



**FLORIDA ADVISORY COMMITTEE ON ARSON
PREVENTION
CONSTITUTION AND BYLAWS
Revised: March 4, 2020**

**ARTICLE I
NAME AND OBJECTIVES**

SECTION 1. This organization shall be known as the "FLORIDA ADVISORY COMMITTEE ON ARSON PREVENTION" and is hereinafter referred to as "FACAP".

SECTION 2. The objectives of FACAP shall be to:

- a. foster cooperation among interested individuals and groups in combating the problem of arson.
- b. provide education and training on the control, detection, and prosecution of arson.
- c. review and support new laws and legislative proposals concerning arson, fire prevention and fire safety.
- d. assist in the proposal and enactment of appropriate legislation concerning arson, fire prevention and fire safety.
- e. unite for the support and mutual benefit of those public officials and private persons engaged in the control of arson and kindred crimes.
- f. provide for the availability and exchange of information, resources and technology in support of the suppression of arson.
- g. cooperate with the fire service, law enforcement agencies, the insurance industry, and other interested associations to further fire safety, fire prevention and the suppression of arson.
- h. encourage high professional and ethical standards of conduct among fire and arson investigators.
- i. provide public education and awareness of arson in Florida and to promote fire safety, fire prevention and the suppression of arson among the public and private sectors.

SECTION 3. FACAP shall not be operated for profit.

Florida Advisory Committee on Arson Prevention By-Laws Amended 08/25/2005; August 17, 2006; June 25, 2009; August 19, 2010, March 16, 2011, June 29, 2017, March 4, 2020.

ARTICLE II MEMBERSHIP

SECTION 1. Regular Membership: Any individual shall be eligible for Regular Membership in FACAP by meeting one or more of the following criteria:

- a. Any full-time or part-time firefighter, paid or volunteer, in the State of Florida or any individual who has successfully completed minimum standards training in firefighting as certified by the State of Florida, Bureau of Fire Standards and Training, and is employed on a full-time basis with responsibilities related to fire prevention, fire suppression and arson control shall be deemed eligible for membership.
- b. Any individual who has successfully completed minimum standards training in law enforcement as certified by the State of Florida and who is employed on a full-time or part-time basis with any municipal, county, state or federal law enforcement agency in the State of Florida shall be deemed eligible for membership.
- c. Any individual employed on a full-time or part-time basis with any municipal, county, state or federal law enforcement agency, fire service or fire investigation agency, prosecuting attorney's office or any other municipal, county, state or federal agency whose duties and responsibilities include fire suppression, code enforcement, building and occupancy inspections, fire safety training and education, law enforcement training and education, criminal prosecution or other responsibilities related to fire prevention, fire suppression and arson control shall be deemed eligible for membership.
- d. Any licensed insurance claims adjuster, claims investigator, claims supervisor or licensed insurance agent employed on a full-time basis with any insurance carrier or entity under contract with any insurance carrier authorized to do business in the State of Florida shall be deemed eligible for membership.
- e. Those persons whose employment and professional responsibilities are directed toward the suppression of arson in the State of Florida in the public or private sector, including fire investigators, forensic analysts, insurance claims representatives and claims management, attorneys, legal assistants, accountants, private investigators and any others whose responsibilities and duties are directed toward the suppression of arson and related activities.

Corporate Membership: Any corporation, proprietorship, partnership or other entity whose business activities directly support or relate to fire safety, fire training, forensic analysis in fire cases, the investigation of fires, the investigation and handling of insurance claims in fire cases or the suppression of arson shall be deemed eligible for Corporate Membership. Provided, however, any corporation, proprietorship, partnership or other entity whose professional activities primarily or substantially include the representation of claimants, the insured or property owners who have experienced fire losses shall not be deemed eligible for Corporate Membership.

Honorary Membership: Any individual whose professional activities significantly contribute to the cause of arson suppression, fire safety or fire suppression in the State of Florida shall be deemed eligible by a majority vote of the Board of Directors for Honorary Membership in FACAP. This Honorary membership will be terminated by a majority vote of the Board of Directors when the Honorary Member is no longer in a position to contribute. Honorary members shall not be required to pay annual dues nor attend regular membership meetings in order to maintain Honorary Membership in FACAP.

Lifetime Membership: By a majority vote of the Board of Directors, any individual whose long-term, outstanding contributions to the ideals, goals and accomplishments of FACAP, can be granted Lifetime Membership in FACAP. Lifetime Members shall not be required to pay annual dues, pay Seminar registration fees, nor attend regular membership meetings in order to maintain Lifetime Membership in FACAP.

Retiree Membership: Any individual who retires from employment which made the individual eligible for FACAP as a Regular Member who was a member in good standing for at least three years is eligible for membership as a Retired Member. Retired member is defined as no longer gainfully employed as related to FACAP's goals and objectives in any capacity. Lifetime Members are exempt. The Board shall determine the annual dues payable by Retired Members. Retired Members are subject to the provisions set forth in Section 2 and 3, regarding Applications for Membership; and Section 4, Termination of Membership/Expulsion.

SECTION 2. Applications for membership in FACAP as a Regular Member or Corporate Member shall be submitted to FACAP at its corporate address or delivered to any member of the Board of Directors on an approved Membership Application Form containing the name and signature of a Regular Member as Sponsor of the applicant. Payment of one year's membership dues shall be submitted with the application.

SECTION 3. All applications for membership shall be reviewed for approval by three-fourths vote of the Board of Directors at a regularly scheduled meeting of the Board of Directors, or via electronic means (e-mail or fax) upon demonstrating eligibility for membership pursuant to these By-Laws and satisfactory personal and professional reputation or standing in the community. The decision of the Board of Directors in approving or rejecting an application for membership shall be final.

SECTION 4. Termination of membership/expulsion:

- a. Regular and Corporate membership dues are payable January 1 through April 1 of each year. Any member who has not paid renewal dues prior to April 1 will be removed from the membership rolls and required to apply as a new member.
- b. Any Regular Member, Corporate Member, Honorary Member or Lifetime Member who has engaged in conduct prejudicial to the interests and objectives of FACAP or the cause of arson suppression and fire safety in the State of Florida; or who has engaged in unethical or unprofessional conduct; or who has engaged in any illegal or criminal activities under state or federal law; or who has engaged in any activities proscribed under the criteria for membership set forth in these Bylaws; or who has been reprimanded, suspended, terminated or subject to civil, criminal or administrative proceedings relating to professional licensure or employment serving as the basis for eligibility under the membership criteria set forth in

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these Bylaws; shall be subject to termination of membership/expulsion upon three-fourths vote of the Board of Directors at any time.

c. Any member of FACAP whose membership has been terminated or who has been expelled for any of the reasons set forth in Article II, Section 4(b) shall not be eligible for reinstatement to membership for a period of at least two (2) years from the date of termination/expulsion and may only be reinstated by unanimous approval of the Board of Directors after compliance with the procedures and requirements for application as set forth in Article II, Sections 2 and 3.

ARTICLE III ELECTION, TERMS AND OFFICES

SECTION 1. OFFICERS. The Officers of FACAP shall be the President, Vice-President, Secretary and Treasurer.

SECTION 2. BOARD OF DIRECTORS. The Officers and ten (10) other members of FACAP, duly elected, shall constitute the Board of Directors. The immediate past President shall remain on the Board for two (2) years as one of the ten Directors. No more than two (2) members of the Board of Directors can represent any company or agency excepting those years in which the outgoing President can be the third member representing a company or agency.

SECTION 3. TERMS OF OFFICE. The Officers shall hold office for a term of two (2) years or until the election of their respective successors. The members of the Board of Directors shall be elected to a term of two (2) year or until election of their respective successors. The Board of Directors may make necessary appointments to fill vacancies occurring among officers or directors for the unexpired term of such officers or directors, by majority vote at any regular or specially scheduled meeting of the Board of Directors.

SECTION 4. ELECTION. Election of Officers and Board Members shall take place at the first General Membership meeting held in an election year, upon majority vote of the membership in attendance. The elected Officers and Board Members shall assume their duties immediately after the closing of the first general membership meeting of the election year.

SECTION 5. NOMINATIONS: The President, with the majority approval of the Officers, at the last General Membership meeting of the year prior to an election year, shall appoint a Nominating Committee consisting of no fewer than three (3) members of FACAP, to propose a slate of Officers and members of the Board of Directors for the next election. The President shall designate one of the three to Chair the Nominating Committee. The incoming President shall be a non-voting advisor to the Nominating Committee. The President will announce the names of the Nominating Committee at the last General Membership meeting of the year prior to an election year, and at the same meeting the Chair of the Nominating Committee will open nominations from the floor, limiting nominations to one per member. The President will also solicit nominations from the membership in the minutes of the last General Membership meeting of the year prior to an election year, the website or other means of announcements until nominations are closed. If sufficient nominations are not received to fill anticipated vacancies, the Nominating Committee will identify and solicit qualified nominees, to

include possible nominees regardless of minimum qualifications as stated below.

The Chair of the Nominating Committee will confirm the qualifications of each nominee and secure the permission of said nominee that they are being considered for selection as an Officer or Director prior to the release of the names to the President. Nominations will be closed when the names are released to the President, approximately 45 days prior to election, who will then ensure that the nominees are identified to the membership via posting on the FACAP website no less than thirty (30) days prior to the election. Elections will be held at the business meeting of the first General Membership meeting of the election year.

If necessary, the Chair of the Nominating Committee will prepare a written ballot to be utilized in the election at the first General Membership meeting of the election year, distribute and collect those ballots at the meeting, and announce the results as soon as possible to the membership. The individual receiving the most votes for the offices of Vice President, Secretary and Treasurer, and the individuals receiving the most votes for the nine (9) Directorships will be declared the winners of those offices.

A written ballot will only be required if there is competition for an officer position, or if there are more than nine nominees for a director position. If a written ballot is necessary, the ballot tabulations will be maintained by the elected Secretary for a period of one year.

REQUIREMENTS OF NOMINEES:

Officers: Nominees for the positions of Vice President and Secretary (and President, when necessary as set forth elsewhere in these Bylaws) are required to have been members of FACAP for a period of not less than three (3) years and that they have served on the Board of Directors for a minimum of one (1) full term. Nominees for the position of Treasurer are required to have been a member of FACAP for a period of not less than two years and professional experience as a bookkeeper or accountant.

Directors: Nominees for positions on the Board of Directors are required to have been members of FACAP for a period of not less than two (2) full years.

SECTION 6. It shall be the policy of FACAP to automatically have the Vice-President succeed the President on a bi-yearly rotation basis. If the Vice President is unable to serve, the office of President will be subject to the normal election process described under the heading, "Nominations."

SECTION 7. DUTIES OF OFFICERS: The duties of the Officers shall include, but not be limited to, the categories designated herein.

a. **President.** To conduct the business of FACAP including responsibility for attending each general membership meeting and each Board of Directors meeting, signing checks in the absence of the Treasurer, correspondence on behalf of FACAP and such other duties as are required by this office.

b. **Vice-President.** To conduct the business of FACAP in the absence of the President. In addition, it shall be the duty of the Vice-President to coordinate all meetings and programs for FACAP. It shall also be the duty of the Vice-President to assist the President in any

matter requested.

c. **Secretary.** To maintain the minutes of each general membership meeting and each meeting of the Board of Directors. The Secretary shall submit the minutes of each of these meetings to the President within fourteen (14) days after these meetings for approval before mailing or posting on the FACAP website. The Secretary will also maintain such records as directed by the President. The Secretary, at the end of their term of office, shall insure that all records are properly archived.

d. **Treasurer.** To keep and maintain the financial records of FACAP, including signing checks and working with such other individuals as may be appointed by FACAP to assist with the financial maintenance of FACAP.

SECTION 8. DUTIES OF BOARD MEMBERS

The duties of members of the Board of Directors shall include, but not be limited to, the following:

- a. Attend all meetings of the Board of Directors and other business meetings as may be called by the President
- b. Serve as an active member or chair of a subcommittee of FACAP
- c. Perform such other tasks as may be designated by the President.

ARTICLE IV MEETINGS

SECTION 1. Meeting dates and locations will be as determined by the Officers and Board of Directors.

SECTION 2. The President may call a special meeting of the General Membership at any time, upon ten (10) day notice provided in writing or posting on the FACAP website or announced at a General Membership meeting.

SECTION 3. A Quorum at a General membership meeting shall consist of twenty-five (25) members present, to include at least eight (8) Officers and Directors of FACAP. A Quorum at a meeting of the Board of Directors shall consist of eight (8) Officers and Directors.

SECTION 4. To facilitate timely business operations, the President may authorize the Board of Directors (Officers and Directors) to conduct business via electronic means, such as email, fax, or conference calls, etc. A quorum of at least eight (8) Officers and Directors are required along with a written record of the business transacted that shall be maintained by the Secretary.

ARTICLE V AMENDMENT

SECTION 1. This Constitution and Bylaws may be amended at any general membership meeting of FACAP by a vote of two-thirds (2/3) of the members present after a thirty (30) day written notice of the amendment proposed has been provided to the membership.

ARTICLE VI

SUBCOMMITTEES

SECTION 1. STANDING SUB-COMMITTEES of the Florida Advisory Committee on Arson Prevention, Inc., shall include the following:

- a. Communications/Publicity
- b. Education/Technical
- c. Fire Service and Law Enforcement
- d. Insurance
- e. Legal
- f. Legislative
- g. Membership
- h. Rewards
- i. Annual Seminar
- j. Prosecutor Seminar

SECTION 2. The President shall appoint a Chair, hereafter referred to as the Chair, or Co-Chairs of each standing sub-committee, who will preside over the sub-committee meetings, said appointments to be subject to ratification by the Board of Directors.

SECTION 3. The duties of each standing sub-committee Chair shall include the delegation of the standing sub-committee duties and responsibilities among its members and the selection of a Vice Chair of the sub-committee.

SECTION 4. Members of FACAP who serve on a sub-committee shall be selected by the sub-committee Chair and serve at the pleasure of the sub-committee Chair.

SECTION 5. The Chair, Co-Chair or Vice Chair and members of each standing sub-committee of FACAP shall serve until the next election of Officers and Board, or at the pleasure of the Officers and Board of Directors.

SECTION 6. The duties of each standing sub-committee's Assistant Chair shall be to attend each meeting of FACAP that the Chair of the sub-committee is unable to attend to act for the Chair when **requested.**

SECTION 7. Any vacancies in or additions to sub-committees may be filled by appointment made by the sub-committee Chair. Any sub-committee Chair vacancies will be appointed by the President.

SECTION 8. The President of FACAP shall have authority to appoint such other special sub-committees as may be appropriate, to serve a term of no more than two (2) years.

ARTICLE VII OPERATING PROCEDURES AND AUTHORITY

SECTION 1. The Board of Directors will have authority to approve expenditures and disburse funds from the general operating account in order to carry on the duly authorized business of FACAP up to the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for any single expenditure upon majority vote of the Board of Directors at any time. Any single expenditure in excess of Two Thousand Five Hundred Dollars (\$2,500.00) shall require prior authorization by majority vote of the General Membership of FACAP at a regularly scheduled general membership meeting. Expenditures relating to the Annual Seminar or other FACAP-sponsored seminars and training are excluded from the provisions of this Section.

SECTION 2. All disbursement checks must be signed by either the President or the Treasurer for any disbursements up to Five Thousand Dollars (\$5,000.00). All disbursement checks in excess of Five Thousand Dollars (\$5,000.00) must be signed by both the President and the Treasurer.

SECTION 3. Dues shall be assessed and payable by each Regular Member and Corporate Member on or before January 1 of each calendar year. The amount of dues shall be established by the Board of Directors and may be amended upon three-fourths vote of the Board of Directors at a regularly scheduled meeting of the Board of Directors.

SECTION 4. The Board of Directors is authorized to disburse funds from the Rewards Accounts in the following situations:

- a. Payment of a General reward up to \$5,000.00
- b. Payment of a specific amount reward up to the amount deposited on that fire.
- c. Return of specific account reward fund to the party who made the deposit.
- d. Payment of a General Reward in excess of \$5,000 following a request from an agency or organization in support of an investigation of unique circumstances such as serial arsonists, or numerous fires set in a specific geographical area, where a Specific Reward is not posted. If the Board approves this request it has the authority to move the necessary funds from the General Operating account into the General Rewards account. Such disbursements shall only be made upon written request of the Rewards Chair.

SECTION 5. In the event FACAP decides to discontinue operating, it may be dissolved by means of a two-thirds (2/3) vote of the regular membership in attendance at a special meeting called by the President for that purpose after thirty (30) days written notice announcing such special meeting sent to all members of FACAP by e-mail or posting on the FACAP website. All funds remaining after payment of all outstanding debts are to be given to one or more non-profit organizations to be decided by majority vote of the members present at the special meeting of FACAP called for that purpose