliens; by combating anti-American propaganda; by education of the general public in American ideals through public forums, etc., and by activities for community and civil betterment. Additionally, this committee shall oversee the issuances of School and JROTC awards and shall make selections for Boys State as appropriate.

Section 2. **Ceremonials Committee.** The principal duty of the Ceremonial committee is to ensure all new members are properly initiated. The committee also concerns itself with proper presentation of other rituals outlined in the Manual of Ceremony’s. – burial details and other rituals.

Section 3. **Children and Youth Committee.** Shall be charged with aid and service to children of veterans, cooperating with other established agencies in the community; laboring for the betterment of child conditions and in coordinating services and agencies in the community for the above purposes. To act as intermediary for the needy child of a veteran in obtaining the fulfillment of the Legion’s pledge that “no child of a war veteran shall be in need of the necessities of life” and “a square deal for every child.”

Section 5. **Economic Committee.** The Post Economic Committee is primarily concerned with local employment programs, Veterans’ preference, government employment and re-employment rights.
Section 6. Finance Committee. The Finance Committee shall be charged with the administration of the financial policy, preparation of budget recommendations and supervision of receiving, disbursing and accounting of all Post funds.

Section 7. Foreign Relations. This committee has become active as America has recognized its responsibility as a world leader. Maintaining and securing world peace and friendship abroad through community endeavors have become as essential as any aspect of treaty law.

Section 8. Graves and Memorial Committee. The duties of this committee involve recording of grave sites and complete information on veterans’ burial in cemeteries assigned to the Post. Special assistance can be given the service officer in providing flags, headstones or proper interment in national cemeteries.

Section 9. House and Entertainment Committee. The House and Entertainment quarters promotion of club advantages and arrangement for social activities.

Section 10. Legislative Committee. The Legislative Committee needs to have a knowledge of what is going on in Congress—what we favor or oppose and should be ready to initiate action in support of our position when requested by the national or Department organization.

Section 11. Membership Committee. The Membership Committee shall have charge of all matters pertaining to the membership of the Post, including the procuring of new members, reinstatements and eligibility of members.

Section 12. Public Relations Committee. The Public Relations Committee shall be charged with the promotion of public support of the Legion’s programs by the establishment of proper contact with The American Legion Magazine, Department and national Legion news service and by local publicity of Post programs and activities.

Section 13. Veterans Affairs and Rehabilitation Committee. The Veterans Affairs and Rehabilitation committee shall supervise all matters pertaining to service to comrades in the prosecution of all just claims against the United States or state government, employment, relief, etc.

Section 14. Security Committee. The Security Committee shall assist the armed forces of the United States in recruiting efforts and in every way be active in community activities for the defense of the nation and the security of the American home.
ARTICLE IX
SUPPORT TO THE PROGRAMS

Section 1. Sons of The American Legion Committee. This committee shall have supervision over the operations of the Post’s squadron of the Sons of The American Legion.

Section 2. American Legion Riders Committee. This committee shall have supervision over the operations of the Post’s Chapter of The American Legion Riders. All actions of the Riders membership in reference to the disciplinary actions against Riders members shall be subject to the approval of the Post Executive Committee.

ARTICLE X
RESOLUTIONS

All properly passed resolutions of state or national scope presented to this Post by a member, or reported to this Post by a committee, shall represent the opinion of this Post on the subject, and a copy of same shall be forwarded to the Department Headquarters for its approval.

ARTICLE XI
POST MEETINGS

Section 1. The regular meetings of this Post shall be held at the Post home monthly on a date approved by the membership at which may be transacted such business as may properly be brought up for action.

Section 2. The Commander or the majority of the Executive Committee shall have the power to call a special meeting of the Post at any time.

Section 3. Upon written request often (Determine number) members, the Executive Committee shall call a special meeting of the Post.

Section 4. (Determine number of Post members and the number of Executive Committee members) members, shall constitute a quorum for Post meetings.

Section 5. Officers of the Post should wear the American Legion uniforms at Post Meetings if possible.

ARTICLE XII
ELECTIONS

Section 1. The annual election of officers shall be held on the (need to determine) of each year. (balloting can be held during a meeting or allow members to come in during a day to vote) Balloting shall be under the supervision of the Judge Advocate, with such assistance as he shall require.

Section 2. At a meeting of the Membership each year the Commander shall select members to serve on a Nominating Committee to research, seek out and nominate members to be officers the coming year. The Commander may not serve on this committee.

Section 3. At a meeting following their appointment the Chairman of the Nominating Committee shall announce to the membership the names of those vetted members who have self-nominated themselves. Further nominations may be made from the floor, provided the person being nominated is present and accepts the nomination, or a letter is presented on his behalf agreeing to the nomination. Members so nominated must be vetted before their name goes on the ballot.
Section 4. Any member of the Post who is in good standing shall be allowed to vote during the time allocated for the election. Post membership records and persons familiar with them shall always be available during balloting to verify eligibility of members. The Judge Advocate shall make a final ruling on eligibility after consulting the records.

ARTICLE XIII
NOTICES

Section 1. Every member shall furnish the Post Adjutant with his/her address or e-mail for mailing purposes.

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least 30 days prior thereto.

ARTICLE XIV
RULES OF ORDER

All proceedings of this Post shall be conducted under and pursuant to “Robert's Rules of Order, Newly Revised” except as herein otherwise provided.

ARTICLE XV
LIMITATIONS OF LIABILITIES

This Post shall not incur, or cause to be incurred, liability or obligations whatever shall subject to liability any other Post, subdivision, members of the American Legion or other individuals, corporations or organizations.

ARTICLE XVI
AMENDMENTS

These By-laws may be amended at any regular Post meeting by a vote of two-thirds of the members of this Post attending and voting at such regular meeting: Provided that the proposed amendment shall have been submitted in writing and read at the next preceding regular meeting of the Post and provided, further, that written notice shall have been given to all members a minimum of 30 days in advance of the date when such amendment is to be voted upon, notifying said members that at such a meeting a proposal to amend the Constitution and or By-laws is to be voted on.

ARTICLE XVII
DISTRIBUTION

A copy of the Constitution and By-Laws shall be given to each member requesting a copy and a copy shall always be placed on the Post bulletin board and Post website.
POST APPROVAL

These changes to the Constitution and Bylaws were duly approved, after proper notice, by the membership of (Post name and number), The American Legion, Inc. on (Date).

_______________________________________
Constitution and By-Laws Committee, Chairman

_______________________________________
Post Commander

Post Judge Advocate

Date: __________________________

Copy of the minutes where Post Membership approved amendment must be attached.

DEPARTMENT APPROVAL

Pursuant to the applicable provisions of the Department Constitution and By-Laws of the Department of Florida, the foregoing Constitution and By-Laws of (post name and number) have been reviewed and approved this ________ day of __________________, ________

_______________________________________
Department Judge Advocate

_______________________________________
Department Commander