



THE AMERICAN LEGION
Department of Florida

Larry Sheets
Department Judge Advocate

April 7, 2016

American Legion Post 113
Attn: Royce Tyler, Post Adjutant
3436 Indiana Road
Rotonda West, FL 33947

RE: Review of American Legion Constitution and ByLaws of Post 113

Dear Royce Tyler,

Thank you for submitting your Constitution and ByLaws amendments. The amendments of American Legion Post 113's Constitution and ByLaws are approved.

If I can be of any further assistance to your post, please contact me at your convenience.

Sincerely,

Larry Sheets
Department Judge Advocate



The American Legion

Department of Florida

Larry Sheets

Department Judge Advocate

APPROVED

Pursuant to the applicable provisions of the Department Constitution and ByLaws, the foregoing Constitution and ByLaws of American Legion Post 113 dated February 2016 have been reviewed and approved this 7th day of April, 2016.

Larry D. Sheets
Department Judge Advocate

Approval Confirmed:

Jim Ramos
Department Commander



THE AMERICAN LEGION
Department of Florida

Larry Sheets
Department Judge Advocate

April 7, 2016

Commander Jim Ramos
c/o The American Legion
Department of Florida
P.O. Box 547895
Orlando, FL 32854-7859

RE: American Legion Post 113

Dear Commander Ramos,

I am in receipt of the Constitution and ByLaws of the above referenced post. It's my opinion that the submitted Constitution and ByLaws of American Legion Post 113 are in compliance with the National and Department Constitution and ByLaws and should be approved.

Sincerely,

Larry Sheets
Department Judge Advocate

**ROTONDA WEST POST 113
THE AMERICAN LEGION
DEPARTMENT OF FLORIDA**

**CONSTITUTION
AND
BY-LAWS**

Current as of Latest Revision. 7 April 2016

CONSTITUTION OF ROTONDA WEST POST 113

THE AMERICAN LEGION, DEPARTMENT OF FLORIDA

Preamble to the Constitution

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 the Great 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;
- To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I -NAME

Section 1. The name of this organization shall be: Rotonda West Post 113, the American Legion, Department of Florida'

ARTICLE II - OBJECT

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 Florida Department Constitutions of the American Legion.

ARTICLE III - NATURE

Section 1. This Post is a civilian organization and membership therein does not affect or increase liability for military or police service.

Section 2. This organization shall be absolutely non-political and shall not be used for the promotion of the candidacy of any person seeking public office or preferment nor for the dissemination of partisan principles

Section 3. Rank does not exist in the American Legion. No member shall be addressed by his/her military title at any meeting of the post.

ARTICLE IV - MEMBERSHIP

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

Section 1 A. Section 1 must to be adhered to and no one is to be taken in as a guest, honorary or social member, for any reason whatsoever. It is proper and fitting for a Post member in good standing to entertain a guest in the Post Club Rooms providing the guest is with a member.

Section 2. Application for membership shall be made in writing on a form furnished by the Post Adjutant, accompanied by the current year dues. Applicant's Honorable Discharge or readable true copy thereof or other governmental issued document indicating military active duty service corresponding to membership eligibility dates (usually a DD 214) is required.

Section 3. All applicants for membership shall be acted upon at the next regular Post meeting, be accepted, rejected, deferred for further investigation and consideration. Applicants shall be approved by a majority vote of members present. Applications may be reconsidered after six months from the date of rejection.

Section 4. Any member of this Post may be expelled, suspended, reprimanded, or removed from Office for cause, after charges are preferred in writing under oath, and a fair trial, under the direction of the Judge Advocate and presented to the general membership for approval. All procedures will be in accordance with Article X Section 14 of the American Legion Department of Florida Constitution.

Section 5. A member that has been expelled, suspended from the Post, may be reinstated by a two-thirds vote of the membership present at a regular Post meeting and payment of current dues for the year in which reinstatement occurs.

Section 6. Any person that has been expelled by any American Legion Post shall not be admitted to membership in this Post without the consent of the expelling Post. If such consent is denied, he or she may then appeal to the Executive Committee 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 V - OFFICERS

Section 1. The administrative affairs of this Post, except as might otherwise be provided in the By-Laws, will be under the supervision of the Post Commander and the Executive Committee, which shall consist of fourteen (14) members and the immediate Past Commander. This Post's By-Laws may provide for such other standing committees, as the business of the Post requires.

Section 2. The Officers of this Post shall be: Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Adjutant, Finance Officer, Sergeant-At-Arms, Service Officer, Post Historian, Post Chaplain, Judge Advocate.

Section 3. All Officers of this Post, except the Judge Advocate, Service Officer and Adjutant, shall be elected annually and shall hold office until their successors are duly installed or as otherwise provided in the By-Laws. Adjutant, Service Officer and Judge Advocate shall be appointed by the Post Commander elect and whose names shall be placed before the Post Executive Committee at the first meeting following their appointment, for confirmation by a majority of its members present. The immediate Past Commander shall be an ex-officio member of the Post Executive Committee, not to exceed one year.

Section 4. Every member in good standing of this Post shall be eligible to hold office in this Post.

Section 5. The duties of officers or committee persons, shall be those pertaining to such office or as further provided by American Legion Post Officers Guide and Post Constitution and By-Laws.

ARTICLE VI - FINANCE

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

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

Section 3. This Post shall pay to Department Headquarters, the National and Department annual membership dues for every member of the Post.

ARTICLE VII - AMERICAN LEGION FAMILY

Section 1. This Post recognizes an auxiliary organization to be known as the Auxiliary Unit Rotonda West Post 113, The American Legion, Department of Florida.

Section 1A. Membership in the Auxiliary shall be prescribed by the National Constitution of the American Legion Auxiliary.

Section 2. This Post recognizes a Son of American Legion (SAL) know as the Sons of American Legion Squadron 113.

Section 2A. Membership in the SAL shall be outlined by the Department and National Organization.

Section 3. This Post recognizes a program known as the American Legion Riders (ALR) Charter 113.

Section 3A. The Association will abide by all rules and regulations of the National & State American Legion, Sponsoring Post & the American Legion Riders .

ARTICLE VIII – 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 Department of Florida, the American Legion.

Section 2. This Constitution may be amended at any regular meeting or special Post meeting by a two thirds vote of the members present at such Post meeting, providing that the proposed amendment shall have been submitted in writing and read at the preceding regular meeting of the Post, and providing further, that written notice shall have been given to all members at least 30 days in advance of the date when such amendment is to be voted upon, notifying said members at such meeting, that a proposal to amend the Constitution is to be voted upon.

BY-LAWS AMERICAN LEGION POST 113

ARTICLE I -NAME AND OBJECT

Section 1. The Post existing under this Constitution and By-laws is to be known as Rotonda West Post 113, The American Legion, Department of Florida.

Section 2. The objects of this Post are as set forth in the National and Rotonda West Post 113 Constitution

ARTICLE II -MANAGEMENT

Section 1. The government and management of this Post is entrusted to an Executive Committee consisting of fourteen (14) members named as follows: Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Sergeant at-Arms, Service Officer, Judge Advocate, three (3) Post members and the immediate past Commander.

Section 2. Any vacancy existing in the Executive committee, or in any office of the Post for any cause other than the expiration of the term shall be filled by a majority vote of the remaining members of the Post Executive Committee, and a person elected or chosen shall hold office for the unexpired term of the committee or office which is vacated. A vacancy shall exist when any officer or Executive Committee member is absent from three (3) consecutive regularly scheduled meetings, either general and/or executive. In addition a vacancy may exist if an officer or any committee member is absent from his/her Post duties for a continuous period of time that is considered detrimental to the interest of the Post by the majority of the remaining members of the Post Executive Committee. All decisions and recommendations must be presented to and approved by the general membership.

Section 3. All members of the Executive Committee, as specified in Article II-Management, Section 1 shall have one (1) vote.

Section 4. , Rotonda West Post 113, the American Legion, Department of Florida will recognize a House Committee consisting of no less than four (4) members nominated by the Second Vice Commander and approved by the Post Executive Committee. The appointed members will hold the position for one year. In addition to the appointed members of the House Committee, there shall be an appointed person from Auxiliary Unit Rotonda West Post 113 and Rotonda West Post 113 Sons of the American Legion (SAL), if so deemed by the governing body of Auxiliary Unit Rotonda West Post 113 and SAL. These persons will not have a vote on the committee. The Second Vice Commander shall preside over this committee. If a temporary absence and/or disability of the Second Vice Commander exist the House Manager, under direction of the Post Commander, shall chair the House Committee.

This committee shall hold regular meetings at least once a month. Minutes shall be kept of these meetings and copies of these minutes shall be given to the Post Commander and Adjutant and read and approved at the Post Executive Committee meeting.

The House Committee shall keep the original copy of the minutes on file. The House Manger shall attend all House Committee meetings and be an advisor to the Second Vice Commander.

Section 5. The duties of the House Committee shall be: to manage the affairs of the Lounge. They shall submit a budget to the Commander and Finance Officer for presentation to the Post Executive Committee at the beginning of each calendar year for the approval of both the executive committee and the general membership. All items in the budget shall be listed individually, with the appropriate cost per item. After approval of the general membership, budget items may be procured by a majority vote of the House Committee. Any expenditure not covered or included in the budget must be approved by the Post Executive Committee for payment. The House Committee shall have the right to spend up to five hundred dollars (\$500.00) providing the funds are available in the budget.

Section 6. The Post must be incorporated and management of the corporation shall be for the advancement of Rotonda West Post 113.

Section 7. In accordance with Florida Liquor Control Board, the Corporation Officers of this post shall be the Commander, Second Vice Commander, Finance Officer and the Adjutant. The corporation officers shall be directly responsible to the Executive Committee.

ARTICLE III -ELECTION OF OFFCIERS AND EXECUTIVE COMMITTEE

Section 1. At the February Executive Committee meeting, a nominating committee consisting of five (5) members shall be nominated by the Post Commander and approved by the Post Executive Committee and general membership at the next regular meeting. The Nominating Committee shall elect their Chairperson.

Section 2. All nominees selected by the committee must have been interviewed and have expressed a willingness to serve.

Section 2A. Nominations from the floor must be made at the March and April regular meetings only and nominations will be closed after the April regular meeting and all nominees shall be familiar with the Rotonda West Post 113 Constitution and By-Laws, duties and responsibilities of the office they are seeking.

Section 3. The Chairperson of the Nominating Committee will advise the membership of the names of the members interested in serving in the various offices, and will announce their recommendations. The recommendations of the Nominating Committee does not prevent members from seeking office, either as a nomination from the floor or as a write-in candidate.

Section 4. The Judge Advocate shall act as Judge of Elections and the Commander will choose tellers from the floor of the meeting. The election of officers shall be held annually, not more than fifty (50) days nor less than ten (10) days prior to the Department of Florida Convention, as

prescribed by the Department Constitution and By-laws and as announced by the Post Executive Committee.

Section 5. No member of the Post, in good standing, may be kept from voting during the time the polls are open. In case of a question or challenge to the eligibility of a member that is voting, the Adjutant or his appointed designee will authenticate the member's right to vote.

Section 6. A write-in name (preferably printed) for any office constitutes a vote, whether nominated or not, must be counted.

Section 7. If more than one (1) candidate for an office is on the printed ballot, a check or X must be put in the box, or if no box, after the name of the candidate to show preference. A circle placed around a candidate's name is acceptable.

Section 8. After the count is completed, the Judge Advocate will deliver the results to the Adjutant who will announce and record the results. The Adjutant will retain the election ballots for a period of ninety (90) days and after the allotted time the ballots shall be properly destroyed.

ARTICLE IV-EXECUTIVE COMMITTEE

Section 1. The Post Executive Committee shall meet for organization and such other business that may come before it, at the call of the Post Commander within ten (10) days after the installation of new officers. Thereafter, the Post Executive Committee shall meet at the call of the Post Commander once a month or as often as the Post Commander may deem necessary. The Post Commander shall call a meeting of the Post Executive Committee upon the written request of three (3) or more members of the Post Executive Committee. Seven (7) members of the Executive Committee shall constitute a quorum thereof.

Section 2. The Post Executive Committee shall hire such employees as may be necessary, shall authorize and approve all expenditures, shall require adequate bonds for all persons having the custody of the post funds, shall hear reports of the committee chairperson and shall have charge of and be responsible for the management of the affairs of this Post.

ARTICLE V -DUTIES OF OFFICERS

Section 1. The officers of this Post shall be: Commander, First Vice Commander, Second Vice Commander, Third Vice Commander, Adjutant, Finance Officer, Historian, Chaplain, Sergeant-at-Arms, Service Officer, Judge Advocate, three (3) Executive Committee persons and the immediate Past Commander.

Section 2. Duties of the Post Commander: Preside at all meetings of the Post and to have general supervision over the business and affairs of the Post, and shall be the Chief Executive Officer of the Post. The Post 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 with recommendations for the upcoming year at the annual Department meeting and a copy thereof immediately forwarded to the Department Adjutant. The report shall be read at the regular Post meeting held

in August. The Commander shall perform such other duties as directed by the Post Executive Committee.

Section 3. Duties of the First Vice Commander: Primary concern shall be recruitment of new members and retention of current members. He shall assume and discharge the duties of the office of the Commander in a temporary absence and/or disability of the Commander, or when called upon by the Commander.

Section 4. Duties of the Second Vice Commander: Shall be responsible for coordinating activities and entertainment for all Post functions, and manage affairs of the lounge, kitchen, and hall. The Second Vice Commander shall chair the House Committee.

Section 5. Duties of the Third Vice Commander: Shall be that of Americanism and Public Relations. The Third Vice Commander shall assume the duties of the First Vice Commander in case of a temporary absence and/or disability.

Section 6. Duties of the Post Adjutant: Have charge of and keep a full and correct record of all proceedings of all meetings, keep records as the Department and National Organization may require, render reports of membership annually or when called upon at a meeting, and under the direction of the Commander handle all correspondence of the Post.

Section 7. Duties of the Finance Officer: Have charge of all finances of the Post and ensure they are deposited in a local bank or banks, as approved by the Executive Committee and shall report monthly to the Post Executive Committee the status of the finances of the Post, with recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/she shall sign all checks disbursing the monies of the Post, such checks exceeding the amount set by the Post Membership in the Manual of Policies and Procedures shall be countersigned by the Post Commander. The Finance Officer shall secure such surety bonds as shall be fixed by the Post Executive Committee. Members or employees handling monies of the Post by direction of the Finance Officer may do so without bond, but all reports of such handling of monies shall be made by the Finance Officer when reporting to the Post Executive Committee.

Section 8. Duties of the Post Chaplain: Shall be charged with the spiritual welfare of Post comrades and will offer divine but non-sectarian service in the event of dedications, funerals, etc., and be of general aid to the Commander.

Section 9. Duties of the Sergeant-at-Arms: Shall act as sentinel or outer guard of the Post at all meetings, and will learn the identity, of and, introduce to the Commander, all visiting members and guest of the Post. To have charge of the detail posting the colors at all meetings and general charge of the firing squad and bugler at all funerals and such other duties as maybe assigned by the Post Commander or Post Executive Committee.

Section I0. Duties of the Judge Advocate: Interpret the Constitution and By-laws of the Post and be ready to rule on the legality of the actions and decisions of the Post Commander and other

officers and members of the Post as they affect the good of the American Legion. The Judge Advocate shall preside at all trials of officers or members of the Post and shall be supervisor of all elections of Post Officers. Shall chair a committee with the duty of auditing Post financial accounts. This shall be done prior to the annual election of officers or more frequently at the discretion of the Post Executive Committee.

Section 11. Duties of the Post Service Officer: Shall supervise all matters pertaining to service to comrades, process all just claims against the United States and/or State Government and have general charge of employment, relief, etc. The Service Officer may spend up to three hundred dollars (\$300) of a fund authorized by the Post for emergency service to a member of this Post or a widow or orphan of a deceased member of this Post, and the names of such shall never be mentioned by anyone, but kept in the files of the Service Officer for proper reference. Any additional monies needed must be authorized by a majority of the members of the Executive Committee, which may be had by personal contact or telephone, if necessary. No other officer or member of this Post may disburse such funds of the Post to anyone, except that in the case the Service Officer is away or incapacitated, the Finance Officer and/or Adjutant may act with the knowledge of the Commander.

ARTICLE VI -DELEGATES

Section 1. Delegates and alternates to a Department Convention shall be the same as elected by the Post to the District level. The meeting for the election of delegates and alternates shall be at the general meeting prior to the District Constitutional Conference and as announced by the Executive Committee.

Section 1. The Post Commander, immediately upon taking office each year, shall appoint the following standing committees: Children and Youth, Veterans Affairs and Rehabilitation, National Security, Legislative, Finance, Ceremonial, Economics, and Grave Registration and Memorials and brief each appointee of his/her duties and responsibilities. The Post Commander may appoint others as he/she deems appropriate to accomplish the goals of the American Legion.

ARTICLE VIII -RESOLUTIONS

Section 1. All resolutions of Department or National scope presented to this Post by a member or reported to the Post by a committee, shall embody the opinion of this Post by a committee, and shall merely embody the opinion of this Post on the subject, and copy for approval before any publicity is given or any action, other than mere passage by the Post, is taken.

ARTICLE IX – MEETINGS

Section 1. The regular meetings of this Post shall be held on the day designated by the Executive Committee at which may be transacted such business as may properly be brought up for action, such meetings may be converted into entertainment meetings as may be deemed advisable by the Officers of the Post. The day of these meetings may be changed by a majority vote of the Post Executive Committee.

Section 2. The Post Commander or a majority of the Post Executive Committee shall have the power to call a special general meeting of the Post at any time. Notice must be physically posted at the Post and posted electronically (e.g., webpage, social media, and email (if available)) a minimum of 48 hours prior to the meeting. A quorum of the Post Officers must be in attendance to conduct business.

ARTICLE X-NOTICES

Section 1. Every member shall furnish the Post Adjutant his/her correct address for mailing purposes and email if available.

Section 2. The Post Adjutant shall call notice of the annual election to be given at least seven (7) days prior thereto.

ARTICLE XI -RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under and pursuant to The American Legion Post Officers Guide. If needed, Robert's Rules of Order, newly revised, will be referred to for all parliamentary procedures.

ARTICLE XII -LIABILITIES

Section 1. This Post shall incur or cause to be incurred no liability or obligations whatever, which shall subject to liability to any other Post, subdivision, group, person or member of the American Legion, or any other individuals, corporations or organizations.

ARTICLE XIII -AMENDMENTS

Section 1. These By-laws may be amended at any regular Post meeting by a two-thirds vote of the members present, providing that the proposed amendment shall have been submitted in writing and read at the preceding regular or special meeting of the Post and at least seven (7) 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 By-laws is to be voted upon.

ARTICLE XIV -MISCELLANEOUS

Section 1. An Honorary Life Membership cannot be given except by a unanimous vote of the Executive Committee and approved by the general membership. No Honorary Life Membership can be recalled, unless the holder of such membership has broken the rules (Article X, Section 14 of the Department of Florida Constitution) and has been given a fair trial.

Section 2. All persons showing their paid up Legion, Auxiliary or Sons of the American Legion membership card will be considered members of Rotonda West Post 113 when purchasing beverages at the Rotonda West Post 113 Lounge.

Section 3. No member can hold more than one elected or appointed officer position at one time in the Post.

Section 4. The Post Finance Officer, Second Vice Commander, and Adjutant shall receive a stipend for services rendered. The annual stipend amount shall be set/reviewed and approved by the Post Executive Committee during the January Executive Board Committee meeting. .

Section 5. The sale of or disposal of real property (real estate). All sales or disposal of real property must conform to Article X, Section 21 of the Department of Florida Constitution

(Article X, Section 21 of the Department Constitution. (21) No Post of the Department of Florida shall sell or otherwise dispose of any real property (real estate) without first obtaining the written consent of the Department Commander acknowledging receipt of written notice to the American Department of Florida, NOT LESS than thirty (30) days prior to such sale or disposal. That all members of that post have been given written notice, sent via U.S. Mail, of the proposed sale or other disposition. Each post shall provide The American Legion, Department of Florida written acknowledgement of the foregoing, duly, executed by the Post Commander and Adjutant, and in a form suitable to the Department. The Department Adjutant shall cause this written acknowledgement to be recorded through the County Recorders Office in the county wherein the Post is located).

Revised September 1986, revised February 1993, revised April 1999. revised February 2002, revised February 2006, revised January 2013, revised 7 April 2016.