

**THE CONSTITUTION AND CANONS OF THE  
DIOCESE OF SOUTHWEST FLORIDA  
AS ADOPTED BY  
THE 40<sup>TH</sup> ANNUAL CONVENTION ON OCTOBER 18, 2008  
AND AMENDED BY  
THE 41<sup>ST</sup> ANNUAL CONVENTION ON OCTOBER 10, 2009**



**ORGANIZING CONVENTION OCTOBER 16, 1969**

**RECOGNIZED BY THE EPISCOPAL CHURCH  
NOVEMBER 4, 1969**

**FIRST ANNUAL CONVENTION  
NOVEMBER 18, 1969**

**INCORPORATED BY THE STATE OF FLORIDA  
DECEMBER 12, 1969**

**OPERATIVE DATE JANUARY 1, 1970**

## The Constitution

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*As adopted in Conventions through 2002*

## **PREAMBLE**

The Protestant Episcopal Church in the United States of America, otherwise known as The Episcopal Church, within the area hereafter described does hereby adopt this Constitution as and for its Articles of Incorporation of a corporation not for profit under the laws of the State of Florida. The corporation shall be known as a "Diocese" in accordance with the Constitution and Canons of the Protestant Episcopal Church in the United States of America.

### **ARTICLE I Of Acceding to the General Convention**

The Diocese acknowledges its allegiance to be due to the One, Holy, Catholic and Apostolic Church and recognizing the body known as The Episcopal Church in the United States of America to be a true branch of said Church, having a rightful spiritual jurisdiction in this country, hereby declares its adhesion to the same and accedes to its Constitutions and Canons.

### **ARTICLE II Of the Name and Boundaries of the Diocese**

The name of the Diocese shall be Diocese of Southwest Florida, Incorporated.

The boundaries of the Diocese shall include all that part of the State of Florida lying in the Counties of Hernando, Pasco, Hillsborough, Pinellas, Manatee, Sarasota, Charlotte, DeSoto, Lee, Collier, Glades, and that portion of Hendry County lying west of the center line of Range 32 East of the Prime meridian at Tallahassee, Florida, as the same existed under the laws of Florida on October 15, 1969.

### **ARTICLE III Of the Annual Diocesan Convention**

The members of the Diocese shall be all congregations in union with the Episcopal Church in the above-described area and shall be represented solely by the delegates to the Annual Convention of the Diocese.

The Convention of the Church of this Diocese shall assemble annually at such time and place as shall have been appointed by the preceding Annual Convention; but, for sufficient cause, the Ecclesiastical Authority of the Diocese shall have power to change the time or place, or both, as emergency may require; provided, however, that at least ten days' notice of such change shall be given to every Vestry and Bishop's Committee, and to the Minister in charge of every Congregation, and to every member of the Clergy canonically resident in the Diocese.

*As adopted in Conventions through 2002*

**ARTICLE IV**  
***Of Special Meetings of the Convention***

The Ecclesiastical Authority shall have power to call a special meeting of the Convention at such time and place as it shall determine. The notice of a special meeting of the Convention shall be issued, in writing, to every member of the Clergy and to every Vestry and Bishop's Committee in the Diocese, at least thirty days before the time appointed for the meeting, and shall state the business for which the Convention is called, and no business shall be transacted at such special meeting beyond that which has been stated in the notice, except with the unanimous consent of the members present.

**ARTICLE V**  
***Of the Members of the Convention***

**Section 1.** The Convention shall be composed of the Bishops, together with the other members of the Clergy, and Lay Persons of the Diocese, as provided for in the following sections of this Article.

**Section 2.** All members of the Clergy in regular standing in this Diocese, shall be entitled to a seat and vote in the Convention; provided, that they shall have been admitted, and at the time of the Convention shall be actually settled as Rector, or Assistant Minister of some Congregation in union with the Convention of this Diocese, or shall be a Canon, Archdeacon, Vicar, Missionary, Chaplain or Church Army Officer in charge of a congregation under the direction of the Bishop, or shall be engaged as an instructor of youth in some institution of learning under the control of the Church, within the Diocese, or shall be a Chaplain on active duty in the Armed Forces of the United States of America. All other members of the Clergy canonically resident in this Diocese shall be entitled to a seat and voice but without a vote.

**Section 3.** Every Parish in union with the Convention of this Diocese shall be entitled as provided by Canon to be represented by three Lay Delegates.

**Section 4.** Every canonically organized Mission of the Diocese shall be entitled as provided by Canon to be represented by two Lay Delegates.

**Section 5.** Lay Delegates shall be chosen by the Vestry or Bishop's Committee of each Congregation in the Diocese. If the respective Vestry or Bishop's Committee fails to act, then election shall be by such Congregation duly convened. Delegates shall be canonical electors of the Congregation which they severally represent; but no candidate for Holy Orders shall be elected as a Lay Delegate to any Convention.

**ARTICLE VI**  
***Of the Affairs of the Diocese***

**Section 1.** All spiritual affairs of the Diocese shall be the exclusive charge of the Diocesan Bishop, who may, subject to the consent of the Diocesan Council, appoint one or more Archdeacons to assist in the administration of the affairs of the Diocese.

*As adopted in Conventions through 2002*

**Section 2.** The temporal work and mission of the Diocese shall be established by the Convention.

**Section 3.** The development and prosecution of the mission, work of the Church, ownership of property, and management of all temporal affairs of the Diocese shall be under the supervision and management of the Diocesan Council of the Diocese.

The Diocesan Council shall be composed of the Diocesan Bishop, and members of the Clergy and Laity chosen in a manner prescribed by Canon.

Coadjutor and Suffragan Bishops, the President of the Standing Committee, and the Chancellor shall be *ex officio* members of the Diocesan Council, without vote.

The Diocesan Council shall have power to create subordinate boards and, with the prior permission of the Convention, legal entities for the accomplishment of its responsibilities.

The Diocesan Bishop shall be the President of the Corporation, Chairman of the Diocesan Council, and Presiding Officer of any Diocesan Convention. Other officers of the Diocese shall be elected by the Council or appointed by the Bishop pursuant to Canon. A quorum shall consist of one more than one-half of the qualified voting members of the Council.

Terms of office of members of Council shall be fixed by Canon.

**Section 4.** Deaneries within the Diocese shall be established as provided by Canon.

**Section 5.** This Diocese specifically recognizes the continuation of the Trustees of the Diocese of South Florida, the Endowment Fund Corporation of South Florida; and the William Crane Gray Inn for Older People solely for the purpose of the operation of such entities and the orderly liquidation of this Diocese's interest therein. Representation from this Diocese to such entities shall be provided by action of the Diocesan Council.

**Section 6.** The calendar year shall be the fiscal year of the Diocese.

**Section 7.** The Church Pension Fund, a corporation created by Chapter 97 of the Laws of the State of New York as subsequently amended, is accepted and acknowledged as the authorized and approved pension system for the Clergy of this Diocese and for their dependents.

## **ARTICLE VII**

### ***Of Divine Service at Meetings of the Convention***

The direction of Divine Service during the sessions of the Convention shall rest with the Bishop alone. In the absence of the Bishops, all such services shall be in the charge of the President of the Standing Committee.

*As adopted in Conventions through 2002*

**ARTICLE VIII**  
**Of the President of the Convention**

**Section 1.** The Bishop of the Diocese shall be Presiding Officer of the Convention, with full ecclesiastical authority. In case of the absence of the Bishop of the Diocese and in the absence of a Bishop Coadjutor and Suffragan Bishop, the President or Senior Clerical Member of the Standing Committee shall call the Convention to order, and, if a quorum be present, a presiding officer shall be chosen *pro tempore*, from among the Presbyters in attendance. The Bishop may appoint a Presbyter to preside any time the chair is vacant.

**Section 2.** The Presiding Officer shall be entitled to vote only in case of a tie.

**ARTICLE IX**  
**Of Quorum and Methods of Voting in the Convention**

**Section 1.** One-half of the Clergy entitled to vote in the Convention and Lay Delegates from one-half of the Congregations entitled to representation, when duly assembled, shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

**Section 2.** The Clergy and Laity shall deliberate in one body. Every member shall be entitled to one vote, and, except when herein otherwise expressly provided, a majority of all the votes cast shall determine any question submitted to the Convention.

**Section 3.** If any ten members of the Convention, representing no fewer than six Congregations, or any ten Clerical Members shall call for a vote by yeas and nays, the Secretary shall call the roll of the Convention, and the members shall thereupon announce their votes as their names are called by the Secretary. The votes so cast shall be recorded in the Journal, and no member shall be excused from voting, unless by unanimous consent.

**Section 4.** If any ten members of the Convention, representing no fewer than six Congregations, or any ten Clerical Members, shall demand a vote by Orders prior to the call for a vote, the vote of the Clergy and Lay Delegates shall be taken separately, and a majority of the votes of each Order shall be necessary for an affirmative decision.

**ARTICLE X**  
**Of the Secretary of the Convention**

**Section 1.** For each Annual Convention the Bishop shall appoint a Secretary of the Convention, whose duties shall be defined by Canon.

**Section 2.** At any time in the interval between Annual Conventions the Diocesan Council may, for sufficient cause, of which its members shall be the judges, remove the Secretary and appoint an interim Secretary to act until the next Annual Convention.

*As adopted in Conventions through 2002*

**ARTICLE XI**  
***Of the Chancellor and Vice Chancellors of the Diocese***

At each Annual Convention the Bishop shall appoint a Chancellor learned in law, who is a member in good standing of The Florida Bar and who shall be legal advisor of the Diocese. He or she shall be an Elector of the church in this Diocese and shall be entitled, *ex officio*, to a seat and voice, without vote, in the Convention. At the same time, the Bishop shall also appoint one or more Diocesan Vice Chancellors with the same qualifications as the Chancellor, who, as directed by the Bishop in the absence or inability of the Chancellor, shall perform the duties of that office, and shall perform such other duties as may be designated by the Bishop or the Chancellor. The Bishop shall also appoint a Vice Chancellor in each Deanery, with the same qualifications as the Chancellor, who shall be entitled, *ex officio*, to a seat in the Convention with all the privileges of membership except the right to vote, unless he or she is a Delegate to the Convention. The Deanery Vice Chancellors shall serve as legal advisors to the parishes and missions in their respective deaneries.

**ARTICLE XII**  
***Of the Registrar of the Diocese***

The Bishop shall appoint a Registrar of the Diocese. It shall be the duty of the Registrar to preserve copies of the Convention Journal and all other publications and documents and records, relating to the History of the Church in this Diocese. The Registrar shall have charge of the Library and all books belonging to the Diocese and shall keep a record of these and all other historical documents presented with the name of the donor.

**ARTICLE XIII**  
***Of the Deputies to the General Convention***

**Section 1.** At the Annual Convention in the second year preceding that of the regular meeting of the General Convention, Clerical and Lay Deputies and Clerical and Lay Alternate Deputies shall be elected to the General Convention, in the maximum number and for the term specified by the Constitution and Canons of the General Convention.

**Section 2.** If any Deputy elected is unable to attend the General Convention, the Ecclesiastical Authority shall be immediately notified of such inability. It shall be the duty of such authority to fill a vacancy from this, or any other cause, up to the time of the meeting of the General Convention, from the list of Alternate Deputies.

**Section 3.** Any vacancy in a deputation to any General Convention existing at the time of its meeting, or occurring during its session, or at any special session, may be supplied by the concurrent votes of the remaining Deputies from the list of Alternate Deputies, if practicable; if not, then from any other qualified members of the Diocese.

*As adopted in Conventions through 2002*

**ARTICLE XIV**  
***Of the Standing Committee***

The Convention annually shall elect members of a Standing Committee, as provided by Canon.

**ARTICLE XV**  
***Of the Election of Officers***

The Election of all officers provided for in this Constitution and Canons shall be by secret ballot, except in the event there be only one nominee for the office, and, in the event of failure or neglect to elect at any Convention, the person or persons already in office shall hold over until their successors shall have been regularly elected and qualified. A majority of votes shall be necessary to elect.

**ARTICLE XVI**  
***Of Admission to or Suspension from Membership***

Provision shall be made by Canon for admission of Congregations into union with the Convention of the Diocese and for the suspension or the dissolution of the relationship with the Convention of a Congregation provided that any such suspension or dissolution shall require an affirmative vote of two-thirds of the Convention.

**ARTICLE XVII**  
***Of the Forfeiture of Parochial Privileges***

Any Congregation may, for causes specified by Canon, be suspended from representation in the Convention or its connection with the Convention wholly dissolved, by a vote of two-thirds of those present. A suspension aforesaid shall not absolve the Congregation from its obligations to the Convention or the Diocese.

**ARTICLE XVIII**  
***Of the Election of a Bishop***

The election of a Bishop shall be made in an Annual Convention, or in a Special Convention called for that purpose. The vote, by secret ballot, of a majority of the Clergy and of the Lay Members of the Convention, voting separately and concurrently shall be necessary for the election of a Bishop.

**ARTICLE XIX**  
***Of Canons***

The Convention of the Diocese shall have power to adopt appropriate Canons for the government and function of the Diocese.

*As adopted in Conventions through 2002*

**ARTICLE XX**  
***Of Amendments to this Constitution***

This Constitution may be amended, in whole or in part, by any Annual Convention, upon two-thirds majority of the votes of both the Clerical and Lay Delegates voting separately and concurrently, provided, the proposed amendment shall have been submitted to and approved by the previous Annual Convention, upon a majority of the votes of both the Clerical and Lay Delegates, voting separately and concurrently.

**ARTICLE XXI**  
***Of Organizing Governments***

The Constitution shall become effective upon the adoption thereof by the organizing Convention of the Diocese. The organizing Convention shall have the power to adopt specific rules for its conduct in general conformity with the intent and purpose of this Constitution solely for the purpose of implementing the organizing of this Diocese under this Constitution.

**ARTICLE XXII**  
***Miscellaneous***

(Statutory requirements for charter of original not reproduced)

*As adopted in Conventions through 2002*

# THE CANONS

*As adopted - Convention October 18, 2008 and amended - Convention October 10, 2009*

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## **CANON I**

### ***Members of Diocesan Convention***

**Section 1. a.** The Bishop of the Diocese is the Ecclesiastical Authority of the Diocese and the presiding officer of the convention. If there is no Bishop Diocesan, or if the Bishop Diocesan is temporarily unable to serve, the Bishop Coadjutor is the Ecclesiastical Authority. If there is no Bishop Diocesan or Coadjutor, the Standing Committee is the Ecclesiastical Authority. When the Bishop Coadjutor or Standing Committee is acting as the Ecclesiastical Authority, they shall have all of the authority and responsibilities granted and assigned to the Bishop by these Canons.

**b.** Clergy Members of Convention, as that term is used in these Canons, are those persons who are duly licensed and ordained as presbyters and deacons pursuant to the provisions of the Constitution and Canons of the General Convention of the Episcopal Church, are in good standing in the Episcopal Church, and are canonically resident in the Diocese of Southwest Florida.

**c.** Clergy Members of Convention who are presbyters who have been called, subject to the provisions of Diocesan Canon VI, to serve a Congregation that is a member of this Diocese, who are serving pursuant to a written agreement with that Congregation, and who are not retired from active service, are Members of Convention with the right to seat, voice and vote.

**d.** Clergy Members of Convention who are presbyters who have been called, subject to the provisions of Diocesan Canon VI, to serve a Congregation that is a member of this Diocese, who are serving pursuant to a written agreement with that Congregation, and who are retired from active service but pursuant to the provisions of Canon III.9.7 of the Episcopal Church, as amended, are Members of Convention with the right to seat, voice and vote.

**e.** Clergy Members of Convention who are presbyters and who serve by appointment of the Bishop as a Canon, Archdeacon, missionary, chaplain, or Church Army Officer in charge of a Congregation under the direction of the Bishop, as a member of the clergy in charge of an Associated Worshipping Community, or as an instructor of youth in an institution of learning governed by Diocesan Canon XVI, or as a chaplain on active duty in the Armed Forces of the United States of America, are Members of Convention, with seat, voice and vote.

**f.** Clergy Members of Convention who have retired from active service, and all deacons, are Members of Convention with the right to seat and voice.

**g.** Clergy Members of Convention who are deacons who have an assignment from the Bishop to serve a Congregation that is a member of this Diocese, who have entered into a written agreement, approved by the Bishop, with that Congregation, and who are not retired from active service, are Members of Convention with the right to seat, voice and vote.

**h.** The Bishop of the Florida-Bahamas Synod of the Evangelical Lutheran Church in America is an honorary Member of Convention with the right to seat and voice.

**Canon 1, Section 1** (Continued)

*i.* A member of the clergy who is an ordained presbyter in good standing with a denomination with which the Episcopal Church has an agreement for the exchange of clergy, who has been called, subject to the provisions of Diocesan Canon VI, to serve a Congregation that is a member of this Diocese, and who is serving pursuant to a written agreement with that Congregation, shall be granted the right to seat, voice and vote at the Convention provided there is no Clergy Member of Convention, as that term is defined in section 1.c., 1.d., or 1.e. of this Canon, serving the Congregation.

**Section 2. a.** Lay Members of Convention are those persons who have been duly selected as Lay Delegates and Alternate Delegates to Convention and those who are entitled to membership in Convention under specific provisions in these Canons.

*b.* Lay Delegates to Convention are Members of Convention with the right to seat, voice and vote.

*c.* Alternate Delegates to Convention are Members of Convention with the right to seat. In the event a Lay Delegate from a Congregation is unable to attend all or part of a meeting of the Convention, an Alternate Delegate from that Congregation shall serve and shall have seat, voice and vote.

*d.* Those entitled to membership in Convention under specific provisions in these Canons shall have the rights as stated in the relevant Canon.

**Section 3. Convention Roster and Credentials. a.** Not later than eighty (80) days prior to the scheduled date of any annual meeting of the Convention, and not less than fifteen (15) days prior to the scheduled date of a special meeting of the Convention, the Bishop shall provide for the preparation of a preliminary roster of the Members of Convention. This roster shall include the names of the Lay Delegates and Alternate Delegates selected pursuant to Canons II and VIII, the clergy entitled to a seat, and all other persons entitled to a seat pursuant to the Constitution and Canons of the Diocese. The roster shall state the level of participation to which the Member is entitled. The roster shall be distributed to each Congregation, each member of the clergy, and the elected and appointed officeholders of the Diocese. Any corrections, additions or replacements, with any required supporting documentation, shall be provided to the Bishop not later than thirty (30) days prior to the scheduled date of any annual meeting of the Convention, and not less than seven (7) days prior the scheduled date of a special meeting of the Convention.

*b.* If the Bishop does not agree with a requested correction, addition or replacement, the person and Congregation involved shall be notified of the dispute not later than fifteen (15) days prior to the scheduled date of any annual meeting of the Convention, and not less than three (3) business days prior the scheduled date of a special meeting of the Convention, and the person and Congregation shall have forty-eight (48) hours to respond with any additional information for the Bishop to consider. The Bishop shall then determine the matter and the decision shall be final and non appealable.

*c.* Not less than one (1) week prior to the scheduled opening of any annual meeting of the Convention, and one (1) day prior the scheduled opening of any special meeting of the Convention, the Bishop shall provide for the preparation of a final roster of the clergy and lay Members of Convention, which shall be delivered to the Credentials Committee. This roster

**Canon 1, Section 3.c.** (Continued)

shall state the level of participation to which each Member is entitled. The Credentials Committee shall utilize this roster to register all of the Members of Convention attending the Convention. At the opening session of the Convention, the Credentials Committee shall report on whether a quorum has been established, stating the total number of Members of Convention, by orders, and the total number of the Members of Convention in attendance, by orders.

**d.** For purposes of this section, proper distribution and response shall include any means reasonably calculated to give actual notice to the person and Congregation involved, including electronic mail or media, telephone, facsimile, and correspondence.

**Section 4. a.** It is the duty of every Member of the Convention to attend every meeting of the Convention.

**b.** Lay Delegates and Alternate Delegates shall serve at all meetings of the Convention until the delegate resigns or until the delegate's successor takes office in accordance with these Canons. Notice of the identity of the new delegate shall be provided to the Bishop in accordance with Canons II and VIII.

**c.** Lay Delegates and Alternate Delegates who cannot attend a scheduled meeting of the Convention immediately shall inform the member of the clergy in charge of the Congregation and wardens of the Congregation so that a replacement may be selected.

**d.** Clergy canonically resident in this Diocese who cannot attend a scheduled meeting of the Convention immediately shall inform the Bishop and provide the reason for the absence.

**e.** Clergy canonically resident in this Diocese but who have retired from active service are not required to be present at the meetings of the Convention.

**Section 5. a.** The selection of Lay Delegates and Alternate Delegates to serve as Members of the Convention shall be made by the Congregation, unless otherwise specified by the bylaws of the Congregation. If the Congregation's bylaws specify that selection is to be made by Congregational election, the electors must have the qualifications as set forth in Canon VII.

**b.** A Lay Delegate or Alternate Delegate must be a qualified elector of a Congregation as defined in Diocesan Canon VII.

**c.** If a Lay Delegate or Alternate Delegate resigns or gives notice that he or she is unable to attend a meeting of the Convention, the vacancy shall be filled in accordance with the bylaws of the Congregation. If the bylaws do not specify the manner for filling a vacancy, the member of the clergy in charge of the Congregation or, if there is no member of the clergy in charge of the Congregation available, the wardens shall appoint a replacement. The identity of the replacement immediately shall be provided in writing to the Bishop in a document signed by the member of the clergy in charge of the Congregation, if available, or the wardens, if not, and the secretary of the congregational council.

## **CANON II**

### ***Proceedings of the Convention***

**Section 1. Rules of Order.** The proceedings of the Convention shall be governed by the Constitution and Canons of the Diocese and by Rules of Order for the Convention approved by Diocesan Council and adopted by the Convention. The Rules of Order for the Convention shall be adopted by resolution as the first order of business and shall continue in force for any subsequent meeting of the Convention except as amended by resolution. In all matters not specifically covered by the Constitution and Canons and Rules of Order for the Convention, the functioning and dispatch of business at any Convention shall be governed by Robert's Rules of Order, using the most current and revised edition immediately available to the Convention.

**Section 1. a.** Any congregation in arrears in any amount for the immediately preceding calendar year, or any other preceding year shall be automatically denied the right to voice and vote at the Annual Convention. If the members of the congregation think there are extenuating circumstances giving rise to their arrearage(s) they may request, in writing, to have their extenuating circumstances considered by the Congregation Development Committee. The request shall be made on or before the 15<sup>th</sup> day of April in the year of the convention. Any request not submitted in writing by the deadline shall not be heard by the Congregational Development Committee, the Diocesan Council nor the members of the Convention. The Congregational Development Committee shall hear the request of the congregation and make their recommendation to the Diocesan Council on or before their August meeting. The Diocesan Council shall consider the request and the recommendation of the Congregational Development Committee and make their recommendation regarding voice and vote to the members of the convention prior to the first business of the convention requiring a vote. The decision of the convention shall be final.

**Section 2. Voting. a.** Each Member of Convention entitled to vote shall comply with the following provisions regarding voting:

**1.** On ballots regarding all matters except elections, the Member shall be entitled to cast one (1) vote during each vote taken.

**2.** On a ballot to elect a person to fill an office or position, each Member is entitled to cast one (1) vote for each vacancy. If more than one vacancy for a position is to be filled on the same ballot, the Member may cast one (1) vote for each vacancy, but may not cast more than one (1) vote for a single person standing for election to that position.

**b.** The Presiding Officer of the Convention shall appoint tellers to count the votes taken at a meeting of the Convention. The tellers shall count only the valid votes cast to determine the number of votes cast.

**c.** The vote required to pass any resolution or take other action shall be a simple majority of the votes cast unless the Constitution, Canons, or any applicable Rules of Order require a higher percentage for a particular action.

**Canon II, Section 2. Voting** (Continued)

**d. 1.** The vote required to elect a person to any office or position shall be by the highest number of votes cast for each office, provided that a candidate receives at least a majority of the votes cast.

**2.** When a particular office has more than one position to be filled by election, those candidates receiving the highest number of votes in excess of fifty percent (50%) of the votes cast shall be deemed elected. Unless otherwise specified in the nomination, if the lengths of the terms of service for the vacant positions are not the same, the person with the highest number of votes over fifty percent (50%) shall be elected to the position with the longest term, the person with the next highest number of votes over fifty percent (50%) shall be elected to the position with the next longest term, and so on until all of the positions are filled. Once a position is filled by election, the number of votes on subsequent ballots for remaining positions shall not affect the results of the previous ballots.

**3.** If after the second ballot or subsequent ballots there remains one or more open positions for a particular office because the candidates have not received at least a majority of the votes cast, the positions still vacant may be filled by a plurality vote when authorized prior to the next round of balloting by two-thirds (2/3) of the Members of the Convention present and voting.

**4.** The Convention may conduct other business while the votes for election to offices or positions are being counted; however, balloting may interrupt any other business until all offices or positions are filled. Voting shall continue until all of the offices and positions for which there are nominees are filled.

**5.** This Canon shall not apply to the election of a bishop.

**Section 3. Effective Date. a.** Persons elected to office by the Convention shall take office immediately upon the adjournment of the meeting of the Convention.

**b.** A resolution, including an amendment to the Canons or any other action approved by the Convention, shall be effective immediately unless the language of the resolution, amendment or other action specifies a later time.

**Section 4. Convention Committees.** Subject to the provisions of Diocesan Canon V, Diocesan Council shall appoint the following committees to ensure the orderly transaction of the annual meeting of the Convention and may appoint one or more of these committees for any special meeting of the Convention:

**a.** A Program Committee that is charged with preparing for the efficient conduct of the business of the Convention. Subject to review and approval by Diocesan Council, the Program Committee shall have the responsibility of proposing Rules of Order for the Convention, a preliminary agenda, and developing efficient balloting procedures. The Program Committee members shall include, at a minimum, the Presiding Officer of the Convention or a person appointed by the Presiding Officer to serve as a surrogate, the Secretary of the Convention, a member of the Committee on Constitution and Canons, a member of the Commission on Liturgy and Music, and the person designated by the Bishop to coordinate the events and facilities attendant to the meeting of the Convention. Diocesan Council may appoint such other people to the Program Committee as it deems appropriate.

**Canon II, Section 4. Convention Committees** (Continued)

**b.** A Nominating Committee that is charged with developing a slate of candidates for the various elections that may be held at a meeting of the Convention. The Committee shall be charged with nominating candidates representative of the Diocese. The Committee shall consist of seven (7) persons, one (1) from each deanery, plus the chair, who shall be a clergy Member of Convention or an elector and who shall be named by Diocesan Council.

**1.** No later than seven (7) months prior to the scheduled date of the annual meeting of the Convention, the Committee shall circulate a request to all Congregations and deaneries for names of persons to be nominated to positions to be filled by Convention.

**2.** The Committee shall review the information about the persons identified by the Committee as potential candidates, including all whose names are submitted to the Committee at least ninety (90) days prior to the scheduled date of the annual meeting of the Convention, to determine whether the person has the canonical qualifications to serve. If the person has the canonical qualifications and has agreed to stand for election, the person shall become a candidate.

**3.** The Committee shall report the names of all candidates to the Secretary of the Convention not later than sixty (60) days prior to the scheduled date of the annual meeting of the Convention. In this report the Committee shall include information about the candidates to facilitate an informed choice by the Convention but shall not make any recommendations or endorsements of the candidates.

**4.** Nothing in this Canon shall be construed to prevent candidates from being nominated in other ways as permitted in the Constitution and Canons of this Diocese.

**5.** If one or more elections will be held at a special meeting of the Convention called pursuant to Article IV of the Diocesan Constitution, the Diocesan Council shall establish an appropriate schedule for the Committee to complete the duties described in this Section. This schedule need not comply with the time limits set forth in this Section.

**c.** A Resolutions Committee that is charged with ensuring that proposed resolutions coming before the Convention comply with the requirements of the Constitutions and Canons of the Episcopal Church and this Diocese, are not redundant, and are stated in clear and consistent language. The Committee shall consist of four (4) persons plus the chair, who shall be named by Diocesan Council. The Committee shall consider all proposed resolutions properly coming before the Convention that have been submitted in a timely manner under these Canons and that are not within the responsibility of the Committee on Constitution and Canons. It shall be the duty of the Committee:

**1.** to resolve duplicative or substantially similar proposed resolutions into a single proposed resolution, doing so in consultation with the resolutions' sponsors;

**2.** to make such editorial or stylistic corrections as do not affect the substance of proposed resolutions, doing so in consultation with the resolutions' sponsors to ensure that no distortion of the intended meaning has occurred; and

**3.** to report on proposed resolutions that have been validly submitted to Convention. The report may include the following recommendations:

**Canon II, Section 4.c Convention Committees** (Continued)

**(a)** a recommendation that a proposed resolution be passed; in which case the Committee shall state its reasons;

**(b)** a recommendation that a proposed resolution be defeated, in which case the Committee shall state its reasons;

**(c)** a statement that a proposed resolution will be reported to the floor without comment by the Committee.

**d.** A Credentials Committee, consisting of not fewer than four (4) people, that is responsible for registering all persons attending any meeting of the Convention, assisting the Bishop in determining the applicable level of credentials held by an individual, and making the reports to Convention required in Diocesan Canon I. Members of the Credentials Committee shall be named by Diocesan Council and may include any person deemed suitable by the Council, including employees of the Diocese.

**Section 5. Severability.** Should any of the Canons of this Diocese be found or declared to be invalid or ineffective for any reason, only the provisions specifically found or declared to be invalid or ineffective shall cease to be operative, and the remaining terms and provisions of the Canons shall continue in full force and effect.

## **CANON III**

### ***Secretary of the Convention***

**Section 1.** The duties of the Secretary shall be to take minutes of the proceedings of the Convention; prepare and distribute the Journal of any meeting of the Convention; preserve the Convention's Journals and records; attest the public acts of the body; and faithfully deliver into the hands of a successor all property, moneys, books, and papers relative or belonging to the Diocese that may be in the Secretary's possession. The Secretary shall distribute a copy of the Journal of the Convention to each officer of the Diocese, each chair of a Committee of the Convention, the Diocesan Chancellor and Vice Chancellors, each member of the clergy of the Diocese, each Congregation of the Diocese, and to others who request one in advance. The Journal may be distributed in any format approved by Diocesan Council, including electronic mail or media and conventional publication.

**Section 2.** The Secretary shall transmit to the proper officers a certificate of the election of Deputies to the General Convention and to the Provincial Synod.

**Section 3.** The Secretary shall be responsible for ensuring that each Congregation and each Member of Convention receive at least thirty (30) days' prior notice of the time and place appointed for any meeting of the Convention.

**Section 4.** The Secretary shall perform such other duties as may be incumbent on the office or as may be provided for by the Convention and shall receive such compensation for services as Diocesan Council may determine.

**Section 5.** The Secretary may, with the approval of the Bishop, appoint one or more persons to serve as an Assistant Secretary.

## **CANON IV**

### **Standing Committee**

**Section 1.** The Convention annually shall elect to the Standing Committee the number of members as set forth in this Canon.

**Section 2.** The Standing Committee shall consist of five (5) presbyters and four (4) electors, the term of office of each to be three (3) years. No member, either clergy or lay, shall serve more than two (2) consecutive three (3) year terms. Neither a current member of the Ecclesiastical Trial Court nor a current member of the Diocesan Review Committee shall be eligible for membership on the Standing Committee. Members' terms of office shall be staggered so that the Convention shall elect annually three (3) members of the Standing Committee. Of those three (3), at least one (1) shall be a member of the clergy and at least one (1) shall be a member of the laity.

**Section 3. Qualifications for Office. a.** Clergy members must be Members of Convention with the right to seat, voice and vote pursuant to Diocesan Canon I, Section 1.

**b.** Lay members must be electors of a Congregation and domiciled in the Diocese. A lay member of the Standing Committee is a Member of Convention *ex officio*, without vote. Provided, however, that a lay member who also serves a Congregation as one of its Lay Delegates is entitled to vote at Convention.

**c.** If the formation of an Episcopal Election Committee has been assented to by the Convention pursuant to Diocesan Canon XXI, and a member of the Standing Committee, or a member's spouse, parent or child, permits his or her name to be submitted to the Episcopal Election Committee for consideration as a candidate for bishop as either a nominee or a candidate by petition, the member shall recuse and absent himself or herself from any discussion, deliberation or vote on any matter coming before the Standing Committee that relates to the Episcopal Election Committee or the Convention to Elect a Bishop until the member, or the member's spouse, parent or child, is no longer a possible candidate, or until the duties of the Episcopal Election Committee have ended, whichever occurs first.

**Section 4.** Vacancies in the Committee's membership, occurring by death or otherwise, may be filled by the Committee until the next annual meeting of the Convention, when the vacancy for the remainder of the term shall be filled by election of the Convention, in addition to the elections required under Section 2 of this Canon.

**Section 5.** The Committee, at its first meeting after the annual meeting of the Convention, shall choose a President, Secretary, and other officers from among its members. The Secretary shall keep a full record of all transactions of the Committee and shall maintain all documents submitted to the Committee in the performance of its official duties. Five (5) members of the Committee shall constitute a quorum for the transaction of business after due notice of a meeting is given all members.

**Section 6. 1.** The Standing Committee shall be a council of advice to the Bishop to be summoned by the Bishop whenever its advice is desired; it may of its own accord advise the Bishop when it considers it needful to do so.

**Canon IV, Section 6** (Continued)

2. The records of transactions of the Committee kept by the Secretary, and the documents submitted to the Committee in the performance of its official duties, shall be subject at all times to the examination by the Bishop and the Convention. All other proceedings of the Committee shall be strictly confidential unless the Bishop and the Committee shall determine otherwise.

3. The prior written consent and approval of the Bishop and the Committee are required prior to the conveyance, transfer or encumbrance, in whole or in part, of any interest in any real property that has been designed or used for regular services of worship, whether or not consecrated, and that is owned or controlled by the Diocese, or a Congregation, or a Related Organization.

## **CANON V**

### ***Diocesan Council***

**Section 1.** The Diocesan Council, subject to the provisions of the Constitutions and Canons of the Episcopal Church and this Diocese and the direction of the Convention, shall have oversight of the work of the Diocese, and of such other work as may be submitted to it by the Convention of the Diocese. The Bishop shall be executive head of all such work, and the Council shall assist the Bishop in fulfilling the duties and responsibilities of that office. A lay member of Diocesan Council is a Member of Convention *ex officio*, without vote, provided, however, that a lay member who also serves a Congregation as one of its Lay Delegates is entitled to vote at Convention.

**Section 2.** The Diocesan Council, hereinafter called the Council, shall be the Board of Directors of the Corporation of the Diocese.

**Section 3.** The Council shall be composed of the following:

**a.** The Bishop;

**b.** Any Bishop Coadjutor, any Bishop Suffragan, the President of the Standing Committee, and the Chancellor of the Diocese, *ex officio*;

**c.** One (1) presbyter and two (2) electors, each elected by the Convention for a two (2) year term. The terms shall be staggered so that the presbyter and laypersons are elected on alternate years at the annual meeting of the Convention; and

**d. 1.** one (1) presbyter and one (1) elector from each deanery of the Diocese, who shall be elected at a deanery convocation for a two (2) year term and confirmed by the Convention. The terms shall be staggered so that the deanery elects one (1) person each year.

**2.** If a new deanery is established, a deanery convocation shall be held within one (1) month to elect members to the Council. The initial term of the presbyter shall expire at the next annual meeting of the Convention. The election of the layperson shall be confirmed at the next annual meeting of the Convention, and the term shall expire at the subsequent annual meeting of the Convention.

**e.** If the formation of an Episcopal Election Committee has been assented to by the Convention pursuant to Diocesan Canon XXI, and a member of the Diocesan Council, or a member's spouse, parent or child, permits his or her name to be submitted to the Episcopal Election Committee for consideration as a candidate for bishop as either a nominee or a candidate by petition, the member shall recuse and absent himself or herself from any discussion, deliberation or vote on any matter coming before the Council that relates to the Episcopal Election Committee or the Convention to Elect a Bishop until the member, or the member's spouse, parent or child, is no longer a possible candidate or until the duties of the Episcopal Election Committee have ended, whichever occurs first.

**Section 4. a.** The Officers of the Diocese shall be the Bishop as President, with any Bishop Coadjutor, any Bishop Suffragan, and the President of the Standing Committee as Vice-President(s). All other officers of the corporation shall be elected by the Council. In the

**Canon V, Section 4.a** (Continued)

absence of the President and Vice-President(s), the Council shall elect one of its members to preside *pro tempore*. Any and all actions shall be by majority vote of a quorum, which shall consist of one (1) more than one-half (1/2) of the qualified voting members of the Council.

**b.** At its first meeting after the annual meeting of the Convention, Council shall choose a Secretary who may be, but need not be, a member of the Council. The Secretary is responsible for maintaining all of the documents submitted to or generated by the Council, and shall keep a full record of all transactions of the Council and its committees. The records of the Council, and all papers officially in its possession, shall be subject at all times to the examination by the Bishop and the Convention.

**Section 5.** Each year each of the deaneries and the Convention shall elect a successor to the Council member whose term of office has expired. An elected member may serve no more than three (3) consecutive terms. Any election to fill an unexpired term shall, for calculation to fill an additional term, be counted as a full term. The Council shall fill any vacancy of members elected by the Convention until the next annual meeting of the Convention, unless the seat becomes vacant fewer than six (6) months prior to the scheduled date of the annual meeting of the Convention of the year in which the term expires, in which case Council may, but is not required to, fill the vacancy. A deanery shall hold a convocation to elect a person to fill any vacancy of a member elected by the deanery, unless the seat becomes vacant fewer than six (6) months prior scheduled date of the annual meeting of the Convention of the year in which the term expires, in which case the deanery convocation may, but is not required to, fill the vacancy. Any vacancy filled by a deanery convocation shall be confirmed at the next annual meeting of the Convention.

**Section 6.** At the first meeting of the Council following the annual meeting of the Convention, the Council shall meet to organize, elect necessary officers, appoint all necessary committees or agencies to implement the work of the Convention of the Diocese, and fulfill any special mandates or commissions of the Convention. The Council shall meet thereafter at least quarterly. Special meetings may be called by the Bishop or shall be called upon the request of any seven (7) members of the Council. No elected members of the Council may serve at the same time on either the Standing Committee or the Congregational Development Committee.

**Section 7. Reports to the Convention. a.** At least ten (10) days prior to the scheduled date of the annual meeting of the Convention, the Council shall submit the following reports to the Bishop, the Secretary of the Convention, every clergy Member of Convention, and the secretaries of the congregational councils of every Congregation:

1. an audited financial statement of the affairs of the Diocese for the past year, and
2. a proposed budget for the Diocese, and
3. a schedule showing the proposed apportionment against each Congregation to meet the cost of the proposed budget, and
4. a report of the activities of the Council for the preceding year, and
5. an analysis of the annual reports of the Congregations as made on the form required by the General Convention of the Episcopal Church.

**Canon V** (Continued)

**Section 8. Committees of the Council. a.** The Council shall establish committees as deemed necessary for the execution of its responsibilities. It may enlist the aid of persons not members of the Council to serve on any committee or assist in the performance of any function of the Council. The power of any committee or functionary shall be subject to and limited to the authority of the Council. With the approval of the Convention, the Council may form legal entities to assist the Council in its work and to manage funds, real property, personal property, intangible property, trusts, and to perform any other responsibilities for which the Council is accountable, such entities to have only managerial powers with all actions subject to the formal approval of the Council.

**b.** The Council shall form the following committees:

**1.** a Diocesan Finance Committee, which shall be charged with monitoring the fiscal operations of the Diocese and reporting on them to the Council with any recommendations the Committee deems advisable. The Council may choose a Treasurer, who may be, but need not be, a member of the Council, to serve on the Diocesan Finance Committee and perform such other duties for the Diocese as assigned by the Council, and

**2.** the Convention committees as provided in Diocesan Canon II.

**Section 9.** Only the Council, acting upon recommendation by the Congregational Development Committee, shall have the authority to amend, modify, or suspend any apportionments placed on Congregations.

**Section 10.** The prior written consent and approval of the Bishop and Diocesan Council are required prior to the conveyance, transfer or encumbrance, in whole or in part, of any interest in any real property owned or controlled by the Diocese, a Congregation, or a Related Organization.

**Section 11.** A Registrar shall be appointed by the Bishop and shall serve as an Assistant Secretary of the Council, without vote. In addition to the duties required by the Constitution, the Registrar shall keep the following information, which shall be made available to the Council upon request:

**a.** a register listing the clergy who are canonically resident in the Diocese, those received and transferred, those ordained, and those suspended or deposed;

**b.** a register of persons confirmed or received from other Communions;

**c.** a record of marital judgments and of persons readmitted to the Sacraments in accordance with the provisions of the Constitution and Canons of the General Convention of the Episcopal Church.

**Section 12.** The Council shall elect representatives of the Diocese, who shall be clergy Members of Convention in active service or electors of a Congregation, to:

**a.** the Synod of Province IV; and

**Canon V, Section 12** (Continued)

**b.** any other corporation, institution, organization, or other body with whom the convention of the Diocese recognizes an official relationship calling for representation from this Diocese, unless election by Convention is required by the Constitution or Canons.

**Section 13.** The administration of the affairs of the Church Pension Fund in this Diocese shall be the responsibility of Diocesan Council, which shall ensure the performance of all necessary duties in accordance with the rules of the Church Pension Fund.

**Section 14.** Subject to the approval of the Diocesan Council, the Bishop may appoint such Canons, Archdeacons, fiscal officers, assistants, aides, secretaries and other diocesan staff as may be needed to tend to the administration of the Diocese.

## **CANON VI**

### **Clergy**

**Section 1. a.** The member of the clergy in charge of a Congregation in the Diocese shall be either:

1. duly licensed and ordained as a presbyter pursuant to the provisions of the Constitution and Canons of the General Convention of the Episcopal Church and be in good standing in the Episcopal Church; or

2. a member of the clergy who is an ordained presbyter in good standing with a denomination with which the Episcopal Church has an agreement for the exchange of clergy.

**b.** The member of the clergy in charge of a Congregation has full authority over and responsibility for all matters specified in Title III of the Canons of the Episcopal Church, as amended, including, but not limited to:

1. pastoral care;

2. worship and music,

3. Congregational programs;

4. charring meetings of the Congregation and the congregational council;

5. supervising, hiring and dismissing staff;

6. the spiritual direction and control of all church schools, parish schools, and all other associations and Related Organizations connected with the Congregation;

7. ensuring compliance with the requirements regarding licensed ministries as provided in the Canons of the Episcopal Church; and

8. decoration of the Congregation's property and facilities.

**c.** During any planned absence of the member of the clergy in charge, it is the responsibility of the member of the clergy in charge to arrange for coverage of the Congregation's regularly-scheduled services and other needs for pastoral care. If the member of the clergy in charge is paid wholly or in part by the Diocese, the approval of the Bishop must be received in advance of any absences that are in addition to, or longer than, those specified in any contract or letter of agreement entered into with the member of the clergy in charge.

**d.** The member of the clergy in charge shall be subject to the rubrics of the Book of Common Prayer, the Constitutions and Canons of the Episcopal Church and the Diocese, the pastoral direction of the Bishop, and the laws of the State of Florida.

**e.** The member of the clergy in charge shall have a written agreement with the Congregation governing the relationship between the member of the clergy in charge and the Congregation. The written agreement shall specifically indicate the title and status of the member of the clergy in charge, in accordance with Section 2 of this Canon.

**Section 2.** The written agreement and relationship between a Congregation and member of the clergy in charge shall specify the title of the member of the clergy in charge in accordance with the following:

**a. Rector of a parish:** a presbyter who is elected by the congregational council of a parish in accordance with this Canon. A rector shall serve on a permanent basis; any termination of the

**Canon VI, Section 2.a** (Continued)

pastoral relationship must be in accordance with the provisions of Title III of the Canons of the Episcopal Church, as amended.

**b. Vicar of a mission:** a presbyter who is appointed by the Bishop with charge and responsibility for a mission. A vicar is eligible to become the rector when the mission becomes a parish.

**c. Pastor of a parish:** a presbyter who enters an agreement between the congregational council of a parish and the Bishop. A pastor is elected by the congregational council to serve for a specified period of time, which may be renewed upon mutual agreement of all three parties for another specified period of time. The pastoral relationship may be terminated prior to the end of the specified period of time only with the consent of two out of the three parties. A pastor is eligible to become the rector.

**d. Priest-in-charge:** a presbyter who may be either of the following:

1. A person appointed temporarily by the Bishop under the provisions of Diocesan Canon IX. An appointment under Canon IX shall be for up to one (1) year, and the person appointed is eligible to become a priest-in-charge by agreement as specified in the next paragraph.

2. A person who enters a written agreement between the congregational council of a parish and the Bishop to serve as a long-term interim, with a contract of one to three years, which may be renewed upon mutual agreement of all three parties for another specified period of time. A priest-in-charge is eligible to become the pastor or rector only if such a provision is agreed upon in the initial written agreement with the Congregation.

**e. Interim pastor:** a presbyter who is trained for interim ministry who enters a contract with the congregational council of a parish to serve for one (1) year, which may be renewed upon mutual agreement for another year while a search is being conducted. An interim pastor shall have a written agreement specifying the person's roles and responsibilities. With the Bishop's approval, the interim pastor may become the priest-in-charge, but under no circumstances can the interim pastor become the pastor or rector of that Congregation.

**Section 3. Consociate Clergy.** In a Joint Congregation, formed in accordance with these Canons, the Congregation may call a person to serve as consociate clergy, who may be a bishop or presbyter in good standing with the Episcopal Church or a denomination with which the Episcopal Church has an agreement for the exchange of clergy. Consociate clergy shall be called and appointed utilizing the same search process used for a rector; shall serve independently on a permanent basis; shall be considered to be the member of the clergy in charge as that term is used in the Constitution and Canons of the Diocese with regard to those rights, duties and responsibilities of the Joint Congregation that relate to the Diocese or the Episcopal Church; and shall not be considered an assistant pursuant to the Canons of the Episcopal Church, as amended. Consociate clergy are subject only to the Bishop or the equivalent judicatory authority of the denomination which ordained and supervises the consociate. Consociate clergy shall have the same rights and duties as set forth in Section 1 of this Canon.

**Canon VI** (Continued)

**Section 4. a.** The member of the clergy in charge of any Congregation is, *ex officio*, a member of the Congregation's congregational council and has the right to vote at all meetings. The member of the clergy in charge, or another member of the Congregation's congregational council designated by the member of the clergy in charge, shall preside at all the meetings of the Congregation's congregational council and at the annual meeting and special meetings of the Congregation.

**b.** Clergy Members of Convention have the right to attend and vote at all meetings of the Congregation which they serve.

**c.** Clergy Members of Convention who are not in charge of a congregation may be granted the right to vote at meetings of the congregational council if this right is granted in the bylaws of the Congregation which they serve.

**Section 5. a.** In accordance with the Constitution and Canons of the Episcopal Church, the member of the clergy in charge of a Congregation may appoint one or more assistant clergy. Assistant clergy may be bishops, presbyters, deacons, diaconal ministers, or other members of the clergy in good standing with the Episcopal Church or a denomination with which the Episcopal Church has an agreement for the exchange of clergy. Assistant clergy shall serve at the pleasure of the member of the clergy in charge, who shall be responsible for their supervision. The assistant clergy shall have a written agreement with the Congregation governing the relationship between the assistant clergy and the Congregation.

**b.** The member of the clergy in charge of a Congregation may appoint one or more persons in good standing with any nationally recognized Christian denomination, whether in active service or retired, to serve a Congregation to provide assistance with specific, limited ministries such as visitation, education, counseling or other support of the duties of the clergy. Ministerial clergy may serve with or without remuneration or reimbursement of expenses and shall serve at the pleasure of the member of the clergy in charge, who shall be responsible for their supervision. Ministerial clergy who are not ordained and licensed as a bishop, presbyter or deacon, or diaconal minister, or other member of the clergy in the Episcopal Church or in a denomination with which the Episcopal Church has an agreement for the exchange of clergy must be licensed by the Bishop prior to undertaking any of the functions or ministries specified in the Constitution and Canons of the Episcopal Church as requiring licensure. All clergy appointed under this provision shall have a written agreement with the Congregation governing the relationship between the clergyperson and the Congregation.

**c.** Clergy who are on the supply lists of the Diocese may be engaged to provide pastoral services on an occasional basis. With the prior approval of the Diocese, a Congregation may engage the services of clergy on supply lists maintained by a denomination with which the Episcopal Church has an agreement for the exchange of clergy.

**Section 6. a.** No person may serve a Congregation as clergy of any kind without the prior approval of the Bishop in accordance with the Constitutions and Canons of the Episcopal Church and of this Diocese.

**b.** In the event a Congregation desires to call a rector, pastor, interim or consociate clergy, the Congregation's congregational council shall notify the Bishop and comply with the requirements of the Constitutions and Canons of the Episcopal Church and this Diocese. The

**Canon VI, Section 6.b.** (Continued)

Congregation's congregational council and the Diocese shall develop a mutually acceptable plan for calling a person to the position.

**c.** In the event a Joint Congregation desires to call a rector, pastor or consociate clergy, the Congregation shall notify the Bishop and the equivalent judicatory authority of the other denomination, and comply with the requirements of the Constitutions and Canons of the Episcopal Church and this Diocese and the governing provisions of the other denomination. The Joint Congregation, the Diocese, and the equivalent authority of the other denomination shall develop a mutually acceptable plan for calling a person to the position.

## **CANON VII**

### **Congregational Governance**

**Section 1. Annual Meeting.** A Congregation shall hold an annual meeting every year. Unless otherwise specified in the Congregation's bylaws, the annual meeting of the Congregation shall be within one hundred twenty (120) days before or on the twenty-eighth (28<sup>th</sup>) day of February.

**Section 2. Bylaws. a.** A Congregation may adopt bylaws for the governance of the affairs of the Congregation. Bylaws that conflict with the provisions of the Constitution or Canons of the Episcopal Church shall be void. Unless these Canons grant specific authority to the Congregation to adopt an alternative provision, bylaws that conflict with the provisions of the Constitution or Canons of this Diocese shall be void. Should any of the bylaws of a Congregation be found or declared to be invalid or ineffective for any reason, only the provisions specifically found or declared to be invalid or ineffective shall cease to be operative, and the remaining terms and provisions of the bylaws shall continue in full force and effect.

**b.** A two-thirds (2/3) majority vote of the members of the Congregation present at a properly called and convened congregational meeting is necessary to adopt, amend or repeal any congregational bylaw, unless the bylaws of the Congregation impose a different requirement, in which case the bylaws of the Congregation shall govern.

**c.** Unless and until a Congregation adopts bylaws in accordance with this Canon, the provisions of these Canons shall govern the affairs of the Congregation.

**Section 3. Electors. a.** As used in these Canons, an elector is a lay communicant member of a Congregation who is sixteen (16) years of age or over, whose name is duly enrolled as such in the Register of the Congregation, who is regular in attendance at divine services, and who makes stated contributions of record to the general support of the Congregation. A qualified elector of a Congregation is entitled to vote in all congregational elections and on all matters that come before the Congregation for a vote.

**b.** The vote of no person shall be questioned unless his or her right to vote shall be first challenged by a qualified elector. The bylaws of the Congregation shall provide that, in the event of such challenge, the right of such person shall be passed upon by an independent Qualifications Committee. If the Congregation's bylaws do not otherwise specify, the Qualifications Committee shall consist of three (3) electors appointed by the member of the clergy in charge, or in the event there is no member of the clergy in charge, by the congregational council, and the findings of the Qualifications Committee shall be final and binding.

**Section 4. Congregational Council. a.** Each Congregation shall have a congregational council, which may be called a vestry or board of trustees or similar name, according to the choice of the Congregation. To be qualified to serve on the congregational council, a person must be an elector of the Congregation and eighteen (18) years of age or older.

**b.** The Congregation's bylaws shall specify the number of persons serving on the congregational council, which must consist of at least five (5) electors. A majority of the members of the congregational council must be selected by the Congregation.

**Canon VII, Section 4** (Continued)

**c.** The Congregation's bylaws shall specify the manner the Congregation will use to select persons to serve on the congregational council and as lay Members of Convention. Unless otherwise provided in the bylaws, selection shall be by election by a majority vote of the members of the Congregation present at a properly called and convened congregational meeting.

**d.** The Congregation's bylaws shall provide for the orderly succession of persons serving on the congregational council. The bylaws shall provide that those elected to the congregational council shall continue in office until their successors are elected and qualified. The bylaws shall provide for staggered terms of service so that approximately the same number of terms on the congregational council are filled each year in rotation, and that no one person shall remain a member of the congregational council for more than six (6) consecutive years. If a person has served on the congregational council for any portion of six (6) of the previous seven (7) years, the person is not eligible to serve as a member of the congregational council for one (1) year.

**e. Wardens.** The Congregation's bylaws shall provide for the selection of wardens of the Congregation. The Congregation's bylaws shall provide that the term of office for the wardens is one (1) year, and that a person may not serve as a warden for more than three (3) consecutive terms. Unless otherwise provided in the bylaws, the selection of wardens shall take place at the first meeting of the congregational council after a congregation's annual meeting, as follows:

**1.** The member of the clergy in charge shall appoint one (1) member of the congregational council to serve as the Senior Warden. If the Congregation does not have a member of the clergy in charge, the members of the congregational council shall select the Senior Warden in the same manner as it selects the Junior Warden.

**2.** The members of the congregational council shall select one (1) member of the congregational council to serve as the Junior Warden. Unless otherwise provided in the bylaws, the selection of the Junior Warden shall be by majority vote of the members of the congregational council.

**f. Officers. 1.** The congregational council shall annually select a secretary, who need not be a member of the Congregation. The secretary shall ensure that the minutes of congregational council's proceedings are taken and reported, attest to the public acts of the congregational council, preserve all records and papers belonging to the Congregation, perform such other duties as shall be legally assigned, and faithfully deliver into the hands of a successor all books and documents of the Congregation that may be in the secretary's possession.

**2.** The congregational council shall annually select a treasurer, who need not be a member of the Congregation, to perform the duties incumbent upon that office. The treasurer shall furnish a bond of suitable amount. The books and accounts shall be audited annually and at any other time the congregational council may direct. The offices of secretary and treasurer may both be held by the same person.

**g.** The congregational council shall hold an annual meeting every year. Unless otherwise specified in the Congregation's bylaws, the annual meeting of the congregational council shall be held within two (2) weeks after the annual meeting of the Congregation. In accordance with

**Canon VII, Section 4.g.** (Continued)

the Congregation's bylaws and this Canon, at its annual meeting the congregational council shall turn over the affairs of the Congregation to the congregational council with its newly selected members.

**h.** The congregational council may hold other meetings at the times specified in the Congregation's bylaws. In all cases, a meeting may be called by the member of the clergy in charge or the Senior Warden. Unless a different number is specified in the Congregation's bylaws, a meeting of the congregational council may also be called at the joint request of two (2) or 25 percent (25%) of the congregational council's members, whichever is the greater number. In the case of a Joint Congregation, consociate clergy may also call a meeting of the congregational council. In the sole discretion of the Bishop, the Bishop may at any time call a meeting of the congregational council of any Congregation and preside at such meeting.

**Section 5. Responsibilities of the congregational council. a.** It shall be the duty of the wardens and congregational council to protect the properties of the Congregation and to see that all things needed for the orderly worship of God and for the administration of the Sacraments and Ordinances of the Church be provided. Unless otherwise provided in the Congregation's bylaws, in the absence of the member of the clergy in charge, or at the request of the member of the clergy in charge, the Senior Warden shall preside at the meetings of the congregational council and, in the absence of both, the Junior Warden shall preside.

**b.** It shall be the duty of the congregational council to take charge of the real and personal properties of the Congregation and keep the same fully insured, to provide for the remuneration and reimbursement of the clergy and other ministers and employees serving the Congregation, to prepare a budget providing for the necessary requirements and expenditures of the Congregation, to regulate all its temporal concerns, to keep order in the church during the celebration of Divine worship, and, in general, to act as helpers in whatever is appropriate to laypersons for the furtherance of the Church's welfare.

## **CANON VIII**

### ***Congregational Registers and Reports***

**Section 1.** Every Congregation shall maintain a register in which the member of the clergy in charge of the Congregation, or, if there be none, one of the wardens, shall cause to be recorded:

**a.** Any baptism administered in the Congregation, including the name and date of birth of each person baptized; and, if a child, the names of the child's parents and sponsors.

**b.** Any celebration and blessing of a marriage and any blessing of a civil marriage performed in the Congregation, including the date, names and addresses of the persons being married or whose civil marriage is being blessed, and the names and addresses of the witnesses to the marriage.

**c.** Any funeral or memorial service conducted in the Congregation or for a member of the Congregation, including the date and place of the service and, if known, the date and place of the burial.

**d.** The person performing each of the offices or services listed above shall sign the register entry recording the event.

**Section 2.** Every Congregation shall maintain a record of the following, which may be maintained in electronic form:

**a.** All services held in the Congregation, which record shall show the date, time, place, and kind of service held, the number of persons present, and the name or names of those officiating or preaching at the service.

**b.** A list of all communicants in the Congregation.

**Section 3.** No later than March 1 of each year, the Congregation shall file an annual report with the Diocese that is signed by the member of the clergy in charge, if any, the secretary of the congregational council, the Senior Warden, the Junior Warden, and the treasurer of the Congregation. The Congregation's annual report to the Diocese shall include the information as indicated below:

**a.** a copy of the parochial report filed pursuant to Title I.6 of the Canons of the Episcopal Church, as amended; and

**b.** a statement as to whether the premiums for the preceding fiscal year to the Church Pension Fund on account of the clergy of the Congregation have been fully paid; and

**c.** a list of the persons selected to serve on the congregational council for the following year, indicating the names of the persons selected to serve as Senior Warden, Junior Warden, secretary, treasurer or member of the congregational council, together with a list of the persons selected to serve as Lay Delegates and Alternate Delegates to the Convention; and

**Canon VIII, Section 3** (Continued)

**d.** a statement as to whether the diocesan apportionment(s) for the preceding calendar year have been fully paid; and

**e.** a statement as to the amount of insurance coverage the Congregation has on its real and personal property, and the name of the insurance carrier; and

**f.** any other information requested by the Bishop, Diocesan Council, Standing Committee or Congregational Development Committee, if the information is requested on or before January 15<sup>th</sup> of the year the annual report to the Diocese is to be filed, and

**g.** if available, the annual audit for the previous year required by Diocesan Canon XIV; and

**h.** for the purpose of enabling the Diocese to provide appropriate assistance to Congregations, an explanation of any problems, irregularities or delays the Congregation has experienced in complying with its canonical obligations.

**Section 4.** A Congregation has the affirmative duty of notifying the Diocese of any problems, irregularities or delays the Congregation is experiencing that are not of a temporary nature, including, but not limited to, any time the Congregation, for a period of three (3) consecutive months:

**a.** is unable to meet its financial obligations, including provision for its clergy or other ministers or employees, or payment to the Church Pension Fund; or

**b.** is unable to pay its apportionment to the diocese; or

**c.** has a mid-cycle turnover in leadership of more than forty percent (40%) of the persons serving on the congregational council of the Congregation; or

**d.** is unable to complete an audit that complies with the requirements of Diocesan Canon XIV.

## **CANON IX**

### **Congregations**

**Section 1. Definition of a Congregation.** As used in these Canons, a Congregation is a community of faith that:

**a.** accedes to the Doctrine, Discipline, and Worship of the Episcopal Church, to the Constitution and Canons set forth by General Convention without exception, amendment, proviso or addition, and to the Constitution and Canons of this Diocese without exception, amendment, proviso or addition; and

**b.** acknowledges and undertakes the responsibility of providing for the remuneration and reimbursement of its clergy, other ministers, and employees; its apportioned share of funding the Program and Budget as agreed at the Convention of the Diocese; the pension premiums for its clergy, and such other expenses as may be normally encountered in the operation of a Congregation; and

**c.** has been accepted as a Member of the Diocese by the Members of Convention pursuant to the Constitution and Canons of the Diocese.

**Section 2. a. Parishes and missions.** As used in the Constitution and Canons of this Diocese, the types of Congregations are as follows:

**1.** A parish is a Congregation that is financially stable and self-sustaining and able to comply with the provisions of Section 1, paragraph b, of this Canon, and that has an average Sunday attendance of at least fifty (50) people. Subject to the provisions of Section 1, paragraph a. of this Canon, a parish has the right to govern its own affairs and call a rector to serve the Congregation.

**2.** A mission is a Congregation that has an average Sunday attendance of at least fifty (50) people and that is under the direct authority of the Bishop.

**b.** A mission that desires to become a parish shall make application to the Congregational Development Committee that includes the following:

**1.** a resolution passed by the congregational council of the mission approving the submission of the application; and

**2.** an income statement, balance sheet, cash flow analysis, and any other financial information requested by the Committee, Diocesan Council or the Bishop that demonstrates the ability of the mission to be financially stable and self-sustaining and able to comply with the provisions of Section 1, paragraph b, of this Canon; and

**3.** a narrative history of the worshiping community, including information on the lay leadership and average Sunday attendance, as well as any other information requested by the Committee, Diocesan Council or the Bishop.

**Canon IX, Section 2.b.** (Continued)

**4.** The Congregational Development Committee shall review the application and undertake any investigation it deems advisable. The Committee shall make a recommendation on the application to Diocesan Council and the Bishop, stating the reasons for the recommendation.

**5.** If the application is approved by both Diocesan Council and the Bishop at least thirty (30) days prior to the next scheduled meeting of the Convention, the application shall be considered for approval at that meeting of the Convention. Otherwise, the application shall be considered at the next meeting of the Convention.

**c.** A Congregation's status may be changed from that of a parish to that of a mission only in accordance with Section 6 of this Canon.

**Section 3. Application to become a Congregation. a.** A worshipping community that desires to become a Congregation shall submit an application to the Congregational Development Committee that includes the following:

**1.** a resolution passed by the people affiliated with the worshipping community undertaking the affirmations in Section 1, paragraphs a and b; and stating whether the application is to become a parish or a mission; and

**2.** an income statement, balance sheet, cash flow analysis, and any other financial information requested by the Committee, Diocesan Council, or the Bishop; and

**3.** a narrative history of the worshipping community, including information on the leadership and average Sunday attendance, as well as any other information requested by the Committee, Diocesan Council or the Bishop; and

**4.** a draft of the articles of incorporation to be filed with the State of Florida, or, if an existing corporate entity will be used, a copy of its articles of incorporation and any other incorporation documents, including any amendments, which have been filed with the State of Florida, and any proposed amendments to the corporate filings.

**b.** The Congregational Development Committee shall review the application and undertake any investigation it deems advisable, including consultation with any Congregations of this Diocese near the applicant. The Committee shall make a recommendation on the application and articles of incorporation to Diocesan Council and the Bishop. If the application and articles of incorporation are approved by Diocesan Council and the Bishop, the application shall be submitted to the Convention for approval. If the Convention votes to approve the application and accept the applicant as a member of the Diocese, within fifteen (15) days the new Congregation shall file with the State of Florida its articles of incorporation or any proposed amendments to its existing articles of incorporation.

**Section 4.** If a Congregation believes its mission would be better served by moving to a new location or operating an additional facility in a new location, the Congregation shall submit a proposal to the Congregational Development Committee. The Committee shall consult with the Congregation to ensure the proposal is fiscally and programmatically sound, and that any other Congregations of this Diocese within ten (10) miles have been given adequate opportunity to comment on the proposal. The Committee shall make a recommendation regarding the proposal to Diocesan Council and the Bishop, which shall have final authority over whether to

**Canon IX, Section 4.** (Continued)

approve the proposal. This provision does not require a Congregation to obtain prior approval for temporary or occasional use of facilities.

**Section 5. Joint Congregations. a.** With the prior approval of the Bishop and the Diocesan Council, a Congregation may enter into an agreement for joint ministry with a worshipping community affiliated with a denomination with which the Episcopal Church is in full communion. The agreement for joint ministry may range from routine sharing of facilities to full corporate merger. Each proposal for joint ministry shall be negotiated separately in accordance with the Constitution and Canons of the Episcopal Church and the governing provisions of the denomination of the other worshipping community.

**b.** A Congregation that has entered into an agreement for joint ministry pursuant to this Canon shall retain its membership in the convention with all of the same rights, privileges, responsibilities and duties.

**c.** A worshipping community that desires to become a Member of the Diocese as a joint congregation also affiliated with another denomination with which the Episcopal Church is in full communion shall simultaneously comply with Sections 2 and 4 of this Canon.

**Section 6. Congregational support. a.** The Bishop and Diocesan Council are responsible for monitoring the general state of affairs of the Congregations of the Diocese and to provide appropriate resources, assistance, guidance, oversight and support to all Congregations. This may be of any type approved by the Bishop, including, but not limited to, consultation, mediation, financial assistance provided in accordance with this Canon, deployment of deacons, temporary assignment of clergy or a lay minister, and, in the case of a mission, the removal or replacement of one or more members of the congregational council.

**b.** The Bishop, with the concurrence of two-thirds (2/3) of Diocesan Council, shall make a referral to the Congregational Development Committee for appropriate analysis, recommendation and advice when the Bishop becomes aware that a Congregation may need extraordinary assistance, guidance or support, based on:

- 1.** information received in an annual or special report received pursuant to Diocesan Canon VIII; or
- 2.** information received in a statement from the member of the clergy in charge, warden, or congregational council of the Congregation, whether written, oral, electronic, or other form; or
- 3.** a failure to file required reports with, or failure to pay its apportionment to, the Diocese in a timely manner; or
- 4.** a failure or refusal to comply with the terms of a judgment rendered according to the provisions of Title III of the Canons of the Episcopal Church, as amended, relating to the pastoral relationship between the member of the clergy in charge and the Congregation or congregational council; or
- 5.** under exceptional circumstances as determined by the Bishop.

**Canon IX, Section 6.** (Continued)

**c.** Any Congregation that fails to file an annual audit by the deadline specified in Diocesan Canon XIV, or pay its full year's apportionment within thirty (30) days after the final annual due date, shall be referred by the Bishop to the Congregational Development Committee without the concurrence of Diocesan Council.

**d.** Upon receiving a referral, the Congregational Development Committee shall undertake an inquiry to determine the condition of the Congregation, the background and causes for its current situation. The Committee shall make a report to the Bishop and Diocesan Council regarding its analysis and recommendations to resolve the issues facing the Congregation.

**e.** If the recommendation of the Congregational Development Committee is that a referred Congregation receive financial assistance or extraordinary supervision from the Diocese in order to continue operating in accordance with the Constitution and Canons of the Episcopal Church or of this Diocese, and the Bishop and Diocesan Council both approve the recommendation, the Congregation, whether a parish or a mission, shall be considered a Supervised Congregation until Diocesan Council removes the designation.

**1.** A Supervised Congregation shall be under the guidance of the Congregational Development Committee and the Bishop on a year-by-year basis, as determined and approved by Diocesan Council. During this period, the Committee shall consult with and guide the Supervised Congregation in all facets of its mission, including its leadership and fiscal stability, and any other considerations, with the mutual goal of enabling the Supervised Congregation to become financially stable, self-supporting, and able to operate in accordance with the Constitution and Canons of the Episcopal Church and of this Diocese. During this period, a Supervised Congregation receiving financial assistance from the Diocese is not to be assessed an apportionment share, although the discipline of tithing to the Diocese is to be encouraged.

**2.** The Bishop shall have the primary responsibility for oversight over all Supervised Congregations. If the Supervised Congregation does not have a member of the clergy in charge of it, the Bishop shall have the authority to appoint a priest-in-charge or a lay minister to serve the Congregation temporarily and, in the Bishop's sole discretion, to remove any appointed person.

**3.** With the prior approval of the Bishop and Diocesan Council, a Supervised Congregation, in consultation with the Congregational Development Committee, may call a person to serve as the member of the clergy to be in charge of the Congregation, using the usual Diocesan call process. The stipend and other compensation of a member of the clergy or a lay minister appointed or called to serve a Supervised Congregation, as well as any other financial assistance deemed advisable, shall be established by the Bishop and approved by Diocesan Council in consultation with the Congregational Development Committee.

**4.** The term Financial Assistance, as used in this Canon, does not include any diocesan or other funds awarded, granted or otherwise given to a Congregation, that were not part of the analysis and recommendation of the Congregational Development Committee made pursuant to this Canon.

**5.** A Supervised Congregation may be removed from that status upon the recommendation of the Congregational Development Committee and the approval of Diocesan Council and the Bishop.

**Canon IX, Section 6.** (Continued)

**f.** Upon approval of Diocesan Council and the Bishop, the status of a parish may be changed to that of a mission if the parish has been a Supervised Congregation for at least the three (3) prior consecutive years and the Congregational Development Committee reports that it is not likely that within the next six (6) months the Congregation will become financially stable, self-supporting, and able to operate in accordance with the Constitution and Canons of the Episcopal Church and of this Diocese. An affirmative vote of two-thirds (2/3) of the Members of Convention voting at a meeting of the Convention shall be necessary to change the status of the parish to a mission.

**Section 7. Suspension or dissolution of a Congregation. a.** A Congregation may be suspended from membership in the Convention, or its membership in the Convention may be terminated and dissolved, only upon an affirmative vote by two-thirds (2/3) of the members of Diocesan Council and ratified by an affirmative vote by two-thirds (2/3) of the Members of Convention voting at a meeting of the Convention, and based only on grounds provided in this Canon.

**b.** Grounds for suspension or termination of membership in the Convention are:

**1.** a Congregation requests suspension or termination of membership in the Convention by a vote of two-thirds (2/3) of the members of record of the Congregation in a properly called and convened congregational meeting; or

**2.** the Congregational Development Committee recommends suspension or termination of a Supervised Congregation's membership in the Convention because that Congregation is unable to become stable and self-sustaining, or because it is unable to operate in accordance with the Constitution and Canons of the Episcopal Church and of this Diocese, and that suspending or terminating the congregation's membership is in the best interests of the mission of the Diocese; or

**3.** a Congregation, in a duly called and convened congregational meeting, votes to rescind its accession to the Doctrine, Discipline, and Worship of the Episcopal Church, or to the Constitution and Canons set forth by General Convention without exception, amendment, proviso or addition, or to the Constitution and Canons of this Diocese without exception, amendment, proviso or addition.

**c.** The title to all real and personal property of a Congregation whose membership in the Convention has been suspended, or terminated and dissolved, shall immediately vest in the Diocese.

## **CANON X**

### ***Associated Worshiping Communities***

**Section 1.** To encourage new church plantings and the creation of innovative fellowships to engage in the mission and ministry of the Church, any group of at least twelve (12) persons may apply to the Congregational Development Committee to form an Associated Worshiping Community.

**Section 2.** In the application to the Congregational Development Committee, the persons forming the Associated Worshiping Community shall affirm that: they accede to the doctrine, discipline and worship of the Episcopal Church; to the Constitution and Canons set forth by General Convention without exception, amendment, proviso or addition; and they submit to the authority of the Diocese and its Constitution and Canons without exception, amendment, proviso or addition.

**Section 3.** Prior to providing its consent and support, the Congregational Development Committee shall consult with at least one (1) Congregation geographically close to the applicant, and must consult with any Congregations of the Diocese located within ten (10) miles of the applicant's proposed primary location for worship. This consultation shall be for the purposes of determining the ways that an existing Congregation might support the Associated Worshiping Community with prayer, resources and fellowship. The application of the Associated Worshiping Community shall be approved provided it receives the positive recommendation of the Congregational Development Committee, and the approval of the Bishop, Diocesan Council, and at least one (1) of the Congregations with which the Congregational Development Committee consulted during the application process.

**Section 4.** The Bishop shall report to the annual meeting of the Convention regarding the Associated Worshiping Communities that have been formed during the previous year, and the nature of the ministry of each.

**Section 5. a.** An Associated Worshiping Community shall be under the direction of the Congregational Development Committee and the Bishop for five (5) years. During this period, the Congregational Development Committee shall consult with and guide the Associated Worshiping Community in its mission and ministry, including the choice of a name, formation of a congregational council, fiscal stability, and any other considerations, with the mutual goal of enabling the associated worshiping community to become a Congregation. During the five (5) year period, the Associated Worshiping Community is not to be assessed an apportionment share, although the discipline of tithing to the Diocese is to be encouraged.

**b.** If the Associated Worshiping Community has not become a Congregation at the end of five (5) years, the Congregational Development Committee shall make a recommendation to the Bishop and Diocesan Council as to whether the Associated Worshiping Community should remain in that status on a year-to-year basis, become a supervised congregation, or should have its relationship with the Diocese terminated. The determination as to the status of the Associated Worshiping Community shall then be made by the Bishop with the approval of Diocesan Council.

**Canon X** (Continued)

**Section 6.** The Bishop shall be in charge of and have the primary responsibility for oversight over all Associated Worshiping Communities, with authority to appoint a member of the clergy or a lay minister to serve them and, in the Bishop's sole discretion, to remove any appointed person. The stipends and other compensations of a person appointed to serve an Associated Worshiping Community, as well as any other financial assistance deemed advisable, shall be established by the Bishop and approved by Diocesan Council in consultation with the Congregational Development Committee.

**Section 7.** Except for membership in Convention, which is limited to electors belonging to Congregations, all of the rights, duties and responsibilities of electors under these Canons are equally applicable laypersons affiliated with an Associated Worshiping Community including, but not limited to, eligibility to serve in the various diocesan offices and positions.

## **CANON XI**

### **Deaneries**

**Section 1.** The Diocese shall be divided into deaneries, the number and boundaries of which shall be determined by the Bishop with the advice of Diocesan Council. The presiding officer of each deanery shall be a Dean appointed by the Bishop for a maximum term of three (3) years. The deanery convocation shall be composed of:

**a.** all clergy Members of Convention who are located in the deanery. Clergy who reside in one deanery but serve a Congregation in another deanery are members of the deanery in which the Congregation is located; and

**b.** the lay Members of Convention from each Congregation located in the deanery; and

**c.** one (1) elector selected by the congregational council of each Congregation located in the deanery.

**Section 2.** Each deanery convocation shall meet at least thirty (30) days, and not more than one hundred twenty (120) days, prior to the scheduled date of the annual meeting of the Convention, and may also meet any other time at the call of the Dean or of the Bishop.

**Section 3.** The purpose of each deanery shall be to afford opportunity for the clergy and laity to come together for conferences, to initiate works and activities at the deanery and Congregational levels, to promote the work and Mission of the Church, to identify nominees for the various diocesan offices and positions, to consider resolutions and other matters coming before a meeting of the Convention, to elect persons to serve on Diocesan Council in accordance with Canon V, Section 3.d., to elect persons to serve on an episcopal elections committee in accordance with Canon XXI, Section 2., and to carry out the work of the Diocese within the deanery.

## **CANON XII**

### ***Ecclesiastical Trial Court***

**Section 1. Governance.** All proceedings of the Ecclesiastical Trial Court in and for the Diocese of Southwest Florida shall be conducted according to the Canons governing ecclesiastical discipline adopted by the General Convention of the Episcopal Church, as from time to time amended, which are incorporated by reference.

**Section 2. Members and Organization. a.** The Ecclesiastical Trial Court shall consist of five (5) clergy Members of Convention and four (4) electors of Congregations.

**b.** At each annual meeting of the Convention, three (3) persons shall be elected to serve on the Ecclesiastical Trial Court for a term of three (3) years. Persons elected shall be from each order as required to maintain the required make up of the Ecclesiastical Trial Court.

**c.** Vacancies occurring within the membership of the Ecclesiastical Trial Court, whether permanent or temporary as the result of a successful challenge, shall be filled by majority vote of the remaining members of the court. A person elected to fill a vacancy must be from the same order as the person being replaced. Vacancies must be filled within three (3) months of notification of the vacancy unless sooner required by other provisions of the Canons of the Episcopal Church and this Diocese.

**d.** Within two (2) months following the annual meeting of the Convention the members of the Ecclesiastical Trial Court shall elect from among themselves by majority vote one (1) person to serve as Presiding Judge for a one (1) year term.

**e.** Within three (3) months following the annual meeting of the Convention the members of the Ecclesiastical Trial Court shall appoint an attorney licensed to practice in the state of Florida to serve as Church Attorney for a one (1) year term.

**f.** All persons elected or appointed under this section are eligible to be re-elected or re-appointed upon the expiration of their terms.

**g.** If the Ecclesiastical Trial Court is in session at the time of the annual meeting of the Convention, any new members elected to the Court shall not take office until the Court has concluded any trial then pending. Until the new members have taken office, the time requirements of subsections (d) and (e) shall be suspended.

**h.** Neither a current member of the Standing Committee nor a current member of the Diocesan Review Committee shall be eligible for membership on the Ecclesiastical Trial Court.

**Section 3. Canons of the Episcopal Church.** The mode and manner of making charges, securing presentments, and of conducting trials shall be as prescribed by the Canons governing ecclesiastical discipline adopted by the General Convention of the Episcopal Church, as from time to time amended, which are incorporated by reference.

## **CANON XIII**

### **Committee on Constitution and Canons**

**Section 1.** The Bishop shall appoint a Committee on Constitution and Canons, subject to confirmation by Diocesan Council. The purpose of the Committee is to make and review proposed amendments to the Constitution and Canons of the Diocese. The Committee shall consist of not less than six (6) and not more than nine (9) people who shall serve in staggered three (3) year terms. At least three (3) of the Committee members shall be clergy Members of Convention, and at least three (3) shall be electors. The Bishop may appoint persons to serve any unexpired terms that become vacant, subject to confirmation by Diocesan Council.

**Section 2.** All matters relating to the Constitution and Canons of this Diocese, including any proposed changes, shall be referred to this Committee for consideration.

**a.** The Committee on Constitution and Canons is authorized to sponsor a resolution to adopt one or more proposed amendments to the Constitution and Canons. All such resolutions shall comply with the procedures in Diocesan Canon XVIII.

**b.** If the Committee determines that a proposed amendment to the Constitution or Canons should be reworded or made to conform to the Constitution and Canons, the Committee may work with the proponent of the proposed change to draft a mutually acceptable substitute proposed amendment. If a mutually acceptable substitute cannot be agreed upon and the proponent submits the proposed amendment in a resolution to the Convention, the Committee may submit an alternative proposed amendment, and both proposals shall be considered by the Convention.

## **CANON XIV**

### ***Business Methods and Practices***

**Section 1.** It shall be the duty of all custodians of trusts and permanent funds maintained by the Diocese, a Congregation, or a Related Organization, to deposit the same in trust with a trust company or bank with trust powers or with the Diocese. Diocesan custodians shall provide a full and detailed report on each fund at the annual meeting of the Convention, and custodians for Congregations and Related Organizations shall provide a full and detailed report of each fund at the annual meeting of that entity's congregational council.

**Section 2. Audits. a.** The fiscal records of every Congregation and every Related Organization shall be audited annually by a certified public accountant or an audit committee approved by the Congregation's congregational council for the purpose of determining whether the accounts fairly reflect the performance of the duties and obligations of the entity audited. If a Congregation or Related Organization uses an approved audit committee, the committee shall be formed in compliance with guidelines established by the Diocesan Finance Committee and approved by Diocesan Council. Every auditor or approved audit committee performing their duties pursuant to this Canon shall prepare an audit report that shall be made in accordance with the format and guidelines established by the Diocesan Finance Committee and approved by Diocesan Council.

**b.** Every auditor or approved audit committee performing their duties pursuant to this Canon shall file the annual audit report with the Bishop not later than thirty (30) days following the date of the report, but in no event later than September 1 of each year. The report filed with the Bishop shall include any memoranda issued by the auditor or approved audit committee regarding internal control, allocation and accounting for receipts and disbursements or other accounting matters, together with a summary of action taken or proposed to be taken to correct deficiencies or implement recommendations contained in such memoranda.

**Section 3.** All buildings and personal property owned by the Diocese, a Congregation, or a Related Organization, shall be insured with a reliable insurance company for an amount that complies with guidelines established by the Diocesan Finance Committee and approved by Diocesan Council. If appropriate insurance for real property cannot be secured within three (3) months of the date the property was acquired or the previous insurance policy ended, an application for an exemption from this requirement may be made to Diocesan Council. Any exemption granted shall expire one (1) year from the date Diocesan Council granted the request. Upon application, Diocesan Council may, in its discretion, renew the exemption.

**Section 4.** The Bishop and Diocesan Council shall have authority to call for reports, including financial reports, from every Congregation or Related Organization.

**Section 5.** Treasurers, congregational employees and custodians, other than banking institutions, who have custody of funds that exceed \$500 during a fiscal year, shall be adequately bonded.

**Section 6.** All deeds, mortgages, hypothecations, assignments or other documents executed on behalf of the Congregation shall be signed by the member of the clergy in charge and the

**Canon XIV, Section 6.** (Continued)

Senior Warden. If there is no member of the clergy in charge, both wardens and the secretary of the congregational council shall sign.

**Section 7. a.** Congregations that maintain a columbarium, cemetery or memorial garden shall establish written policies regarding remains interred or maintained on the Congregation's property. These policies must be given, in writing, to all people at the time they arrange for the use of the Congregation's columbarium, cemetery or memorial garden. At a minimum, the policy must address the following:

**1.** In the case of a columbarium, the policy shall state the Congregation's expectations regarding refunds should the remains be removed by a representative of the deceased or if the Congregation ceases to maintain the columbarium and intends to return the remains to a representative of the deceased.

**2.** In the case of a memorial garden, the policy shall state that cremated remains placed in the ground in a memorial garden, whether or not the remains are placed in a container, are presumed to be unrecoverable in the future. The policy shall require people, at the time they arrange for the use of a memorial garden, to acknowledge, in writing, the non-recoverability of the remains, and to release the Congregation from any responsibility for attempting to locate or remove the remains in the future.

**b.** If a Congregation intends to cease maintaining a columbarium, cemetery or memorial garden, it shall immediately notify the Bishop.

## **CANON XV**

### ***Commission on Ministry***

**Section 1.** The Commission on Ministry of this Diocese shall consist of twelve (12) voting members, of whom six (6) shall be presbyters, two (2) shall be deacons, and four (4) electors. Members shall be appointed by the Bishop and confirmed by Convention. Terms shall be for a period of three (3) years. Terms shall be staggered with one-third (1/3) of the members being appointed annually. In the event of a vacancy, the Bishop shall appoint a replacement to fill the unexpired term. A person may serve two consecutive terms. He or she will then be eligible for reappointment after a period of one (1) year. In addition, one (1) member of the Standing Committee shall serve as liaison to the Commission on Ministry with seat and voice but without vote. This person shall be appointed by the Standing Committee.

**Section 2.** The duties of the Commission on Ministry shall be those prescribed in the Canons of the Episcopal Church, as amended, and such other duties relating to the ministry of this Diocese as shall be assigned by the Bishop.

**Section 3.** The Commission on Ministry shall make a written report of its activities for the past year available at the annual meeting of the Convention.

**Section 4.** No voting member of this Commission may serve on the Standing Committee during his or her term of office.

## **CANON XVI**

### **Schools**

**Section 1.** No school providing secular education for young people equivalent to that provided by kindergartens or any of the first twelve grades of the public school system and claiming to be with or under the control, auspices or approval of this Church shall be established by any Congregation or Related Organization without first obtaining the consent and approval of the Bishop and Diocesan Council. No school shall be operated or maintained by any Congregation or Related Organization without the continued approval of the Bishop and Diocesan Council.

**Section 2.** The Bishop and Diocesan Council are authorized to make and provide minimum standards and requirements for the establishment, the approval, and the recognition of schools established and operated under the authority of this Canon, including reasonable probationary periods. If any school fails to meet the standards and requirements, the approval of the Bishop and Diocesan Council shall cease immediately.

**Section 3.** The Bishop and Diocesan Council may require reports from all schools established and operated under the authority of this Canon, specify the information to be disclosed by such reports, and shall have the right to inspect, or cause to be inspected, such schools at any time.

## **CANON XVII**

### **Council on Deacons**

**Section 1.** The Bishop shall appoint a Council on Deacons for the Diocese to serve as an advisory body to the Bishop to oversee, study, and promote the life, work and ministry of the diaconate.

**a.** Subject to the approval of the Bishop, the Council shall oversee the Diocese's program concerning the diaconate. This shall include study and recommendations regarding the discernment of a vocation to the diaconate, formation of deacons, letters of agreement between deacons and Congregations, general issues and policies concerning diaconal deployment, and education of clergy and Congregations on the appropriate role and scope of activity of deacons serving in a Congregation.

**b.** The Council may make recommendations to the Commission on Ministry regarding recruitment, discernment and formation of people as deacons.

**Section 2.** The Council on Deacons shall consist of the following: **a.** Nine (9) members who are appointed by the Bishop and confirmed by the Convention. Three (3) members shall be clergy Members of Convention who are presbyters in active service; three (3) clergy Members of Convention who are deacons; two (2) electors of a Congregation; and one (1) lay member of the Commission on Ministry. Members of the Council appointed pursuant to this provision shall serve a three (3) year staggered term, with one (1) presbyter, one (1) deacon and one (1) layperson beginning a term each year. Vacancies between annual meetings of the Convention shall be filled by the Bishop for the unexpired term; and

**b.** the Archdeacon, who shall serve *ex officio* with the right to vote; and

**c.** up to two (2) additional deacons, who shall be appointed by the Bishop to a one (1) year term, which may be renewed.

**Section 3. a.** At the first meeting of the Council after the annual meeting of the Convention, the members of the Council shall elect a convener from among the members confirmed by Convention. A person may not serve as convener for more than one (1) year, nor more than once.

**b.** The duties of the convener shall be to call regular meetings of the Council and give notice of the meetings to the members. In addition, the convener is responsible, in consultation with the Bishop and the Commission on Ministry, for identifying the issues and matters that need to be considered by the Council and reporting back to them the actions and recommendations of the Council.

## **CANON XVIII**

### **Resolutions**

**Section 1.** A resolution shall be considered at a meeting of the Convention on the agenda as determined by the Bishop, provided the proposed resolution is:

**a.** sponsored by a Member of Convention, or a deanery convocation, or a committee, commission or council established under the authority of these Canons; and

**b.** consistent with the provisions of the Constitutions and Canons of the Episcopal Church and of this Diocese; and

**c.** submitted in writing to the Diocese's primary office; and

**d.** received at the Diocese's office at least sixty (60) days prior to the scheduled opening of any annual or special meeting of the Convention; and

**e.** provided by the Diocese to the Members of Convention at least thirty (30) days before the scheduled opening of any annual or special meeting of the Convention.

**f.** For purposes of this section, the sponsor or Diocese may provide the text of a proposed resolution by any means reasonably calculated to give actual notice to the intended recipient, including electronic mail or media, facsimile, printed material, and correspondence. Except as provided in Section 2 below, no resolution shall be considered by the Convention if the requirements of this Section have not been met.

**Section 2. a.** A proposed resolution that does not comply with Section 1.c or 1.d of this Canon nonetheless may be considered by the Convention if, at a meeting of the Convention, a motion to consider the proposed resolution is approved by an affirmative vote by two-thirds (2/3) of both the clergy and lay Members of Convention, voting separately.

**b.** A proposed resolution that does not comply with Section 1.c, 1.d, or 1.e of this Canon, and which arises from any business properly before a meeting of the Convention, including the Bishop's address, may be considered as an Emergency Resolution. A motion to consider an Emergency Resolution at the current meeting of the Convention must be approved by an affirmative vote by two-thirds (2/3) of both the clergy and lay Members of Convention, voting separately. If the motion to consider an Emergency Resolution fails, pursuant to Article IV of the Diocesan Constitution, the Bishop may call a special meeting of the Convention to consider the Emergency Resolution, in which case the provisions of Section 1.c and 1.d of this Canon shall not apply.

**Section 3.** All proposed amendments to the Constitution and Canons of this Diocese shall be put in the form of a resolution and shall be considered only in accordance with these Canons, including Diocesan Canon XIII.

## **CANON XIX**

### ***Related Organizations***

**Section 1. a.** No organization associated with the Diocese or a Congregation, including, but not limited to, a school, orphanage, retirement facility, rehabilitation center, or other institution, corporation, or any other legal entity in which the Diocese or Congregation has any interest, shall be formed until it first shall have obtained the consent of the Bishop and Diocesan Council. Any entity formed under the authority of this Canon is a “Related Organization” as that term is used in these Canons. This provision does not apply to normal investment activities in the public financial market.

**b.** The chief executive officer of any Related Organization formed by the Diocese shall be selected only with the prior approval of the Bishop.

**Section 2.** No natural or legal entity shall use the name of this Diocese or any Congregation of this Diocese, or claim to be a Related Organization, without first having obtained the approval of the Bishop and Diocesan Council and being organized in accordance with the laws of the State of Florida. The following provisions shall be included in the articles of incorporation or other documents forming and governing the Related Organization:

**a.** any amendment of the Related Organization’s charter, articles of incorporation, bylaws or other organizing or governing documents shall be subject to the approval of the Bishop and Diocesan Council.

**b.** no real property, the title to which is held by or for the use of the Related Organization, shall be encumbered, sold, alienated, transferred or conveyed without the prior consent and approval of the Bishop and Diocesan Council. No approval given hereunder shall confer any actual or implied authority on the Related Organization to impose any liability on the Diocese or to subject the Diocese to any liability.

**c.** a stated purpose of a Related Organization shall be to promote the moral and spiritual values of the Christian tradition as professed by the doctrines of the Episcopal Church.

**Section 3.** The Convention annually shall elect persons who are clergy Members of Convention or electors of a Congregation for the following:

**a.** Any open terms or offices to be filled by representatives from this Diocese as specified by the charter, articles of incorporation or by-laws of Bishop Gray Inns, also known as the William Crane Gray Inn for Older People.

**b.** Any open terms or offices to be filled by representatives from this Diocese as specified by the charter, articles of incorporation or by-laws of the University of the South (Sewanee) to serve as trustees of that institution.

## **CANON XX**

### ***Congregational Development Committee***

**Section 1.** The Bishop shall appoint a Congregational Development Committee, subject to confirmation by Diocesan Council. The Committee shall consist of one (1) clergy Member of Convention from each deanery and one (1) elector of a Congregation located in that deanery. Members of the Committee shall serve in staggered terms of three (3) years. The President of the Standing Committee shall be a member of the Committee *ex officio*, without vote.

**Section 2.** The Committee is charged with assisting the Bishop in guiding, supporting, advising and strengthening Congregations and Associated Worshipping Communities. The Committee has the authority to perform all actions necessary to fulfill the responsibilities and duties assigned to it by these Canons. To enable the Committee to fulfill its responsibilities and duties, every Congregation, Associated Worshipping Community and Related Organization shall cooperate with the Committee in every way possible and permit the Committee to inspect and copy its records.

**Section 3.** The Committee shall meet with the Bishop and provide background, assistance, recommendations and advice related to its duties and responsibilities and provide information and recommendations to the Bishop, diocesan staff, Chancellor, Standing Committee, and Diocesan Council related to anything that comes to the attention of the Committee while undertaking its responsibilities under these Canons.

**Section 4.** The Committee shall report to Diocesan Council and the Convention at least annually.

**Section 5.** At the first meeting of the Committee following the annual meeting of the Convention, the Committee shall organize, elect necessary officers, and appoint all subcommittees necessary to implement the work of the Committee.

## **CANON XXI**

### ***Episcopal Election Committee***

**Section 1.** Whenever the Bishop Diocesan requests the election of a Bishop Coadjutor or a Bishop Suffragan and the Convention assents, an Episcopal Election Committee shall be formed under the authority of the Convention.

**Section 2.** The Committee membership shall be selected as follows:

**a.** Each deanery shall meet in convocation to elect one (1) clergy Member of Convention who is a presbyter, and one (1) elector of a Congregation located in that deanery. In addition, one (1) alternate for each position shall be elected; the alternates shall hold the same qualifications as the elected member. Should an alternate die or resign prior to beginning service on the Episcopal Election Committee, the deanery shall meet in convocation to elect a replacement with the same qualifications.

**b.** The Bishop shall appoint seven (7) additional people, who must be clergy Members of Convention, either presbyters or deacons, or electors of a Congregation. The Bishop shall also appoint at the same time a first, a second and a third alternate, any of whom may hold any of the permissible qualifications.

**Section 3.** The Committee shall be responsible for the entire episcopal election process, including:

**a.** conducting a self-study of the Diocese;

**b.** developing a process for screening and selecting candidates in order to ensure that all persons to be considered by the Convention to Elect a Bishop are qualified to hold the position;

**c.** developing procedures for receiving names for consideration;

**d.** interviewing potential nominees;

**e.** presenting to the Convention a slate of qualified nominees from which a Bishop may be elected;

**f.** developing procedures for receiving names to appear on the ballot by petition after the Committee's slate has been finalized;

**g.** completing background checks for all candidates whose names will appear on the ballot, whether by nomination or petition;

**h.** organizing the introduction of all of the candidates whose names will appear on the ballot, whether by nomination or petition, to the diocesan community; and

**Canon XXI, Section 3** (Continued)

*i.* with the advice and consent of the Standing Committee, establishing the procedures to be used at the Convention to Elect a Bishop pursuant to Article XVIII of the Constitution of the Diocese.

**Section 4.** At its first meeting, the Committee shall elect one (1) presbyter and one (1) layperson to serve as co-chairs of the Committee. The Committee may elect other members to serve in various capacities as it deems appropriate. Within two (2) months of its first meeting, the Committee shall develop a proposed budget, which shall be given to the Diocesan Council for approval or modification.

**Section 5. a.** A member of the Committee must resign immediately in the following situations:

**1.** upon permitting his or her name to be submitted for consideration as a candidate for Bishop in this Diocese, whether by nomination or petition;

**2.** upon the member's spouse, parent or child permitting his or her name to be submitted for consideration as a candidate for Bishop in this Diocese, whether by nomination or petition.

**b.** If a member of the Committee dies, or resigns for any reason, the alternate for that person's position shall immediately begin service. Alternates appointed by the Bishop shall serve in the order of their appointment. If an alternate from one of the deaneries begins service on the Committee and then dies or resigns, no additional alternate for that position is provided for in these Canons.

**Section 6.** If the Diocese should be without a Bishop Diocesan, the above provisions shall be followed under the direction of the Ecclesiastical Authority, insofar as applicable, for the nominating process for a Bishop Diocesan.

**Section 7. a.** The duties of the Committee shall end when the meeting of the Convention to Elect a Bishop at which the election for a bishop was held is adjourned. If that election is for any reason invalid, a new Episcopal Election Committee shall be formed by the Convention of the Diocese at its next meeting.

**b.** No member of an Episcopal Election Committee shall be eligible to serve on a subsequent Episcopal Election Committee unless at least five (5) years have passed since the date the previous Convention to Elect a Bishop was convened pursuant to Article XVIII of the Constitution of this Diocese.

## **CANON XXII**

### ***Diocesan Review Committee***

**Section 1. Establishment.** The Diocesan Review Committee in and for the Diocese of Southwest Florida shall perform the duties and responsibilities specified for such committees by the Canons governing ecclesiastical discipline adopted by the General Convention of the Episcopal Church, as from time to time amended, which are incorporated by reference, and all proceedings of the Diocesan Review Committee shall be undertaken in conformity with those Canons.

**Section 2. Members.** Members of the Diocesan Review Committee shall be elected at the annual meeting of the Convention. The Committee shall consist of two (2) clergy Members of Convention who are presbyters, one (1) clergy Member of Convention who is a deacon, and two (2) electors of Congregations. All terms shall be three years and staggered among the orders as equally as possible. No member shall serve more than two (2) consecutive terms. Neither a current member of the Ecclesiastical Trial Court, nor a current member of the Standing Committee, shall be eligible for membership on the Diocesan Review Committee.

**Section 3. President.** The Committee shall elect a President from among any of its members to serve a one (1) year term, which is renewable. The election shall be held within two (2) months after the annual meeting of the Convention.

**Section 4. Challenges.** In any particular case, any member of the Committee may be challenged for cause, either by the Church Attorney or by a Respondent. The members of the Committee who are not challenged for cause shall determine the relevance and validity of such challenges, and their determination shall be final and non-appealable. If the challenge is granted, or if a member of the Committee voluntarily asks to be excused from consideration of a particular case, Diocesan Council shall name a person from the same order to fill the vacancy for the consideration of that case only.

**Section 5. Vacancies.** If a person permanently resigns from the Committee, the Diocesan Council shall name a qualified person from the same order to fill the vacancy until the next annual meeting of the Convention, when an election shall be held to fill the unexpired term.