

NOTICE OF PROPOSED RULE

DEPARTMENT OF FINANCIAL SERVICES
Division of State Fire Marshal

RULE NO.: 69A-46.0165
RULE TITLE: Submission of the Application for a Water-Based Fire Protection Inspector Permit

PURPOSE AND EFFECT: Sections 633.521(10) and (11), F.S., require an applicant for a water-based fire protection inspector permit to hold a National Institute for Certification in Engineering Technologies (NICET) Level II certification in a subfield of Inspection and Testing of Water-Based Systems or equivalent training or education as determined by the State Fire Marshal (SFM). The proposed rule amendments will implement that law by establishing criteria to determine whether a course or certification will be approved by the SFM as the equivalent of a NICET Level II certification.

SUMMARY: The proposed rule amendment will allow an applicant for a water-based fire protection inspector permit to submit, as an alternative to holding a NICET Level II certification, proof of equivalent education and training approved by the SFM. The proposed rule amendment establishes a procedure and criteria that will be used by the SFM to determine whether a course or certification will be approved as the equivalent of a NICET Level II certification to obtain a water-based fire protection inspector permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this rule 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 been prepared by the agency.

The agency has determined that the proposed rule is not expected to require legislative ratification based upon the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The economic analysis conducted by the Department showed that: (1) no requirement for a SERC was triggered under Section 120.541(1), F.S., and (2) based on the Department's past experience with rules of this nature, the adverse impact or regulatory cost, if any, will not exceed any of the criteria set forth in Section 120.541(2), 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: 633.01, 633.517(1) FS

LAW IMPLEMENTED: 633.521(4), (8), (10), (11), 633.524(1), 633.537(4) 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: July 11, 2012 @ 10:00 A.M.

PLACE: 3rd Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, FL

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 Belinda Chukes at (850) 413-3619 or Belinda.Chukes@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: Casia Sinco, Chief, Bureau of Fire Prevention, 200 E. Gaines Street, Tallahassee, FL 32399-0342 (850) 413-3621 or Casia.Sinco@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-46.0165 Submission of the Application for a Water-Based Fire Protection Inspector Permit.

(1) No change.

(2) The applicant for a Water-Based Fire Protection Inspector Permit shall submit an application on Form DFS-K3-1794, "Application for Water-Based Fire Protection Inspector Permit," (Effective: 5-18-08), incorporated herein by reference, and available from the Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(3) No change.

(4) The application shall be accompanied by two current full-face color passport size photographs, and a photocopy of the applicant's driver's license or identification card issued by the Florida Department of Highway Safety and Motor Vehicles. Each photograph shall have the name of the applicant printed legibly on the back of the photograph. ~~Each Effective July 1, 2008, each~~ application shall be accompanied by evidence that the applicant holds a NICET Level II certification in a subfield of Inspection and Testing of Water-Based Systems. As an alternative to holding a NICET Level II certification, the applicant may provide proof of equivalent education and training approved by the State Fire Marshal and meeting the criteria outlined in this rule.

(5) through (7) No change.

(8) A Water-Based Fire Protection Inspector permittee must qualify and maintain a NICET Level II certification in a subfield of Inspection and Testing of Water-Based Systems as a condition to renewal ~~effective July 1, 2008.~~

(9) Courses and certifications equivalent to NICET certification shall be reviewed and approved by the State Fire Marshal. The State Fire Marshal shall approve any course or certification which meets the criteria provided in this rule. Requests for

approval shall be submitted to the State Fire Marshal in writing to the address in subsection (2). All requests shall include, at a minimum:

(a) Passage scores and rates;

(b) An educational agenda;

(c) Required number of classroom hours;

(d) A work experience requirement and system of verification of that experience;

(e) Description of the minimum standards covered;

(f) Coverage of technical aspects;

(g) Formulation of a test bank and sample exam.

(10) Courses may include both NICET Level I and NICET Level II certification equivalents or may include only a NICET Level II certification equivalent.

(11) Courses may be presented to the Florida Fire Safety Board for an advisory opinion as to the sufficiency of any equivalent course or certification.

Rulemaking Specific Authority 633.01, 633.517(1), 633.521(11), 633.524(1) FS.

Law Implemented 633.521(4), (8), (10), (11), 633.524(1), 633.537(4) FS.

History–New 5-18-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 1, 2011