

Sons of The American Legion



Detachment of By-Laws

ARTICLE I

DETACHMENT CONVENTION

Section 1 – The Detachment Convention shall be called and held pursuant to the provisions of the Detachment Constitution. The call shall be issued by the Detachment Commander by bulletin mailed by the Detachment Adjutant to each Squadron and to each Detachment Officer and to each member of the Detachment Executive Committee not more than forty-five (45) days nor less than fifteen (15) days prior to the first day of the Convention.

Section 2 – No Squadron shall be allowed to have its delegates and alternate delegates seated at the Detachment Convention unless it has complied with Article XI, Section 8 of the Detachment Constitution.

Section 3 – No delegate except those for which provision is made in Article V, Section 6 of the Detachment Constitution shall be accredited without proper certificate signed by the Commander and Adjutant of the Squadron represented by such delegate, and said certificate shall be presented to the Detachment Adjutant or such other officer or person as may be appointed in charge of credentials at the Detachment Convention. A registration fee, as set by the Detachment Executive Committee, shall be paid by each Squadron represented, before any such delegate or alternate shall be certified and seated in the Convention.

Section 4 – The Detachment Commander shall appoint a chairman to the Convention Committees as may be necessary. Each Squadron in the Detachment having a duly qualified delegation present at the Detachment Convention may send a representative as a member of each Committees named in this Section.

Section 5 – Resolutions

(a) All resolutions submitted to the Detachment Convention must first be adopted by a Squadron of Sons of The American Legion, Detachment of Florida, or the Detachment Executive Committee or by a standing Detachment Commission or Committee.

(b) All resolutions submitted to the Detachment Convention shall be typewritten on forms provided by Detachment Headquarters and submitted in triplicate, so as to provide that the resolution was adopted by Sons of The American Legion, Detachment of Florida, in Convention assembled, and any resolution not so drawn shall be returned by the Detachment Adjutant to the sponsor for correction.

(c) All resolutions shall be presented to the Detachment Adjutant at least forty (40) days prior to the Detachment Convention. This time limit may be waived by a two-thirds vote of the delegates present at the Detachment Convention.

(d) The subject matter of resolutions submitted to the Detachment Convention shall be restricted to matters germane to the purposes and programs of Sons of The American Legion.

(e) Resolutions emanating from a private organization to further its own interest will not be accepted.

(f) Proposed amendments to the Detachment Constitution or By-Laws shall not be the subject of a resolution. All proposed changes to these shall be submitted in accordance with Article XV of the Detachment Constitution or Article VII of these By-Laws.

(g) The Detachment Internal Affairs Commission at the Convention shall meet on the first day of the Convention.

(h) The Detachment Internal Affairs Commission shall be empowered to reject resolutions for any of the following reasons:

(1) Resolution was not submitted within the time prescribed by the Detachment By-Laws.

(2) Resolution was not submitted in proper form.

(3) Subject matter not germane to the purposes of Sons of The American Legion.

(4) Resolution is couched in ambiguous wording, not clearly defining an intent.

(5) Resolution would be impossible to use since it contains errors of fact or law.

(6) Resolution is actually a proposed amendment to the Detachment Constitution or By-Laws.

(i) The Detachment Internal Affairs Commission shall be empowered to:

(1) Make such changes in Resolutions as may be necessary to eliminate factual misstatements or language inconsistent with the clear intent of the Resolution, when taken as a whole.

(2) To consolidate Resolutions containing the same subject matter.

(3) To refer any resolution back to the originating authority or to a Standing Detachment Commission or Committee for further study and/or consideration.

Section 6 – When a delegate desires to make a motion or address the Convention he shall rise, address the Chair and state his name and the name and number of his Squadron before proceeding.

Section 7 – No delegate shall be permitted to talk more often than once on any one subject, unless he has made the motion relating to the subject, and then only twice, and no delegate shall be permitted to talk longer than five (5) minutes on any one (1) subject, except by unanimous consent.

Section 8 – Voting in all cases, except elections and trials of officers and appeals shall be by acclamation unless roll call vote shall be demanded by at least five (5) Squadrons with one (1) or more accredited delegates present on the floor of the Convention.

Section 9 – The annual election of the Officers of the Detachment shall be the special order of business of the Annual Convention on the day set for the adjournment of the Convention or at the call of the Chair.

Section 10 – Nominations for Detachment Officers shall be from the floor.

Section 11 – Nominating speeches shall be limited to five (5) minutes each. Nor more than two (2) seconding speeches shall be made for each candidate, each not to exceed two (2) minutes.

Section 12 – Each officer to be elected at the Detachment Convention shall be voted on separately except that the election of the Detachment Vice Commanders may be elected collectively.

Section 13 – The final official tally sheets and the ballots shall be retained as permanent record of the Detachment for a period of two (2) years.

Section 14 – In the event more than two (2) candidates are nominated for any one office, all candidates, except the two (2) receiving the highest number of votes shall be eliminated following the first ballot. The Detachment Adjutant shall announce that the second ballot is about to begin, and allow five (5) minutes time for the delegates to return to the convention floor and their respective delegation. Thereafter, the balloting shall continue until one (1) candidate shall receive a majority of the votes cast.

Section 15 – The Detachment Commander, or in his absence or inability, a Detachment Vice Commander shall serve as Chairman of the Convention. The Detachment Adjutant shall serve as Secretary of the Convention.

Section 16 – Each retiring Commander shall, upon the installation of his successor, be declared to be a Past Detachment Commander, and shall be presented with a Past Detachment Commander's lapel pin with diamond. He shall enjoy the status and the privileges thereof as set forth in these By-Laws and the Detachment Constitution unless he is deprived of them as provided herein and in the Detachment Constitution.

ARTICLE II

DETACHMENT EXECUTIVE COMMITTEE

Section 1 – In addition to the meetings required by the Detachment Constitution, the Detachment Executive Committee shall meet on call of the Detachment Commander or on written request of a majority of the members of the Detachment Executive Committee. It shall also meet within the time and for the purposes provided in Section 5 of this Article. In event the Detachment Commander refuses or fails for five (5) days to call the Detachment Executive Committee to meet on written request of a majority of the members of the Detachment Executive Committee or for the purpose provided in Section 5 hereof, or in accordance with provisions of the Detachment Constitution, the Detachment Adjutant shall call the Detachment Executive Committee to meet.

Section 2 – No business shall be transacted at any special meeting of the Detachment Executive Committee except such as shall be specifically stated in the call or business of a routine nature which may be proper to come before such meeting.

Section 3 – The Detachment Commander, or in his absence or inability, a Detachment Vice Commander shall preside over the Detachment Executive Committee. The Detachment Adjutant shall act as

Secretary of the meeting, and in his absence or inability, one of the Detachment Assistant Adjutants shall serve as Secretary of the meeting.

Section 4 – Subject to the provision of the Detachment Constitution, the Detachment Executive Committee shall fill any vacancy in the membership of the Detachment Executive Committee for the remainder of the term.

Section 5 – Detachment and District Officers may be reprimanded, suspended, or removed from office on charges based upon disloyalty to Sons of The American Legion or the National Government, neglect of duties, dishonesty, and conduct unbecoming a member or officer of Sons of The American Legion. All charges shall be made in writing by an accuser, and no officer shall be reprimanded, suspended, or removed from office until given a fair trial. The charge shall be filed forthwith at Detachment Headquarters and shall be referred to the Detachment Executive Committee by the senior qualified Detachment Officer not under charge. A copy of said charge shall be served on the accused officer. Within thirty (30) days thereafter the Detachment Executive Committee shall convene in special session on call of the senior qualified Detachment officer not under charge and shall try the charges against the accused officer. The accused officer shall have the right to appear in person and defend himself and may be attended by any member of the Florida Detachment of Sons of The American Legion in good standing as counsel. The Detachment Judge Advocate, if available and qualified, shall prosecute the charges, and if the Detachment Judge Advocate be unavailable or fail to act or be disqualified, the senior qualified Detachment Officer not under charge shall appoint some member of the Detachment to prosecute the charge. The decision of the Detachment Executive Committee may be acquittal, reprimand, removal from office, or suspension, and shall be forthwith reported to the next Detachment Convention. The Detachment Convention, except in the case of an acquittal by the Detachment Executive Committee, may affirm, modify, or revoke the finding and sentence of the Detachment Executive Committee. The Detachment Convention shall conduct its hearing upon the transcribed testimony heard by the Detachment Executive Committee or oral testimony, or both. In case of acquittal the decision of the Detachment Executive Committee shall be final, and its decision in any event shall be final unless appeal be made to the Detachment Convention, and in event of appeal to the Detachment Convention its decision shall be final. Pending the appeal from a conviction, the accused Officer shall not act in an official capacity as a member of Sons of The American Legion of the Detachment of Florida.

Section 6 – Detachment or District officers shall not be suspended or removed or the suspension or removal of Squadron Officers affirmed on appeal except by the affirmative vote of 60% or more members of the Detachment Executive Committee present. The vote shall be on roll call, and no member shall pass except for personal reasons acceptable to a majority of members of the Committee present.

Section 7 – The Detachment Executive Committee shall sit in executive session in trials of Detachment or District Officers, and on appeals from Squadron trials.

Section 8 – The Detachment Executive Committee shall not be polled or vote by telephone, electronic communication or by mail on any question properly requiring exchange of views and deliberative action, such as elections, trials of Detachment or District Officers, appeals from Squadrons with respect to Squadron officers and members, elections of officers, questions of policy and legislative matters, employment and compensation of Detachment Officers and employees or filling vacancies on the Committee or in Detachment Offices caused by death or resignation or the disbursement of

appropriation of money. The Detachment Commander may poll the members of the Detachment Executive Committee by mail, electronic communication or telephone in case of emergency or any routine administrative matter, or for his guidance or for its concurrence in or ratification of some act within his powers and functions, but no such poll shall be tabulated and made effective earlier than sixty (60) hours from the time of such call, which shall be simultaneously issued to all members of the Committee, and if ten (10) members protest the poll and lodge their protests by telephone, electronic communication, or by mail with the Detachment Adjutant prior to the effective time of such poll the same shall be null and void. In all events the members of the Detachment Executive Committee shall be promptly advised by mail of the results of the poll.

Section 9 – The proceedings of the meeting shall be recorded electronically and thereafter the pertinent portions thereof shall be transcribed by the Detachment Adjutant. The pertinent portions thereof which shall be transcribed, shall be selected by the Detachment Commander who presided at the meeting and the Detachment Adjutant. As soon as practicable after such meeting of the Detachment Executive Committee, a brief synopsis of the proceedings of such meeting shall be sent to each Squadron in the Detachment and to each member of the Detachment Executive Committee.

Section 10 – In its deliberations the Detachment Executive Committee shall be governed by these By-Laws and the Detachment Constitution, and as to all questions not covered by the Detachment Constitution or Detachment By-Laws by Roberts' Rules of Order, Revised.

ARTICLE III

DUTIES OF OFFICERS

Section 1 – **Detachment Commander** – The Sons of the American Legion Detachment Commander is the executive head of the organization at his level with full power to carry out the mandates and policies of the Sons of The American Legion as approved by The American Legion. He shall be the Chairman of the Detachment Convention and Detachment Executive Committee and shall appoint all Detachment Commission and Committee chairmen and members thereof, subject to ratification of the Detachment Executive Committee. He shall perform such other duties as are usually incident to the office.

Section 2 – **Detachment Vice Commanders** – The Detachment Vice Commanders shall be the personal representatives of the Detachment Commander in their respective Areas.

(a) They shall regularly communicate with the District Commanders in their Area and assist them in the furtherance and coordination of the work of Sons of The American Legion and in the promotion of membership in their respective areas.

(b) They shall perform such other duties as may be assigned to them by the Detachment Convention, the Detachment Commander, the Detachment Executive Committee, and such other duties required of them by the Detachment Constitution and By-Laws.

(c) They shall perform such other duties as are usually incident to the office.

Section 3 – **Detachment Adjutant** – The Detachment Adjutant who corresponds to the secretary of an organization, shall be charges with the usual duties of an adjutant or secretary. The Detachment Adjutant shall be charged with the administration of the policies and mandates of the organization including the Detachment Convention, the Detachment Executive Committee and the Detachment

Commander. He shall also have the custody of all equipment and movable property of the Detachment. He shall keep a record of all activities of the Detachment Conventions and meetings of the Detachment Executive Committee. He shall at each regular Convention and meeting of the Detachment Executive Committee read the minutes of the preceding meetings and make such corrections as may be directed unless by a majority vote of the Delegates or members of the Executive Committee present, the reading be dispensed with. He shall keep all the Detachment Officers and all the Squadrons in the Detachment advised of the information, suggestions and requests from National Headquarters, and shall issue bulletins to all Squadrons in the Detachment when necessary.

Section 4 – **Assistant Detachment Adjutants** – When authorized by the Detachment Executive Committee, the Assistant Detachment Adjutants shall perform those duties assigned by the Detachment Adjutant. In the event the Detachment Adjutant is absent or unable to fulfill his duties, the Assistant Adjutants shall perform those duties until the return or restoration of the ability of the Detachment Adjutant.

Section 5 – **Detachment Finance Officer** – The Detachment Finance Officer shall be the custodian of the funds of the organization. He shall be charged with the receiving and disbursing of the funds of the Detachment and shall make reports on the condition of the treasury at each regular meeting, and when called for by the Detachment Commander or Detachment Executive Committee; provided, however, that all disbursements shall first be approved at the appropriate level of The American Legion. He shall perform such other duties as are usually incident to the office.

Section 6 – **Detachment Chaplain** – The Detachment Chaplain shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National Headquarters from time to time. He shall perform such other duties as are usually incident to the office.

Section 7 – **Detachment Historian** – The Detachment Historian shall collect from year to year all records and data of value and interest for the Detachment Headquarters of Sons of The American Legion and shall compile during his term of office a complete history of the year's activities. He shall perform such other duties as are usually incident to the office.

Section 8 – **Detachment Judge Advocate** – The Detachment Judge Advocate shall advise the Detachment officers and the Detachment Executive Committee on all legal matters, including the construction and interpretation of the Detachment Constitution and By-laws, and shall perform such other duties as are usually incident to the office.

Section 9 – **Detachment Assistant Judge Advocate** – When authorized by the Detachment Executive Committee, the Detachment Assistant Judge Advocate shall assist the Detachment Judge Advocate with his duties including construction of the Detachment and interpretation of the Detachment and National Constitution & By-Laws, and shall perform such other duties as are incident to the office. In the event the Detachment Judge Advocate is unable to fulfill his duties, the Assistant Judge Advocate shall perform those duties until the return or restoration of the ability of the Detachment Judge Advocate. The Detachment Assistant Judge Advocate shall file a copy of all opinions rendered by him with the Detachment Adjutant.

Section 10 – **Detachment Sergeant At Arms** – The Detachment Sergeant At Arms shall be charged with the responsibility of preserving order at all meetings and shall be given custody and responsibility of the colors of the organization. He shall perform such other duties as are usually incident to the office.

Section 11 – **Detachment Assistant Sergeant At Arms** – When authorized by the Detachment Executive Committee, the Detachment Assistant Sergeant At Arms shall assist the Detachment Sergeant At Arms with his duties including the responsibility of preserving order at all meetings and shall be given custody and responsibility of the colors of the organization. He shall perform such other duties as are usually incident to the office.

Section 12 – **National Executive Committeeman** – The National Executive Committeeman shall represent the Detachment at all meetings of the Sons of The American Legion on the National level and shall be a delegate to the National Convention of the Sons of The American Legion by virtue of his office.

Section 13 – **National Executive Committeeman Alternate** – The National Executive committeeman Alternate shall represent the Detachment in the same manner as The National Executive Committeeman in his absence and shall be a delegate to The National Convention of the Sons of The American Legion by virtue of his office.

Section 14 – **District Commanders** – The District Commanders shall be the representative of the Detachment Commander on all matters referred to him, in his District and as outlined in Article IX of the Detachment Constitution. Additionally, the District Commander serves on the Detachment Executive Committee as a representative of his respective District.

(a) It shall be the duty of the District Commander at all times to cooperate with officers of the Squadrons in his District.

(b) The District Commander shall visit each Squadron in his District at least twice each year.

(c) The District Commander shall lend his best efforts to stimulate growth; to investigate all new applications of new Squadron Charters and to recommend the granting or refusal of such application to the Detachment Executive Committee; to recommend the revocation of existing charters for good and sufficient reasons; to encourage the revitalization of weak Squadrons into strong and representative Squadrons; to promote inter-Squadron activities; to promote a spirit of cooperation among the Squadrons in his District for the development of the principles of Sons of The American Legion.

(d) The District Commander or his designated representative shall install the Squadron Officers of all Squadrons in his District.

Section 15 – **District Vice Commanders** – The District Vice Commanders shall assist the District Commander in the performance of his duties, and shall have such other duties as the District Commander, the Detachment Executive Committee, the Detachment Convention and the Detachment Constitution and By-Laws may assign.

(a) In each District, there is one District Vice Commander that serves on the Detachment Executive Committee as a representative of his respective District. This Vice Commander is elected in accordance with Article IX, Section 2 of the Detachment Constitution.

Section 16 – All officers of the Sons of The American Legion in the performance of their duties shall be governed by The American Legion at the appropriate level. All actions of the Sons of The American Legion at the Squadron level, District level and Detachment level shall be subject to review and ratification at the appropriate level of The American Legion.

Section 17 – All Officers shall perform such duties as are required of them, respectively by these By-Laws or by the Detachment Constitution.

ARTICLE IV

DETACHMENT COMMISSIONS AND COMMITTEES

Section 1 – (a) The following Commissions will be organized, as set forth below, to carry out the programs of Sons of The American Legion; Americanism Commission, Veterans Affairs and Rehabilitation Commission, Children and Youth Commission, Legislative Commission, Public Relations Commission and Internal Affairs Commission. These six (6) Commissions respectively shall have jurisdiction over and responsibility for the several committees using the commission/committee jurisdiction of the National organization.

(b) Each of the Commissions shall consist of a Chairman and members who shall be appointed by the Detachment Commander and subject to approval by the Detachment Executive Committee. Each Commission shall act under the immediate administrative direction of its Chairman, and shall meet and organize on call of the Chairman or Detachment Commander.

Section 2 – The Americanism Commission shall have jurisdiction over and coordinate the activities of the Detachment Americanism Program and such other committees which are involved with The American Legion Programs on Americanism or those committees coming under the supervision of the National Americanism Commission.

Section 3 – The Veterans Affairs & Rehabilitation Commission shall have jurisdiction over and supervise and direct the activities of all committees on veterans' service and those coming under the supervision of the National Veterans Affairs & Rehabilitation Commission.

Section 4 - The Children and Youth Commission shall have jurisdiction over and coordinate the activities of the Detachment Children and Youth Programs and such other committees which are involved with The American Legion Programs on Children and Youth or those coming under the supervision of the National Children & Youth Committee.

Section 5 – The Legislative Commission shall have jurisdiction over such matters within the Detachment as are within the jurisdiction of the National Legislative Commission of Sons of The American Legion.

Section 6 – The Public Relations Commission shall have jurisdiction over such matters within the Detachment as are within the jurisdiction of the National Public Relations Commission of Sons of The American Legion.

Section 7 – The Internal Affairs Commission shall have jurisdiction over and coordinate the activities of all administrative or support committees.

(a) Finance Committee – A committee, to be known as the Finance committee, will be appointed by the Detachment Commander upon his taking office, consisting of six (6) members to be chaired by the Detachment Finance Officer and/or Detachment Finance Committee Chairman. The Finance committee shall be responsible for the preparation of an annual budget proposal to be submitted to the Executive Committee of the American Legion, Department of Florida for approval. The Detachment finance committee shall approve all fundraising activities of the Detachment.

(1) Members of the Detachment Finance Committee are appointed to serve a term of three (3) years and serve until the close of the Detachment Convention of their third year and can be reappointed.

Section 9 – (a) Each Committee shall consist of a Chairman, who shall have full authority to transact the business of and act for the Committee, subject only to the supervision and direction of The Commission, the Detachment Commander and the Detachment Executive Committee.

(b) Each Chairman and members shall be appointed by the Detachment Commander and subject to approval by the Detachment Executive Committee. If the appointment is made at a time when the Detachment Executive Committee is not in session, the appointee shall serve until the next meeting of the Detachment Executive Committee and thereafter during the term for which appointed, unless the appointment is specifically disapproved at such meeting by the Detachment Executive Committee or unless removed by the Detachment Commander.

(c) Each member of the standing Committees of the Detachment, shall take office upon approval of the Detachment Executive Committee and shall serve until his successor is qualified; provided, however, that the Detachment Commander may direct the specific dates of the commencement and termination of any Committee appointment.

Section 10 – All committees shall faithfully perform their duties, keep records of their acts, and report the same to their respective Commissions, or if so required, to the Detachment Executive Committee or Detachment Commander. The Commissions shall report fully to the Detachment Executive Committee and Detachment Commander prior to the Annual Convention, and at such other times as may be required. The Detachment Commander may remove any member of a Commission or Committee for failure to perform his duties.

Section 11 – The Detachment Commander may, from time to time, appoint such special committees of the Detachment as necessity therefore may arise; and he shall appoint such special committees as either the Detachment Convention or the Detachment Executive Committee may authorize or direct.

ARTICLE V

MEMBERSHIP AND ARREARS IN DUES

Section 1 – Applications for Squadron membership shall be verified by the designated officials of the sponsoring Post of The American Legion having jurisdiction over the squadron.

Section 2 – A member whose dues for the current year have not been paid by January first shall be classified as delinquent. If his dues are paid on or before February first, he shall be automatically reinstated. If he is still delinquent after February first, he shall be suspended from all privileges. If he is still

under suspension on June thirtieth of such year, his membership in the Sons of The American Legion shall be forfeited. A member so suspended or whose membership has been so forfeited may be re-instated to active membership in good standing by vote of the Squadron and payment of current dues for the year in which re-instatement occurs. Provided, however, that the Squadron, Detachment, and The National organization may waive the provisions hereof, upon payment of dues for the year in which re-instatement occurs, with reference to former members who have been prevented from the payment of dues by reason of active military service.

ARTICLE VI

THE DETACHMENT PUBLICATIONS

Section 1 – The official publication of Sons of The American Legion, Detachment of Florida shall be The Source and it shall be published by the Detachment and posted to the Detachment Website and sent electronically.

Section 2 – The management and control of the publication shall be vested exclusively with the Newsletter Editors.

ARTICLE VII

AMENDMENTS

Section 1 – These By-Laws may be amended at any Detachment Convention by vote of two-thirds of the total authorized representation thereat, subject to ratification by the Detachment Executive Committee and approval of the Department Executive Committee. Provided, however, the proposed amendment must be typewritten, prepared in triplicate on forms provided and be submitted to the Detachment Adjutant at least forty (40) days prior to the date of the Annual Detachment Convention. The proposed amendment shall have been first submitted and approved by a Squadron in the Detachment of Florida, or the Detachment Executive Committee or the Detachment Constitution and By-Laws Committee.

Section 2 – Amendments to these By-Laws proposed at the Annual Detachment Convention of which notice required by Section 1 of the Article shall not have been given, shall be adopted only by the unanimous consent of all delegates present at the Convention at which such amendments are voted upon.

ARTICLE VIII

EFFECTIVE DATE

Section 1 – These By-Laws became effective upon its adoption by the Detachment and Department Convention, in June of 2015, in Orlando, Florida.