

Notice of Proposed Rule

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:

[69A-37.084](#): Definitions

[69A-37.085](#): Eligibility Requirements for Supplemental Compensation

[69A-37.086](#): Request for Eligibility Determination

[69A-37.089](#): Employing Agency Request for Reimbursement

[69A-37.090](#): Supplemental Compensation Forms

PURPOSE AND EFFECT: The proposed amendments address implementation issues that arose after the rules were last amended on March 11, 2011, to require regionally accredited bachelor's degrees for supplemental compensation eligibility.

SUMMARY: The proposed amendments clarify which firefighters are eligible for supplemental compensation and eliminate the transfer exception in subsection 69A-37.084(1), F.A.C. The proposed amendments define the terms "coursework applicable for fire department duties," "nationally accredited" and "regionally accredited"; provide that an employing agency will not be reimbursed for payment made to an ineligible firefighter; and incorporate several forms by reference.

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 conducted an economic analysis of the potential impact of the proposed changes and determined that there will be no adverse economic impact or regulatory increases that would require legislative ratification.

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: [633.45\(2\)\(a\) FS.](#)

LAW IMPLEMENTED: [633.382 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 6, 2012, 1:30 p.m.

PLACE: Fire College, Bureau of Fire Standards and Training, 11655 N.W. Gainesville Rd., Ocala, FL 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 Fire Standards and Training, Florida State Fire College, 11655 N.W. Gainesville Road, Ocala, FL 34482-1486, Phone (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-37.084 Definitions.

In addition to the terms defined in Section 633.382(1), F.S., the following terms will have the following meanings for purposes of Rules 69A-37.082 through ~~69A-37.090~~ 69A-37.089, F.A.C.:

(1) “Coursework applicable to fire department duties” means completed courses in the major field of study for an associate degree or a bachelor’s degree, which relate in a meaningful way to fire department duties included in the firefighter’s job description. The determination of whether the completed courses constitute coursework applicable to fire department duties shall depend on the content of the individual courses and not solely on the title of the degree conferred. “Accredited” means recognized as having sufficient academic standards to qualify graduates by having been awarded accreditation from a regional accrediting agency that is recognized by the U.S. Department of Education. Documentation that a regional accredited Florida public or private university or college will accept a degree for transfer purposes will also be accepted for accreditation purposes.

(2) “Eligible Associate Degree” means an Associate in of Arts or Associate in of Science degree conferred by a public or private university or college in which required coursework the firefighter successfully completed courses that are applicable to fire department duties, as defined in subsection (4).

(3) “Eligible Bachelor’s Degree” means a bachelor’s degree that required coursework applicable to fire department duties and that was conferred by a:

(a) Regionally regional accredited public or private university or college;

(b) University or college located outside of the United States if a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services determines in writing that the degree is the equivalent of a bachelor’s degree conferred by a regionally accredited university or college;

(c) Nationally accredited university or college if the degree recipient was determined eligible by the division for supplemental compensation for that degree pursuant to an application for eligibility determination submitted to the division before March 14, 2011; or

(d) Nationally accredited university or college on or before [12 months after effective date of this rule], if the degree recipient submits a completed application for eligibility determination to the division on or before [14 months after the effective date of this rule], applicable to fire department duties, as defined in subsection (4).

(4) “Nationally accredited” means accredited by an accrediting agency recognized by the U.S. Department of Education, but which is not a regional accrediting agency listed in subsection (5). “Applicable to fire department duties” means degree courses that add value to fire department employment.

(5) “Regionally accredited” means accredited by one of the following regional accrediting agencies recognized by the U.S. Department of Education:

(a) The Middle States Association of Colleges and Secondary Schools, Commission on Higher Education;

(b) The New England Association of Schools and Colleges, Commission on Institutions of Higher Education;

(c) The North Central Association of Colleges and Schools;

(d) The Northwest Commission on Colleges and Universities;

(e) The Southern Association of Colleges and Schools, Commission on Colleges; or

(f) Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities or Accrediting Commission for Community and Junior Colleges.

~~(6)(5)~~ “Supplemental Compensation” means funds that may be paid to eligible firefighters by employing agencies pursuant to Section 633.382, F.S., and this rule chapter, in addition to any regular compensation paid by the employing agencies.

Rulemaking Authority 633.45(2)(a) FS. Law Implemented 633.382(2) FS. History—New 1-3-90, Amended 3-20-95, 7-17-00, Formerly 4A-37.084, Amended 3-14-11, _____.

69A-37.085 Eligibility Requirements for Supplemental Compensation.

~~(1)~~ To be eligible to receive Supplemental Compensation, ~~the employing agency must meet the definition in Section 633.382, F.S., and the firefighter must meet all of the following requirements:~~

~~(a)(1)~~ Be certified as a firefighter pursuant to Section 633.35, F.S.;

~~(b)(2)~~ Possess an eligible ~~associate degree~~ ~~Associate~~ or eligible bachelor’s degree.

~~(c)(3)~~ Be employed full time as a firefighter by an employing agency.

~~(2)(4)~~ ~~A No~~ firefighter shall ~~not be eligible to~~ receive supplemental compensation for more than one degree. If the firefighter holds two or more ~~than one~~ eligible degrees of which one or more is an eligible bachelor’s degree, compensation will be paid for one eligible bachelor’s ~~the bachelors~~ degree.

~~(3)(5)~~ ~~A firefighter~~ ~~An employing agency is ineligible~~ ~~not eligible~~ to receive supplemental compensation ~~be reimbursed for a firefighter’s supplemental pay when the firefighter.~~

~~(a)~~ ~~Is The firefighter is~~ no longer employed by the employing agency;

~~(b)~~ ~~Is The firefighter is~~ transferred to a position for which the firefighter’s degree no longer qualifies him or her;

~~(c)~~ ~~Is The firefighter is~~ no longer employed in a full time capacity;

~~(d)~~ ~~Takes The firefighter takes~~ a leave of absence without pay;

~~(e)~~ ~~Is The firefighter is~~ suspended without pay; or

~~(f)~~ ~~Is The firefighter is~~ no longer certified pursuant to Section 633.354, F.S.

~~(4)~~ If a firefighter becomes ineligible for supplemental compensation, the employing agency shall submit Form DFS-K4-1055, “Firefighters Supplemental Compensation Program Notice of Ineligibility,” which is incorporated by reference in Rule 69A-37.090, F.A.C., to the division within 10 business days after the date upon which ineligibility occurred. An employing agency shall not be reimbursed by the division for the payment of supplemental compensation to an ineligible firefighter on or after the date upon which ineligibility occurred.

~~(6)~~ ~~The effective date of ineligibility shall be that date on which the firefighter ceases to receive compensation from the employing agency for performing the duties of a full time firefighter.~~

Rulemaking Authority 633.45(2)(a) FS. Law Implemented 633.382(1), (2), (4) FS. History—New 1-3-90, Amended 3-20-95, Formerly 4A-37.085, Amended 3-14-11, _____.

69A-37.086 Application Request for Eligibility Determination.

(1) To participate in the Firefighters Supplemental Compensation Program, a firefighter shall submit the:

~~(a)~~ Form DFS-K4-1057, “Application ~~Whenever a question arises as to the eligibility of an employing agency to be reimbursed for Initial Entry.” which is incorporated by reference in Rule 69A-37.090, F.A.C., supplemental compensation paid to a firefighter as provided in Section 633.382, F.S., the question shall be submitted on Form DFS K4 1057, Firefighters Supplemental Compensation Program Bureau of Fire Standards & Training Request for Determination of Eligibility, <https://www.flrules.org/gateway/reference.asp?No=Ref 00141>, amended March 14, 2011, adopted and incorporated herein by reference, to the division for a determination of eligibility if the firefighter has not been previously determined eligible by the division to participate in the program. ~~The form can be obtained~~~~

as indicated in subsection 69A-37.089(3), F.A.C. The form shall be completed in full, signed by an authorized representative of the employing agency, and accompanied by the attachments set forth in the form.

(b) Form DFS-K4-1442, “Application for Upgrade from Associate Level to Bachelor Level,” which is incorporated by reference in Rule 69A-37.090, F.A.C., to the division for a determination of eligibility if the firefighter was previously determined eligible by the division to participate in the program at the associate degree level.

(c) Form DFS-K4-1056, “Application for Re-Entry,” which is incorporated by reference in Rule 69A-37.090, F.A.C., to the division for a determination of eligibility if the firefighter became ineligible for supplemental compensation under subsection 69A-37.085(3), F.A.C., but is no longer subject to any condition specified in that subsection.

(2) Each application must be completed in full, signed by the applicant and fire chief for the employing agency or his or her authorized agent, and include each attachment required by the form. The employing agency’s certification shall be based upon the completed coursework identified in the transcript and not solely upon the title of the degree conferred. The standard shall be whether the courses within the major field of study relate in a meaningful way to the firefighter’s job description.

(3) The division shall will advise the applicant and employing agency of its determination of eligibility in writing.

Rulemaking Authority 633.45(2) FS. Law Implemented 633.382(2) FS. History–New 1-3-90, Amended 3-20-95, Formerly 4A-37.086, Amended 3-14-11, _____.

69A-37.089 Employing Agency Request for Reimbursement.

(1) Each employing agency seeking reimbursement for supplemental compensation paid to firefighters pursuant to Section 633.3082, F.S., and this rule shall submit quarterly reports to the division on March 31, June 30, September 30, and December 31 of each year on Form DFS-K4-1065, “Firefighters Supplemental Compensation Program Quarterly,” which is incorporated by reference in Rule 69A-47.090, F.A.C. ~~Report Bureau of Fire Standards & Training, https://www.flrules.org/gateway/reference.asp?No=Ref_00142, amended March 14, 2011, adopted and incorporated herein by reference.~~

(2) Every employing agency must maintain written records relating to the eligibility of every firefighter whose name is submitted to the division pursuant to subsection (1) above in separate files for a period of five years for audit purposes.

(3) ~~Copies of all forms listed in this rule chapter can be obtained through the Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486; website: www.floridastatefirecollege.org.~~
Rulemaking Authority 633.45(2)(a) FS. Law Implemented 633.382(4) (2), (3), (5) FS. History–New 1-3-90, Formerly 4A-37.089, Amended 3-14-11, _____.

69A-37.090 List of Supplemental Compensation Forms; Incorporation by Reference.

The following forms are hereby incorporated by reference and can be obtained by writing to the Florida State Fire College, 11655 NW Gainesville Road, Ocala, Florida 34482-1486 or by accessing the College’s website at <http://www.myfloridacfo.com/sfm/bfst/standard/stdsupcp.htm>:

(1) Form DFS-K4-1442, “Application for Upgrade from Associate Level to Bachelor Level,” Eff. 4/12.

(2) Form DFS-K4-1055, “Firefighters Supplemental Compensation Program Notice of Ineligibility,” Eff. 4/12.

(3) Form DFS-K4-1056, “Application for Re-Entry,” Eff. 4/12.

(4) Form DFS-K4-1057, “Application for Initial Entry,” Eff. 4/12.

(5) Form DFS-K4-1065, "Firefighters Supplemental Compensation Program Quarterly Report," Rev. 4/12.
Rulemaking Authority 663.45(2) FS. Law Implemented 633.382 FS. History--New _____.