

## CHAPTER 28

### **LODGE PROPERTY, LODGE BUILDING, AND LODGE ROOM**

#### GENERAL PROVISIONS

##### **Regulations**

**28.01** WHEREAS, each Particular Lodge of this Grand Jurisdiction is by Act of Legislature incorporated as a separate and independent body, politic, and corporate, and as such has all corporate powers, including the right to acquire, own, hold, and convey real and personal property under its Masonic name as set out in its Charter.

THEREFORE, all Particular Lodges within this Grand Jurisdiction are instructed that title to any property hereafter acquired by such Particular Lodge, either by gift, purchase, or other means, shall be held in the name of such Particular Lodge as set out in its Masonic Charter. All Particular Lodges are prohibited hereafter from placing the title to any of their Masonic buildings in any name other than their own.

##### **Rulings and Decisions**

Regulation 28.01 prohibits Masonic Lodges from forming non-profit or other corporation for purpose of building and holding title to Lodge temple. (1968 Proc. 57, 212)

##### **Regulations**

**28.02** A Particular Lodge shall not sell, convey, dispose of, mortgage, or enter into any transaction relating to Lodge property except by special action of the Lodge at a Stated Communication after due notice to the Lodge members of such contemplated action. All necessary documents, instruments, and papers relating to any such transaction required to be signed on behalf of the Lodge shall be executed in the name of such Lodge by the Worshipful Master under the Seal of such Lodge and attested by the Secretary of the Lodge.

**28.03** Before proceeding with the construction of any new building or repairing, remodeling, or making additions to any old building, or the purchase of any property where the same involves incurring indebtedness by a Particular Lodge, or before proceeding with financing any loan or refinancing any debt, Particular Lodges in this Grand Jurisdiction are required to submit plans and specifications of any building to be purchased, repaired, or remodeled, and complete financial statement and plan for financing the indebtedness to be incurred, to the Grand Lodge Properties Committee for consideration; and if the Committee approves the proposal, the Committee shall send it to the Grand Master for final action, the above information to be furnished on forms prescribed by the Properties Committee with the approval of the Grand Master. The approval of plans for financing shall in no wise obligate the Grand Lodge for any indebtedness incurred by a Particular Lodge. All plans, specifications, statements, and other documents must be submitted in duplicate if required by the Committee.

(Form for furnishing information printed in full 1959 Proc. 100-103)

**28.04** The “Banquet Hall” or any other rooms in the Masonic Building not used as a Lodge Room proper may be used for entertainments by the Lodge at which dancing may be permitted, and if some of the members have relatives or personal friends who have no Masonic connection, such friends may be invited to attend and participate in the entertainment. Dances shall not be permitted in the Lodge Room, except by or for recognized youth groups, which dances shall be conducted under the supervision of the Officers of the Lodge or their duly authorized representatives; and all paraphernalia of the Lodge shall be removed from the Lodge Room during such dances.

**28.05** No Lodge shall permit its Lodge Room to be used for a political meeting.

**28.06** A Particular Lodge shall not allow or permit its Lodge Room, “Banquet Hall,” or any other room used for Masonic purposes or by Masons for a Particular Lodge or Grand Lodge to be used for the sale or dispensing or serving of alcoholic beverages nor for conducting thereon of games of chance, lotteries, or any other form of gambling, with the exception of fundraiser drawings and raffles, nor for any illegal or immoral purposes. These prohibitions shall apply to all Table Lodges but the use of wine for Ceremonial purposes by Allied and Appendant Bodies shall not be prohibited. (2013)

**28.06.1** Any non-Masonic, legitimate and moral commercial or retail business that leases or rents Lodge property or portions thereof other than the Lodge Room, “Banquet Hall,” or any other room used for Masonic purposes or by Masons for a Particular Lodge or Grand Lodge may sell or dispense alcoholic beverages; *provided* such business has acquired all the proper credentials, licenses, certificates, insurance, and any other documents required, in accordance with all the local, County, State, and Federal Laws; and *provided* such lease or rental agreement shall include language which will indemnify a Particular Lodge or Grand Lodge against any legal actions taken by the lessee or its customers, patrons, or any other person or persons directly or indirectly involved with the lessee’s business (due to its selling or dispensing alcoholic beverages). (2013)

**28.07** Any Lodge may engage in activities which solicits or accepts funds from any persons and permit its property to be used for any such purpose; *provided* however nothing herein shall prevent lease of such property or portions thereof for legitimate commercial or business purposes; *further provided* however such activity shall not involve any use for purposes prohibited by Masonic Law; and *provided further* that in the claim for exemption of Lodge property from taxation such activities shall be fully reported to the appropriate taxing authorities. (2009)

A Lodge may sponsor charitable fundraising events and solicit charitable contributions from Masons and non-Masons for specifically named charities, in compliance with all governmental regulations. Copies of all registration and reporting forms must be filed with the Grand Secretary's Office on a timely basis. All charitable funds received from specifically named charitable events must be kept in a separate bank account, separately accounted for, and never mixed with a Lodge's general fund. (1995)

It shall be the duty of the Committee on Lodge Property to promulgate written rules governing use of Lodge property in accordance with this and other Regulations and Lodge By-Laws relating to use of Lodge property and upon approval by the Lodge to enforce the same. (1979)

**28.07.1** All Particular Lodges of the Grand Jurisdiction of Florida shall be allowed to hold fundraising events and solicit the public for such events, on or off of Lodge property and comply with the Laws, Rules, and Regulations of Grand Lodge and under the qualifications and rules of the Florida Department of Agriculture's Solicitation Act and all other laws. (2009)

### References

All business respecting acquiring or disposing of real estate must be taken at Stated Communications. Regs. 26.02; 25.05

As to custody and sale of property of defunct Lodges, see Chapter 43

As to conduct of members in Lodge Room during Communications, see Chapter 25

As to Lodge Rooms on ground floor, see Reg. 6.12(c)

As to the sale and serving of alcoholic or intoxicating beverages on Lodge property, refer to Reg. 44.05, and to the Ruling and Decision on page 318

### Rulings and Decisions

Lodge requires no authorization from Grand Lodge or Grand Master to purchase lot for Temple site for cash. (1941 Proc. 76)

Title to any building or property acquired by the Lodge must be vested in the name of the Lodge. (1954 Proc. 67)

A Lodge cannot enter into a joint venture with other civic and fraternal organizations for purpose of erecting a building. (1953 Proc. 49)

There can be no joint ownership of property between a Lodge and church or other organization. (1962 Proc. 81)

There can be no joint ownership of Lodge property nor can it be in the name of a nonprofit corporation. (1952 Proc. 32)

A Lodge will not be permitted to own property jointly with O.E.S. but the Lodge may own property and grant O.E.S. long-term lease. (1952 Proc. 35)

A Lodge can rent its hall or other of its facilities to other orders or organizations. (1948 Proc. 51)

It is within the authority of the Lodge to rent its hall to a church. (1948 Proc. 52)

It is contrary to Masonic Law for a Lodge to join with the Eastern Star in the erection of a building under joint ownership. (1954 Proc. 62)

When a Lodge leases any of its property, the lease should provide for the right of the Lodge to cancel the lease in the event the property is used for any illegal purpose or for any purpose contrary to Masonic Law. (1954 Proc. 72)

There being no Grand Lodge Regulation against county, state, or national elections being held in the kitchen part of a Lodge building, it is permissible to hold such elections therein. (1952 Proc. 82, 296)

It is proper for a Lodge to rent a room in a Grotto Temple for use as Lodge Room although the Grotto uses the same room on occasions for dances, provided all paraphernalia of the Lodge is removed after each Lodge meeting. (1959 Proc. 59-60, 164)

The serving of any intoxicating beverage in Masonic Temples or Lodge Rooms ~~or at Masonic Banquets~~ is forbidden by Masonic Law. (1969 Proc. 58, 212) (Partially Repealed 2013 Proc. 358-360)

Lodge property cannot be sold or disposed of except by action of the Lodge after notice to the membership and all members wishing to vote must be personally present. Absentee voting is improper. See Regs. 25.05, 25.38, 26.18, and 35.07 (1970 Proc. 55, 284)

It is improper to have a telephone in a Lodge Room. Telephone in anteroom is proper and sufficient. (1972 Proc. 53-259)

Lodge cannot accept gift of real estate for Lodge building on condition that donor have free access and use of Lodge building and long term lease regarding use of Lodge building would also be improper. (1973 Proc. 60, 344)

It is not proper for a Particular Lodge to permit the Order of Eastern Star to make a permanent installation of the Eastern Star emblem in the floor of its Lodge Room. (1974 Proc. 354)

In respect to interpretation of Regulation 28.06 as it may apply to playing cards on Lodge premises we advised the Grand Master:

- (1) ~~That Regulation 28.06, prohibits gambling and games of chance of every kind and by any device.~~ (Repealed 2013 Proc. 345-347)
- (2) That occasional games of cards that do not involve gambling or playing for stakes is not violative of Regulation 28.06.
- (3) Excessive and frequent playing of cards on Lodge premises might be construed to change the character of the premises to a property used predominantly for recreational purposes and jeopardize tax exempt status of the property.
- (4) Officers of the Lodge should be diligent and make every effort to be sure that gambling is not permitted, with the exception of fundraiser drawings and raffles. (2013 Proc. 345-347)
- (5) No card playing should be allowed in the Lodge Room. (1983 Proc. 357)

**Refer to Regulation 28.06 concerning games of chance.**

It is proper for a Lodge to permit the Chamber of Commerce to use the building for meeting purpose, but must abide by all the Rules and Regulations governing Masonic Lodges including intoxicating beverages. ~~and games of chance.~~ (1986 Proc. 71) (Partially Repealed 2013 Proc. 345-347)

The use of wine by Churches or religious organizations in the sacraments while using Lodge property shall not be prohibited. (2000 Proc. 97-98)

**Refer to Regulation 44.05 and Ruling and Decision on page 318 concerning the sale or serving of alcohol or intoxicating beverages on Lodge property.**