

Notice of Proposed Rule

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:RULE TITLES:

69A-37.039 Prescribed Forms for Training and Certification

69A-37.059 Types of Instructor Certificates Issued

69A-37.064 Florida State Fire College

69A-37.408 Live Fire Training Instructor Certification and Renewal

PURPOSE AND EFFECT: The proposed rules are amended to conform to certain provisions of Section 633, F.S., "Fire Prevention and Control," as revised under Chapter No. 2013-183, Laws of Florida. The proposed amendments include the following changes: Form DFS-K4-1038, "Release and Waiver of Liability," is adopted and incorporated by reference under proposed Rule 69A-37.039, F.A.C.; proposed Rules 69A-37.059 and 69A-37.408, F.A.C., are amended to reflect an expanded period for the renewal of firefighter safety instructor certification, increasing the time period for renewal from three to four years; proposed Rule 69A-37.064, F.A.C., is amended to set forth the requirements for admission to the Florida State Fire College under new subsection (7), which also provides links to the Florida State Fire College website address.

SUMMARY: The proposed rules, listed under Rule Chapter 69A-37, F.A.C., titled "Firefighters Standards and Training," are amended to conform to certain provisions of Section 633, F.S., "Fire Prevention and Control," as revised under Chapter No. 2013-183, Laws of Florida.

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 Department has conducted preliminary economic reviews of the proposed rules and has determined that the rulemaking will not have an adverse impact or result in regulatory costs in excess of \$1million within five years, pursuant to paragraph 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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), (1)(d), (2)(a), 633.408(1), 633.418(1), 633.508(6) FS.

LAW IMPLEMENTED: 633.128 (1)(d), (h), (k), 633.406, 633.408, 633.418(1), 633.426(5), 633.446, 633.508 FS.

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

DATE AND TIME: Thursday, October 30, 2014, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bill Wentlandt at (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-37.039 Prescribed Forms for Training and Certification.

(1) No change.

(2) The following forms are hereby adopted and incorporated by reference in this rule:

(a) through (e) No change.

(f) DFS-K4-1038 (Revised 07/01/2014), "Release and Waiver of Liability."

(f) through (cc) renumbered (g) through (dd).

Rulemaking Authority 633.104, 633.128(2)(a), 633.216(9), 633.418(1) FS. Law Implemented 633.112(1), 633.138, 633.216, 633.406, 633.408, 633.412, 633.418 FS. History--New 9-7-81, Formerly 4A-37.20, 4A-37.39, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 9-13-98, 12-10-01, Formerly 4A-37.039, Amended 3-19-09, 8-27-12, 8-20-13, 11-18-13,_____.

69A-37.059 Types of Instructor Certificates Issued.

This rule provides that the Bureau of Fire Standards and Training shall certify individuals to conduct training and education classes for fire service personnel. Upon satisfaction of the requirements listed under the respective categories, an applicant shall be awarded instructor certification appropriate to the applicant's attainments and may teach designated subjects in the courses of training and education coming within the purview of the Bureau of Fire Standards and Training. The certificates to be awarded are as follows:

(1) through (5) No change.

(6) Quadrennial ~~Triennial~~ Renewal of Instructor Certification.

(a) Instructor Certification must be renewed every 4 years.

(b) through (d) No change.

(7) No change.

Rulemaking Authority 633.128(1)(d), (2)(a), 633.408(1) FS. Law Implemented 633.406, 633.408, 633.414, 633.426(5), 633.446 FS. History--New 9-7-81, Formerly 4A-37.15, 4A-37.59, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.059, Amended _____.

69A-37.064 Florida State Fire College.

(1) through (6) No change.

(7) Admission Requirements to the Florida State Fire College. All trainees attending the Florida State Fire College shall:

(a) Possess a student identification number issued by the Division's electronic information database system, which can be obtained at www.floridastatefirecollege.org.

(b) Apply for the course at www.floridastatefirecollege.org.

(c) Submit the required tuition payment to the Division.

(d) Obtain a student identification card upon arrival at the Florida State Fire College, and.

(e) Complete Form DFS-K4-1038, "Release And Waiver Of Liability", 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.

Rulemaking Authority 633.128(1), 633.128(2)(a) FS. Law Implemented 633.128 (1)(d), (h), (k) FS. History--New 12-10-01, Formerly 4A-37.064, Amended _____.

69A-37.408 Live Fire Training Instructor Certification and Renewal.

(1) No change.

(2) For quadrennial ~~triennial~~ renewal, a person is required to complete the 8 hour LFTI renewal course and each person seeking renewal must have participated as a primary instructor, IIC, or SO during the four ~~three~~ year period on a fully compliant live training fire exercise.

(3) No change.

Rulemaking Authority 633.508(6), 633.128(1), (2)(a), 633.418(1) FS. Law Implemented 633.128(1), 633.414, 633.418(1), 633.508 FS. History--New 10-5-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Wentlandt, Assistant Superintendent, Bureau of Firefighter Standards and Training, Division of State Fire Marshal, 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: September 17, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 30, 2014