



# FATERNAL ORDER OF POLICE LODGE 145

CONSTITUTION AND BYLAWS

Amended June 2019

## EQUAL RIGHTS NOTE

Wherever, in these Constitution and By-Laws, a “man”, “men” or related pronouns appear, either as words or as parts of words (other than with obvious references to named male individuals ), have been for literary purposes and are meant in their generic sense (i.e., to include all humankind-both female and male sexes).

# FATERNAL ORDER OF POLICE LODGE #145

## CONSTITUTION

## CONSTITUTION

### PREAMBLE

On August 30, 1990, a Charter was granted by the Grand Lodge of the Fraternal Order of Police, incorporated in Pittsburgh, PA., May 14, 1915, and under that Charter, Fraternal Order of Police William “Bill” Rutherford Lodge #145, Inc. was constituted a subordinate lodge with full power to work under their jurisdiction in Marion County, Florida for the following purposes:

To support and defend the constitution of the United States and the State of Florida; to instill loyalty and allegiance to the United States of America; to promote and foster the impartial proficiency of our members in the performance of their duties; to encourage fraternal, educational, charitable and social activities among all law enforcement offices; to support the improvement of the standard of living and working conditions of the law enforcement profession through every legal and ethical means available; to create and maintain tradition of esprit de corps insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of fraternalism and mutual helpfulness among our members and the people we serve; to increase the efficiency of the law enforcement profession and thus more firmly establish the confidence of the public in the service that is dedicated to the protection of life and property.

The Fraternal Order of Police William “Bill” Rutherford Lodge #145, Inc., is an organization for law enforcement officers actively engaged in law enforcement, or retired there from, for state, city, county, town or municipality (or any federal agency within the boundaries of Marion County Florida and working within the county).

This Constitution and By-Laws have been adopted for the conducting of business and activities of this lodge. By strict compliance to these By-Laws, we shall be able to honorably and efficiently transact the necessary business of the lodge to mutual benefit of all members.

The Constitution and By-Laws of the National Organization and also of the State Lodge of the Fraternal Order of Police shall replace or shall override any features or articles or sections of the articles of this Constitution and By-Laws where the Constitution and By-Laws of the Fraternal Order of Police William “Bill” Rutherford Lodge #145, Inc., of the State of Florida, shall be in conflict with said State and National By-Laws

## CONSTITUTION

### ARTICLE I - NAME OF THE LODGE

Section 1. This lodge shall be known as the *Fraternal Order of Police William “Bill” Rutherford Lodge #145, Inc.*

*Section 2. The William “Bill” Rutherford lodge #145, as a subordinate lodge, by virtue of our affiliation with the Grand Lodge and the State lodge, shall have the right to use the name, insignia, emblem and mark, trademark or service mark of the Fraternal Order of Police in order to signify or denote our affiliation therewith. In the case of perspective for profit use of the name, insignia, emblem or mark, trademark or service mark of the Fraternal Order of Police, or such other use that may place such state or subordinate lodge in competition with the Grand lodge, such permission may be withheld by the National Board of Trustees.*

## CONSTITUTION

### ARTICLE II - DEFINITIONS

Section 1. As used herein, the following terms, phrases, or words shall be defined as follows:

- A. “Elected/Appointed Law Enforcement Officer” shall mean, for purposes hereof, any Law Enforcement Officer who meets the qualifications of the State Lodge Constitution, or who by law is exempted from meeting the minimum training standards.
- B. “Full Time” shall mean, Law Enforcement Officers that are engaged in such employment as their full-time occupation as to hours worked and income derived as determined by the Florida State Lodge. The term may also include Law Enforcement Officers that are employed with multiple Law Enforcement agencies and are engaged in such employment as their full-time occupation on average of at least thirty (30) hours per week.
- C. “Good Cause” shall mean nonfeasance, malfeasance, dishonesty, or refusal to carry out the will of the annual conference State Board of Trustees, Executive Board or the membership.
- D. “Jurisdiction” shall be the territorial range of authority or control where the lodge is located. The primary areas of Jurisdiction are municipalities, counties (unincorporated areas), the state (not to infringe on a municipal or county lodge) and federal (having no real area of jurisdiction in the state). Disputes over jurisdiction, because of membership and solicitation, shall be settled by the membership at either a board meeting or conference. All decisions are appealable to the State then National Lodge.

- E. "Member in Good Standing" shall mean a member who fulfilled all requirements of membership and whose membership dues are up to date. Shall also mean a member which is not greater than thirty (30) days in arrears of all dues, delinquency fees and assessments due and payable to this lodge. Any member in arrears of payment of dues or assessments more than thirty (30) days and less than ninety (90) days shall be deemed to be delinquent and not in good standing. Any member in arrears of payment of dues or assessments more than eighty-nine (89) days shall be and is hereby automatically suspended from membership in good standing in the Fraternal Order of Police.
- F. "Board of Directors" shall refer to the collective body consisting of the lodge president, each of the past lodge president(s), vice president, secretary, treasurer, conductor, inner and outer guards, chaplain, the parliamentarian as well as the state trustee.
- G. "Past Lodge President" shall be defined as any person elected to the office of lodge president and who served not less than one full term and was not removed from office.
- H. "Regularly Appointed Law Enforcement Officer" shall mean, for the purposes hereof, any Law Enforcement Officer or Corrections Officer who meets the minimum standards, has received the training and education required by the United States, State, the Political subdivision or Agency by which they are appointed, and who is granted arrest powers.

## CONSTITUTION

### ARTICLE III - OBJECTS AND PURPOSES

- Section 1      This lodge is formed for the purpose of bettering existing conditions of Law Enforcement and Corrections by solidifying their unity and promoting their mutual welfare in this State, and nationally through our affiliation with the State Lodge and National Lodge.
- Section 2      The advancement of social, charitable, and educational understanding among Law enforcement/Correction officers.
- Section 3      It shall be the duty of this organization to see that all laws protecting Law Enforcement/ Correction Officers are upheld.
- Section 4      To encourage and strive for the improvement and expansion of the pension laws and funds for various city, county and state officers of the State of Florida (within the boundaries of this lodge).
- Section 5      The Fraternal Order of Police William “Bill” Rutherford Lodge #145, Inc. is an organization of Law Enforcement and Correction officers sworn to enforce the law under all circumstances
- Section 6      The Lodge Officers shall have the power to act in all matters pertaining to the welfare of this organization.



CONSTITUTION  
ARTICLE IV - MEMBERSHIP

Section 1 Any regularly appointed, elected and full time law enforcement or corrections officer of the United States, or the state or political subdivision thereof, shall be eligible for membership in the Fraternal Order of Police William “Bill” Rutherford, Lodge # 145, Inc., subject to provisions of this Constitution and the By-Laws of the Order. No person shall be denied membership on account of race, religion, color, creed, gender, age or national origin.

(a) The Fraternal Order of Police William “Bill” Rutherford, Lodge # 145, Inc. may deny membership to anyone who is, or has been, a member of any organization regardless of what name which advocates the abolition, destruction or violent overthrow of the Government of the United States or any state or political subdivision thereof.

Section 2 The term “regularly appointed” law enforcement officer shall include regular law enforcement and corrections officers of the United States, the state or any political subdivision thereof having power of arrest and is responsible for the preservation of the peace, prevention of crime in the United States or any political subdivision thereof; heretofore and hereafter retired from active duty in the service of the United States or any of the states or any political subdivision thereof, specifically excluded are private security guards, special police, members of profit making security organizations, auxiliary or reserve police.

(a) The term “full time employed”, shall mean law enforcement and corrections officers that are engaged in such employment as their principal source of livelihood.

(b) The term “elected” law enforcement or corrections officer shall mean any law enforcement or corrections officer who by law is exempt from meeting the minimum training standards.

Section 3 There shall be two classes of membership: active and honorary

(a) **Active membership** -

1. Shall include regularly appointed or elected full-time law enforcement or corrections officers and retired regularly appointed or elected law enforcement or corrections officers.
2. May include, subject to the approval of the State Lodge Board of Trustees and the William “Bill” Rutherford, Lodge #145, inc., regularly appointed or elected law enforcement officers or corrections officers who have left the employment of their respective agency, and who have remained in good standing with the State and subordinate lodge.
3. Only active members shall have voice and vote.

(b) **Honorary membership** - shall be comprised of individuals recognized by the Grand Lodge, State Lodge and William “Bill” Rutherford, Lodge #145, inc., for exceptional service or contribution to the Nation, the State, or Political Subdivision, the law enforcement community or the Fraternal Order of Police.

Section 4 Any member of the Fraternal Order of Police William “Bill” Rutherford, Lodge #145, Inc., in good standing at the time of retirement from law enforcement, may retain his Active membership in this lodge.

Section 5 Any member who may resign from active law enforcement may retain his membership as long as he remains in good standing, if approved by this lodge and the state lodge.

Section 6 A person may become a member of the Fraternal Order of Police William “Bill” Rutherford, Lodge #145, Inc., in the following manner: by initiation, by demit, by reinstatement or by honorary membership, and in no other way can membership be obtained.

Section 7 All petitions for membership in this lodge shall be on a regular prescribed form, furnished by this lodge, and must be recommended by an active member of this lodge who shall sign such petition.

Section 8 All petitions for membership in this lodge shall be balloted upon. The petitioner shall be declared elected upon receiving two-thirds (2/3) favorable vote of the

members present. In case of rejection the Secretary of the lodge will notify the applicant.

Section 9 In consideration of the benefits to which each member is entitled to while a member of this lodge, he shall, upon severing his connections with the lodge for any reason whatsoever, return his membership card and any other material bearing the Fraternal Order of Police symbol or belonging to this lodge, the State Lodge or the National Lodge, such as auto emblem, lapel pin, keys, etc.

Section 10 Any active member may be granted a transfer from one subordinate lodge to another provided that he or she is in good standing, both subordinate lodges must agree to the transfer, and the member cannot be active within his or her own law enforcement agency's lodge because of collective bargaining law restrictions or geographical location.

Section 11 No person, at any time shall be simultaneously a member in more than one subordinate Lodge.

Section 12 The Fraternal Order of Police may deny any membership, or continuation of membership, to anyone convicted of a felony crime in any court of the United States, or any State Court, once all appeals have been exhausted.

## CONSTITUTION

### ARTICLE V - OFFICERS

- Section 1 The officers of the Fraternal Order of Police William “Bill” Rutherford, Lodge #145, Inc., shall consist of a President, Vice President, Secretary, Treasurer, Conductor, Inner Guard, Outer Guard, Chaplain, State Trustee and Immediate Past President.
- Section 2 The officers of this lodge will be elected as following: Positions will be held for a two-year span. Even year elections will be done for the positions of President, Secretary, Conductor, Outer Guard and Chaplain. Odd year elections will be done for the positions of Vice President, Treasurer, Inner Guard and State Trustee. Each position shall serve until their successors are elected and qualified, with the Immediate Past President being the only exception to this rule.
- Section 3 The currently elected officers of the lodge shall be the Corporate Officers of the Fraternal Order of Police William “Bill” Rutherford, Lodge #145, Inc. and shall be listed as such with the State of Florida.
- Section 4 By virtue of his office, the President shall be a delegate to the Biennial Conference of the Grand Lodge, Fraternal Order of Police, and the Annual Conference of the Florida State Lodge, Fraternal Order of Police, and any other State or District board meetings of the Fraternal Order of Police.
- Section 5 If an elected officer misses four (4) consecutive Regular Meetings, with the exception of excused absences, his office shall be declared vacant.

## CONSTITUTION

### ARTICLE VI - BOARD OF DIRECTORS

- Section 1 The Board of Directors shall be composed of all officers of this lodge, plus any current State or National Officers of this lodge and all past presidents.
- Section 2 The Board of Directors shall be the governing body of this lodge, and it shall have the power to act in all emergencies pertaining to the welfare of this lodge.
- Section 3 It shall be the duties of the Board of Directors to manage the property of the lodge, the permanent funds of the lodge shall be placed under the management of said Board of Directors, whose duties it shall be to take the best measure for their security and increase of such funds, and shall have the power to appropriate up to an amount of \$250.00 without a vote of the lodge except for emergency conditions, and will notify and show cause at the next regular meeting. The Board of Directors shall be custodians of all bonds of officers as required by the lodge, and valuable papers of the lodge.
- Section 4 The Board of Directors shall have control of the official publication and manage same in a manner that is in the best interests of the members.
- Section 5 The Board of Directors shall be responsible for maintaining the lodge, as being incorporated with The Florida Department of State, Division of Corporations, and insure the currently elected officers are listed as the Corporate Officers.
- Section 6 The Board of Directors shall annually cause an audit of all funds, financial books and records of the lodge and make a written report thereon to the membership. This audit to cover the period from January 1<sup>st</sup> through December 31<sup>st</sup>. The State Trustee shall serve as the chairperson of the Audit Committee.

## CONSTITUTION

### ARTICLE VII - PRESIDENT

- Section 1 The President shall be the Chief Executive Officer of this Lodge and shall preside at all meetings. The President shall maintain strict compliance to the Constitution and By-Laws and enforce decorum among members.
- Section 2 The President shall state and put to vote; all questions moved in accordance with the rules of parliamentary procedure in the course of the proceedings and shall announce the result of the vote. Any matter ruled out of order by the President shall be subject to a challenge to the Chair as provided in Robert Rules of Parliamentary Procedure.
- Section 3 The President shall have the power to appoint a majority of the members of all committees with the approval of the Board of Directors.
- Section 4 The President shall authenticate, by his or her signature, all official documents that are authorized by the lodge.
- Section 5 The President shall be a nonvoting member of all committees, with the following exceptions: where the assembly is equally divided or to create an equal division, on a question provided, however, the President shall have the right to vote at all elections of officers.
- Section 6 In the event of a vacancy in office created by resignation, removal or death, the President shall also have the power to appoint, with the approval of the Board of Directors, acting officers for any meeting of the lodge.
- Section 7 The President shall, together with either the Treasurer, Vice President, Secretary, or State Trustee, sign or attest all checks, warrants and vouchers for cash disbursement from any fund of this lodge. The signature of the Treasurer together with the President shall be required unless the President is unavailable or refuses to sign a check or warrant as directed by the body, the signature of the Treasurer and the Vice President, Secretary, or State Trustee shall be sufficient.

- Section 8 The President shall have the power to call special meetings of the Board of Directors or Membership when deemed necessary or upon petition by the membership, as provided by the By-Laws.
- Section 9 The President shall convey to his or her successor all unfinished business, files and documents of the lodge.
- Section 10 It shall be the duty of the President to notify the Grand Lodge and the State Lodge of any change of Secretary and Treasurer either at the time of election, or between elections, giving the name and address and the signature of the replacement.
- Section 11 It shall be the duty of the President, with the advice and consent of the Board of Directors, to promote the growth of the organization, seek new members, advise members and officers of the lodge, give lectures about the organization, its aims and objects, what it has accomplished, what it can accomplish and what it strives to do for its members and law enforcement in Florida.
- Section 12 In the event that the State Trustee is unable to attend any State Meetings or Conferences, the President shall attend in his place to conduct business on behalf of The Fraternal Order of Police William “Bill” Rutherford, Lodge #145, Inc., and shall report on the business transacted at said Meeting or Conference to the lodge membership. When the duly elected State Trustee is unable to attend any meeting or function called by the State Lodge President, the lodge President of which the State Trustee has been elected will be permitted to attend the called meeting or function. If the Lodge President is unable to attend, it would be at the discretion of the State Trustee to appoint from within the elected officers of the Lodge a member to attend in his place. The lodge President or representative shall have a voice and vote at such meetings and functions.
- Section 13 The President shall furnish a fidelity surety bond in the amount specified by the Board of Directors.
- Section 14 The President, with the approval of the Board of Directors, shall have the power to appoint a Parliamentarian. The Parliamentarian shall be responsible for overseeing all meetings and actions of this lodge to ensure that Roberts Rules of Parliamentarian Procedures are adhered to.

Section 15 The President shall have the responsibility to ensure the Board of Directors properly performs all job duties.

Section 16 The President shall perform such other duties as directed by the membership or the Board of Directors except to the extent that such direction is in direct and express conflict with the Constitution and By-Laws.

Section 17 The President shall be active or retired Law Enforcement or Corrections from the State of Florida.



## CONSTITUTION

### ARTICLE VIII - IMMEDIATE PAST PRESIDENT

The Immediate Past President may attend all meetings of the Board of Directors and shall advise and assist the President and the Board of Directors in the performance of their respective duties and execute such assignments as may be ordered by them.

## CONSTITUTION

### ARTICLE IX - VICE PRESIDENT

- Section 1 The Vice President shall aid and assist the President in conducting all meetings, and in the absence of the President, he or she shall preside with the full power of the President.
- Section 2 The Vice President shall have the power to appoint the minority of members of all committees, subject to the approval of the Board of Directors.
- Section 3 The Vice President shall fill out the term of the President due to the resignation, removal or death of the President.
- Section 4 The Vice President shall furnish a fidelity/surety bond for the faithful performance of duty in the amount specified by the Board of Directors.
- Section 5 The Vice President Shall perform such other duties as directed by the membership or the Board of Directors, except to the extent that such direction is in direct and express conflict with the Constitution or By-Laws.

## CONSTITUTION

### ARTICLE X - SECRETARY

- Section 1 The Secretary shall have custody of the books, records, documents, seal of the lodge, office paraphernalia and equipment under the general orders of the President and the Board of Directors.
- Section 2 The Secretary shall keep an accurate record of the proceedings of all meetings of the Lodge as well as any meeting with the board of directors and shall conduct the general correspondence of the Lodge.
- Section 3 The Secretary, together with the Treasurer, shall collect all per capita tax and assessments due to the Grand Lodge and State Lodge.
- Section 4 The Secretary shall be the official custodian of the Constitution and By-Laws which shall be authenticated by the Seal of the Lodge and the signature of the President and the Secretary. He or she shall maintain a record of the official amendments to the Constitution and By-Laws adopted by the Lodge and shall cause them to be properly inserted therein. The Secretary shall also be responsible for the distribution of accurate copies of the Constitution and By-Laws to all members.
- Section 5 The Secretary shall attest, under the Seal of the Lodge, all duly authorized contracts or documents of the Lodge.
- Section 6 The Secretary shall, within ten (10) days after the expiration of the term of office deliver to the successor, the official Seal of the Lodge and all books, records, documents, paraphernalia and equipment in his or her possession or under his or her control. The Secretary shall require and receive a receipt therefore, which shall be maintained in the official records of the Lodge.
- Section 7 The Secretary shall furnish a fidelity/surety bond for the faithful performance of duty in the amount specified by the Board or Directors.
- Section 8 The Secretary may maintain a petty cash fund in the amount of \$100.00 for the purpose of paying emergency current expenses.

Section 9 The Secretary shall perform such other duties as directed by the membership or the Board of Directors, except to the extent that such direction is in direct and express conflict with the Constitution and By-Laws.

## CONSTITUTION

### ARTICLE XI - TREASURER

- Section 1 The Treasurer shall be the custodian of all funds of the Lodge and shall keep an accurate record of all receipts and disbursements.
- Section 2 The Treasurer shall deposit all funds received from the Secretary in a Bank or Savings and Loan Association approved by the Board of Directors except that the Treasurer may maintain a petty cash fund of not more than \$100.00 for the purpose of paying current expenses.
- Section 3 The Treasurer will, together with the President, attest all warrants, vouchers or checks duly authorized for the disbursement of funds, except to the extent that the Treasurer may be unavailable.
- Section 4 The Treasurer shall submit a written report on the financial condition of the Lodge each month at the Regular Meeting.
- Section 5 The Treasurer shall, within ten (10) days after the expiration of the term of office, deliver to his or her successor, all funds of the Lodge, together with all books, records, documents, paraphernalia, files, etc., under his or her possession or control. He or she shall require and receive a receipt therefore, which shall become a part of the official records of the Lodge.
- Section 6 The Treasurer, together with the Secretary, shall collect all per capita tax and assessments due to the Grand Lodge and State Lodge.
- Section 7 The Treasurer shall publish a list of all delinquent members to the Board of Directors on a quarterly basis and shall be responsible for all dues and billings. He or she shall, together with the President, notify any delinquent member by a past dues notice in accordance with Article XII of these By-Laws.
- Section 8 The Treasurer shall furnish a fidelity/surety bond for the faithful performance of duty in the amount specified by the Board of Directors.
- Section 9 The Treasurer shall perform such other duties as directed by the Membership or the Board of Directors except to the extent that the direction is in express and direct conflict with the Constitution and By-Laws.



## CONSTITUTION

### ARTICLE XII - CONDUCTOR

- Section 1 The Conductor shall ascertain that all present at the Meetings are members in good standing or are entitled to remain and shall report same to the President.
- Section 2 The Conductor shall conduct candidates for the swearing-in ceremony and shall introduce them to the members of the Lodge. The Conductor shall also welcome and attend visitors during the meetings.
- Section 3 The Conductor shall open the Lodge and prepare the Lodge Hall or meeting place for the purpose of conducting the Meetings.
- Section 4 The Conductor shall preside at all meetings where both the President and Vice Presidents are absent, assuming the full powers and duties of the President. The Conductor shall also assume the powers and duties of the President in between meetings where both the President and Vice President are absent.
- Section 5 The Conductor shall perform such other duties as the President, Board of Directors or Membership may require, except to the extent that such direction may be in express and direct conflict with the Constitution and By-Laws.

## CONSTITUTION

### ARTICLE XIII - GUARDS

- Section 1 The Inner Guard and the Outer Guard shall have charge and control of the Lodge Hall or Meeting Place. They shall permit only qualified persons to enter or remain at all meetings of the Lodge. They shall see that every member signs his or her name in the attendance book upon entering the meeting.
- Section 2 The Inner Guard and Outer Guard shall assist the Conductor in the performance of his duties.
- Section 3 The Inner Guard and the Outer Guard shall perform such other duties as the President, Board of Directors or membership may require, except to the extent that such direction may be in express and direct conflict with the Constitution and By-Laws.



## CONSTITUTION

### ARTICLE XIV - CHAPLAIN

- Section 1 The Chaplain shall offer a prayer before the opening and adjournment of each Regular Meeting of the Lodge.
- Section 2 The Chaplain shall offer support to any member or law enforcement/Corrections officer in the area in their time of need.
- Section 3 The Chaplain shall perform such other duties as the President, Board of Directors or membership may require except to the extent that such direction may be in express and direct conflict with the Constitution and By-Laws.

## CONSTITUTION

### ARTICLE XV - STATE TRUSTEE

- Section 1 The State Trustee shall have charge of and be responsible for all property of the Lodge.
- Section 2 The term of office and election of the State Trustee shall be governed by Article V of the Constitution of this Lodge.
- Section 3 The State Trustee will attend all State Meetings and Conferences to conduct business on behalf of the Fraternal Order of Police William “Bill” Rutherford, Lodge #145, Inc., and shall report on the business transacted at said meeting to the Lodge Membership. The State Trustee, or his designee, will attend all District Meetings.
- Section 4 The State Trustee shall gather data and information of every kind pertaining to the welfare of the law enforcement officers in this area.
- Section 5 The State Trustee shall serve as Chairman of the Audit Committee as outlined in Article V Section 4 of the Constitution and submit a written report thereon to the Membership no later than the March Regular Meeting.
- Section 6 The State Trustee shall, within ten (10) days after the expiration of his or her term of office, deliver to their successor all books, records, documents, paraphernalia and equipment in his or her possession or under his or her control. The State Trustee shall require and receive a receipt therefore, which shall become a part of the official records of the Lodge.
- Section 7 The State Trustee shall furnish a fidelity/surety bond for the faithful performance of duty in the amount specified by the Board of Directors.
- Section 8 The State Trustee shall perform such other duties as the President, Board of Directors or membership may require, except to the extent that such direction may be in express and direct conflict with the Constitution and By-Laws.

## CONSTITUTION

### ARTICLE XVI - PARLIAMENTARY PROCEDURE

Except as provided in this Constitution and By-Laws, the latest edition of Robert's Rules of Order shall govern all meetings of this Lodge.

CONSTITUTION

ARTICLE XVII - OFFICIAL PUBLICATION

HELD IN RESERVE FOR FUTURE USE.

## CONSTITUTION

### ARTICLE XVIII - AMENDMENTS

- Section 1 Proposed alterations or amendments to this Constitution shall be submitted in writing and read at two (2) consecutive Regular Meetings of this Lodge. Final action shall be taken on the second reading. Upon adoption by two-thirds (2/3) of the members present at the second meeting, provided such meeting shall have in attendance a quorum as provided by the By-Laws, the proposed alteration or amendment shall become part of this Constitution.
- Section 2 All proposed alterations or amendments shall be submitted by any two (2) members in good standing or by the By-Laws Committee appointed by the President.
- Section 3 All proposed changes shall be posted on the Lodge bulletin board within ten (10) days following the first reading.

# CONSTITUTION

## ARTICLE XIX - DISCIPLINE

Section 1. This article shall govern discipline of officers and members of this Lodge and shall be interpreted in such manner as to afford equity and fairness to all effected.

Section 2. Discipline shall be initiated by the Lodge and imposed upon an individual member only in extraordinary circumstances where the member(s) has acted or failed to act in respect of a matter of direct and significant import or brings dishonor or discredit to the Lodge or has violated the Constitution, By-Laws, or the Ritual of the Order.

Section 3. Individual Members

- A. Any member disciplined by the Lodge maintains the right to appeal to the State Lodge in accordance with the State By-Laws

# FATERNAL ORDER OF POLICE LODGE #145

## BY LAWS

## BY-LAWS

### ARTICLE I - MEETINGS

- Section 1 The Regular Meetings of the Lodge shall be held on the second Monday of each month, unless that Monday falls on a holiday, then the meeting shall be held on the following Monday, at the hour and place selected by the President. The President may also hold a second session at a date, time and place selected by the President.
- Section 2 The Board of Directors shall meet on the first Monday of each month, unless that Monday falls on a holiday, then the meeting shall be on the following Tuesday, at the hour and place selected by the President.
- Section 3 Special Meetings may be called at any time by the President or upon written notice of not less than six (6) members in good standing. Notice of Special Meetings shall be made by publication in the Official Publication of the Lodge or by the Communication Committee stating the date, hour, and the place of the meeting and the nature of the business to be transacted. No Special Meetings shall be called on less than seventy-two (72) hours notice. No business shall be transacted other than that for which the meeting is called, nor shall there be considered any petitions for membership or amendments to the Constitution or By-Laws.
- Section 4 At all Regular Meetings and all Special Meetings there shall be a quorum in attendance when no fewer than six (6) members in good standing are present, provided three (3) of these members shall be officers of the Lodge. At all Board of Directors Meetings there shall be a quorum in attendance when not less than five (5) officers are present.
- Section 5 No official business shall be transacted or binding upon this Lodge unless there shall be a quorum in attendance at all meetings except during the November Regular Meeting of nomination of candidates for office. The nomination of elective officers may be officially conducted regardless of the number of members present when ample notice has been given of the meeting at which the nominations will be made.



## BY - LAWS

### ARTICLE II - DELEGATES TO THE STATE AND NATIONAL CONFERENCES

- Section 1 This Lodge shall be entitled to two (2) delegates plus the State Trustee to the Annual Conference of the Florida State Lodge, Fraternal Order of Police.
- Section 2 This Lodge shall be entitled to the number of delegates to the Grand Lodge Biennial Conference as prescribed in Article XII Section 4 of the Grand Lodge Constitution.
- Section 3 By virtue of their office, the President and State Trustee shall be delegates to the Biennial Conference of the Grand Lodge (and the President to the) Annual Conference of the Florida State Lodge, and any other State or District Meeting of the FOP.
- Section 4 Nominations of candidates to represent this Lodge as delegates to the Annual Conference of the Florida State Lodge, Fraternal Order of Police, shall be held at the Regular Meeting in March of each year. Nominations of candidates to the Biennial Conference of the Grand Lodge, Fraternal Order of Police, shall be held in conjunction with the nomination of delegates to the Annual Conference in the odd numbered years. Election of these candidates shall take place during the Regular Meeting in April of each year respectively.
- Section 5 Only members in good standing who have attended no fewer than six (6) Regular Meetings in the preceding twelve (12) months shall be eligible for nomination to the Annual Conference of the Florida State Lodge, Fraternal Order of Police, Biennial Conference of the Grand Lodge Fraternal Order of Police, or any other National, State or District meetings of the Fraternal Order of Police.

## BY - LAWS

### ARTICLE III - NOMINATION AND ELCTION OF OFFICERS

- Section 1 An Election Committee of no fewer than three (3) nor more than seven (7) shall be appointed during the September Regular Meeting of each year for the corresponding election to oversee the nomination and election of officers, with no member of this committee being a presently elected or nominated officer.
- Section 2 Nomination of officers shall begin during the October Regular Meeting of each year and shall conclude at the November Regular Meeting.
- Section 3 The election of officers at this Lodge shall be by secret ballot in the month of December for the corresponding election. The date, hour and place of this election shall be selected by the Board of Directors and notice thereof shall be posted on the Lodge Bulletin board and sent by mail to each member with a ballot and instructions enclosed.
- Section 4 Any member in good standing who anticipates not being present at any election of Lodge Officers held by the Lodge may make an absentee ballot as provided in the following:
- (a) All absentee ballots shall be marked as a secret ballot and placed in an unmarked envelope.
  - (b) The unmarked envelope shall be sealed by the voting member, then witnessed, initialed and dated by an officer or member of the Election Committee.
  - (c) At the close of the polls at the election, all absentee ballots shall be delivered to the Election Committee who shall open and count the ballots the same as any other ballot.
- Section 5 Only members in good standing who have attended no fewer than four (4) Regular Meetings in the preceding twelve (12) months shall be eligible for nomination for elective office. In the event the Regular Meetings are split into two (2) sessions,

only one (1) session of the Regular Meetings a month may be counted as official attendance for the purpose of this Article.

Section 6 Any nominee who wishes to decline his or her nomination shall do so at the time of his or her nomination or in writing to the President within ten (10) days after his or her nomination, otherwise his or her name shall appear on the ballot.

Section 7 Any member who is not present at the time of his or her nomination for executive office shall be contacted by a member of the Election Committee to determine if they shall accept the nomination for elective office.

Section 8 No member shall appear on the ballot for more than one office in the same election. If a member is elected for more than one office and does not fulfill Section 6 or 7 of this Article, their name shall appear on the ballot for the highest office nominated.

Section 9 The nominee receiving the majority of votes for each elective office shall be declared elected.

Section 10 If any elective office results in a tie, a separate election shall be held between the tied nominees pursuant to this Article at the next Regular Meeting.

Section 11 The newly-elected officers of this Lodge shall be installed during the Regular Meeting in the month of January of each year or the corresponding election. The installing officer shall be any Past President or State or National Officer.

## BY - LAWS

### ARTICLE IV - COMMITTEES

Section 1 All Committees shall be appointed by the President and Vice President with the approval of the Board of Directors. One member of each shall be designated as chairman of the committee by the President.

Section 2 The following Standing Committees shall be appointed and chaired by a Board of Directors member:

Building Committee

By-Laws Committee

Membership Committee

Sunshine Committee

Communication Committee

Ways and Means Committee

Audit Committee

Section 3 The Building Committee shall consist of no fewer than three (3) members or more than ten (10) members. It shall be the duty of this Committee to maintain the Lodge Hall in all aspects. This Committee shall designate one (1) member to maintain all vending machines contained in the Lodge Hall, which member will coordinate with the Treasurer for the accounting of all moneys earned and spent.

Section 4 The By-Laws Committee shall consist of no fewer than three (3) members or more than five (5) members. It shall be the duty of this Committee to draw up all revisions, alterations and amendments to the Constitution and By-Laws of this Lodge, as outlined in these Constitution and By-Laws. This Committee shall ascertain that all revisions, alterations and amendments shall comply with the existing articles and sections of the Constitution and By-Laws of the Grand Lodge

and the State Lodge. Upon instruction from the President, this Committee shall assist with the drawing up of charges against members.

Section 5 The Membership Committee shall consist of no fewer than three (3) members or more than ten (10) members. It shall be the duty of this Committee to thoroughly investigate each petition for membership in this Lodge and determine if the candidate is qualified or unqualified. All petitions of candidates for membership, whether determined to be qualified or unqualified by the Membership Committee, shall be present at a Regular Meeting for final action. This Committee shall also have the duty to investigate all complaints regarding members and officers as set forth in these Constitution and By-Laws. The Committee shall present a written statement of the facts on which the charges are to be based and shall present it to the Board of Directors and the Membership for final action.

Section 6 The Sunshine Committee shall consist of no more than ten (10) members. It shall be the duty of this Committee to take notice of any special, tragic or unexpected happenings in the lives of the members of this Lodge and the surrounding Law Enforcement Community. The amount of expenditures for each happening will be governed by a majority vote of membership.

Section 7 The Communication Committee shall consist of no more than twenty (20) members. It shall be the duty of this Committee to notify each member of any regular meeting or Board of Directors Meeting change. This Committee shall also notify any member affected, within 72 hours, of any Special Meeting or other event.

Section 8 The Ways and Means Committee shall consist of no fewer than three (3) members or more than ten (10) members. This Committee shall have the following duties:

(a) To provide for all fund raising activities of the Fraternal Order of Police William "Bill" Rutherford, Lodge #145, Inc.

(b) To provide for all annual or special events for the membership of the Fraternal Order of Police, William "Bill" Rutherford, Lodge #145, Inc.

(c) To ensure that the majority of all fund raising money goes to worthy charitable organizations after proper investigation has been made.

(d) To ensure that the Fraternal Order of Police, William “Bill” Rutherford, Lodge #145, Inc. receives the proper recognition within the organization as well as within the community.

Section 9 The Audit Committee shall consist of new fewer than three (3) members or more than ten (10) members. It shall be the duty of the committee to assist the board to fulfill its oversight responsibilities in areas such as internal control systems and internal and external audit functions. This committee shall oversee financial reporting and disclosure. This committee will be chaired by the State Trustee.

Section 10 The President may create any Temporary Committees as is deemed necessary with the approval of the Board of Directors.

Section 11 If any Committee fails to act within sixty (60) days after appointment, the President may declare the Committee dismissed and a new Committee appointed if deemed necessary.

## BY- LAWS

### ARTICLE V - RULES AND PROCEDURES/DISCIPLINE

Section 1. In respect to any disciplinary hearing conducted by this lodge, due process shall be afforded the parties thereto.

Section 2. In all disciplinary hearings conducted by this lodge, the body conducting such hearing shall:

- A. Require the complaint, charge, or allegation be made under and in writing and prove such facts as may enable the charged party to be fairly apprised of the nature of the charge.
- B. Ensure that the party charged is provided with a copy of such complaint, charge, or allegation and given sufficient time, which in any event shall be not less than thirty (30) days, to prepare a defense, if any, thereto;
- C. Conduct a hearing upon the matter during which the Trier of fact shall limit the scope of the inquiry to the specific complaint(s), charge(s), allegation(s) set forth in the written notice thereof;
- D. Adhere to an order of procedure which places the burden of proof upon the party charging the member.
- E. Permit the parties thereto to introduce documents and exhibits and the testimony of witnesses in accordance with such rules of evidence as may be determined and applied uniformly by such body.

Section 3. Discipline may be imposed upon a member for any violation of the good of the order, including, but limited to, the following:

- A. Violation of the Constitution, these By-laws, of the Ritual, Oath or obligation of the Order.
- B. Acts of disloyalty to the Fraternal Order of Police, including, but not limited to, overt attempts to decertify the Fraternal Order of Police where such lodge is the certified bargaining representative of its members, holding office in an organization which encourages members of the Fraternal Order of Police to leave the Order or, where applicable, which attempts to decertify the FOP or such other acts as bring disrepute, disgrace, or dishonor upon the Fraternal Order of Police.
- C. Distribution or use of the membership list for any reason without the expressed permission of the Board of Directors.
- D. The unauthorized use or the abuse of the name or the insignia of the Fraternal Order of Police or the infringement of the trademark thereof.

Section 4. Charges of misconduct or violation of the Constitution and By-Laws may be initiated by any two (2) members in good standing. Such charges shall then be referred to the Membership Committee, as established in these By-Laws, for investigation. The Membership Committee shall conduct a confidential investigation of the charges and shall interview all persons having knowledge of the charges, including the accused. No person accused of charges shall be compelled to testify before the Committee. The Committee shall complete its investigation in not more than thirty (30) days and shall report its findings at the next Regular Meeting of the Lodge.

- A. If the Committee finds that there is no probable cause to believe that the charges as alleged by the members are true, it shall report those findings to the members, which shall accept or reject the findings. In the event that the Committee's finding of no probable cause is accepted by the majority of those present at the Regular Meeting in which the report is made, the member shall be deemed exonerated and the matter closed. In the event that the Committee's recommendation is not accepted, the members shall be free to offer a substitute finding of probable cause, which, if adopted by the majority of those present at the Regular Meeting, shall constitute an indictment of the member or officer. In the event that the Committee shall find that there is probable cause to believe that the charges against a member or officer are true, it shall report same to the next Regular Meeting of the Lodge. If the report of the Committee is accepted,



the member or officer shall be deemed indicted. If the membership, by majority vote, rejects the report of the Committee, it may offer a substitute report of no probable cause which, if adopted by a majority of those present at the Meeting, shall end the matter

- B. Upon indictment, the member or officer shall be presented with a written copy of the charges against him or her and shall be notified that a trial shall be conducted at the next ensuing Regular Meeting of the Lodge. The accused member or officer shall, prior to the commencement of the trial, be asked to enter a plea of guilty or not guilty to the charges. If the member or officer enters a plea of not guilty, a trial shall ensue in accordance with these By-Laws. If the member or officer pleads guilty to the charges, no trial shall be required and the penalty proceedings shall be the next order of business.
- C. At the trial of the indicted member or officer, the charging party shall bear the burden of proof. The order of proof shall be as follows:
  - (a) Reading of the charge unless waived by both parties.
  - (b) Opening statement by the accuser.
  - (c) Opening statement by the accused.
  - (d) Presentation of evidence and witnesses by the accuser.
  - (e) Presentation of evidence and witnesses by the accused.
  - (f) Rebuttal witnesses and evidence by the accuser.
  - (g) Rebuttal witnesses and evidence by the accused.
  - (h) Closing argument by the accuser.
  - (i) Closing argument by the accused.
- D. At the trial, no member or officer shall be required to give testimony against himself. The accuser and the accused may be represented by a member of their choosing who shall be deemed a “manager”. No person may serve as a manager who is not a member of the Lodge.

- E. The President shall be the presiding officer at the trial and shall make all rulings regarding evidence and procedure. In the event that the President is either the accuser or the accused, the Vice President shall preside and in the event of the disqualification of the Vice President for the same reason, the next highest ranking officer who is neither an accuser nor the accused, or a manager on behalf thereof, shall serve as the presiding officer.
- F. At the conclusion of the trial as described above, the membership shall, by secret ballot, determine the guilt or innocence of the member. The determination of guilt or innocence shall be based solely upon the evidence and testimony presented at the trial and within the confines of the letter of charges. A vote of two-thirds (2/3) of the votes cast by the membership present, providing that the votes cast constitute a quorum, shall be required for a finding of guilt. In the event that two-thirds (2/3) or the votes cast are not cast for guilt, the officer shall be deemed exonerated.
- G. If the member or officer is found guilty by a two-thirds (2/3) vote, the membership shall then consider the penalty which may range from censure to removal from office or suspension and expulsion from the Order. A vote of two-thirds (2/3) of the votes cast shall be required for any penalty.
- H. Any member expelled from the Order shall not be privileged to again petition to the Lodge for membership until the expiration of one (1) year from the date of that said member's membership was discontinued.
- I. A member who has received official notification of his suspension, expulsion or removal from office may appeal to the State Lodge in accordance with Article 23 of the National/State Constitution, Fraternal Order of Police.

## BY- LAWS

### ARTICLE VI - RECALL

SECTION 1. If ten (10) or more members of this Lodge in good standing have sufficient proof on hand to show that any officer or officers have acted dishonestly or otherwise detrimental to the best interest of this Lodge, they may file a petition for RECALL with the Executive Board A copy of the charges shall be filed in duplicate form, and must be submitted with the petition for RECALL. The Executive Board shall forward a copy of the charges to the officer against whom the petition is directed. The accused officer shall be given an opportunity to present a defense. The executive Board shall call a Special Meeting within thirty (30) days, and shall so notify the accused to allow him or them to reply to the charges by virtue of a personal appearance at which time the plaintiffs shall appear in person at the special meeting of the Executive Board. If after thirty days (30), the Executive Board finds the defendant guilty, they shall proceed with the charges. The charges are to be read in a General Meeting prior to the RECALL. The RECALL election procedure shall be conducted in accordance with the provisions governing election of officers according to the By-Laws.

SECTION 2. Any elected officer of this Lodge under charges of misconduct or actions that are in any way detrimental to the good of the organization may be suspended from office during the period of trial by the Executive Board. The temporary suspension or removal from office shall be authorized only when so ordered by three quarters (3/4) majority vote of the entire membership present at the meeting. A Special Meeting shall be called for this purpose and the accused member or members are given every opportunity to defend themselves. Provided further, that the action of the Board of Directors in suspending or removing any officer shall be effective only until the time of the first Regular Meeting at which time said action must be ratified by a three quarters (3/4) majority of the membership at said Special Meeting.

## BY - LAWS

### ARTICLE VII - FEES AND DUES

- Section 1 Dues for membership in the Lodge shall be paid as follows:
- (a) Marion County Sheriff's department employees shall be required to participate in payroll deduction only as specified by the membership.
  - (b) Non-Marion County Sheriff's Department employees shall be billed on either a quarterly, semiannual or annual basis.
- Section 2 The amount of dues to this Lodge shall be as follows:
- (a) Full Time Law Enforcement - \$780.00 annual
  - (b) Retired Law Enforcement - \$ 125.00 annual
- Section 3 All Past Presidents shall become lifetime members of this Lodge upon retiring from active duty in law enforcement with all fees and dues being paid by the Lodge.
- Section 4 All dues which are collected shall be allocated in the following manner.
- (a) Florida State Lodge Per Capita tax as outlined in the Florida State Lodge, Fraternal Order of Police, By-Laws.
  - (b) Grand Lodge Per Capita tax as outlined in the Fraternal Order of Police By-Laws.
  - (c) The balance to the Fraternal Order of Police William "Bill" Rutherford, Lodge #145, Inc. general fund.

- Section 5 The membership of this Lodge may be assessed to meet any emergency provided two-thirds (2/3) of the members present at any Regular or Special Meeting shall deem it necessary and determine the amount of assessment per member, provided that the assessment shall have been announced in advance of the Meeting. The Secretary shall then notify each member in writing of the Meeting at which the assessment was levied, the reason for assessment and a detailed account of probable expenditures.
- Section 6 The Associate Lodge may be assessed a ten percent (10%) annual Per Capita tax on all dues collected. This Per Capita tax, if assessed, shall be paid the Fraternal Order of Police William “Bill” Rutherford Lodge #145, Inc. within thirty (30) days after the dues are collected and shall be deposited in the general fund of the Fraternal Order of Police William “Bill” Rutherford Lodge #145, Inc.
- Section 7 The Fraternal Order of Police William “Bill” Rutherford Lodge #145, Inc. may assist the Associate Lodge by paying the Associate Lodge ten percent (10%) or less of all profits derived from all solicitations.
- Section 8 No Officer or Member, except the Secretary or Treasurer, shall be permitted to receipt for dues at any time.
- Section 9 Any member in arrears of payment of dues or assessments more than thirty (30) days and less than sixty (60) days shall be deemed to be delinquent and not in good standing.
- Section 10 Any member in arrears of payment of dues or assessments more than sixty (60) days and less than one (1) year shall be and is hereby automatically suspended from the Lodge.
- Section 11 Any member who shall be suspended from this Lodge shall not be permitted to attend any Meeting, vote in Lodge elections, hold an elective office or be eligible to receive any benefits from the Lodge.
- Section 12 Any member who shall be delinquent or suspended under Section 7 and 8 of this Article may be reinstated and restored to good standing by the payment of all past due amounts. The provision may be waived for a period not to exceed sixty (60) days by a vote of two-thirds (2/3) of the members present at a Regular

Meeting, provided that the waiver shall have been announced in advance of the Meeting.

Section 13 Any member in arrears of dues or assessments more than one (1) year shall be and is hereby automatically dropped from the membership of the Lodge. Membership may again be obtained in this Lodge by the same application and paying the same amount they would have to pay as though they had never been a member, provided that no charges by the Lodge are pending against said applicant. The provision may be waived by a vote of two-thirds (2/3) or the membership present at a Regular Meeting, provided that the waiver shall have been announced in advance of the Meeting.

## BY - LAWS

### ARTICLE VIII - USE AND DISPLAY OF EMBLEM

Section 1. No person, other than a member in good standing of the Fraternal Order of Police, its Associate Lodge, their spouse or child living in the same residence, shall use or display the official emblem of the organization on any motor vehicle.

Section 2. The unauthorized use or the abuse of the name or insignia of the Fraternal Order of Police or the infringement of a trademark thereof by a member or local lodge shall be grounds for discipline, including suspension, expulsion, removal from office, or revocation of lodge charter.

Section 3. No person shall wear or display and Fraternal Order of Police insignia or trademark thereof at any organized function, political rally which would imply support without prior approval from the Board of Directors

## BY - LAWS

### ARTICLE IX - OFFICIAL ORDER OF BUSINESS

The official order of business of this Lodge shall be:

1. Call of Order.
2. Opening Prayer.
3. Roll Call of Officers and Members.
4. Reading of the Minutes of the last Regular Meeting, Board of Directors Meeting and any Special Meetings.
5. Membership Committee Report on previous applications for Membership.
6. Petitions of Candidates for Membership.
7. Swearing in of new members.
8. Treasurers Report.
9. Presidents Report.
10. Officers Reports.
11. Committee Reports.
12. Correspondence.
13. Unfinished Business.
14. New Business.
15. Nomination and Election of Officers.



16. Installation of Officers.
17. Report of Sick and Relief
18. Good of the Order.
19. Prayer.
20. Adjournment.

BY - LAWS

ARTICLE X - AMENDMENTS AND CERTIFICATION

Section 1 Proposed alterations or amendments to these By-Laws shall be submitted in writing and read at two (2) consecutive Regular Meetings of this Lodge. Final action shall be taken on the second (2<sup>nd</sup>) reading. Upon adoption by two-thirds (2/3) of the members present at the second (2<sup>nd</sup>) meeting, provided such session shall have in attendance a quorum as provided by the By-Laws.

Section 2 No proposed alteration or amendment may be presented to the general membership until it is referred to the By-Laws committee. Changes in the By-Laws may be proposed by the Board of Directors or upon recommendation of two (2) members in good standing. Any proposed By-Law change shall be presented at the next Regular Meeting following its referral to and consideration by the By-Laws Committee.

Section 3 All proposed changes shall be posted on the Lodge bulletin board within ten (10) days following the first reading.

*Adopted and Approved by the Board of Directors and the Membership and placed into the minutes of this Lodge on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.*

*Adopted and Approved by the Florida State Lodge, Fraternal Order of Police, By-Laws Committee and General Session during the \_\_\_\_\_ Florida State Lodge Conference June \_\_\_\_\_ through \_\_\_\_\_, \_\_\_\_\_ in \_\_\_\_\_ Florida and placed into the minutes of the Florida State Lodge, Fraternal Order of Police, \_\_\_\_\_, President presiding.*

\_\_\_\_\_  
, President

Secretary  
Fraternal Order of Police

Fraternal Order of Police

*William "Bill" Rutherford  
Lodge #145, Inc.*

*William "Bill" Rutherford  
Lodge #145, Inc.*

BY - LAWS

ARTICLE XI - SOLICITATION

Section 1. This lodge shall comply with all Florida State laws in reference to solicitation.

Section 2. Failure to comply will result in discipline action as stated in the Constitution and By-Laws.

## BY - LAWS

### XII - POLITICAL ENDORSEMENT

#### **Procedure for Local Endorsements:**

- Step 1. The Lodge President will confer with the District Director on what local races will be handled by their lodge or in conjunction with another lodge.
- Step 2. After getting the list of races that the Lodge President is responsible for, he will decide to either hold individual informal interviews of candidates or will form a screening committee to interview the candidates and to then make a recommendation of endorsement to the Lodge President.
- Step 3. The Lodge President can choose to accept this as the endorsement or have the general body of the lodge vote on the acceptance of the list (This decision should be based upon the involvement/interest that the membership has shown in the local elections.

FLORIDA STATE LODGE  
FRATERNAL ORDER OF POLICE DISTRICTS  
ESTABLISHED 1980  
Amended 1985