

PART II: WORKPLACE SAFETY AND HEALTH PROGRAMS

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4A-62.044

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4A-62.045

PURPOSE AND EFFECT: The purpose of these rules is to update existing rules based on statutory revisions and to implement and interpret Sections 633.801-633.821, Florida Statutes, as mandated by the Legislature in those sections. The effect of these rules is to provide for firefighter workplace safety and health programs, and to provide requirements for safety and health compliance by firefighter employers and firefighter employees.

SUMMARY: These rules provide for firefighter workplace safety, as mandated by Sections 633.801-633.821.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY 633.01, 633.45(1)(a), 633.804, 633.805, 633.806, 633.808, 633.809, 633.810, 633.811, 633.816, 633.821 Florida Statutes

LAWS IMPLEMENTED 633.01, 633.45(1)(a), 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.821 Florida Statutes.

IF REQUESTED A HEARING WILL BE HELD AT THE TIMES, DATES, AND PLACES SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

DATE AND TIME: December 8, 2003, 10:00 a.m.

PLACE: Agency for Healthcare Administration, Conference Room "A," Building #3, 2727 Mahan Drive, Tallahassee, Florida

DATE AND TIME: December 11, 2003, 9:00 a.m.

PLACE: Three Oaks Banquet and Catering, 20991 Three Oaks Parkway, Estero, Florida

DATE AND TIME: December 12, 2003, 10:00 a.m.

PLACE: The Florida State Fire College, Main Auditorium, 11655 Northwest Gainesville Road, Ocala, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS :

Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 NW Gainesville Road, Ocala, Florida. Phone (352) 369-2800.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the Bureau of Fire Standards and Training by mail at 11655 NW Gainesville Road, Ocala, Florida, or by phone at (352) 369-2800, no later than 48 hours prior to the meeting or workshop.

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I: ADOPTION OF UNIFORM MINIMUM FIREFIGHTER EMPLOYMENT STANDARDS

4A-62.0001 Definitions

4A-62.001 Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards.

4A-62.002 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards

4A-62.003 Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and additional requirements Relating to Fire Scenes.

4A-62.005 Exemption from 29 Code of Federal Regulations, Section 1910.134(g)(4)

4A-62.006 Requirements for Recognition as a Fire Department

4A-62.007 Minimum Requirements for Class 9 Protection

4A-62.0001 Definitions. Unless the text or context clearly requires otherwise, the definitions in Section 633.802, Florida Statutes, are applicable to this rule chapter. In addition, for purposes of this rule chapter, the following definitions apply.

(1) "Act" means Sections 633.801 – 633.821, Florida Statutes.

(2) "Division" means the Division of State Fire Marshal of the Department of Financial Services of the State of Florida.

(3) "Exclusionary" zone or "hot" zone means the area immediately around the incident where serious threat of harm exists, which includes the collapse zone for a structure fire. Entry into such zone would require the use of breathing apparatus; protective clothing and specialized training required under Section 633.821(2), Florida Statutes, and this rule chapter.

(4) "Fire department" means any local fire department or fire district in the state responsible for municipal or county fire protection as recognized by the appropriate municipal or county government or the state. A fire department has the intent and purpose of carrying out the duties, functions, powers, and responsibilities normally

associated with a fire department, and which is in compliance with Rule 4A-62.006, F.A.C. These duties, functions, powers, and responsibilities include but are not limited to the protection and saving of life and property against fire, explosions, and other hazards, the prevention and extinguishment of fires, and the enforcement of municipal, county, and state fire prevention codes, as well as of any law pertaining to the prevention and control of fires and hazardous materials incident mitigation.

(5) “Firefighter employee” means a firefighter employee as defined in Section 633.802, Florida Statutes, and includes a volunteer firefighter as referred to in Section 633.820, Florida Statutes.

(6) “IDLH” or “IDLH atmosphere” means an atmosphere which is immediately dangerous to life and health.

(7) “Trained commensurate to duty” means that the person must have documented training in the specific task assigned or combination of skills required to accomplish any series of tasks which may be assigned to that individual given a set of circumstances or which that individual may undertake.

(8) “Two-in, two-out rule” or “two-in, two-out” means and refers to 29 C.F.R. 1910.134(g)(4), Including Notes One and Two, as modified by Section 633.821(3), Florida Statutes.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(a), 633.802, 633.821 FS. History—New

4A-62.001 Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards.

No change.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. *Law Implemented*
633.45(1)(A), 633.821 FS. *History—New* 11-21-01, Amended

4A-62.002 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards.

No change.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. *Law Implemented*
633.45(1)(A), 633.821 FS. *History—New* 11-21-01, Amended

4A-62.003 Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes.

(1) and (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the IDLH atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident.

(a)1. Except as provided in sub-paragraphs 2., 3., and 4., no firefighter or any other person under the authority of the firefighter employer at the scene of a fire is permitted to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such firefighter or other person at the scene of a fire is

certified in this state by the division as a Firefighter I or a Firefighter II, as established in subsections (1) and (2) of Rule 4A-37.055, F.A.C.. Such training shall consist of the training described in subsection (6) of Rule 4A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters but is also applicable to any other person working under the authority of the Firefighter Employer at the scene of a fire

2. A volunteer firefighter who possesses the State Basic Volunteer certificate previously issued by the division is exempt from the Firefighter I and Firefighter II requirement in subparagraph 1. Basic volunteer in itself may not meet “trained commensurate to duty” as defined depending upon duties or tasks assigned or undertaken in the exclusionary zone.

3. United States Department of Defense firefighters responding in their capacity as U.S. Department of Defense firefighters meeting equivalent U.S. Department of Defense qualifications are exempt from the Florida Firefighter I and Firefighter II requirement in subparagraph 1.

4. Volunteer firefighters having NWCG S-130, S-190, and Standards for Survival certification by the Florida Division of Forestry are permitted to participate in wild land fire suppression without the Firefighter 1 certification.

(b) It is each Firefighter Employer’s responsibility to be familiar with the training standards of commonly used mutual aid agreements, automatic aid agreements, and other similar resources. Each fire department responding pursuant to a mutual aid agreement or automatic aid agreement or similar document is responsible for the training and certification of its own personnel. Unless otherwise specified, requests for

assistance shall constitute requests for personnel meeting the training standard required by these rules.

(4)(a) In addition to the prohibition in subsection (3), no firefighter employer, regardless of whether such firefighter employer employs firefighters certified under Section 633.34, Florida Statutes, or utilizes volunteer firefighters, is permitted to allow any firefighter or other person at the scene of a fire to participate in any activity which is included in the standards adopted in Sections 633.801 – 633.821, Florida Statutes, or pursuant to this rule chapter unless such firefighter or other person at the scene of a fire is a Florida certified Firefighter I as established in subsections (1) and (2) of Rule 4A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 4A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person operating in the exclusionary zone of a scene that would require the use of breathing apparatus, protective clothing, or specialized training required under Section 633.821 (2).

(b) This subsection does not prohibit a person who has not met the training requirements in paragraph (a) from taking any action at all at a fire scene. It merely prohibits a person who has not met such training requirements from engaging in any activity which is governed by the standards adopted in Sections 633.801 – 633.821, Florida Statutes. Persons not having met the training requirements in paragraph (a), but who are “trained commensurate to duty” to perform those activities they are assigned to, are permitted to engage in certain activities outside of the exclusionary zone. Those activities include pulling hoses, opening and closing fire hydrants, moving vehicles,

carrying tools, carrying or moving equipment, directing traffic, manning a resource pool, and similar activities.

~~Also with respect to 29 C.F.R. Section 1910.134(g)(4):~~

~~(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in paragraphs (b) and (c).~~

~~(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality, or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months.~~

~~The decision to extend the time for implementation shall be made prior to April 1, 2002.~~

~~(c) If the extension granted in paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division is still unable to implement 29 C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 F.F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional~~

~~funds. If the Division determines that any county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.~~

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. *Law Implemented*
633.45(1)(A), 633.821 FS. *History—New* 11-21-01, Amended

4A-62.006 Requirements for Recognition as a Fire Department.

(1) To be recognized as an organized fire department by the division, compliance with the following must be documented:

(a) Establishment in accordance with the provisions of the National Fire Protection Association Standard 1201, 2000 edition;

(b) Capability of providing fire protection 24 hours a day, seven days a week;

(c) Responsibility for response in an area capable of being depicted on a map;

and

(d) Staffing with a sufficient number of qualified firefighters who are employed fulltime or part-time or serve as volunteers and who shall have successfully completed an approved basic firefighting course recognized by the Bureau of Fire Standards and Training.

(2)(a) A fire department shall meet the requirements of the Insurance Services Office (ISO) for Class 9 Protection which is hereby adopted and incorporated by reference.

(b) ISO measures the major elements of a community's fire-suppression system and develops a numerical grade ranging from 1 to 10. Class 1 represents the best public protection and Class 10 indicates no recognized protection.

(c) The requirements for ISO 9 may be obtained at the ISO website located at www.iso.com, or it may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Standards and Training, 11655 North Gainesville Road, Ocala, Florida 34482-1486.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS.

History—New_____

4A-62.007 Minimum Requirements for Class 9 Protection.

(1) To be considered for Class 9 protection, the following minimum facilities must be available:

(a) Organization:

1. The fire department shall be organized on a permanent basis under applicable state or local laws. The organization shall include one person responsible for operation of the department, usually with the title of chief.

2. The fire department must serve an area with definite boundaries. If a municipality is not served by a fire department solely operated by or for the governing body of that city, the fire department providing such service shall do so under a contract

or resolution. When a fire department's service area involves one or more municipalities , a contract shall be executed with each municipality served.

(b) Membership: The department shall have a sufficient number of firefighters/members to assure the response of at least 4 firefighters/members to alarms. The "alarms" to which this paragraph refers are first alarms for fires in structures. The chief may be one of the 4 responding firefighters/members.

(c) Training: Training for active members shall be conducted at least 2 hours every 2 months.

(d) Alarm Notification: Alarm facilities and arrangement shall be such that there is no delay in the receipt of alarms and the dispatch of fire fighters and apparatus.

(e) Apparatus:

1. The fire department shall have at least one piece of apparatus meeting the general criteria of NFPA 1901, 1999 edition.

2. Automotive Fire Apparatus: The apparatus shall have a permanently mounted pump capable of delivering 50 gpm or more at 150 psi, and a water tank with at least 300-gallon capacity.

(f) Records: Records shall indicate date, time and location of fires, the number of responding members, meetings, training sessions, and maintenance of apparatus and equipment. A roster of fire department members must be kept up-to-date.

(g) Equipment: Each fire department shall keep and maintain the following equipment:

1. At least two 150-foot lengths of ¾ or 1 inch fire department hose, 1 ½ inch pre-connected hose, or the equivalent, each with a nozzle capable of discharging either a spray or a straight stream.

2. Two portable fire extinguishers suitable for use on Class A, B and C fires. The minimum size shall be 20 BC rating in dry chemical, 10 BC rating in Co₂, and 2A rating in water-type extinguishers.

3. One 12-foot ladder with folding hooks.

4. One 24-foot extension ladder.

5. One pick-head axe.

6. Two electric hand lights.

7. One pike pole.

8. One bolt cutter.

9. One claw tool.

10. One crowbar.

(h) Housing: Apparatus shall be so housed as to provide protection from the weather.

(2) In addition, the fire department must have:

(a) A minimum of four (4) self-contained breathing apparatus, and

(b) A minimum issue of personal protective clothing for structural firefighting for each firefighter.

(3) Each organized fire department shall maintain sufficient insurance coverage on each member of the fire department to pay claims for injuries sustained en route to,

during, and returning from fire calls or other emergencies and disasters and scheduled training sessions.

(4)(a) The chief of the fire department shall annually submit a personnel roster to the SFM of all firefighters. The roster shall include:

1. the fire department name,
2. the fire department identification number (FDID),
3. the complete fire department address,
4. the fire department contact telephone number and the fire department fax number, if any,
5. the certification level for each firefighter reported, and
6. the firefighter certification number, the issue date of the certification, and the status of the certification, i.e., volunteer or career.

(b) The personnel roster need not be in any particular form; however, a personnel roster form containing the above information is available for the fire department's convenience and may be submitted if the chief of the fire department chooses. Such convenience form may be obtained at the division's website located at <http://www.fldfs.com/SFM/> or by writing to the Division of State Fire Marshal, Bureau of Fire Standards & Training, at 11655 NW Gainesville Road, Ocala, Florida 33482-1486.
Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS.

History—New _____

PART II: WORKPLACE SAFETY AND HEALTH PROGRAMS

4A-62.020 Definitions

4A-62.021 General Guidelines For Firefighter Employer Comprehensive Safety and Health Remediation Plan

4A-62.022 Firefighter Employer Comprehensive Safety and Health Program

4A-62.023 Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries

4A-62.020 Definitions. Unless otherwise specified herein, for purposes of this rule chapter the definitions of the words and terms contained in Section 440.02, Florida Statutes apply. For the purposes of Part II of this rule chapter, unless the context clearly requires otherwise, the following definitions also apply:

(1) “Firefighter Employee Safety and Health Remediation Plan” means a written training program developed by a carrier, individual self-insurer, self-insurance fund, or firefighter employer or a combination thereof for a firefighter employer’s implementation when the firefighter employer has been identified as having a high frequency or severity of injuries or workers’ compensation insurance claims that is higher than the average for firefighter employers and includes any safety and health program which has been adopted by a firefighter employer and approved by the Division. It shall serve as a guide to safe work practices for firefighter employees.

(2) “Firefighter Employer Comprehensive Safety and Health Program” means a particular written plan developed from a Workplace Safety and Health Program provided by an insurance carrier, group self-insurance fund, individual self-insurer, or by an individual firefighter employer. It is designed to ensure that the firefighter employer has a structured and integrated safety and health management program within its organization, which is specifically designed to reduce or control the hazards of the

firefighter employer's workplace and the frequency of workplace injuries and occupational diseases. Said plan is permitted to be part of an overall Workplace Safety and Health Program for the municipality, county, special district, or other unit of local government.

(3) "Frequency" means the number of workplace injuries and occupational diseases reported to the Division of Workers' Compensation, occurring over a one-year period, and resulting in a lost time case as defined in Subsection (5), below.

(4) "Frequency Rate" means the figure, which results after using the formula for determining the frequency rate provided in Rule 4A-62.023, F.A.C.

(5) "Lost Time Case" means an injury or illness which results in the firefighter employee requiring medical care at a medical care facility and involves a loss of time or service beyond the time required for initial treatment and his or her inability to perform firefighting duties.

(6) "OSHA" means the Occupational Safety and Health Administration as created by the Occupational Safety and Health Act of 1970, 29 U.S.C. Sections 651-678.

(7) "Safety and Health Standard" or "Standard" means any of the safety and health standards adopted by rule of the division and which applies to a specific workplace. These standards are minimum standards upon which all safety and health risk assessments can be made.

(8) "Safety and Health Inspection" means the risk assessment process by division personnel of a firefighter employer's work environment as follows:

(a) analyzing existing conditions and operations that may create hazards;

(b) identifying signs of ineffective safety and health policies or practices; and

(c) identifying safety and health program deficiencies.

(9) "Severity" means the extent of the workers' compensation medical and indemnity benefits which result or will result from the workplace injuries that a firefighter employer has reported to the Division of Workers' Compensation.

(10) "Shall" means that the application or procedure that follows is mandatory and "shall" is only used in this context in these rules.

(11) "Will" means that the application or procedure that follows is to take place in the future and in this context "will" is never used to indicate any degree of requirement of an application or procedure.

(12) "Workplace Safety and Health Program" means the written program of a workers' compensation carrier, group self-insurance fund, or individual self-insurer for a government unit.. It is to be used by their policyholders, members or themselves as a guide in developing a specific firefighter employer's "Firefighter Employer Comprehensive Safety and Health Program."

*Specific Authority 633.804 FS. Law Implemented 633.804 FS. History–
New _____.*

4A-62.021 General Guidelines For Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by firefighter employers that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.

(1) Safety Policy. Each firefighter employer shall issue and make available to all firefighter employees a safety policy containing a clear and concise view of the firefighter employer's determination that safety and health management shall be of primary importance and that all employment and places of employment shall be free of recognizable workplace and environmental hazards. The safety policy shall delegate responsibilities with respect to implementing the safety and health program.

(2) Safety Rules. Each firefighter employer shall develop and implement a set of safety rules which shall be equivalent to or exceed applicable standards found the Act or in rules adopted pursuant to the Act.

(3) Safety And Health Training Program. Each firefighter employer shall implement a safety and health training program, which shall address or include:

(a) Training, by supervisors or trained instructors, of new firefighter employees and firefighter employees transferring to new jobs, on the operating procedures of vehicles and equipment to be utilized by the firefighter employee.

(b) Instructional training for supervisors.

(c) Specialized training as required by the rules of the division and any OSHA Standards and other applicable laws, rules or regulations.

(d) An emergency vehicle operations course for all emergency vehicle operators as recognized by the division.

(e) Goals and objectives of the safety training program(s).

(f) Person(s) responsible for safety and the person(s) responsible for the conduct of safety training.

(g) Specific method(s) of presentation.

(h) An analysis of accidents, illnesses and injuries to determine specific additional training that may be needed.

(i) A training program outline.

(j) A comprehensive training program content.

(k) A hazard identification system.

(l) A new firefighter employee indoctrination program.

(m) Training. Each firefighter employer shall provide training and education for all firefighters and supervisory personnel commensurate with those duties and functions that such firefighters and supervisory personnel are expected to perform. Such training and education shall be provided to firefighters and supervisory personnel before they perform any emergency activities or other activities requiring such training. Supervisory personnel shall be provided with training and education which is more comprehensive than that provided to the general firefighters

(4) Each firefighter employer shall assure that training and education is conducted frequently enough to assure that each firefighter is able to perform the firefighter's assigned duties and functions satisfactorily and in a safe manner so as not to endanger such firefighter or any other firefighter. Training shall be provided on as needed basis and must be provided at least annually. In addition, firefighters who are expected to perform interior structural firefighting shall be provided with an education session or training at least quarterly. All such training shall be documented and placed in each employee's personnel file.

(5) The quality of the training and education programs for firefighters and officers shall be similar to the courses or curriculum of the Florida State Fire College or those

which use national consensus curriculums as recognized by the Division, such as the International Fire Service Training Association (IFSTA)[®]. The quality of the training for supervisory personnel shall generally conform to the standards enumerated in the National Fire Protection Association standards in NFPA 1021, "Fire Officer Professional Qualificati

ons," for Fire Officer I, II, III, or IV, as applicable, or similar or equivalent standards.

(6) Each firefighter employer shall inform each firefighter about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The firefighters shall also be advised of any changes that occur in relation to the special hazards. The firefighter employer shall develop and make available for inspection by firefighters written procedures that describe the actions to be taken in situations involving the special hazards and shall include these in the training and education program.

(7) Policy for enforcement of safety rules and regulations.

(a) Accident Investigation Program. Each firefighter employer shall implement an accident investigation program which shall investigate and record all accidents and near accidents involving personnel, including medical only injuries, and accidents in which equipment or motor vehicles are damaged. The investigation shall determine all obtainable facts of each accident and cite cause factors and recommend corrective action.

(b) Incident Reporting. Each firefighter employer shall implement the Firefighter Casualty Report, Form DFS-K4-1569, revised August, 2003, (which is substantially the same form as Form 902G, NFIRS-5), which is hereby adopted and incorporated by reference, revised August, 2003. Form DFS-K4-1569 may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(c) The Firefighter Casualty Report shall record all injuries, including type of accident, agencies, nature or type of injury, body location, the specific activity at the time of the injury or occurrence, cause of injury, and contributing causes of injury. Such reports shall also contain any event, injury, or occurrence enumerated in Section 112.181, Florida Statutes, to which the presumptions therein are applicable. These reports shall be submitted to the division within seven (7) days of the occurrence.

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History-New

4A-62.022 Firefighter Employer Comprehensive Safety and Health Remediation Plan.

(1) All firefighter employers identified and notified by the division as having a high frequency or severity of work related injuries and illnesses shall submit their Firefighter Employer Comprehensive Safety and Health Program to the division for approval within one hundred twenty (120) days after receipt of notice. The division may approve additional time for the firefighter employer to complete specific elements of the program providing the firefighter employer is making progress on the other elements. This approval must be in writing.

(2) The Firefighter Employer Comprehensive Safety and Health Remediation Plan shall contain or address the specific components listed under the “General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs” set forth in Rule 4A-62.021, F.A.C..

(3) If a firefighter employer fails to submit a Firefighter Employer Comprehensive Safety and Health Remediation Plan to the division, the firefighter employer shall be subject to a penalty as prescribed in Section 633.811, Florida Statutes, or as otherwise provided by law.

(4) The division shall conduct a continuous evaluation of each approved plan to determine its overall effectiveness.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History—

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4A-62.023 Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries.

(1) Individual firefighter employers and groups of firefighter employers with a high frequency or severity of work related injuries and illnesses as identified by the division shall be subject to safety and health inspections. If a firefighter employer fails or refuses to implement or correct deficiencies identified by the division, the firefighter employer shall be subject to penalties as prescribed in Section 633.811, Florida Statutes, or as otherwise provided by law.

(2) The division will use the following procedures to determine which firefighter employers with a high frequency or severity of workers’ compensation claims will be

selected to have their safety and health management program audited by the division and their workplace and records inspected.

(a) A firefighter employer high frequency of injury list shall be established using the most recent year's data available. This shall be data for a year where there has been sufficient time allowed to receive and check the data for reliability. The list shall be derived by compiling lost time cases contained in the database in descending order of frequency from highest to lowest for the year.

(b) The frequency rate shall be calculated using the following formula: Rate of reported lost-time injuries by a firefighter employer in a year shall be determined by Frequency divided by Average Daily Staffing where:

Frequency = total lost time cases reported by a firefighter employer in a year.

Average Daily Staffing = the average number of personnel on duty at one given time per day multiplied by the number of days staffed.

Example 1: the average number of personnel on duty at one given time per day multiplied by 365 for a 24 hour full-time department.

[Please note this is intended for three platoon (24/48) or four platoon (10/14 or 24/72)]

Example 2: the average number of personnel on duty at one given time per day multiplied by 260 for Monday through Friday staffing.

Example 3: For volunteer firefighters it is the average staffing of all of their emergency responses times the number of responses they had in the year.

National Safety Council Frequency Computation:

INJ. X Total Annual Man-Hours Worked=Injury. Rate

8760 (24hr svc) or 2000 (40 hr wk)

(c) The firefighter employer's frequency rate will be compared with the statewide average frequency rate for all firefighter employers.

(d) If a firefighter employer is to be audited, the following shall be required of the firefighter employer:

1. The firefighter employer shall meet with a division representative within ten days of being notified of the decision to audit or on such other date as may be mutually agreed upon.

2. The firefighter employer shall assign a contact person to work with the representative of the division.

3. The firefighter employer shall provide to the representative the most complete copy of each of the first reports of injury for the past 3 years and a copy of the corresponding accident report if available.

4. Information pertaining to the following shall be provided by, and will be collected from, the firefighter employer:

a. Safety policy,

b. Safety rules and regulations,

c. Safety inspections, including regular and periodic inspections,

d. Safety training programs,

e. First aid programs,

f. Accident investigation programs,

g. Record Keeping,

h. Respiratory protection programs as required by the adoption of 29 C.F.R.

1910.134 in Rule 4A-62.011, F.A.C., and

i. Any other information pertaining to safety and health program management.

5. After the audit is complete, a closing conference will be scheduled to advise the firefighter employer on the results of the audit.

6. Suggestions and assistance will be provided to the firefighter employer to help improve the safety and health program management.

7. Abatement deadlines shall be set for the firefighter employer to take corrective action in regard to any safety and health program deficiencies that are identified.

8. To measure program effectiveness following the audit, the firefighter employer shall be required to submit copies of all first reports of injury and corresponding accident investigation reports to the division on a quarterly basis (every three months) for two years or until the firefighter employer's frequency/severity rate of lost time cases falls below the statewide average for firefighter employers, whichever occurs last.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History–New

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PART III: SAFETY AND HEALTH COMPLIANCE

4A-62.030 Definitions

4A-62.031 Right of Entry

4A-62.032 Division Inspection or Investigation

4A-62.033 Recordkeeping Responsibilities of Firefighter Employers

4A-62.034 Notice of Violation

4A-62.035 Safety Training

4A-62.036 Procedures Relating to Penalties

4A-62.030 Definitions. Part III of this rule chapter incorporates by reference the definition of “occupational disease” contained in Section 440.151(2), Florida Statutes, and the definitions contained in Section 440.02, Florida Statutes. Further, with respect to Part III of these rules, the division adopts the following definitions:

(1) “Abatement date” means a specific date provided by the division on the Notice of Violation on or before which the firefighter employer must correct a violation to avoid penalty. “Abatement” means and includes remediation.

(2) “Calendar year” means a given twelve month period that begins January 1 and ends December 31.

(3) “Establishment” means the single physical location of a workplace where the firefighter employer maintains records necessary to provide evidence of firefighter employer compliance with this rule chapter. Generally, an establishment is a single physical location where business is conducted. For firefighter employers engaged in activities that may be physically dispersed, the establishment shall be the Administrative Offices/Headquarters of the agency.

(4) “Fatality” means any firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease. The term includes a firefighter employee death that results from workplace injury, illness, or occupational disease.

(5) “Hazard” means the risk of exposure to materials, processes, or operating procedures or practices that can produce a harmful effect by causing injury, illness, occupational disease, or fatality.

(6) “Illness” means any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated

with employment. It includes acute and chronic illnesses or diseases that may be caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(7) "Investigation" means verification of firefighter employer compliance with the Act or division rule by of a firefighter employer including firefighter employer requests, complaint investigations, fatality investigations, and serious incident investigations.

(8) "Multiple Injury Event:" means either a single event during an incident that three or more firefighter receive serious incident level injuries such as a vehicle crash, or firefighters injured from a falling wall, or three of the same type of serious incident level injuries sustained during an entire incident such as three smoke inhalation injuries at the same fire.

(9) "Serious incident" means any event arising out of the work and in the course of employment, as the result of which a firefighter employee is admitted into a hospital for a minimum period of twenty-four hours.

(10) "Violation" means noncompliance with the Act, a division rule, or an order of the division.

(11) "Workplace" means the physical location in Florida where firefighter employees perform their duties and includes the scene of a fire or other emergency unless the context clearly requires otherwise.

Specific Authority 633.806 FS. Law Implemented 633.806 FS. History–New

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4A-62.031 Right of Entry. A firefighter employer shall allow the division, on request and presentation of official credentials, without delay to enter and to inspect any

place of employment at any reasonable time for the purpose of assuring compliance with the Act and this rule chapter.

Specific Authority 633.806 FS. Law Implemented 633.806, 633.815 FS. History–
New _____.

4A-62.032 Division Inspection or Investigation.

(1) Under the Act, the division is authorized to conduct inspections or investigations for the purpose of ensuring compliance with the Act and division rules. The division shall conduct an inspection or investigation to determine jurisdiction, the occurrence of a violation, or to verify abatement. The division shall conduct an inspection or investigation by means of on-site inspection or investigation, telephone, correspondence, or personal interview, which may be in private.

(2) A firefighter employer may request the division to investigate the workplace to ensure compliance with the Act and division rules.

(3) The division shall not be required to provide notice of an inspection or investigation when the Division is advised that a condition or practice that creates an “imminent danger” to the safety and health of workers.

(4) Upon entering a workplace, the division shall advise the person in charge of the work being performed at the workplace that the division intends to conduct an inspection or investigation.

(5) The division shall conduct an opening conference, explaining the purpose of the inspection or investigation, inspection or investigation procedures, and firefighter employer obligations and responsibilities.

(6) The division may but is not required to invite a representative of the firefighter employer or a firefighter employee, or both, to accompany the division during an inspection or investigation.

(7) The division shall consider evidence observed in plain view or obtained during an inspection or investigation, or otherwise obtained from a telephone or personal interview, correspondence, firefighter employer record, maintenance record, insurance record, laboratory report, or electronic information.

(8) After the inspection or investigation, the division shall conduct a closing conference with the firefighter employer to discuss any violations noticed, answer questions, explain penalty assessments, and identify abatement verification procedures, including the potential for a subsequent inspection or investigation by the division to verify abatement.

(9) The division shall issue a Notice of Violation prescribed in Rule 4A-62.034, F.A.C., for each violation identified by the division during an inspection or investigation at the completion of the inspection or investigation.

(10) Complaint Investigation.

(a) The division shall consider a complaint from any person who alleges a violation of the Act or a division rule. The complainant may elect to remain anonymous. The complainant must identify the location of the workplace that gives rise to the complaint and allege known particular facts that constitute a violation. A complaint may be oral or written.

(b) The division shall conduct an investigation of any complaint that facially establishes reasonable cause to believe that a violation exists or occurred.

(11) Fatality or Multiple Injury Event Investigation or equipment failure.

(a) Each firefighter employer shall notify the division of any fatality or three (3) or more serious injuries at the same incident via the Division's 24 hour "1 800" phone number which is 1-800-NET-FIRE (1-800-638-3473) within 4 hours of the occurrence.

(b) The division shall conduct an investigation of each fatality or multiple injury events, of which it is notified.

(c) Any injury or fatality that is reported to or appears to be the result of equipment failure shall be investigated by the division.

(12) If the division determines during an investigation that a firefighter employer's failure to comply with the Act or a division rule directly contributed to a fatality or serious incident, the division shall issue to the firefighter employer a Notice of Violation specifying an immediate abatement date.

(13) The division shall conduct an investigation to verify abatement of a violation within six months after the issuance date of the Notice of Violation.

Specific Authority 633.45(1)(a), 633.806 FS. Law Implemented 633.801, 633.806, 633.815 FS. History-New _____.

4A-62.033 Recordkeeping Responsibilities of Firefighter Employers.

(1) Each firefighter employer shall maintain for review by the division upon request the "Fire Service Log and Summary of Occupational Injuries, Diseases, and Illnesses" DFS-K4-1568, revised August, 2003, (sometimes referred to in these rules as "log and summary"), adopted and incorporated herein by reference and available from the division at the Bureau of Fire Standards and Training, 11655 North Gainesville Road, Ocala, Florida 33482. Each firefighter employer shall record each injury, illness,

occupational disease, and fatality for that establishment on the log and summary within six working days of learning an injury, illness, occupational disease, or fatality has occurred. A firefighter employer may maintain a form equivalent to the log and summary, which shall contain the same information and shall be as readable and comprehensible to a person unfamiliar with the log and summary. The firefighter employer or person who supervises the preparation of the log and summary shall execute the certification of the log and summary with his or her signature.

(2) In addition to the log and summary required in subsection (1), each firefighter employer shall maintain and make readily available upon request to the division the following supplementary records:

(a) "First Report of Injury or Illness," Form DWC-1, Rev. 11/94, a form which was adopted and incorporated by reference by the Division of Workers' Compensation and is available from the firefighter employer's Workers' Compensation insurance carrier or fund. The form may also be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(b) The Firefighter Casualty Report, DFS Form DFS-K4-1569, (i.e., substantially the same as Form 902G, NFIRS-5), which shall be submitted for each injury, illness, occupational disease, or fatality at each establishment, within six (6) working days after a firefighter employee injury, illness, occupational disease, or fatality has occurred. The Notice of Injury shall be completed in the detail prescribed in the instructions on the Notice of Injury itself.

(c) The firefighter employee accident investigation records which were created by or submitted to the firefighter employer.

(3) Each firefighter employer shall establish and maintain records on a calendar year basis.

(4) Each firefighter employer shall maintain records required in subsections (1) and (2) in each establishment for three calendar years following the end of the calendar year during which the firefighter employee injury, illness, occupational disease, or fatality occurred.

(5) When a workplace is located apart from an establishment, the firefighter employer shall have available at the workplace the telephone number and address of the establishment where records are maintained.

Specific Authority 633.808(4) FS. Law Implemented 633.808(4) FS. History-New

4A-62.034 Notice of Violation.

(1)(a) If the division determines that a firefighter employer is not in compliance with the Act or a division rule or order, the division shall issue to the firefighter employer a Notice of Violation on Form DFS-K4-1566, revised August, 2003, which the division hereby adopts and incorporates herein, and which may be obtained by writing to the division at 11655 NW Gainesville Road, Ocala, Florida 33482-1486.

(b) The Notice of Violation shall specify the section of the statute, the rule violated, or the division order and set forth particular facts that support the division's allegation of a violation, and set an abatement date not to exceed thirty calendar days from the date of issuance on the Notice of Violation.

(c) The Notice of Violation is not final agency action; rather, it is a notice provided as a courtesy to the firefighter employer to give notice of matters the division considers

to be in violation of the applicable statutes, rules, codes, standards, or other applicable requirement.

(d) If a notice assessing a penalty, as provided for in Rule 4A-62.036, F.A.C., is given to the firefighter employer, such action constitutes final agency action and is subject to Chapter 120, Florida Statutes.

(2) The division shall serve a Notice of Violation on the senior firefighter employer official at the workplace where the violation occurred, or on a firefighter employer contact or representative, and shall mail or otherwise deliver a copy to the official headquarters mailing address of record. The division shall serve a Notice of Violation personally, via United States mail, or otherwise as provided by law.

(3) Each firefighter employer shall bring into compliance any violation identified in the Notice of Violation on or before its abatement date. The division may grant an extension of the original abatement date upon written request by the firefighter employer for good cause shown, which means an incident or occurrence beyond the control of the firefighter employer, such as in the event of an identified hazard, forthcoming delivery of contracted services or materials, together with remedial action by the firefighter employer to remove firefighter employees from the hazard.

(4) A firefighter employer shall file the firefighter employer's copy of the Notice of Violation with the division, indicating the action taken by the firefighter employer to bring the noticed violation into compliance, the date action was taken, and the firefighter employer's signature certifying abatement. Filing under this subsection means receipt by the division within ten days after the abatement date.

(5) If the division determines that the firefighter employer abated the noticed violation on or before the abatement date, the division shall dismiss the notice. If the firefighter employer fails to correct the violation on or before the abatement date, the division shall assess against the firefighter employer a civil penalty commensurate with Section 633.811, Florida Statutes, unless otherwise provided by division rule.

(6) The firefighter employer who receives a Notice of Violation may request the division to withdraw the Notice of Violation. The request must be in writing and received by the division on or before the abatement date. The division shall withdraw a Notice of Violation for good cause shown by the firefighter employer.

(7) If the division finds no violation during an investigation on-site, the division will so indicate on a Notice of Violation if requested by the firefighter employer.

(8)(a) Each firefighter employee of a firefighter employer covered under the Act shall comply with:

1. rules adopted or orders issued by the division;
2. reasonable workplace safety and health standards, and
3. rules, policies, procedures, and work practices established by the firefighter employer or the workplace safety committee.

(b) A firefighter employee who knowingly fails to comply with this subsection may be disciplined or discharged by the firefighter employer.

Specific Authority 633.808 FS. Law Implemented 633.808 FS. History-
New _____.

4A-62.035 Safety Training.

After a firefighter employer has abated a noticed violation that created a particular hazard, the division shall require the firefighter employer to provide to each affected firefighter employee safety training designed to prevent recurrence of the violation within the time frame specified by the Division. Safety training shall include at least recognition and avoidance of the particular hazard and knowledge of the protective measures required to prevent injury. Abatement of a safety training violation under this subsection shall include completion and documentation of the training. If a condition for abatement of a noticed violation includes safety training and the firefighter employer fails to provide the training to all affected firefighter employees, each affected firefighter employee not trained constitutes a separate violation. All training shall be documented and a copy placed in each effected employee's personnel file.

Specific Authority 633.808, 633.811 FS. Law Implemented 633.808, 633.811 FS.

History-New _____.

4A-62.036 Procedures Relating to Penalties.

(1) The division shall issue a notice assessing a penalty to a firefighter employer that fails to timely abate a violation of the Act or division rule.

(2) The division shall serve the notice assessing a penalty in the manner provided for by law and shall insure that such notice is provided to the administrative officer in charge of the fire department or his or her designee.

(3)(a) If an investigation to verify abatement reveals that a previously-noticed violation exists, the division shall assess against the firefighter employer a penalty for a continuing violation, which shall accrue from the original abatement date indicated on the Notice of Violation. If the firefighter employer demonstrates conclusively to the

division by documentary evidence, such as purchase order, payment receipt, or work order, that the firefighter employer corrected the previously noticed violation on or before the abatement date, the division shall not assess a penalty for a continuing violation.

(b) Any previously noticed violation that recurs after the six-month abatement period constitutes a separate violation, which is independent of a previously noticed violation and shall be separately charged.

(4) Except as otherwise provided in this rule, the division shall assess against a firefighter employer who violates the Act, such penalty as is permitted in Section 633.011, Florida Statutes. If the division grants an extension of the abatement date and the firefighter employer fails to timely abate, the penalty shall accrue from the original abatement date on the Notice of Violation.

(5) The division shall assess against a firefighter employer a penalty for a violation that is commensurate with frequency or severity, or both.

(a) In assessing a penalty based on frequency, the division shall consider:

1. The number of safety and health violations cited against the firefighter employer as the result of a complaint or investigation; and

2. The number of identical, similar, or related safety and health violations for which the firefighter employer was prosecuted administratively, criminally, or civilly.

(b) Unless the firefighter employer violates a provision specifically enumerated in paragraph (5)(b), above, the division shall assess a penalty that considers:

1. The risk or potential risk of injury or exposure to injury that results from the violation or violations; and

2. The number of firefighter employees affected by the violation or violations.

(6) A firefighter employer that violates Rule 4A-62.031, F.A.C., (right of entry) is subject to criminal prosecution pursuant to Section 633.815, Florida Statutes, and to administrative prosecution under the act.

(7) The division has authority to seek remedies, including injunctive relief, by making appropriate filings with the Circuit Court of the Second Judicial Circuit (Leon County) to assure compliance with the Act or division rule or order.

(8) The firefighter employer may request mitigation of the penalty by filing a written request for mitigation with the division. The division shall determine whether to mitigate a penalty after considering:

(a) The knowledge of the firefighter employer of the violation or whether the firefighter employer ought to have known of the violation with due diligence;

(b) The remedial action taken by the firefighter employer in good faith to correct the violation or violations cited;

(c) The promptness of the firefighter employer's remedial action to correct the violation or violations cited; and

(d) The demonstrated commitment by the firefighter employer to avert recurrence of the violation or violations and to assure future compliance with the Act and division rules.

(9) A firefighter employer shall be assessed a penalty which must be paid to the division within 30 days of the issuance date of the Notice assessing a penalty. The payment must be made by certified check or money order, which shall be made payable to the "Division of State Fire Marshal" and include the case file number and penalty

number(s) specified on the Notice assessing a penalty. Penalty payments shall be addressed to: Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. The division shall deposit all penalties collected in the Florida Insurance Commissioner's Regulatory Trust Fund.

(10) The notice assessing a penalty shall be final agency action and shall be subject to Chapter 120, Florida Statutes..

Specific Authority 633.811 FS. Law Implemented 633.811 FS. History-New

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PART IV: WORKPLACE SAFETY COMMITTEES

4A-62.040 Definitions

4A-62.041 Scope

4A-62.042 Firefighter Employer Requirements

4A-62.043 Duties and Functions of the Safety Committee and Workplace Safety Coordinator

4A-62.044 Firefighter Employer Evaluation by the Division

4A-62.045 Penalties

4A-62.040 Definitions. Part IV of this rule chapter incorporates by reference the definitions for "accident" and "injury" contained in Section 440.02, Florida Statutes, and the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes. Furthermore, with respect to Part IV, the following definitions apply:

(1) "Calendar year" means a given twelve-month period that begins on January 1 and ends on December 31.

(2) “Firefighter employee representative” means a firefighter employee chosen to serve on a safety committee, who does not normally serve in a supervisory capacity.

(3) “Fatality” means a firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease, and includes a firefighter employee death that results from workplace injury, illness, or occupational disease within one year of its report to the Division of Workers’ Compensation of the Department of Financial Services.

(4) “Hazard” means the risk of exposure to materials, processes, or operating procedures or practices that can produce injury, illness, occupational disease, or fatality.

(5) A firefighter employer “identified” means a firefighter employer identified by the division as having three or more compensable injuries in the period of three calendar years immediately preceding adoption of the rule chapter, or thereafter in the most recent period of three calendar years.

(6) “Incidence Rate” or “Frequency rate” shall be determined by the method described in Rule 4A-62.023, F.A.C..

(7) “Illness” or “occupational illness” means any abnormal condition or disorder, other than one resulting from an injury, caused by exposure to environmental factors associated with employment. Illness includes acute and chronic illnesses or diseases caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(8) “Safety committee,” “workplace safety committee,” or “committee” means a group of firefighter employer and firefighter employee representatives organized pursuant to this rule chapter that actively participates in accident prevention and that

recommends improvements and promotes safety and health in the workplace. The committee is permitted to be part of a government wide unit (municipality, county, or special district) workplace safety committee provided that the requirements herein specified are met.

(9) "Safety-related incident" means a condition, event, or series of events that indicates the existence or occurrence of a hazard, regardless of whether the incident contributes to an injury, illness, occupational disease, or fatality.

(10) "Safety program" means a particular written safety and health program, implemented by a firefighter employer, that:

(a) Provides the means to eliminate, reduce, or control recognized hazards in the work or workplace;

(b) Provides the means to eliminate, reduce, or control the frequency or severity of workplace injuries and occupational diseases;

(c) Is specific to the work being performed;

(d) Is specific to the environment where the work is being performed; and

(e) Is easily understood by firefighter employees.

(11) "Scheduled meeting" means a convening of a safety committee after reasonable notice to its members and publication of an agenda of subjects to be addressed.

(12) "Workplace" means the physical location in Florida where firefighter employees perform their duties, and includes the scene of a fire and any other emergency incident scene.

(13) “Workplace safety coordinator” means a person designated by the firefighter employer who actively participates in accident prevention, recommends improvements, and promotes safety and health in the workplace. In the same manner as subsection (8) above, the workplace safety coordinator is permitted to be a government entity-wide position.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History–New

4A-62.041 Scope

Except as provided in Rule 4A-62.042, Part IV of this rule chapter applies only to a firefighter employer of twenty or more firefighter employees or to a firefighter employer of fewer than twenty firefighter employees that the division “identified.”

4A-62.042 Firefighter Employer Requirements.

(1) A firefighter employer shall establish, maintain, and administer a safety committee in the workplace. A firefighter employer of fewer than twenty firefighter employees may appoint a Safety Coordinator in lieu of a Safety Committee.

(a) The firefighter employer shall determine the total number of members that serve on the safety committee; determine the length of tenure for all members of the safety committee; and ensure that the number of firefighter employer representatives shall not exceed the number of firefighter employee representatives.

(b) The firefighter employer shall identify the firefighter employee representatives for the safety committee from firefighter employees who are volunteers or who are elected from their co-workers. When sufficient firefighter employee representation is not otherwise met, the firefighter employer shall select and appoint firefighter employees to

the committee. If a collective bargaining agreement provides for the establishment of a safety committee, the establishment of the safety committee pursuant to this section shall be in accordance with the collective bargaining agreement.

(c) The firefighter employer shall ensure that the safety committee convenes in accordance with the following protocol:

1. The committee shall convene its first scheduled meeting not more than forty-five days after the date of its inception.

2. Thereafter, the committee shall convene its scheduled meetings at least once each quarter during the calendar year and at such other times as a majority of the committee membership agrees or the firefighter employer requires.

(d) The firefighter employer shall consider and issue a timely written response to each written recommendation of the safety committee issued.

(e) The firefighter employer shall maintain complete and accurate minutes of committee meetings and communicate the location and availability of the minutes to all firefighter employees. Safety committee records, or true copies thereof, shall be maintained by the firefighter employer for a period of not less than three calendar years.

(f) The firefighter employer shall maintain and administer a safety committee by assuring that the committee complies with these rules.

(2) If the firefighter employer operates multiple workplaces that are geographically separated, the firefighter employer is permitted to have a centralized safety committee represent the safety and health concerns of all the locations, or, alternatively, the firefighter employer is permitted to have a separate safety committee at each location.

(3) A firefighter employer of fewer than twenty firefighter employees that the division “identified” as having a high frequency rate for injuries shall establish and administer a workplace safety committee or designate a workplace safety coordinator.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History–New

4A-62.043 Duties and Functions of the Safety Committee and Workplace Safety Coordinator.

(1) The safety committee, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, reportable injuries, illnesses, diseases, and fatalities.

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer’s safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed;

(d) Establish and communicate guidelines for the training of members on the requirements of this rule chapter;

(e) Post the scheduled date, time, and location of committee meetings in a conspicuous place where firefighter employees normally gather;

(f) Provide minutes of the committee meetings in a conspicuous place where firefighter employees normally gather and provide a copy thereof to individual firefighter employees upon written request; and

(g) Retain in the workplace all original written communications between the firefighter employer and the committee, or true copies thereof, for a period of not less than three calendar years.

(2) A majority of the members which shall constitute a quorum of the membership of a committee is required before official business may be transacted at a meeting.

(3) A committee organized pursuant to this rule chapter shall operate solely for the purposes required herein and may not substitute as a collective bargaining representative of firefighter employees on unrelated matters.

(4) The workplace safety coordinator, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, injuries, illnesses, diseases, and fatalities;

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer's safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed; and

(d) Seek the input of firefighter employees in complying with the responsibilities of this section.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History– New

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4A-62.044 Firefighter Employer Evaluation by the Division.

(1) The division is permitted to conduct an evaluation of a firefighter employer to assure compliance with the provisions of this rule chapter.

(2) Firefighter employers subject to an evaluation by the division shall:

(a) Meet with a representative of the division;

(b) Assign a contact person to work with the division representative; and

(c) Provide requested information pertaining to firefighter employer responsibilities specified in this rule chapter.

(3) The evaluation of a firefighter employer shall be conducted at the firefighter employer's place of business.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History–New

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4A-62.045 Penalties. A firefighter employer who violates the Act, any provision of this rule chapter, or any lawful order of the division is subject to penalties authorized by the Act.

Specific Authority 633.810 FS. Law Implemented 633.810, 633.811 FS. History—
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 NW Gainesville Road, Ocala, Florida. Phone (352) 369-2800.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:
Randall A. Napoli, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FLORIDA ADMINISTRATIVE WEEKLY: November 27, 2002