

Notice of Proposed Rule

DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF STATE FIRE MARSHAL

RULE: NOS.: RULE TITLES:

69A-37.054 Out of State Training – Certificate of Compliance; Special Certificate of Compliance
69A-37.055 Curriculum Requirements for Training Firefighter Recruits or Firefighters
69A-37.057 Roster of Students
69A-37.060 Certification as an Approved Firefighter Recruit Training Facility
69A-37.065 Programs of Study and Vocational Courses
69A-37.404 Requirements for Live Fire Training for Certified Personnel

PURPOSE, EFFECT AND SUMMARY: The State Fire Marshal's office is updating Rules 69A-37.054 and 69A-37.065, F.A.C., to conform to changes in Chapter 633, Florida Statutes. As well, Rule 69A-37.054, F.A.C., includes a provision permitting appropriately trained veterans to complete their examinations at a certified training facility. Rule 69A-37.057, F.A.C., is being amended to adopt a required roster form. Lastly, Rules 69A-37.055, 69A-37.060, and 69A-37.404, F.A.C., are being amended to correlate the rules to the most recent editions of the NFPA Standard.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Division of State of Fire Marshal conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in subsection 120.541(1), F.S. and is therefore does not require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 633.128(1)(a), (b), (c), (2)(a), 633.406(1)(f), 633.408(1), 633.418(1), 633.508(6), F.S.

LAW IMPLEMENTED: 633.128(1)(a), (b), (e), 633.406(1)(f), 633.408, 633.418(1), 633.508, F.S.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: Wednesday, April 22, 2015, @ 9:00 AM

PLACE: Florida State Fire College, Auditorium, 11655 NW Gainesville Rd, Ocala, Florida 34482.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Wentlandt, Chief, Bureau of Firefighter Standards and Training, Division of State Fire Marshal, Florida Department of Financial Services at (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-37.054 Out of State ~~Firefighter Training~~—Certificate of Compliance ~~and~~; Special Certificate of Compliance.

(1) Out of State Firefighter Certificate of Compliance.

(a)1. An individual who has satisfactorily completed training for firefighters in another state and seeks a Firefighter Certificate of Compliance shall ~~To qualify to take the examination for a certificate of compliance, the individual must~~ submit:

a. through f. No change.

2. In order for a person to be eligible to be tested, a complete application must be received by the Bureau not less than 10 business days prior to the scheduled examination date for review, verification, and approval. The examination includes both a written and practical examination. The individual shall take and pass the written part of the examination prior to taking the practical part of the examination. The individual shall take the written part of the examination within three months of approval. An individual who fails to take the written part of this examination within three months of approval shall forfeit the individual's opportunity to obtain a Certificate of Compliance under this subsection.

(b) The Bureau shall issue a certificate of compliance under this subsection to any qualified person who:

1. Successfully passes the written and practical examination as required by Rule 69A-37.056, F.A.C. This examination is given during February, May, September, and November and is administered only at the Florida State Fire College. However, a firefighter certified under the U.S. Department of Defense's Fire and Emergency Services Certification Program as a Firefighter II must take the practical examination at a certified training facility as required in Rule 69A-37.056, F.A.C. and the written examination shall be administered by a Field Representative of the Bureau or designee pursuant to paragraph 69A-37.056(6)(b), F.A.C.

2. Meets the other requirements of subsection Section 633.408(4), F.S.; and

3. No change.

(c) Only one opportunity to repeat the written or practical part of the examination is permitted and must be taken within 6 months of the initial examination date or be forfeited. Any individual who failed the written or practical part of the examination twice within Failure to pass the examination within this timeframe shall forfeit the opportunity to obtain a Certificate of Compliance under this subsection will result in the individual's having to successfully complete the Firefighter training as defined in Rule 69A-37.055, F.A.C., before any additional testing can occur.

~~(d) The individual must be pre-registered not less than 10 business days prior to the date of the examination.~~

(2) Special Certificate of Compliance.

(a) The Bureau shall issue a special certificate of compliance to an individual ~~from another state~~ who provides proof of employment as the Administrative and Command Head of a fire service provider if that individual also the fire/rescue/emergency services organization of an employing agency and who meets all the requirements of this subsection. The Administrative and Command Head of an a fire/rescue/emergency services organization is permitted to hold the title of director, fire chief, or other title. This individual is permitted to respond to emergency incidents with ultimate onsite management, command, and supervisory authority over employees engaged in operations involving fire, hazardous materials, building collapse, confined space rescue, and other emergency operations.

(b) Any person making application for a special certificate of compliance as the designated Administrative and Command Head of an organization must; successfully pass the written part of the firefighter minimum standards examination with a score of 70% or higher. examinations. Individuals who fail the written part of the firefighter minimum standards examination twice shall forfeit their opportunity to obtain a Special Certificate of Compliance under this subsection. The individual shall submit all the documents, and meet all the requirements of this subsection, with the exception of the completion of the practical portion of the firefighter minimum standards examination and the requirements of Rule 69A-37.037, F.A.C. The applicant shall also:

1. Pass the Successfully pass the Certificate of Competence examination for Fire Officer I state examination with a score of 70% or higher within 6 months of the initial examination date as administered by the Bureau;

2. Complete a course of instruction of at least six hours presented by the Bureau which shall include:

a. through b. No change.

c. The State Emergency Response Plan, ~~and Florida Field Operations Guide;~~

d. No change.

3. through 7. No change.

~~8. Submit a completed Form DFS K4-1020, "Personal Inquiry Waiver," which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

~~89. Submit a completed Form DFS-K4-1390 "Application for Special Certificate of Compliance for Administrative & Command Head of a Fire/Rescue/Emergency Services Organization," which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1),~~

F.A.C.

(c) through (d) No change.

(e) The special certificate of compliance shall ~~expire~~ ~~be revoked~~ upon the termination of the holder of the special certificate of compliance as the Administrative and Command Head of a fire service provider ~~fire/rescue/emergency services organization~~.

(f) through (g) No change.

(h) Any individual who failed the written part of the firefighter minimum standards examination twice within 6 months of the initial examination date shall forfeit the opportunity to obtain a Special Certificate of Compliance under this subsection ~~Only one retake of the examination is permitted and must be taken within 6 months of the initial examination date.~~

Rulemaking Authority 633.128(2)(a), 633.408(1) FS. Law Implemented 633.128(1)(a), (e), 633.406, 633.408 FS. History—New 9-7-81, Formerly 4A-37.11, 4A-37.54, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-9-96, 12-10-01, Formerly 4A-37.054, Amended 3-19-09, _____.

69A-37.055 Curriculum Requirements for Training Firefighter Recruits or Firefighters.

(1) The firefighter training embodied in the curriculum requirements for schools operated by or for any employing agency for the specific purpose of training firefighter recruits or firefighters shall consist of 206 hours of training to complete Part I (equivalent to NFPA Firefighter I compliant) and an additional 192 hours to complete Part II (equivalent to NFPA Firefighter II compliant) training. Completion of both Part I and Part II represents the required 398 hours referred to collectively hereinafter as the “Minimum Standards Course” which is required to be certified as a firefighter. The individual courses shall have the titles, content, and at least the minimum hours of instruction prescribed by the Bureau in this rule. Part I completion shall be documented when the required coursework identified in this section has been completed. These courses shall be delivered by an instructor approved by the Bureau. ~~A score of 70 % or more must be achieved on each of a written and practical examination delivered by the Bureau.~~ Part I curriculum may be delivered by a recognized fire department. The school or employing agency is permitted and encouraged to offer additional training above that training required by this chapter for firefighter recruit training.

(2) Curriculum requirements. The Bureau will develop and maintain an objective-based curriculum addressing the topics contained in this subsection. Such curriculum shall be available electronically through the Division of State Fire Marshal’s website and by email upon request. The curriculum will list each topic area, the required hours, and the objectives. The curriculum will be maintained by the Bureau.

(a) Part I of the curriculum, consisting of 206 hours of knowledge and skill-based training, will include:

1. Orientation. Orientation is a pre-class meeting to cover the following topics:

a. through g. No Change.

h. NFPA 1582, “Standard on Medical Requirements for Fire Fighters”, 2013 ~~2007~~ Edition.

2. Chapter 5 of NFPA Standard 1001, “Fire Fighter Professional Qualifications”, 2013 ~~2008~~ Edition, hereby adopted and incorporated by reference. Copies of NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

3. through 5. No change.

6. Emergency Driving, sections ~~Sections~~ 316.126 and 316.2398, F.S.

7. through 13. No change.

(b) Part II of the curriculum, consisting of 192 hours of knowledge and skill-based training, which together with Part I totals 398 hours, will include:

1. Chapter 6 of NFPA Standard 1001, “Fire Fighter Professional Qualifications”, 2013 ~~2008~~ Edition, adopted and incorporated herein by reference. Copies of NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

2. No change.

Rulemaking Authority 633.128(1)(a), (b), (2)(a), 633.408(1) FS. Law Implemented 633.128(1)(a), (b), 633.408 FS. History—New 9-7-81, Formerly 4A-37.10, 4A-37.55, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.055, Amended 3-19-09, _____.

69A-37.057 Roster of Students.

During the first week of training for the Minimum Standards Course, a roster of students shall be electronically forwarded to the Bureau, with all supporting paperwork (i.e., release of a building to burn, if applicable; any required affidavits for use of other facilities or equipment; pre-certification paperwork, or verification that said pre-certification paperwork has been received by the Bureau for students enrolled in class) as evidence of students who are enrolled in approved training programs. State examination dates will not be scheduled until such time as all documents are received and approved by the Bureau. The roster can be completed online at www.floridastatefirecollege.org on Form DFS-K4-1026 "Roster of Students" which is adopted in Rule 69A-37.039, F.A.C.

Rulemaking Authority 633.128(2)(a), 633.408(1) FS. Law Implemented 633.128(1), 633.408 FS. History—New 9-7-81, Formerly 4A-37.17, 4A-37.57, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, Formerly 4A-37.057, Amended 3-19-09, _____.

69A-37.060 Certification as an Approved Firefighter Recruit Training Facility.

(1) To be certified as an approved training facility, an installation or facility shall;

(a) through (f) No change.

(g) Have pumper apparatus, owned or leased, or otherwise contracted for rated at not less than 750 G.P.M. and 150 p.s.i., with hose compartments sufficient to practice appropriate hydrant lay evolutions, fully equipped as prescribed in National Fire Protection Association (NFPA) Standard 1901, 2009 ~~1999~~ edition, chapter 4. The following changes to the equipment specified shall be adhered to:

1. through 3. No change.

4. Pumpers shall be tested annually using the criteria of NFPA Standard 1911, 2012 ~~1997~~ edition.

5. All ladders used for training shall conform to the requirements of NFPA Standard 1931, 2010 ~~1999~~ edition and NFPA Standard 1932, 2010 ~~1999~~ edition.

(h) through (k) No Change.

(l) Have two Class II life safety harnesses which include,

1. No change.

2. Two rescue carabiners ~~that meet the requirements of NFPA Standard 1983, 2001 edition, which is hereby adopted and incorporated by reference and may be obtained by writing to the association, whose address is: National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101,~~ for use in rope rescue training and in tying rescue knots, and

3. No change.

(m) through (s) No change.

(t) Have protective hoods that meet the requirements of NFPA 1971, Standard on Protective Clothing for Structural Fire Fighting, 2013 ~~2000~~ Edition, provided by the training center or made available for purchase, and shall be used by each student engaged in live fire training.

(u) through (v) No change.

(2) through (3) No change.

Rulemaking Authority 633.128(1)(b), (c), (2)(a) FS. Law Implemented 633.128, 633.408, 633.418 FS. History—New 9-7-81, Formerly 4A-37.18, 4A-37.60, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.060, Amended _____.

69A-37.065 Programs of Study and Vocational Courses.

The following programs of study are developed and revised by the Florida State Fire College, pursuant to sections ~~Sections~~ 633.128 and 633.216, F.S.:

(1) ~~Fire Apparatus~~ Pump Operator Program. This program is intended to prepare students for service as fire department driver-engineers or equivalent positions.

(a) Length of Program. This program consists of not less than two courses, vocational or academic, of at least 90 ~~80~~ hours of classroom instruction or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

(b) No change.

(c) Instructor Qualifications.

1. An Instructor I shall hold a state certificate of competency for ~~Fire Apparatus~~ Pump Operator.

2. No change.

(d) A Pump Operator Requirements for Certificate of Competency may be awarded to a person who has satisfactorily complied with the following requirements:

1. through 3. No change.

(2) Fire Officer Program. This is an advanced training and certification program designed for firefighters having supervisory and management responsibilities. This program is based on the National Fire Protection Association (NFPA) 1021, Standard for Fire Officer Professional Qualifications. This program is intended to prepare students for service as fire department company and chief officers at four progressive levels of competency. The applicant may provide proof of equivalent education and training approved by the Bureau of Fire Standards and Training and meeting the criteria outlined under this subsection (2).

(a) through (b) No change.

(c) Fire Officer III Certification. The Division shall issue a Fire Officer III Certificate of Competency to a firefighter who meets the program requirements of this paragraph (c), and the qualifications for Fire Officer III set forth by the Division and based on the National Fire Protection Association (NFPA) 1021, "Standard for Fire Officer Professional Qualifications," (2009 Edition), which is hereby incorporated by reference.

1. through 3. No change.

4. Requirements for Certificate of Competency. To be eligible to receive a Fire Officer III Certificate of Competency, the applicant shall:

a. Have at least five years of full time equivalent experience working as a Florida ~~certified~~ Fire Officer; and

b. through h. No change.

(d) Fire Officer IV Certification. The Division shall issue a Fire Officer IV Certificate of Competency to a firefighter who meets the program requirements of this paragraph (d), and the qualifications for Fire Officer IV set forth by the Division and based on the National Fire Protection Association (NFPA) 1021, "Standard for Fire Officer Professional Qualifications," (2009 Edition), which is hereby incorporated by reference.

1. through 3. No change.

4. Requirements for Certificate of Competency. To be eligible to receive a Fire Officer IV Certificate of Competency, the applicant shall:

a. Have at least five years of full time equivalent experience working as a Florida ~~certified~~ Fire Officer; and,

b. through g. No change.

(e) through (f) No change.

(3) through (7) No change.

Rulemaking Authority 633.128(2)(a), 633.406(1)(f), 633.418(1), FS. Law Implemented 633.128(1)(d),), 633.406(1)(f), FS. History—New 12-10-01, Formerly 4A-37.065, Amended 8-27-12, 11-18-13,_____.

69A-37.404 Requirements for Live Fire Training for Certified Personnel.

(1) through (16) No change.

(17)(a) The following portions of the 2012 ~~2002~~ edition of the National Fire Protection Association, Inc., Publication 1402, "Guide to Building Fire Service Training Centers," are hereby adopted and incorporated by reference:

1. 1402-7.1~~2~~ Selecting an Architect/Engineer (A/E),

2. 1402-8.15~~16~~ Emergency Care,

3. 1402-8.16~~17~~ Building Maintenance,

4. 1402-10.4~~2~~ Thermal Linings ~~Fire Temperature~~, and

5. No change.

(b) No change.

(18)(a) The 2012 ~~2002~~ edition of the National Fire Protection Association, Inc., Publication 1403, "Standard on Live Fire Training Evolutions," is hereby adopted and incorporated by reference, excluding, however, any chapter entitled "Referenced Publications."

- ~~1. Any chapter entitled "Referenced Publications."~~
- ~~2. References to the National Fire Protection Association, Inc., Publication 1975, Station Uniform.~~
- ~~3. The National Fire Protection Association, Inc., Publication 1001, or any references to such publication in the National Fire Protection Association, Inc., Publication 1975.~~
- ~~4. Any reference to an authority having jurisdiction in the National Fire Protection Association, Inc., Publication 1403, defined as the organization, office, or individual responsible for approving equipment, materials, installations, and procedures.~~

(b) No change.

Rulemaking Authority 633.418(1), 633.128(1), (2)(a), 633.508(6) FS. Law Implemented 633.128(1), 633.418(1), 633.508 FS. History-New 10-5-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Wentlandt, Chief, Bureau of Firefighter Standards and Training, Division of State Fire Marshal, Florida Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 18, 2014