

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Firefighter Standards and Training	4A-37
RULE TITLES:	RULE NOS.:
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Determination of Moral Character	4A-37.036
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PURPOSE AND EFFECT: The changes have the following purposes and effects: Update, adopt, and repeal forms; Update, adopt, and repeal NFPA and other standards; Streamline and update requirements for taking courses and examinations in conjunction with the Florida State Fire College to make them more easily accessible by the public; Make technical changes updating outdated words and phrases; Repeal unnecessary and/or outdated rule sections, subsections, and paragraphs; Update Florida State Fire College Curricula, courses, courses of study, and programs of study; Change “Minimum Standards Course” to “Firefighter I and Firefighter II courses; Update Instructor requirements and eligibility, and provide for use of field experts; Update facility requirements for certified training centers to allow modern construction techniques and materials; Provide specificity for certificates of competencies in several areas.

SUBJECT AREAS TO BE ADDRESSED: Florida State Fire College forms; NFPA and other Standards; Florida State Fire College courses and examinations; repeal of outdated rules and

standards; Florida State Fire college curricula, courses of study, and programs of study; the creation of the Firefighter I and Firefighter II courses from the former Minimum Standards Course; Florida State Fire College instructor requirements and eligibility; use of field experts at the Florida State Fire College; facility requirements for certified training centers to allow modern construction techniques and materials; Florida State Fire College specificity for certificates of competence.

SPECIFIC AUTHORITY: 633.45(2) FS.

LAW IMPLEMENTED: 633.35(2), 633.38, 633.382, 633.45(1) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., May 17, 2001

PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, Phone (352)732-1330, Fax (352)732-1374

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop, please advise the Department at least 5 calendar days before the program by contacting Angie Cain, (352)732-1330.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-37.0335 Qualification of New Employee.

(1) Any person applying for employment as a firefighter must meet all the requirements of Section 633.34, Florida Statutes.

(2) Upon the employment of a firefighter, the employing agency shall forward to the Bureau of Fire Standards and Training a completed Form ~~DI4-1032 FST-1A~~ entitled “Notice of Employment” which evidences that the new employee is certified as a firefighter and has met the requirements necessary to maintain ~~the such~~ certification as specified in Section 633.35(3), Florida Statutes. This form shall be forwarded within ~~ten (10) business working~~ days after the first day of employment. Form ~~DI4-1032 FST-1A~~ is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in ~~Rule~~ 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2), 633.45(2)(i) FS. History--New 6-30-91, Amended 3-20-95, _____.

4A-37.036 Determination of Moral Character.

(1) Applicants for a certificate of compliance as a firefighter shall submit a completed fingerprint card with current processing fee. When Firefighter I and Firefighter II training are to occur contiguously this submission should occur at the beginning of the Firefighter I training. In any other situation the submission is required prior to entry into Firefighter II training. Determination of good moral character is required prior to certification as a firefighter pursuant to Sections 633.34(4) and 633.35(2), Florida Statutes.

(2) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(4), 633.35(2), 633.45(2)(i) FS. History--New 6-30-91, Amended 3-20-95,_____.

4A-37.037 Firefighter Training Course Medical Examination.

(1) Pursuant to Section 633.34(5), Florida Statutes, an individual shall submit to the division a medical examination evidencing good physical condition in order to gain admission into a firefighter training program. A medical examination evidencing good physical condition shall be submitted to the division, on form DI4-1022, before an individual is admitted into a firefighter training program as defined in Section 633.35, Florida Statutes. When Firefighter I and Firefighter II training are to occur contiguously this submission is to occur at the beginning of the Firefighter I training. When Firefighter I and Firefighter II training are taken as separate modules the requirement for submission is for the Firefighter II module. Firefighter I as a stand alone module does not require a medical examination.

(2) The medical examination shall be given by a physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 458, Florida Statutes, or an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, Florida Statutes. An individual shall receive this examination within the 6 six months period prior to from the date the application for firefighter certification is received by the Bureau of Fire Standards and Training.

(3) The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022 FST-2 entitled "Medical Examination." These results will be reported by the Certified Training Center delivering the training within 5 business days of the beginning of a firefighter training program as defined in Section 633.35, Florida Statutes, and in paragraph (1) above. An individual shall not participate in the certification examination for compliance unless a completed Form DI4-1022 is on file with the Bureau of Fire Standards and Training.

(4) Form DI4-1022 FST-2 is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(5) FS. History--New 9-7-81, Formerly 4A-37.05, 4A-37.37, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95,_____.

4A-37.0371 Non-Use of Tobacco.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2) FS. History--New 1-3-90, Amended 6-30-91, 3-20-95, Repealed_____.

4A-37.0385 Termination of Employee.

Upon the termination of employment of a firefighter, the employing agency shall forward to the Bureau of Fire Standards and Training Florida State Fire College a completed Form DI4-1033 FST-3, entitled "Notice of Termination." This form shall be forwarded within ~~ten (10)~~ business working days after date of termination. Form DI4-1033 FST-3 is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(2)(i) FS. History--New 6-30-91, Amended 3-20-95,_____.

4A-37.039 Prescribed Forms for Training and Certification.

(1) Information required by the Bureau of Fire Standards and Training in this ~~rule~~ chapter ~~shall is to~~ be furnished on prescribed forms as set out specifically in these rules. The Copies of the forms identified in and required by this chapter in Part III or elsewhere in these rules are incorporated herein. The Additional copies of the forms for duplication purposes can be obtained:

(a) From fire departments Fire Departments or training centers Training Centers, or

(b) By writing to the Bureau of Fire Standards and Training, 11655 North West Gainesville Road, Ocala, Florida 34482-1486, or

(c) By downloading them from the fire college website at www.fsfc.ufl.edu.

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

(a) DI4-1016 rev. 08/00 (formerly FST-1) form effective 9-98, entitled "Application for Certification as a Firefighter;"

(b) DI4-1019 - rev. 7/00, "Fee Information and Application and Fingerprint Card Instructions";

(c) DI4-1020 rev. 03/00 ~~DI4A-41~~ form effective 8-90, entitled "Personal Inquiry Waiver;"

(d) ~~(b)~~ DI4-1022 rev. 08/98, (formerly FST-2) form effective 6-91 entitled "Medical Examination;"

(e) DI4-1026 rev. 08/00, "Roster of Students";

(f) DI4-1028 rev. 08/00, "Verification of Training Hours";

(d) ~~FST-50 form effective 10-90 entitled "Tobacco Affidavit;"~~

(g) ~~(e)~~ DI4-1032 rev. 10/00 (formerly FST-1A) form effective 10-90 entitled "Notice of Employment as a Firefighter;"

(i)(f) DI4-1033 rev. 10/00 (formerly FST-3) form effective 10-90 entitled "Notice of Termination as a Firefighter";

(j)(g) DI4-1308 rev. 8/96 (formerly FST-1C) "Application for Practical Examination for Retention of Firefighter Certification";

(k) DI4-1309 rev. 10/00 "Preliminary Equivalency Application Firefighter Minimum Curriculum Requirements";

(l) DI4-1380 rev. 3/00 "Firefighter I Training Record";

(m) DI4-1381 rev. 10/00 "Application Reactivation Form";

(n) DI4-1390 rev. 5/00 "Application for Special Certificate of Compliance for Administrative & Command Head of a Fire/Rescue/Emergency Services Organization";

(o) DI4-1438 rev. 01/01 "Application for Fire Investigator I Certification Examination";

(p) DI4-1439 rev. 01/01 "Application for Fire Investigator II Certification Examination";

(q) DI4-1440 rev. 01/01 "Florida State Fire College that have been Approved for Renewal Hours";

(r) DI4-1441 rev. 01/01 "National Fire Academy Courses that have been Approved for Renewal Hours";

(s) DI4-1442 new 01/01 "Firefighters Supplemental Compensation Program Request for Upgrade from Associate Level to Bachelor Level";

(t) DI4-1443 new 01/01 "Acceptance to Apply for the Firefighter Equivalency Examination";

(u) DI4-1444 rev. 01/01 "2001 Firefighter One Testing Schedule";

(v) DI4-1445 new 01/01 "Firefighter One Equivalency Examination Application";

(w) DI4-1446 new 01/01 "Application for Firesafety Inspector II Certification Examination";

(x) DI4-1447 new 01/01 "Application for Fire Officer One Certification Examination";

(y) DI4-1448 new 01/01 "Application for Fire Officer Two Certification Examination";

(z) DI4-1449 rev. 01/01 "Firefighter Minimum Standards Grade Release Roster";

(aa) DI4-1450 new 01/01 "Important Information About Retesting and Certification Renewal";

(bb) DI4-1451 new 01/01 "Application for Instructor I Certification";

(cc) DI4-1452 new 01/01 "Application for Instructor II Certification";

(dd) DI4-1453 new 01/01 "Application for Instructor III Certification";

(ee) DI4-1454 new 01/01 "Instructor Certification Requirements";

(ff) DI4-1455 new 01/01 "Application for Single Course Exemption Instructor Certification";

(gg) DI4-1456 new 01/01 "Application for Fire and Lifesafety Educator Certification Examination";

(hh) DI4-1457 new 01/01 "Application for Fire Apparatus Pump Operator Certification Examination";

(ii) DI4-1458 new 01/01 "Firefighter Minimum Standards Skills Refresher Course";

(jj) DI4-1459 rev. 01/01 "Application for Special Firesafety Inspector Certification Examination";

(kk) DI4-1460 rev. 01/01 "Certified Firefighter Training Center List";

(ll) DI4-1461 rev. 01/01 (formerly FST-60) "Training Affidavit";

(mm) DI4-1462 new 01/01 "Testing Schedule 2001"; and

(nn) DI4-1463 rev. 01/01 "Certification Renewal Application";

Specific Authority 633.45(2)(a) FS. Law Implemented 633.101(1), 633.34, 633.35, ~~633.38~~, 633.45 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, _____.

4A-37.050 Types of Training Certificates Issued.

(1) Certificate of Compliance. This certificate is issued to any person satisfactorily complying with the training program and standards required ~~to be established~~ by Section 633.35(1), Florida Statutes, and the qualifications for employment ~~set forth~~ in Section 633.34, except subsection 633.34(5), Florida Statutes, as provided in subsection 633.35(2) or 633.35(3), Florida Statutes, and these rules.

(2) Certificate of Competency. This certificate is issued to any person who successfully completes and meets the prescribed curriculum and standards for advanced and specialized training courses established by ~~the provisions of~~ Section 633.38(1)(a), Florida Statutes.

(3) Certificate of Instruction. This certificate is issued to any person who successfully completes any course of instruction provided by the Division of State Fire Marshal through the Bureau of Fire Standards and Training.

(4) Forestry Certificate of Compliance. This certificate is issued to any person satisfactorily complying with the training program and standards required by Section 633.35(5), Florida Statutes, and these rules.

(5) Special Certificate of Compliance. This certificate is issued to administrative heads of organizations who satisfactorily complete the requirements of Section 633.35(3), Florida Statutes, and these rules.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34, 633.35(1),(2),(3),(5), 633.45(1)(c) FS. History--New 9-7-81, Formerly 4A-37.13, 4A-37.50, Amended 11-26-85, 1-3-90, 3-20-95, _____.

4A-37.0515 Upgrading Certificates or Letters of Completion.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35, 633.45(2)(i) FS. History--New 6-30-91, Amended 3-20-95, Repealed.

4A-37.0527 Retention of Certification.

(1) The retake of the state certification examination for retention of certificate shall be known as the retention examination and is referenced in Section 633.352, Florida

Statutes. Being active as a volunteer firefighter with an organized fire department means the individual has been actively involved for a continuous period of time of not less than 6 months during the 3 year period since certified or the certification was last renewed, or since termination from a fire department. Verification of being active shall be evidenced by documentation from the chief or ranking person of the volunteer fire department.

(2) To be eligible to participate in the examination, an individual shall submit to the Bureau of Fire Standards and Training Form DI4-1308 Application for Practical Examination for Retention of Firefighter Certification, which is adopted in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), which shall include a medical examination evidencing good physical condition. The medical examination shall be given by a physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 458, Florida Statutes, or by an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, Florida Statutes. An individual shall receive this examination within the 6 month period prior to the date the application for testing is received by the Bureau of Fire Standards and Training. The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022, Medical Examination, which is incorporated by reference in 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1). An individual shall not participate in the practical examination unless a completed Form DI4-1022 is on file with the Bureau of Fire Standards and Training.

(3) Submit a fingerprint card to the Bureau of Fire Standards and Training with the current processing fee. The fingerprint card will be forwarded to the Florida Department of Law Enforcement and/or the Federal Bureau of Investigation.

(4) The Bureau will schedule the date and time for all examinations.

(5) Each individual will be required to wear N.F.P.A. approved helmet, fire coat, bunker pants, boots, protective hood, and gloves.

(6) Any individual who does not obtain a passing score of 70% or more on the retention examination will be permitted one re-take examination. The retake must occur within 6 months of the original examination.

(7) Failure of the re-take examination will result in the individual's having to successfully complete Firefighter I and II training as defined in 4A-37.055 before any additional testing can occur.

Specific Authority 633.38(1)(a), 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History—New

4A-37.054 Out of State Training – Certificate of Compliance; Special Certificate of Compliance.

(1) CERTIFICATE OF COMPLIANCE.

(a) The Bureau of Fire Standards and Training shall issue a certificate of compliance Certificate of Compliance to any person who successfully passes the written and practical examination as required by provided for in Rule 4A-37.056. This examination is given during February, May, September, and November on the fourth Monday and Tuesday of January, April, July and October and is administered only at the Florida State Fire College in Lowell.

(b) ~~(2)~~ To qualify to take the examination for the certificate of compliance, the individual must submit:

a. ~~(a)~~ A completed Form ~~DI4-1016 FST-1~~ entitled “Application for Certification as a Firefighter,” ~~Form FST-1~~ which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

b. ~~(b)~~ A completed Form DI4-1309 “Equivalency Examination Preliminary Application,” which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1). ~~Submit documentation proving that the individual has received basic employment training for firefighters equivalent to that required in the Minimum Standards Course as outlined in Rule 4A-37.055(2);~~

c. ~~(c)~~ A copy of a medical examination taken within ~~six (6)~~ months from the date the application for certification was received by the Bureau of Fire Standards and Training, with the results of the examination indicated on a completed Form ~~DI4-1022 FST-2~~ entitled “Medical Examination,” ~~Form FST-2~~ which is incorporated by reference in Rule 4A-37.039, and can be obtained where indicated in Rule 4A-37.039(1).

d. ~~(d)~~ A copy of high school diploma or its equivalent.

e. ~~(e)~~ The required fingerprint card, fingerprint card processing fee, and application fee.

f. ~~(f)~~ A completed Form ~~DI4-1020 DI4A-41~~, entitled “Personal Inquiry Waiver,” which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

~~(g) Submit a completed Form FST-50 entitled “Tobacco Affidavit,” which is incorporated by reference in Rule 4A-37.039.~~

2. ~~(h)~~ In order for a person to be eligible to be tested, required paperwork must be received by the Bureau of Fire Standards and Training not less than ~~10 business~~ ~~thirty (30)~~ days prior to the scheduled examination date for review, verification, and approval.

(c) The individual is eligible to receive a certificate of compliance if he or she:

1. ~~(3)~~ If the individual Passes the examination; and

2. Meets the other requirements of Section 633.35(2), Florida Statutes, and

3. Submits ~~provided~~ the required forms required by as prescribed in these rules are submitted, the individual is eligible to receive a Certificate of Compliance.

(d) Only one ~~(4)~~ retake of the examination is permitted ~~will be allowed~~ and must be taken within ~~six (6)~~ months of the initial examination date.

(e) The individual must be pre-registered not less than 10 ~~business thirty (30)~~ days prior to the date of the examination.

(f) Failing the retake examination within the ~~aforementioned 6~~ six-month time period will result in the individual's having to complete both the Firefighter I and Firefighter II training Minimum Standards Course ~~before any additional testing can occur.~~

(2) SPECIAL CERTIFICATE OF COMPLIANCE.

(a) The Bureau of Fire Standards and Training shall ~~may~~ issue a special certificate of compliance ~~Special Certificate of Compliance~~ to an individual from another state who provides proof of employment as the Administrative and Command Head of the fire/rescue/emergency services organization of an employing agency as defined in Section 633.30, Florida Statutes, F.S. and who meets all the requirements of this subsection. The Administrative and Command Head of a fire/rescue/emergency services organization is permitted to ~~may~~ hold the title of director, fire chief, Director, Fire Chief, or other title. This individual is permitted to ~~may~~ 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 ~~for the~~ Administrative and Command Head of an organization must meet all ~~of~~ the requirements of this subsection, as well as including successfully the successful ~~passing of~~ the written examination and submitting the submission of all the ~~documents and meeting all the~~ requirements of this ~~subsection~~ ~~herein.~~ The ~~Additionally,~~ that applicant person shall also must:

1. Successfully ~~successfully~~ pass the Certificate of Competence examination for Fire Officer I as administered by the Bureau of Fire Standards and Training; and

2. Attend ~~must attend~~ a six (6) hour seminar as determined by the Bureau of Fire Standards and Training outlining:

a. Chapter 633, Florida Statutes F.S., "Fire Prevention and Control" and the applicable rules;

b. Chapter 447, Florida Statutes F.S., "Labor Organizations", and the applicable rules; ~~and Chapter 442, F.S., "Occupational Safety and Health", and the applicable rules.~~

3. Submit a completed Form DI4-1016 "Application for Certification as a Firefighter," which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1).

4. Submit a completed Form DI4-1309 "Equivalency Examination Preliminary Application," which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1).

5. Submit a copy of a medical examination taken within 6 months from the date the application for certification was received by the Bureau of Fire Standards and Training, with the results of the examination indicated on a completed Form DI4-1022 "Medical Examination," which is incorporated by reference in 4A-37.039.

6. Submit a copy of the applicant's high school diploma or its equivalent.

7. Submit the required fingerprint card, fingerprint card processing fee, and application fee.

8. Submit a completed Form DI4-1020, "Personal Inquiry Waiver," which is incorporated by reference in 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1).

9. Submit a completed Form DI4-1390 "Application for Special Certificate of Compliance for Administrative & Command Head of a Fire/Rescue/Emergency Services Organization," which is incorporated by reference in 4A-37.039(2), and can be obtained where indicated in 4A-37.039(1).

(c) The special certificate of compliance ~~Special Certificate of Compliance~~ will be assigned a registration number identifying the holder as the Administrative and Command Head of the organization.

(d) The special certificate of compliance ~~Special Certificate of Compliance~~ is permitted to ~~may~~ be transferred with the Administrative and Command Head to another fire/rescue/emergency services organization if a comparable position is held by the special certificate ~~Special Certificate~~ holder with the new organization.

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

(f) Should the holder thereafter hold a position in any firefighter capacity other than Administrative and Command Head, the requirements of this section as they pertain to firefighters shall apply.

(g) This special certificate is optional and the individual is permitted to ~~may~~ choose to obtain the certificate of compliance ~~Certificate of Compliance~~ for firefighters as provided in this rule.

(h) Only one retake of the examination is permitted and must be taken within 6 months of the initial examination date.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(a) 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,_____.

4A-37.055 Minimum Curriculum Requirements for Training Firefighter Recruits or Firefighters.

(1) The minimum 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 160 hours of training to complete Firefighter I training and an additional 200 hours to complete Firefighter II training. Completion of both Firefighter I and Firefighter II represents the required 360 hours basic firemanship courses and shall be referred to collectively hereinafter as the "Minimum Standards Course." The individual courses shall have the titles, content, and at least the minimum hours of instruction as prescribed by the Bureau of Fire Standards and Training ~~and as listed below~~ in this rule. The completion of the Form FST-5 DI4-1028 form entitled "Verification of Prescribed Training Hours" evidencing shall evidence compliance with minimum curriculum requirements ~~shall and the form is to be~~ presented to the Bureau of Fire Standards and Training Field Representative prior to the state certification examination for Firefighter II. Form DI4-1028 FST-5 is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1). The school or employing agency is permitted to may, and is encouraged to, offer additional training above that training required by stipulated in this chapter for firefighter recruit training.

(2)(a) Firefighter I Certification shall be obtained by successful completion of the required course work identified in this section. These courses shall be delivered by an Instructor approved by the Bureau of Fire Standards and Training and a score of 70% or more must be obtained on a written state examination delivered by the Bureau of Fire Standards and Training. These courses need not be delivered at a State Certified Training Center.

(b) Each applicant shall submit a completed Form DI4-1380 "Firefighter I Training Record," which is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

(3) Applicants failing the Firefighter I examination are permitted to retake the examination within a 6 month period. Retakes after that 6 month period require a new application for testing to be submitted to the Bureau of Fire Standards and Training.

(4)(a) Persons certified at the Firefighter I level are permitted to proceed directly into Firefighter II Training at a State Certified Training Center as openings are available.

(b) Firefighter I certified persons shall enter Firefighter II training at a State Certified Training Center within:

1. 1 year of certification at the Firefighter I level, or
2. 3 years of certification as a Firefighter I, if verifiable and continuous affiliation as a volunteer firefighter with an organized fire department is maintained.

(c) Failure to enter Firefighter II Training within the time frames specified in paragraph (b) shall result in such applicant being required to complete the Firefighter I training program again prior to entry into the Firefighter II program.

(5) Entry into the Firefighter II training program at any State Certified Training Center shall require the applicant to demonstrate proficiency in Firefighter I knowledge and tasks to the satisfaction of the Training Center unless the Firefighter I and Firefighter II Training are taking place contiguously or consecutively at the same training center as a single course of instruction.

(6) Firefighter I:

(a)1.(4) Orientation, Apparatus and Equipment (6 1/2 hours lecture, 4 hours drill): The following elements shall be included in this section of training:

- a. Introduction;
- b. Florida Fire Chiefs Disaster Response Plan;
- c. Outline of training program;
- d. Student duties and responsibilities;
- e. Testing procedures;
- f. Familiarization with training facilities;
- g. Responsibilities of the training;
- h. Purpose and objectives of fire service;
- i. Fire department organizational structure;
- j. The firefighter's responsibilities in the community;
- k. History of the fire service;
- l. Higher education in the fire service;
- m. Study habits;
- n. Personnel policies of the school;
- o. Fire department terminology;
- p. Emergency driving;
- q. Objectives for Firefighter I and II in the NFPA Standard 1001, "Fire Fighter Professional Qualifications" 1997 1992 edition;
- r. NFPA 1582, "Standard on Medical Requirements for Fire Fighters," 1997 1992 edition;
- s. Rule Chapter 4A-37, Florida Administrative Code;
- t. Florida State Statutes, Sections 633.30, 633.34 through 633.353.

2. NFPA Standard 1001, "Fire Fighter Professional Qualifications", 1997 1992 edition, and NFPA 1582, "Standard on Medical Requirements for Fire Fighters", 1997 1992 edition, are hereby adopted and incorporated by reference. Copies of the NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(b)(2) Fire Behavior (3 1/2 8 hours lecture): The following elements shall be included in this section of training:

1. Principles of combustion and chemistry of fire;
2. Classes of fire and characteristics of combustibles;
3. Principles of fire control.

(c)(3) Portable Extinguishers (2 1/2 3 hours lecture, 1 hour 2 hours drill): The following elements shall be included in this section of training:

1. Types and classes;
2. Extinguishing agents;
3. Demonstrations and student drills.

(d)(4) Personal Protective Equipment (7 6 hours lecture, 3 8 hours drill): The following elements shall be included in this section of training:

1. Types, use and care of firefighter protective clothing and equipment;
2. Types of protective breathing apparatus;
3. Limitations of each;
4. Practice drills and exercises.

(e)(5) Ropes and Knots (4 2 hours lecture, 2 8 hours drill): The following elements shall be included in this section of training:

1. Rope construction, care and inspection;
2. Life safety rope;
3. Utility rope;
4. Bends, hitches and knots;
5. Methods of lashing; and
6. Hoisting tools and equipment.

(f)(6) Water Supply (3 2 hours lecture, 2 hours drill): The following elements shall be included in this section of training:

1. Components of municipal water supply systems and rural water supply operations;
2. Fire hydrants.

(g)(7) Ladders (4 1/2 hours lecture, 3 46 hours drill): The following elements shall be included in this section of training:

1. Parts, types, construction, maintenance, and testing of fire service ground ladders;
2. Pumper fire apparatus extension, roof and folding ladders;
3. Handling, carrying and raising of ground ladders;
4. ~~Aerial apparatus;~~ Climbing and operating from ladders.

(h)(8) Hose (7 6 hours lecture, 3 36 hours drill): The following elements shall be included in this section of training:

1. Size, construction, care and testing of hose;
2. Couplings, appliances and tools;
3. Hose lays and procedures;
4. Hose loads;
5. Hose rolls;
6. Hose load finishes;
7. Hose evolutions.

(i)(9) Water Fire Streams (3 1/2 40 hours lecture, 2 8 hours drill): The following elements shall be included in this section of training:

1. Extinguishing properties of water;
2. Types and size of fire streams;
3. Nozzles;

4. Introduction to hydraulics; ~~foams;~~
5. Fire stream evolutions.

(j)(10) Fire Control (5 40 hours lecture, 3 24 hours drill): The following elements shall be included in this section of training:

1. Fire suppression techniques for Class A through D fires;
2. Fire company tactics for;
 - a. Single-family dwellings,
 - b. High-rise structures,
 - c. Basement, vehicle, trash, rubbish and wildland fires;
3. Fires and emergencies in confined enclosures;
4. Fire suppression evolutions.

(k)(11) Automatic Sprinkler Systems (2 4 hours lecture): The following elements shall be included in this section of training:

1. Basics of automatic fire sprinkler systems;
2. Standpipe systems; ~~suppression operations as they relate to standpipe and sprinkler systems.~~
3. Control of water flow.

(l)(12) Forcible Entry (7 1/2 4 hours lecture, 3 6 hours drill): The following elements shall be included in this section of training:

1. Assessing situations requiring forcible entry;
2. Forcible entry tools, proper care and usage;
3. Specific techniques for forcing entry through doors, windows, walls, fences and floors. ~~Rescue and Extrication (8 hours lecture, 20 hours drill): assessment of situations requiring rescue or extrication; tools and equipment used for rescue and extrication; Specific techniques for various rescue situations; search procedures; vehicle extrication.~~

(m) Building Search and Victim Removal (4 1/2 hours lecture, 2 hours drill): The following elements shall be included in this section of training:

1. Difference between rescue and extrication;
2. Primary and secondary search;
3. Safety guidelines; victim removal.

(n)(14) Ventilation (4 hours lecture, 1 hour 6 hours drill): The following elements shall be included in this section of training:

1. Review of fire behavior; situations requiring ventilation;
2. Procedures for vertical, horizontal and forced ventilation.

(o)(15) Loss Control Salvage and Overhaul (4 1/2 hours lecture, 1 hour 6 hours drill): The following elements shall be included in this section of training:

1. Salvage operations; types of salvage;
2. Covers and equipment and their uses;
3. Care and maintenance of salvage equipment; water chutes;
4. Catchalls;

5. Overhaul operations;

6. Search for and extinguishing hidden fires;

7. Protecting and preserving evidence.

~~(p)(16)~~ Building Construction (3 4 hours lecture): The following elements shall be included in this section of training:

1. The five basic types of building construction;

2. The effects of fire on common building materials;

3. Firefighter hazards directly related to building construction.

~~(q)(17)~~ Fire Prevention and Public Education (3 1/2 8 hours lecture, 1 hour drill): The following elements shall be included in this section of training:

1. Recognition of hazards; ~~pre-incident planning;~~

2. Fire inspections, dwelling surveys, station tours and public fire education demonstrations;

3. Smoke detectors;

4. Stop, drop and roll;

5. Fire company inspection procedures;

6. Report writing;

7. School drill procedures; and

8. Educating the public on home firesafety.

~~(r)(18)~~ Firefighter Safety (3 1/2 4 hours lecture): The following elements shall be included in this section of training:

1. Physical fitness and health;

2. Fireground safety;

3. Tool and equipment safety;

4. Electric generating and lighting equipment;

5. Apparatus safety;

6. Station safety;

7. Safety in training.

~~(19) Fire Cause Determination (2 hours lecture): the firefighter's role; securing the fire scene; preserving evidence; legal considerations:~~

~~(s)(20)~~ Fire Alarms and Communications (4 hours lecture): The following elements shall be included in this section of training:

1. Fire alarm transmission;

2. Private and public alerting systems;

3. Radio procedures for fire department personnel.

~~(t)(21)~~ First Responder (20 hours lecture, 20 hours drill): The following elements shall be included in this section of training: involves training in emergency medical services including:

a. Diagnostic signs and symptoms;:-

b. Cardio-pulmonary resuscitation;:-

c. Vehicle extrication;:- and

d. Patient movement.

2. If an individual is currently certified as an emergency medical technician EMT or paramedic or has taken a First Responder course ~~he or she he/she is exempt will be exempted~~

from this portion of the Minimum Standards Course. Documentation of certification or proof of training shall be submitted at the beginning of the Minimum Standards Course.

~~(22) Physical Fitness (8 hours): supervised exercises during training.~~

~~(23) Examinations (13 hours): each portion of the outline will be the subject of a test, both academic and performance, for best measure of learning.~~

~~(u)(24)~~ Controlled Burning (2 46 hours drill): The following elements shall be included in this section of training: practice exercises in:

1. Fire control in structures;:-

2. Class "A" materials;:- ~~flammable liquids, liquefied petroleum or natural gas and~~

3. Vehicles.

~~(v)(25)~~ Awareness Level Hazardous Materials (8 24 hours lecture): The following elements shall be included in this section of training:

1. Identification of hazardous materials and their potential dangers;

2. Personal safety precautions to be taken when functioning as a hazardous materials first responder;

3. The basic options, requirements and limitations of methods to control, contain, and confine the hazard.

~~(26) Course Review (4 hours lecture, 8 hours drill).~~

Completion of the Firefighter I program does not constitute certification as a full-time, professional, or certified firefighter. No person is permitted to be employed as a paid full-time professional or certified firefighter unless that person has completed and passed the Minimum Standards Course and has received the Firefighter II certification.

(7) Firefighter II:

(a) Implementing an Incident Management System (2 1/2 hours lecture).

(b) Personal Protective Equipment (5 hours drill): The following elements shall be included in this section of training:

1. Use and care of protective breathing apparatus;2. Limitations of each;3. Practice drills and exercises.

(c) Ropes and Knots (6 hours drill): life safety rope: The following elements shall be included in this section of training:

1. Utility rope;2. Bends, hitches and knots;3. Methods of lashing; and4. Hoisting tools and equipment.

(d) Ladders (12 hours drill): The following elements shall be included in this section of training:

1. Pumper fire apparatus extension, roof and folding ladders;2. Handling, carrying and raising of ground ladders;3. Climbing and operating from ladders.

(e) Hose (3 hours lecture, 16 hours drill): The following elements shall be included in this section of training:

1. Appliances and tools;
2. Hose lays and procedures;
3. Hose loads;
4. Hose rolls;
5. Hose load finishes;
6. Hose evolutions.

(f) Foam Fire Streams (5 hours lecture, 4 hours drill): The following elements shall be included in this section of training:

1. Extinguishing properties of foam;
2. Types and size of fire streams;
3. Nozzles;
4. Foam fire streams;
5. Fire stream evolutions.

(g) Fire Control (5 1/2 hours lecture, 16 hours drill): The following elements shall be included in this section of training:

1. Fire suppression techniques for Class A through D fires;
2. Fire company tactics for:
 - a. Single-family dwellings,
 - b. High-rise structures,
 - c. Basement, vehicle, trash, rubbish and wildland fires (wildland fire component must be 2 hours lecture);
3. Ignitable liquid and flammable gas control;
4. Fires and emergencies in confined enclosures;
5. Fire suppression evolutions.

(h) Automatic Sprinkler Systems (3 1/2 hours lecture): The following elements shall be included in this section of training:

1. Automatic fire sprinkler systems;
2. Standpipe systems;
3. Detection, alarm and suppression operations as they relate to standpipe and sprinkler systems.

(i) Forcible Entry (2 hours drill): The following elements shall be included in this section of training:

1. Assessing situations requiring forcible entry;
2. Forcible entry tools;
3. Specific techniques for forcing entry through doors, windows, walls, fences and floors.

(j) Rescue and Extrication (15 hours lecture, 14 hours drill): The following elements shall be included in this section of training:

1. Assessment of situations requiring rescue or extrication;
2. Tools and equipment used for rescue and extrication;
3. Specific techniques for various rescue situations;
4. Search procedures;
5. Vehicle extrication.

(k) Building Search and Victim Removal (4 hours drill): The following elements shall be included in this section of training:

1. Primary and secondary search;
2. Safety guidelines;
3. Victim removal.

(l) Ventilation (4 hours drill): The following elements shall be included in this section of training:

1. Situations requiring ventilation;
2. Procedures for vertical, horizontal, and forced ventilation.

(m) Loss Control (4 hours drill): The following elements shall be included in this section of training:

1. Salvage operations;
2. Covers and equipment and their uses;
3. Care and maintenance of salvage equipment;
4. Water chutes;
5. Overhaul operations;
6. Search for and extinguishing hidden fires;
7. Protecting and preserving evidence.

(n) Building Construction (2 1/2 hours lecture): The following elements shall be included in this section of training:

1. The five basic types of building construction;
2. The effects of fire on common building materials;
3. Firefighter hazards directly related to building construction;
4. Construction materials and building collapse.

(o) Fire Prevention and Public Education (3 hours lecture, 2 1/2 hours drill): The following elements shall be included in this section of training:

1. Recognition of hazards;
2. Identification of detection and suppression system components;
3. Pre-incident surveys;
4. Fire inspections, fire company inspection procedures;
5. Filling out reports and surveys.

(p) Fire Cause Determination (3 hours lecture): The following elements shall be included in this section of training:

1. The firefighter's role;
2. Securing the fire scene;
3. Preserving evidence
4. Legal considerations.

(q) Fire Alarms and Communications (2 1/2 hours lecture, 1 hour drill): The following elements shall be included in this section of training:

1. Fire alarm transmission;
2. Private and public alerting systems;
3. Radio procedures for fire department personnel;
4. Incident reports.

(r) Physical Fitness (8 hours): supervised exercises during training.

(s) Examinations (12 hours): each portion of the outline shall be the subject of a test, both academic and performance, for best measure of learning.

(t) Controlled Burning (16 hours drill): The following elements shall be included in this section of training: practice exercises in:

1. Fire control in structures;
2. Flammable liquids;
3. Liquefied petroleum or natural gas; and
4. Vehicles.

(u) Operations Level Hazardous Materials (16 hours lecture): The following elements shall be included in this section of training:

1. Identification of hazardous materials;
2. Personal safety precautions to be taken;
3. The basic options, requirements and limitations of methods to control, contain, and confine the hazard.

(v) Course Review (4 hours lecture, 8 hours drill).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(a), (b) 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, _____.

4A-37.056 Specifications for Certifiable Training.

To be recognized for certification as a firefighter by the Division, training shall be obtained under the conditions as specified herein. Satisfactory completion of the prescribed training, instruction and standards in accordance with these specifications shall be certified by a designated instructor or member of the Bureau of Fire Standards and Training staff.

(1) through (2) No change.

(3) All subjects listed in the approved Firefighter I and Firefighter II courses "Minimum Standards Course" shall be included in the curriculum.

(4) Each student enrolled in a Firefighter I and/or Firefighter II Minimum Standards course shall receive instruction and training in every course subject of the curriculum. Instruction and training shall not be less than the number of hours specified for each subject.

(5)(a) One aspect of training is psychomotor skills development, which includes the demonstrated ability to perform individually and as a member of a team or group all tasks and operations associated with the training in a manner which does not present a threat to the safety of the trainee, ~~and his~~ and his co-workers, or others and which contributes to the successful achievement of the purpose for which the task or operation is being performed.

(b) If, in the professional opinion of the instructors, the student does not possess the qualities necessary to satisfactorily perform psychomotor tasks, the student shall be dropped from the training program.

(6) All tests, both written and practical, given during training shall require maintenance of a percentage score of not less than 70% on each subject listed in the prescribed Firefighter I and Firefighter II "Minimum Standards Course." courses. If a minimum score of 70% is not achieved on any test, the student ~~shall may~~ shall be afforded a one-time make up

examination to achieve the required 70%. Tests used shall be designed to encompass all the significant contents of the subjects being taught.

(a) No change.

(b) State examinations, consisting of a written and a practical part, shall be administered by a Field Representative of the Bureau of Fire Standards and Training and shall encompass all components of the Firefighter I course for Firefighter I testing and all components of both Firefighter I and Firefighter II courses for State Certification as a Firefighter. The 70% score requirement for both written and practical examinations shall prevail in this testing environment as well.

(c) No change.

(d) Only one retake of the state examination shall be allowed. Retakes of the practical portion of the examination will be offered only at the Florida State Fire College during the months of February, May, September, and November on the 2nd Monday of January, April, July and October. Retakes of the written portion of the examination will be offered at the Regional Testing Sites in February, May, September, November and monthly at the Florida State Fire College. Students must be pre-registered at least ~~ten (10)~~ business working days prior to the date of the examination.

(e) The retake of the Firefighter II Minimum Standards Certification Examination must be taken within ~~six (6)~~ six (6) months of the initial examination date.

(f) Failing the retake of the Firefighter II Minimum Standards Certification Examination within the prescribed 6 ~~six~~ month time period will result in the individual having to repeat the Firefighter II Minimum Standards Course.

(7) through (10) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2) FS. History—New 9-7-81, Formerly 4A-37.16, 4A-37.56, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, _____.

4A-37.058 Verification of Prescribed Training Hours.

(1) At the completion of the Firefighter II training Minimum Standards Course, on the date of the state certification examination, the instructor-in-charge of the course ~~shall will~~ shall present to the Bureau of Fire Standards and Training Field Representative Form DI4-1028 FST-5 form ~~entitled "Verification of Prescribed Training Hours."~~ entitled "Verification of Prescribed Training Hours." ~~This form must be signed by each instructor who taught a specific subject, as listed on Form DI4-1028 the FST-5 form.~~

(2) If ~~this~~ this Form DI4-1028 is not available for the Bureau of Fire Standards and Training Field Representative, the state certification examination will not be administered.

(3) Form DI4-1028 FST-5 is incorporated by reference in Rule 4A-37.039(2), and can be obtained where indicated in Rule 4A-37.039(1).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1) FS. History—New 9-7-81, Formerly 4A-37.58, Amended 1-3-90, 6-30-91, 3-20-95, _____.

4A-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 an instructor certification certificate 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) Requirements for Instructor I Examination and Certification. Basic Teaching Certificate. ~~The Basic Teaching Certificate is required for those who desire to teach the Florida Firefighters Minimum Standards Training Program. Requirements are:~~

(a) Submission of the required application (Form DI4-1025 FST-6), which is incorporated by reference in Rule 4A-37.039(2) 4A-37.061(2) and can be obtained where indicated in 4A-37.039(1) 4A-37.061(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) A minimum of ~~six (6)~~ years experience as a regular member of an organized fire department.

(c) A high school diploma or equivalent.

(d) Physical ability to perform the tasks associated with the training.

~~(e) A Certificate of Tenure or Compliance from the Bureau of Fire Standards and Training.~~

~~(e)(f)~~ Successful completion of an approved Fire Service Instructor Course Delivery class (formerly Methods and Techniques of Instruction) of not less than forty (40) hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training.

~~(f)(g)~~ Passing a state examination embracing the material covered in the ~~Minimum Standards Course and~~ Fire Service Instructor Course Delivery class with a score of 70% or higher. Persons holding this certification may teach any classes in the program area(s) in which they are certified or hold a certificate of competency.

(2) Requirements for Instructor II Examination and Certification. Fire Officer I Instructor. ~~The Fire Officer I Teaching Certificate is designed for those who desire to teach specified courses at an advanced level within the certifiable Fire Officer I curriculum established by the Bureau of Fire Standards and Training. Requirements are:~~

(a) Submission of the required application (Form DI4-1025 FST-6), which is incorporated by reference in Rule 4A-37.039(2) 4A-37.061(2) and can be obtained where indicated in 4A-37.039(1) 4A-37.061(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

~~(b) A minimum of 6 years experience as a regular member of an organized fire department. Hold, or qualify for, the Basic Teaching Certificate as specified by the Bureau of Fire Standards and Training.~~

~~(c) An associates degree or higher. Successful completion of the Fire Officer I Program, and certification by the Bureau of Fire Standards and Training as a Fire Officer I. A copy of the Fire Officer I certificate is required for certification.~~

~~(d) Physical ability to perform the tasks associated with the training. Passing a state examination covering the material contained in the Fire Officer I curriculum as specified by the Bureau of Fire Standards and Training.~~

~~(e) Successful completion of an approved Fire Service Course Delivery class of not less than forty (40) hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training and successful completion of an approved Fire Service Course Design class of not less than forty (40) hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training.~~

~~(f) Passing a state examination embracing the material covered in the Fire Service Course Delivery and the Fire Service Course Design courses with a score of 70% or higher. Persons holding this certification may teach any class which is recognized as part of the curriculum established and developed by the Bureau of Fire Standards and Training, provided the instructor can verify successful completion of the same course by certificate or transcript.~~

(3) Requirements for Instructor III Certification.

(a) Submission of the required application (Form DI4-1025), which is incorporated by reference in 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) A minimum of 6 years experience as a regular member of an organized fire department.

(c) A bachelor's degree or higher.

(d) Physical ability to perform the tasks associated with the training.

(e) Successful completion of an approved Fire Service Course Delivery class of not less than 40 hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training and successful completion of an approved Fire Service Course Design class of not less than 40 hours duration, as offered by the Florida State Fire College or other approved and recognized schools or colleges, or the equivalent as approved by the Bureau of Fire Standards and Training. Persons holding this certification may teach any class which is recognized as part of the curriculum

established and developed by the Bureau of Fire Standards and Training, provided the instructor can verify successful completion of the same course by certificate or transcript.

(4) Requirements for Single Course Exemption Certification.

(a) Submission of the required application (Form DI4-1025), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) Submission of letter requesting the exemption with detailed description of credentials or experience to be considered along with proof of same.

(c) Completion of 40 hours in Fire Service Course Delivery or verifiable equivalent.

(d) Credentials review by Standards section.

(e) Minimum combination of education and experience as set by the Standards section.

Persons holding this exemption are eligible to teach only the single course specified. This exemption will be granted upon review for recognition of extensive experience or education/training in the subject area.

~~(3) Firesafety Inspector Instructor. The Firesafety Inspector Teaching Certificate is designed for those who desire to teach specified courses within the certifiable Firesafety Inspector curriculum established by the Bureau of Fire Standards and Training. Requirements are:~~

~~(a) Submission of the required application (FST-6 form), which is incorporated by reference in Rule 4A-37.061, with all supporting documentation to the Bureau of Fire Standards and Training.~~

~~(b) Satisfactory completion of an approved Firesafety Inspector Course of not less than 200 hours duration, as offered by the Florida State Fire College, or other training centers or colleges that are approved by the Bureau of Fire Standards and Training.~~

~~(c) Satisfactory completion of the Fire Service Instructor Course (formerly Methods and Techniques of Instruction) of not less than forty (40) hours duration, as offered by the Florida State Fire College, or other training centers or colleges.~~

~~(d) A valid Firesafety Inspector Certificate.~~

~~(e) Passing a state certification examination covering the material contained in the Fire Service Instructor Course and the Firesafety Inspector curriculum as specified by the Bureau of Fire Standards and Training.~~

~~(5)(4) Requirements for Instructor Examination.~~

~~(a) In order for a person to be eligible to be tested, the required paperwork must be received by the Bureau of Fire Standards and Training not less than ten (10) business working days prior to the requested examination date for review, verification and approval.~~

~~(b) All testing will be accomplished at a Regional Testing Site.~~

~~(c) Retake examinations will be permitted at subsequent quarterly Regional Testing Sites or monthly at the Florida State Fire College.~~

~~(d) Application for retesting must be received by the Bureau of Fire Standards and Training not less than ten (10) business working days prior to the requested examination date.~~

~~(6)(5) Triennial Renewal of Instructor Certification.~~

~~(a) Instructor Certification must be renewed every three (3) years.~~

~~(b) Should the applicant fail to meet the prerequisite training requirements specified below for renewal, the applicant must qualify for and successfully pass the required state examination for the instructor certification requested.~~

~~(c) The Bureau of Fire Standards and Training shall notify the certified instructor that the applicant's certification is due for renewal approximately thirty (30) days prior to the expiration of the Instructor Certification.~~

~~(a) The Certified Instructor shall must submit the renewal application to the Bureau of Fire Standards and Training specifying whether the renewal is to be based on completion of a course or attendance at workshops or seminars.~~

~~1. Course – Have successfully completed an approved course of instruction in a curriculum related to the specific instructor certification.~~

~~a. This course shall must be forty (40) class hours in duration or the equivalent in Continuing Education Units (CEU's).~~

~~b. Verification of successful completion of the course shall must be included with the renewal application. Acceptable forms of verification include copies of certificates and college transcripts.~~

~~2. Workshops or Seminars – In the absence of completion of an approved course, the certification renewal shall be based upon attendance at a workshop or seminar related to the subject of certification which shall be a cumulative total of not less than forty (40) contact hours in duration.~~

~~a. Any person whose certification is not renewed cannot function as an instructor as defined herein.~~

~~b. It is the responsibility of the certified instructor to notify the Bureau of Fire Standards and Training of any address changes in writing.~~

~~(7)(6) Probation and Revocation of Instructor Certification.~~

~~(a) The Bureau of Fire Standards and Training of the Division of State Fire Marshal may place on probation any instructor whose students exhibit a lack of knowledge or skill in subject courses taught by such instructor, which shall be evidenced by a high student failure rate during participation in state administered examinations.~~

(b) The certificate of an instructor shall be revoked if evidence is found that the certification was improperly issued by the Division or when evidence is found that the certification or triennial renewal of the certification was issued on the basis of false, incorrect, incomplete, or misleading information.

(c) The certification of an instructor shall be revoked if evidence is found that the instructor has issued or caused to be issued, ~~for any person not qualified,~~ course credit ~~and/or~~ course completion for any person not qualified.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(d) 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.

4A-37.060 Certification as an Approved Firefighter Recruit Training Facility.

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

(a) Submit upon submitting a request to the Bureau of Fire Standards and Training;

(b) Submit to followed by an inspection by a Bureau of Fire Standards and Training Field Representative; and

(c) Have be certified as an approved training facility for conducting the Florida Firefighters Minimum Standards Training Program, provided it has in its custody and readily available for use the required training structures, apparatus, and equipment listed in paragraphs (b) through (q) of this subsection below.

(d)(a) Have a A fixed structure not less than ~~two (2)~~ stories in height with each floor not less than 400 net square feet (exclusive of hallways, stairways, balconies or vestibule areas), of masonry, ~~and/or~~ reinforced concrete construction, or both, or other fire resistive material as approved by the Bureau of Fire Standards and Training, with all floors completely enclosed and suitable for smoke training with breathing equipment. With respect to the structure described in this paragraph, the following shall apply:

1.a. All floors shall be provided with window openings with sill height at least ~~forty-two (42)~~ inches above the top of the finished floor.

b. Window openings above the first floor shall be suitable for entry, exit, and rescue training from ground ladders.

c. No window openings shall be allowed in the walls containing the interior stairway.

d. Window closures such as shutters ~~shall should~~ swing into the building, except for those in a burn room which ~~shall should~~ always swing out.

2.a. The structure shall have an interior enclosed stairway connecting all floors and roof.

b. Double handrails on stairways and guard rails around stair wells shall be provided.

3.a. An exterior stairway of metal or masonry construction shall be provided, extending from first floor level, connecting all floors above the first floor.

b. In lieu of an exterior stairway the structure shall be provided with an enclosed stairway designed to discharge directly to the outside at first floor level, with access from each floor above the first floor provided by means of an open air vestibule or by way of an exterior balcony ~~with such stairway enclosure designed to discharge directly to the outside at first floor level.~~

4.a. All door openings shall be provided with ~~self-closing~~ fire doors with door rating consistent with the fire resistance rating of the wall wherein installed.

b. Door locks, if provided, shall not require the use of a key, tool, special knowledge or effort for operating from the inside of the building.

5. At roof level, the entire perimeter of the roof shall be provided with a guard rail or parapet wall or a combination parapet wall and guard rail not less than ~~forty-two (42)~~ inches high measured vertically to the top of the wall or rail from the finished roof surface.

6.a. All floors shall be equipped with a standpipe outlet located in stairway enclosure.

b. Outlets shall be designed to supply 2 1/2 inch hose with water flow controlled by a hose valve.

c. A fire department standpipe connection shall be provided on an exterior first floor wall.

~~(c)(b)~~ Classroom with adequate lighting, heating, cooling and ventilation.

~~(d)(e)~~ Current types and classes of portable first aid fire extinguishers.

1. Minimum requirement is at least one of each of the following types of extinguishers for every four students:

a. Dry chemical,

b. Carbon dioxide, and

c. Pressurized water for use in portable extinguisher evolution.

2. Other representative types of portable first aid extinguishers ~~shall should~~ be available for identification.

~~(e)1.(d)~~ Pumper apparatus, owned, owner or leased, or otherwise contracted for, rated at not less than 750 G.P.M. at 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, 1996 1994 edition, Chapter 4 7. The following changes to the equipment specified shall be adhered to:

a. Both hard suction and soft sleeve hose shall be provided,

b. Hand hose lines shall be limited to 2 1/2 inch and 1 3/4 inch in size.

(2) The following equipment shall also be provided:

a. DOT Emergency Response Guide Book, current edition,

b. One fire service claw tool,

c. One Haligan type tool,

- d. Four salvage covers,
- e. Four hose straps,
- f. Two shovels (1 ~~one~~ square end and 1 ~~one~~ scoop),
- g. One 125-foot utility rope (not for lifesafety use),
- h. One hose clamp,-
- i. ~~In addition, one~~ a 2 1/2 inch siamese (1 ~~one~~ male, 2 ~~two~~ female connections) with clapper valves,
- j. One hose jacket for 2 1/2 inch hose,
- k. Two 2 1/2 inch to 1 1/2 inch reducers, and
- l. One hose hoist tool.

3. Pumpers ~~shall~~ ~~should~~ be tested annually using the criteria of NFPA Standard 1911, 1997 ~~1994~~ edition.

4. All ladders used for training shall conform to the requirements of NFPA Standard 1931, 1994 ~~1989~~ edition and NFPA Standard 1932, 1994 ~~1989~~ edition.

5.a. All referenced parts of the NFPA publications mentioned in this subsection are hereby adopted and incorporated by reference.

b. Copies of the NFPA publications can ~~may~~ be obtained ~~from by writing to the association, whose address is:~~ National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(f)1.(e) Forcible entry and ventilation drill facilities, which shall include ~~including~~ a means of practice on:

- a. Doors,
- b. Windows,
- c. Roofs,
- d. Floors, and
- e. Partitions.

2. These facilities are permitted to ~~may~~ be included in the structure which is to be burned as part of the training if it is not a part of the regular training complex.

3. The following forcible entry and ventilation tools are the minimum required:

- a. Pick head axe,
- b. Flat headed axe,
- c. Pike poles,
- d. Prying tools,
- e. Haligan type tool,
- f. Fire service claw tool,
- g. Sledge hammer,
- h. Bolt cutter,
- i. hand and power saws.

(g)1.(f) Salvage equipment shall ~~to~~ include:

- 1. Salvage covers and various sprinkler heads ~~kit~~,
- 2. Scoops,
- 3. Squeegees,
- 4. Mops, and
- 5. Carryalls.

(h)1.(g) Two Class II life safety harnesses,

2. Two life safety ropes (2 ~~two~~ person rope) each not less than 75 feet in length,

3. ~~and~~ Two rescue carabiners that meet the requirements of NFPA Standard 1983, 1997 ~~1990~~ edition, for use in rope rescue training and in tying rescue knots,- and

4. ~~Additional~~ ~~Additional~~ rope of assorted length, diameter, and construction suitable for practice in knots and lashings.

(i)1.(h) Representative and approved breathing apparatus. Minimum of one SCBA, positive pressure, NIOSH/MSHA approved, 30 minute or longer rated service life, for every four students with sufficient spare cylinders, ~~and/or~~ refill capabilities, or both, to enable at least 20 minutes of protective breathing apparatus training per student.

(j)1.(i) Facilities for live fire training in:

1. An enclosed structure for simulated structural firefighting, minimum of ~~four hundred~~ (400) square feet, having at least ~~two~~ (2) rooms.

2. Flammable liquid fire facility, minimum of ~~fifty~~ (50) square feet, using at least ~~one~~ (1) inch of fuel floating on surface of water, per burn.

3. Liquefied petroleum or natural gas firefighting.

a. A liquefied petroleum (L.P.) gas field must be available with a 250-gallon L.P. storage tank complete with shut-off valve and safety valve.

b. There must be a vapor line with cut-off valve, liquid line, and cut-off valve.

c. All gas lines must be controlled by a certified instructor at a main control panel.

d. This shall ~~is to~~ be a permanent installation so it can be set on fire and the students using hand lines can approach the burning L.P. lines and tanks, and shut off the proper valves.

4. Automobile firefighting.

(k)1.a.(j) International Fire Service Training Association (IFSTA) Manual Essentials of Firefighting, current edition, and

b. National Fire Academy program Initial Response to Hazardous Materials Incidents Student Manual for Course 1 – Basic Concepts and Course 2 – Concept Implementation in sufficient quantities available for each student provided by the training facility or available for purchase by the student.

2.a. A complete set of the IFSTA Manuals,

b. NFPA Fire Protection Handbook, current edition,

a. a copy of Florida Statutes, Chapter 633, and Division of State Fire Marshal Rule Chapter 4A-37, current edition, per training center ~~is required~~.

3. IFSTA Manual Essentials of Firefighting for each instructor is required.

(l)1.(k) Standard first aid supplies as required in First Aid Manual (American National Red Cross), ~~and~~

2. One Resusci-Anne or equivalent,-

3. First Responder, current edition, in sufficient quantity to enable each student to have a copy, either provided by the training facility or available for purchase by the student.

~~(m)(4)~~ Audio-visual aids. The following training aids, with compatible audio-visual equipment, are recommended:

1. Forcible Entry
2. Fire Streams
3. Automatic Fire Protection Systems and Devices
4. Hose Lay Out Practices
5. Hose Fittings and Appliances
6. Personal Protective Equipment
7. Ventilation Practices
8. Fire Ground Search and Rescue
9. Overhaul and Salvage Operations
10. First Aid
11. Ropes and Knots
12. Portable Fire Extinguishers
13. Fire Pumps
14. Ground Ladders
15. Water Supply
16. Firefighter Safety
17. Firefighting Tools and Equipment
18. Hazardous Materials
19. Fire Behavior
20. Vehicle Extrication
21. Building Construction
22. Fire Control
23. Fire Cause Determination
24. Fire Alarm and Communication
25. Fire Prevention and Public Education

~~(n)(m)~~ Water supply. A minimum of ~~one~~ (1) operational hydrant suitably located as to provide safe hose evolution practices.

~~(o)(n)~~ Training dummy of not less than ~~one hundred twenty-five~~ (125) pounds to be used during rescue training.

~~(p)1.~~ Protective hoods that meet the requirements of NFPA 1971, Standard on Protective Clothing for Structural Fire Fighting, ~~1997~~ 1994 edition, which is incorporated herein by reference, provided by the training center or made available for purchase, shall be used by each student engaged in live fire training, ~~and is incorporated herein by reference.~~

2. Copies of the NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

~~(q)(p)~~ Each student, while engaged in live fire training, shall use a Personal Alert Safety System (PASS) pass device which shall ~~is to~~ be provided by the training center. ~~Pass devices shall meet the requirements of NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters, 1988 edition, and is incorporated herein by reference.~~

(2) Apparatus used for training ~~shall~~ must not be an active in-service apparatus. A reserve pumper, without duty crew assigned, is acceptable. A pumper permanently assigned for training is ideal.

(3) When it has been determined that a Certified Training Center is not in compliance with the requirements of specified in rules 4A-37.055, 4A-37.056 and 4A-37.060 with reference to its responsibilities, as evidenced by an inspection conducted by a Bureau of Fire Standards and Training Field Representative, certification shall be revoked until the recorded deficiencies, ~~and/or~~ procedures, or both, have been corrected.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History--New 9-7-81, Amended.

4A-37.061 Prescribed Forms for Training and Certification.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History--New 9-7-81, Formerly 4A-37.20, 4A-37.61, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, Repealed.

4A-37.062 Procedures for State Firefighter Certification Examination Day.

(1) Definitions. As used in this section:

(a) "Bureau" means the Bureau of Fire Standards and Training of the Division of State Fire Marshal, Department of Insurance.

(b) "Examiner" means the person administering the examination.

(c) "Participant" means the person taking the examination.

(d) "SCBA" means self-contained breathing apparatus.

(e) "Training center" means the location at which the examination is being administered.

(2) Preparation For Examination.

(a)1. Training center staff shall have the apparatus and all equipment necessary for testing ready not later than 0730 hours on the morning of the state examination.

2. All tools specified in 4A-37.60 are required at the testing site on the examination day.

3. It is recommended that two pallets be available for simulated roof or floor work.

(b) Training center staff shall have the participants present and prepared for testing not later than 0730 hours on the morning of the state examination.

(c) In the event of extreme or hazardous weather conditions that have the potential to compromise the effectiveness of the examination or expose the participants to injury, the examiner shall have full authority to postpone the examination to another date to be determined by the Bureau.

(3) Examination Sequence.

(a)1. Each participant shall be prepared to take any segment of the examination at any time during any day set for testing.

2. The weather and number of participants will be considerations that can alter the examination sequence.

(b) The examiner is permitted to administer the examination in any sequence the examiner deems necessary.

(4) Dress Code.

(a) All safety equipment, bunker gear, and other clothing as needed to participate in the state examination shall be furnished by the training center or the participant.

(b)1. Each participant shall wear at a minimum helmets, gloves, boots, and bunker pants while in the practical examination or staging area.

2. The examiner is permitted to designate a rehab area where participants are allowed to dress down.

(c) No bunker gear shall be worn in the classroom.

(d) Any time the helmet is worn during practical testing:

1. The flap shall be down to protect the back of the neck.

2. Helmet straps shall be in place under the chin and tightened.

(e) The helmet face shield shall be down to protect the eyes and face at any time the participant is involved in testing or any other activity unless a SCBA face piece is worn.

(f) Hoods are required during testing for proper donning of the SCBA and when participating in an evolution requiring the use of the SCBA.

(g) Sunglasses shall not be worn by participants in the practical examination area or in the classroom unless they are corrective prescription lenses.

(5) General Procedures.

(a)1. Each participant not involved in the examination or assisting with assigned duties shall be in a staging area.

2. Permission to leave the staging area for personal needs shall be requested of the examiner.

(b) While in the staging area, each participant shall remain standing, observing, and prepared to perform prescribed functions.

(c)1. The individual practical examinations are timed separately but the participant shall be prepared to begin upon reporting for each segment.

2. If a participant delays, the examiner shall inform the participant that the time will begin.

(d) Before and after taking his or her part of the practical examination, each participant shall assist in tasks assigned to the participant by the examiner or instructor in order to help the examination run safely and smoothly. Examiner or instructor supervision is required in these tasks.

(e)1. An examiner or instructor shall operate and pump each apparatus used on examination days.

2. The dress of the day shall be jump suit or work type uniform, and shoes or boots. Shorts, sandals, flip flops, and similar items of apparel or footwear are prohibited.

(f) Use of tobacco products by any state examiner or any state certified instructor is not permitted if such use can be viewed by any participant or other student.

(g)1. When invited, an instructor is permitted to accompany the examiner while the individual practical examination or team evolutions are being administered.

2. This instructor shall be properly attired, as directed by the examiner.

3. Each training center shall have an area designated as a staging area for visiting instructors.

(h) Equipment shall not be abused.

(i) Running is not permitted during the practical examination.

(j) No unauthorized personnel are permitted in any test area.

(k) No photographing, videotaping, or audiotaping of any test is permitted at any time under any circumstances.

(l) If an equipment malfunction occurs during the examination process, the participant will be stopped without penalty. After a reasonable recovery time the examiner will determine where and how the participant will restart the evaluation process.

(m) The face piece and hood shall be part of the personal protective ensemble any time the participant has the SCBA tank on the participant's back.

(n) A Personal Alert Safety System (PASS) shall be worn when a SCBA is used.

(o) No verbal encouragement from any student or instructor shall be permitted during the practical examination.

(p) Any participant who is absent at the time the orientation begins for the practical portion of the Minimum Standards State Certification Examination shall be required to take that portion of the examination at the Florida State Fire College during regional testing.

(q) Any participant who is absent at the time of the orientation begins for the written portion of the Minimum Standards Certification Examination shall be required to take that portion of the examination at the Florida State Fire College during the regional testing.

(6) Makeup Examinations.

(a) Retests of written examinations are given quarterly at Regional Testing sites.

(b) Retests of practical examinations or retests of written and practical examinations are given quarterly at the campus of the Florida State Fire College.

(c) The retest of the Minimum Standards State Certification Examination must be taken within 6 months of the initial examination date.

(d) A person reporting to the Florida State Fire College for a retest of the practical examination must have his or her own helmet, hood, gloves, boots, bunker coat, and bunker pants. It is recommended that each person bring his or her own SCBA.

(e) The dress code in effect at a training center on examination day applies during the Florida State Fire College regional retest examination.

(f) Safety: Firefighter safety is the paramount consideration of the Bureau.

Specific Authority 633.45 FS. Law Implemented 633.45 FS. History--New

4A-37.063 Cheating.

(1) Any student who has been determined to have cheated on any test or examination administered under Chapter 633, Florida Statutes, or this rule chapter shall be required to retake the course for which the student was determined to have cheated before taking another examination.

(2) "Cheated on any test or examination" means intentionally using any unapproved means, method, technique, document, or instrumentality to take or challenge any test or examination administered by the Florida State Fire College.

(3) Any student alleged to have cheated on an examination against whom disciplinary action is sought is subject to proceedings under Chapter 120, Florida Statutes.

Specific Authority 633.45(1)(h) FS. Law Implemented 633.35(2), 633.45(1)(h) FS. History--New

4A-37.064 Florida State Fire College.

(1) Purpose. The Florida State Fire College, hereinafter referred to as the "College," shall offer basic, intermediate, and advanced training and educational courses, develop educational curricula to be used by other fire-rescue training agencies, and conduct research into new methods and technologies related to fire-rescue activities.

(2) Categories of Programs. The College offers courses that fall into five general categories: academic, certification, certificate of competency, vocational, and non-credit.

(a) Academic program courses are defined as those courses at the college level, either lower division (freshman or sophomore) or upper division (junior or senior). The College offers these programs through approved articulation agreements with accredited colleges and universities.

(b) Certification program courses are defined as those courses whose completion is required prior to testing for State Certification in a program area.

(c) Certificate of competency program courses are defined as those courses whose completion is required prior to a state examination for competency in a program area.

(d) Vocational courses are defined as courses at the post-secondary level that provide skill development and professional development training.

(e) Non-credit programs are defined as continuing education short courses, specialty programs, seminars, symposia, and conferences designed to enhance or refresh previous training or to introduce new topics.

(3) Organization and Documentation of Programs.

(a) Programs are defined as a series of two or more courses leading to a point of completion.

(b) Courses are defined as a series of class meetings on a defined topic leading to a point of completion.

(c) The College issues certificates for individual courses and for successful completion of defined programs.

(d) The College, upon request, issues student transcripts that provide a complete history of all work attempted or successfully completed at the College.

(4) College Registration and Fees.

(a) All prospective students shall submit a completed course application form and acceptable proof of payment before being enrolled in any course.

(b) The College sets minimum and maximum class sizes for all courses.

1. Any course that does not have the minimum number of students enrolled by an established cutoff date shall be canceled.

2. Students shall be denied entry into a course that has already reached its maximum number of enrolled students.

(c) If a course is canceled, each student enrolled in the canceled course shall receive a refund in accordance with refund policies of the Department of Insurance.

(d) If a student fails to appear for a course at its first meeting, all prepayment for that course shall be forfeited. If the student provides advance written notice of nonattendance, the student shall receive a refund in accordance with refund policies of the Department of Insurance.

(e) The College shall withhold certificates, transcripts, and any other official documents for students who are in arrears for any tuition, books, fees, or ancillary services until such arrearages are paid in full.

(f) The College sets its tuition, fees, and prices at such a level as to recover reasonable costs and operate with fiscal responsibility.

(5) College Catalog.

(a) The College shall publish a catalog and course schedule not less than annually.

(b) The College catalog contains all course descriptions, programs of study, academic policies, grade scales, student services, tuition and fees, and any other necessary information to inform the public and prospective students of the College and its services.

(c) By payment of fees and attendance of classes, each student agrees to abide by, and be bound by, the College catalog which binds both the student and the College in terms of expectations and performance.

(6) College Facilities.

(a) The campus of the College is property of the State of Florida and, as such, all statutes and regulations regarding use of government facilities apply in all cases and times to its activities.

(b) If required, the College shall set forth additional rules and regulations as well as internal policies and procedures for use of its facilities to promote safety, accountability of state property, and general order pursuant to its authority under state law.

(7) College Faculty.

(a) Each full-time and part-time instructor, either teaching at the College or teaching on behalf of the College at a remote location, shall possess appropriate teaching credentials for the course being delivered.

(b) The College maintains credential records on all full-time and part-time instructors. These credential records include copies of degrees, college transcripts, instructor certificates, and other documentation required to show subject matter expertise.

(8) Programs of Study.

(a) The College shall establish and revise programs of study leading to various levels of certification.

(b) The college shall also develop and revise individual courses to meet the needs of the state's fire and emergency service providers.

(c) Such programs of study and individual courses shall be in compliance with the rules of the State Fire Marshal.

Specific Authority 633.45(2)(a) FS, Law Implemented 633.45(1)(d) FS, History--New

4A-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 633.45 and 633.081, Florida Statutes:

(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 80 hours of classroom instruction or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

(b) Content of Program. The program includes coursework in hydraulics for the fire service and fire apparatus pumping operations.

(c) Instructor Qualifications.

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

2. An Instructor II or III may teach providing he or she has successfully completed the course.

(d) Requirements for Certificate of Competency:

1. Successful completion of all required course work.

2. Passing a state examination with a score of 70% or higher.

3. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in 4A-37.039(2)(bb), (cc), and (dd) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(2) Fire Officer Program. This program is intended to prepare students for service as fire department lieutenants, captains or equivalent positions and consists of Fire Officer I and Fire Officer II certificates of competency.

(a) Fire Officer I.

1. Length of Program.

a. This program consists of no fewer than seven courses, vocational or academic, of at least 280 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

b. Effective July 1, 2001 this program shall increase to eight courses of at least 320 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program.

a. The program includes coursework in firefighting tactics, leadership of fire companies, fire prevention techniques, fire protection systems, and instructional methodology.

b. After July 1, 2001, the program shall also include coursework in building construction and incident management.

3. Instructor Qualifications.

a. Instructor I must hold a state certificate of competency for Fire Officer I.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for Certificate of Competency:

a. Successful completion of all required course work.

b. Passing a state examination with a score of 70% or higher.

c. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) Fire Officer II.

1. Length of Program. This program consists of no fewer than eight courses, vocational or academic, of not less than 320 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program. The program includes coursework in business writing, computer literacy, fire chemistry, origin and cause, fire department administration, legal and ethical issues, fire service instruction and public education or public information.

3. Instructor Qualifications.

a. An Instructor I must hold a state certificate of competency as a Fire Officer II.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for Certificate of Competency:

a. Successful completion of all required course work.

b. Review of credentials by the Standards section of the Bureau of Fire Standards and Training.

c. Must possess certificate for Fire Officer I.

d. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(3) Firesafety Inspector Program. This program is intended to prepare students for service as municipal fire inspectors or equivalent positions and consists of Firesafety Inspector I and Firesafety Inspector II.

(a) Firesafety Inspector I.

1. Length of Program. This program consists of no fewer than five courses, vocational or academic, of not less than 200 clock-hours.

2. Content of Program. The program includes coursework in fire prevention practices, fire protection systems, fire codes and standards, building construction, and review of building plans.

3. Instructor Qualifications.

a. An Instructor I must hold certification as a Firesafety Inspector I.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for certification:

a. Successful completion of all required course work.

b. Passing a state examination with a score of 70% or higher.

c. Submission of the required application (Form DI4-1023), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) Firesafety Inspector II.

1. Length of Program. This program consists of no fewer than four courses, vocational or academic, of not less than 160 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program. The program includes coursework in fire chemistry, fire protection systems, origin and cause, and public education or public information.

3. Instructor Qualifications.

a. An Instructor I must hold a certificate of competency as a Fire Safety Inspector II.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for certificate of competency:

a. Successful completion of all required course work.

b. Certification as a Fire Safety Inspector I.

c. Passing a state examination with a score of 70% or higher.

d. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(4) Fire Investigator program. This program is intended to prepare students for service as fire investigators or equivalent positions and to provide additional education to ancillary service providers in the area of arson investigation. Fire Investigator I is open to any enrollment while Fire Investigator II is restricted to certified law enforcement officers, certified firefighters, and certified firesafety inspectors.

(a) Fire Investigator I.

1. Length of Program. This program consists of no fewer than four courses, vocational or academic, of at least 160 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program. The program includes coursework in fire chemistry, fire origin and cause, fire protection systems, and building construction.

3. Instructor Qualifications.

a. An Instructor I must hold a certificate of competency as a Fire Investigator I.

b. Instructor II or III may teach provided he or she has successfully completed the course.

4. Requirements for certificate of competency:

a. Successful completion of all required course work.

b. Passing a state examination with a score of 70% or higher.

c. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(b) Fire Investigator II.

1. Length of Program. This program consists of no fewer than four courses, vocational or academic, of at least 160 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

2. Content of Program. The program includes coursework in latent investigation, arson investigation, post-blast investigation, and legal issues for fire investigators.

3. Instructor Qualifications.

a. An Instructor I must hold a state certificate of competency as a Fire Investigator II.

b. Instructor II or III may teach provided he or she has successfully completed the course.

c. An instructor for the legal issues course shall possess the Bachelor of Laws or Juris Doctor degree and be an active member in good standing of The Florida Bar.

4. Requirements for certificate of competency:

a. Successful completion of all required course work.

b. Passing a state examination with a score of 70% or higher.

c. Holding a certificate of competency as a Fire Investigator I.

d. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(5) Special State Firesafety Inspector Program.

(a) Length of Program. This program consists of no fewer than three courses, vocational or academic, of at least 120 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

(b) Content of Program. This program includes coursework in fire prevention practices, codes and standards, and a mutually agreeable elective as approved by the standards section of the Bureau of Fire Standards and Training.

(c) Instructor Qualifications.

1. An Instructor I for certificate.

2. Instructor II or III may teach provided he or she has successfully completed the course.

(d) Requirements for certification:

1. Successful completion of all required course work.

2. Passing a state examination with a score of 70% or higher.

3. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(6) Fire and Lifesafety Educator Program. This program provides training in the area of fire and life safety education as specified by the National Fire Protection Association for Fire and Life Safety Educator I and Fire and Life Safety Educator II.

(a) Length of Program. This program consists of no less than two courses, vocational or academic, of at least 80 hours or the equivalent of interactive instruction, as approved by the Bureau of Fire Standards and Training.

(b) Content of Program. This program provides instruction on presentation, preparation for presentation, juvenile firesetters, public information responsibilities and educational methodologies.

(c) Instructor Qualifications.

1. Instructor I for certificate.

2. Instructor II or III may teach provided he or she has successfully completed the course.

(d) Requirements for certificate of competency:

1. Successful completion of all required course work.

2. Passing a state examination with a score of 70% or higher.

3. Submission of the required application (Form DI4-xxxx), which is incorporated by reference in Rule 4A-37.039(2) and can be obtained where indicated in 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training.

(7) Vocational Program Courses.

(a) These courses are developed and revised for individual delivery and are aimed at improving specific skills and/or to enhance professional development. Each stands alone as an individual class.

(b) Instructor Qualifications.

1. An Instructor I, II or III may teach these courses which have been developed by the Florida State Fire College provided he or she has successfully completed the course.

2. Courses not developed or revised by the Florida State Fire College are subject to the instructor requirements of the developing organization.

(8) Requirements for Certification or Competency Examination.

(a) In order for a person to be eligible to be tested, the required paperwork must be received by the Bureau of Fire Standards and Training not less than 10 business days prior to the requested examination date for review, verification and approval.

(b) All testing will be accomplished at a Regional Testing Site quarterly or at the Florida State Fire College monthly.

(c) Retake examinations will be permitted at subsequent quarterly Regional Testing Sites or monthly at the Florida State Fire College.

(d) Application for retesting shall be received by the Bureau of Fire Standards and Training not less than 10 business days prior to the requested examination date.

(9) Triennial Renewal of Inspector and Special Inspector Certification.

(a) Inspector and Special Inspector Certification must be renewed every 3 years.

(b) Should the applicant fail to meet the prerequisite training requirements specified below for renewal, the applicant must qualify for and successfully pass the required state examination for the appropriate inspector certification requested.

(c) The Bureau of Fire Standards and Training shall notify the certified inspector that the applicant's certification is due for renewal approximately 30 days prior to the expiration of the Inspector Certification.

(a) The Certified Inspector shall submit the renewal application to the Bureau of Fire Standards and Training specifying whether the renewal is to be based on completion of a course or attendance at workshops or seminars.

1. Course – Have successfully completed an approved course of instruction in a curriculum related to the inspector certification.

a. This course shall be 40 class hours in duration or the equivalent in Continuing Education Units (CEU's).

b. Verification of successful completion of the course shall be included with the renewal application. Acceptable forms of verification include copies of certificates and college transcripts.

2. Workshops or Seminars – In the absence of completion of an approved course, the certification renewal shall be based upon attendance at a workshop or seminar related to the inspector certification which shall be a cumulative total of not less than 40 contact hours in duration.

(b) Any person whose certification is not renewed cannot function as an inspector or special inspector as defined herein.

(c) It is the responsibility of the certified inspector to notify the Bureau of Fire Standards and Training of any address changes in writing.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(d) FS. History–New _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Firesafety Inspector Certification 4A-39

RULE TITLES: RULE NOS.:

Minimum Curriculum Requirements for

Firesafety Inspector Certification 4A-39.005

Procedures for Certification Examination 4A-39.007

Required Forms for Training and Certification

of Firesafety Inspectors 4A-39.010

PURPOSE AND EFFECT: Update codes and standards adopted; provide for elective courses; provide for eligibility to take certain courses; update procedures relating to examinations.

SUBJECT AREAS TO BE ADDRESSED: Florida State Fire College codes and standards; Florida State Fire College elective courses; procedures relating to examinations.

SPECIFIC AUTHORITY: 633.01 FS.

LAW IMPLEMENTED: 633.081 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., May 17, 2001

PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, Phone (352)732-1330, Fax (352)732-1374

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop, please advise the Department at least 5 calendar days before the program by contacting Angie Cain, (352)732-1330.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-39.005 Minimum Curriculum Requirements for Firesafety Inspector Certification.

(1) through (2) No change.

(3) Special State Firesafety Inspector Training Course.

The course curriculum shall consist of the following courses:

~~(a) Private Protection Systems (minimum 10 hours);~~

~~(b) Building Construction (minimum 10 hours);~~

~~(a)(e) FFP-1300 Codes and Standards (minimum 40 40 hours);~~

~~(b)(4) FFP-1200 Fire Prevention Inspection Practices (minimum 40 40 hours).~~

(c) A mutually agreeable 40 hour elective to be approved by the Bureau of Fire Standards and Training. If no elective is submitted for approval by the agency employing Special Firesafety Inspectors, the Fire College course which teaches 20 hours of Fire Protection Systems and 20 hours of Building Construction shall be the only acceptable alternative.

(4) Persons are eligible to take the state certification examination as defined in 4A-39.007 after completion of FFP-1200 and FFP-1300, the remaining 40 hour class must be completed for the first CEU requirement following original certification in the first three year period.

Specific Authority 633.01 FS. Law Implemented 633.081(2),(3),(4) FS. History–New 11-21-83, Formerly 4A-39.05, Amended 8-2-88, 3-1-89, 10-23-90.

4A-39.007 Procedures for Certification Examination.

In order for an individual to receive Firesafety Inspector Certification or Special State Firesafety Inspector Certification from the Division, a score of 70 percent must be achieved on a certification examination administered by the Division. To be eligible for the examination, the following procedures must be adhered to:

(1) through (3) No change.

(4) Upon completion of the certification examination, the applicant will be notified in writing of the result. A minimum score of 70 percent of the maximum total score is required for passing.

(a) If the applicant passes the examination, the certificate will be issued and mailed directly to the address on the application form.

(b) If the applicant fails the examination ~~he or she~~ ~~he/she~~ must contact the Bureau of Fire Standards and Training ~~will re-submit the "Request for Certification Examination" form and request to be scheduled for the next available examination.~~ If after retaking the examination the applicant has not achieved the minimum passing score, he/she will be required to retake the entire training program before another examination will be administered.

Specific Authority 633.01 FS. Law Implemented 633.081 FS. History--New 11-21-83, Formerly 4A-39.07, Amended 8-2-88, 3-1-89,_____.

4A-39.010 Required Forms for Training and Certification of Firesafety Inspectors.

(1) ~~DI4-1023 A-38~~ Form – "Application for Firesafety Inspector I Request for Certification Examination."

(2) ~~DI4-xxxx A-38~~ Form – "Application for Special Firesafety Inspector Request for Certification Examination."

(3)~~(2)~~ ~~DI4-xxxx A-39~~ Form – "Inspector Certification Renewal Application."

(4)~~(3)~~ ~~DI4-1020 A-41~~ Form – "Personal Inquiry Waiver."

(5)~~(4)~~ The above-referenced forms are incorporated herein by reference and will be effective on the effective date of this rule. Copies of these forms are available from the ~~Department of Insurance, Division of State Fire Marshal,~~ Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Ocala, Florida 34482-1486 or may be obtained from the Bureau website at www.fsfc.ufl.edu 4501 W. Silver Springs Blvd., Ocala, Florida 32675.

Specific Authority 633.01 FS. Law Implemented 633.081 FS. History--New 11-21-83, Formerly 4A-39.10, Amended 8-2-88, 3-1-89,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Comprehensive Assessment Test Requirements

RULE NO.:

6A-1.09422

PURPOSE AND EFFECT: The purpose of this rule development is to establish passing scores for the grade ten Florida Comprehensive Assessment Test (FCAT) and to extend for two additional years the current achievement levels currently specified in rule for grades 4, 5, 8, and 10 tests. The effect will be to permit high school students to earn a passing score on this test and, thereby, complete one of the requirements for award of a regular high school diploma and to permit schools and school districts more time to prepare students who reach the academic expectations defined by the FCAT achievement levels. Student performance on the grade ten test is one factor used in calculating school accountability grades.

SUBJECT AREA TO BE ADDRESSED: FCAT passing scores and definitions of achievement levels.

SPECIFIC AUTHORITY: 229.57 FS.

LAW IMPLEMENTED: 229.053, 229.0535, 229.57 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:
TIME AND DATE: 4:00 p.m. – 6:00 p.m., C.S.T., May 14, 2001

PLACE: Bay County School District, Board Meeting Room, 12311 Balboa Avenue, Panama City, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 14, 2001

PLACE: Broward County School District, School Board Meeting Room, 600 S. E. 3rd Avenue, Ft. Lauderdale, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: 325 West Gaines Street, Room 1703/07, Turlington Building, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: St. Johns County School District, St. Augustine High School, 3205 Barella Avenue, St. Augustine, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 16, 2001

PLACE: Sarasota County School District, Training Room 221, 1950 Landings Boulevard, Sarasota, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 17, 2001

PLACE: Orange County School District, Board Meeting Room, 445 West Amelia Avenue, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas H. Fisher, Administrator, Assessment and Evaluation Section, Bureau of Curriculum, Instruction, and Assessment, 325 West Gaines Street, Room 414, Tallahassee, Florida, (850)488-8198

Any person requiring special accommodations to participate in the rule development workshop is asked to contact the Department of Education at least five (5) calendar days before the workshop by contacting Carol Allman, Program Administrator, Exceptional Student Education Program Development and Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1106.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) No change.

(2) The test shall be developed in consultation with teachers and other appropriate professionals and shall be approved by the Commissioner prior to being administered to students. The FCAT shall:

(a) Consist of ~~three (3) sections; two (2) sections;~~ one (1) measuring reading skills, ~~and one (1) measuring mathematics skills, and one (1) measuring writing skills.~~

(3) The FCAT shall be administered as follows:

(a) All students in grades three through ten shall take the reading and mathematics tests. Students in grades four, eight, and ten shall take the writing test. Fourth grade students shall take the reading test; fifth grade students shall take the mathematics test; eighth and tenth grade students shall take the reading and mathematics tests.

(5) The total scores on FCAT shall be reported in terms of the following achievement levels for each specified time period:

(a) Beginning with the effective date of this rule through December 31, ~~2003~~ ~~2004~~, the achievement levels shall be:

1. through 6.e. No change.

(b) For the time period beginning January 1, ~~2004~~ ~~2002~~, the achievement levels shall be:

1. through 6.e. No change.

(7) Pursuant to Section 229.57(3)6., Florida Statutes, students who were enrolled in grade nine in the fall of 1999 and thereafter, shall be required to earn passing scores on the grade ten Florida Comprehensive Assessment Test in reading and mathematics.

(8) The passing score for the reading test shall be a score equal to or greater than 287. The passing score for the mathematics test shall be a score equal to or greater than 295.

(9) After July 1, 2002, and before March 1, 2003, the Commissioner of Education shall review student performance levels and determine whether to maintain the existing passing scores or to increase one or both of the requirements.

(6) through (8) renumbered (10) through (12) No change.

Specific Authority 229.57 FS. Law Implemented 229.053, 229.0535, 229.57 FS. History--New 1-24-99, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Statewide Assessment for Students with Disabilities 6A-1.0943

PURPOSE AND EFFECT: The purpose of this rule development is to modify procedures to provide accommodations for eligible exceptional education and handicapped students who take the state student assessment tests. The effect will be to allow exceptional education and handicapped students greater access to appropriate test modifications, thus allowing them to more fully participate in the statewide assessment testing program, and to allow more such students to meet the requirements for a regular high school diploma.

SUBJECT AREA TO BE ADDRESSED: Test administration accommodations for exceptional education and handicapped students who are taking the statewide assessment tests.

SPECIFIC AUTHORITY: 229.57(3)(c)6., 229.57(14), 232.246(9) FS.

LAW IMPLEMENTED: 229.57(3)(c)6., 232.246(8) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 4:00 p.m. – 6:00 p.m., C.S.T., May 14, 2001

PLACE: Bay County School District, Board Meeting Room, 12311 Balboa Avenue, Panama City, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 14, 2001

PLACE: Broward County School District, School Board Meeting Room, 600 S. E. 3rd Avenue, Ft. Lauderdale, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: 325 West Gaines Street, Room 1703/07, Turlington Building, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: St. Johns County School District, St. Augustine High School, 3205 Barella Avenue, St. Augustine, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 16, 2001

PLACE: Sarasota County School District, Training Room 221, 1950 Landings Boulevard, Sarasota, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 17, 2001

PLACE: Orange County School District, Board Meeting Room, 445 West Amelia Avenue, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas H. Fisher, Administrator, Assessment and Evaluation Section, Bureau of Curriculum, Instruction, and Assessment, 325 West Gaines Street, Room 414, Tallahassee, Florida, (850)488-8198

Any person requiring special accommodations to participate in the rule development workshop is asked to contact the Department of Education at least five (5) calendar days before the workshop by contacting Carol Allman, Program Administrator, Exceptional Student Education Program Development and Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1106.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0943 ~~Statewide Modification of the State Student Assessment Test Instruments and Procedures for Exceptional Students with Disabilities and Other Eligible Handicapped Students.~~

(1) The Division of Public Schools and Community Education shall assure the inclusion of students with disabilities as defined by Section 228.041(18), Florida Statutes, in the statewide assessment program, develop the modified test

instruments required herein and provide technical assistance to school districts in the implementation of the requirements of this rule including appropriate accommodations to instruments and statewide assessment procedures administered pursuant to Section 229.57, Florida Statutes. Students who are identified solely as gifted are not eligible for state assessment accommodations modified test instruments and procedures.

(a) The decision to exclude any student with a disability, as defined in Section 228.041(18), Florida Statutes, from statewide or district assessment programs is made by the Individual Educational Plan (IEP) team and recorded on the IEP. Students may be excluded from statewide or district assessment programs if the following criteria are met:

1. The student's demonstrated cognitive ability prevents the student from completing required coursework and achieving the Sunshine State Standards as incorporated by reference in Rule 6A-1.09401, FAC., even with appropriate and allowable course modifications, and

2. The student requires extensive direct instruction to accomplish the application and transfer of skills and competencies needed for domestic, community living, leisure, and vocational activities.

(b) Students who are excluded from statewide or district assessment will be assessed through an alternate assessment procedure identified by the IEP team. The alternate assessment procedure shall be recorded on the student's IEP.

(c) Students who are excluded from the state-required graduation test using the criteria in paragraphs (1)(a) and (b) of this rule will not be eligible for a standard high school diploma.

(2) Each school board shall utilize ~~implement~~ appropriate accommodations to ~~modifications~~ of the statewide assessment test instruments and test procedures established for issuance of a standard or special high school diploma, pursuant to Rules 6A-1.0942, 6A-1.095, and 6A-1.0995, FAC., within the limits prescribed herein. Accommodations are defined as adjustments to the presentation of the assessment questions, method of recording examinee responses to the questions, schedule for administration of the assessment, or use of assistive devices to facilitate administration of the assessment. Statewide assessment accommodations may be used only if they do not alter the underlying content that is being measured by the assessment or negatively affect the assessment's reliability or validity. Accommodations shall be identified for each eligible student and recorded on the student's IEP or 504 Plan. Allowable accommodations are those that have been used by the student in classroom instruction as long as the accommodations are within the limits specified in this rule. Such accommodations may ~~modifications~~ shall include:

(a) Presentation. The student may be administered any statewide assessment through the following presentation formats:

1. Regular print versions of the test may be enlarged through mechanical or electronic means.

2. The district test coordinator may request large print versions.

3. Braille versions may be requested for students who use Braille materials. Some test items may be altered in format for Braille versions of the test as authorized by the Department. Test items that have no application for the Braille reader will be deleted as authorized by the Department. Student performance standards that cannot be assessed in the Braille format will be deleted from the requirements of Section 229.57, Florida Statutes.

4. Signed or oral presentation may be provided for all directions and items other than reading items. Reading items must be read by the student through visual or tactile means.

5. The student may use means to maintain or enhance visual attention to test items.

6. Presentation formats not covered by this rule may be requested through the Department of Education and will be provided, as appropriate, upon approval by the Commissioner of Education.

(b) Responding. The student may use varied methods to respond to the test, including written, signed and verbal response. Written responses may include the use of mechanical and electronic devices. A test administrator or proctor may transcribe student responses to the format required by the test. Transcribed responses must accurately reflect the response of the student, without addition or edification by the test administrator or proctor.

(c)(a) Flexible Scheduling. The student may be administered a test during several brief sessions; allowing frequent breaks during the testing sessions, within specifications of the test administration manual. Students may be provided additional time for the administration of the test so long as all testing is completed by the final allowed test date specified by the Commissioner.

(d)(b) Flexible Ssetting. The student may be administered a test individually or in a small group setting by a proctor rather than in a classroom or auditorium setting. The student may be provided with adaptive or special furniture and special lighting or acoustics.

(e) Recording of answers. The student may mark answers in a test booklet, type the answers by machine, or indicate the selected answers to a test proctor. The proctor may then transcribe the student's responses onto a machine scorable answer sheet.

(d) Mechanical aids. The student may use a magnifying device, a pointer, a nonealibrated rule or template or other similar devices to assist in maintaining visual attention to the test booklet. An abacus and a braille writer may be used. Use of electronic calculators, including talking calculators, is prohibited.

(e) Assistive devices. The student may use the following assistive devices typically used in classroom instruction. Revised format. The student may be tested by one or more of the following three (3) methods specifically developed by the Department:

1. If the purpose of the assessment requires complex computation, calculators may be used as authorized in the test administration manual. A calculator may not be used on assessments of basic computation as specified in the test administration manual. Visual reading. The student may be tested with materials which are enlarged print or may be tested with regular print materials enlarged through mechanical or electronic means. Enlarged materials shall be provided only for students who meet the eligibility criteria for visually impaired programs specified in Rule 6A-6.03014, FAC.

2. Visual magnification and auditory amplification devices may be used. For students with visual impairments, an abacus may be used. Tactile reading. The student may be tested with materials which have been transformed to braille code or tested by using devices which permit optical to tactile transformations. Test items which have no application for the nonsighted person will be deleted from the tactile forms authorized or provided by the Department and shall be deleted from the requirements of Rules 6A-1.0941 and 6A-1.0942, FAC.

3. Technology may be used without accessing spelling or grammar-checking applications for writing assessments and without using speech output programs for reading items assessed. Other assistive technology typically used by the student in classroom instruction may be used provided the purpose of the testing is not violated. Implementation of assistive devices must assure that test responses are the independent work of the student. Unusual circumstances of accommodations through assistive devices must be approved by the Commissioner of Education before use. Auditory or sign language presentation. The test administrator may sign, provide oral interpretation or read to the student the following portions of the test: all mathematics items, all writing items, all oral reading items, and all directions. The reading items shall be read by the student using visual or tactile means.

(3) The preceding accommodations described in paragraphs (2)(a) through (e) of this rule ~~modifications~~ are authorized, when determined appropriate by the school district superintendent or designee, for any student who has been determined to be an eligible ~~exceptional~~ student with disabilities pursuant to Section 228.041(18), Florida Statutes, and Rules 6A-6.0301 and 6A-6.0331, FAC., and has a current IEP individual educational plan, or who has been determined to be a student with a disability handicapped person pursuant to Rule 6A-19.001(6), FAC. Students classified solely as gifted shall not receive any special test modifications. Satisfaction of the requirements of Rule 6A-1.0942, FAC., by any of the

above ~~accommodations~~ ~~modifications~~ shall have no bearing upon the type of diploma or certificate issued to the student for completing school.

(4) The need for any unique accommodations for use on state assessments not outlined in this rule must be approved by the Commissioner of Education.

(5) District personnel are required to implement the accommodations in a manner that ensures the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response.

(4) In no case shall the accommodations ~~modifications~~ authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(5) ~~Upon receipt of a written request from the district school superintendent, the Commissioner may exempt an exceptional student, or one who has been determined to be a handicapped person pursuant to Rule 6A-19.001(6), FAC., from meeting specific requirements for graduation, due to extraordinary circumstances which would cause the results of the testing to not represent the student's achievement, but rather, reflect the student's impaired sensory, manual, speaking, or psychological process skills. The written request must document the specific extraordinary circumstances which prevent the student from meeting the requirements of Rules 6A-1.0942 and 6A-1.095(4), FAC.~~

(6) The test scores of students with disabilities, as defined in Section 228.041(18), Florida Statutes, will be included in the state's accountability system as determined by the Commissioner of Education.

(7) Procedures for exemption from the assessment required for graduation with a standard high school diploma due to extraordinary circumstances of a student with a disability, as defined in Section 228.041(18), Florida Statutes, are specified in Rule 6A-1.09431, FAC.

Specific Authority ~~420.53(1)(b), 228.2001, 229.053(1), 229.57(3),(11), 232.246(8),(9) FS. Law Implemented 420.53(1)(b), 228.2001, 229.57(3),(11), 232.246(8),(9) FS. History--New 9-12-78, Amended 3-4-84, Formerly 6A-1.943, Amended 6-12-90.~~

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Special Request Procedure for Exemption 6A-1.09431
from Graduation Test Requirement

PURPOSE AND EFFECT: The purpose of this rule development is to specify the procedures under which a student with disabilities may apply for and be given a waiver from the high school graduation testing requirements specified in statute. The effect will be to permit certain students with

disabilities to be granted a waiver from the testing requirements thus allowing them to receive a high school diploma.

SUBJECT AREA TO BE ADDRESSED: Applications for a waiver from the high school graduation test requirements.

SPECIFIC AUTHORITY: 229.57(3)(c)6.,(14), 232.246(8), 232.248(5)(a) FS.

LAW IMPLEMENTED: 229.57(3)(c)6., 232.246(8) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 4:00 p.m. – 6:00 p.m., C.S.T., May 14, 2001

PLACE: Bay County School District, Board Meeting Room, 12311 Balboa Avenue, Panama City, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 14, 2001

PLACE: Broward County School District, School Board Meeting Room, 600 S. E. 3rd Avenue, Ft. Lauderdale, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: 325 West Gaines Street, Room 1703/07, Turlington Building, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 15, 2001

PLACE: St. Johns County School District, St. Augustine High School, 3205 Barella Avenue, St. Augustine, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 16, 2001

PLACE: Sarasota County School District, Training Room 221, 1950 Landings Boulevard, Sarasota, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., E.S.T., May 17, 2001

PLACE: Orange County School District, Board Meeting Room, 445 West Amelia Avenue, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas H. Fisher, Administrator, Assessment and Evaluation Section, Bureau of Curriculum, Instruction, and Assessment, 325 West Gaines Street, Room 414, Tallahassee, Florida, (850)488-8198

Any person requiring special accommodations to participate in the rule development workshop is asked to contact the Department of Education at least five (5) calendar days before the workshop by contacting Carol Allman, Program Administrator, Exceptional Student Education Program Development and Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1106.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09431 Special Request Procedure for Exemption from Graduation Test Requirement.

Students with disabilities, as defined in Section 228.041(18), Florida Statutes, are eligible for consideration of a special exemption from the graduation test requirement under extraordinary circumstances that create a situation where the results of administration of the graduation test would reflect a student's impaired sensory, manual or speaking skills rather than the student's achievement. Such circumstances are defined as physical conditions that affect a student's ability to communicate in modes acceptable through accommodation of the statewide test. Extraordinary circumstances are events or conditions that prevent the student from physically demonstrating mastery of skills that have been acquired and are measured by the test. Learning process deficits and cognitive deficits are not considered physical conditions. A request may be made for an exemption from any or all sections of the test required for high school graduation.

(1) The Commissioner may exempt a student with a disability as defined by Section 228.041(18), Florida Statutes, from meeting the testing requirement for high school graduation with a standard diploma, as specified in Section 229.57(3)(c), Florida Statutes.

(2) The procedure for consideration of this special exemption must originate with receipt of a written request from the district school superintendent at least one (1) semester before the anticipated graduation date. This request must be due to extraordinary circumstances which would cause the results of the testing to reflect the student's impaired sensory, manual or speaking skills rather than the student's achievement. The Commissioner shall determine whether the exemption shall be granted based upon the documentation provided by the district school superintendent which shall include:

(a) Written description of the student's disabling condition, including a specific description of the student's impaired sensory, manual or speaking skills and the extraordinary circumstances for the exemption request;

(b) Written documentation of the most recent and other available re-evaluation or psychological reports and course transcript;

(c) Written description of the disability's effect on the student's achievement;

(d) Written description of accommodations or modifications provided in the student's high school course of study;

(e) Written evidence that the student has had the opportunity to learn the skills being tested, has been prepared to participate in the testing program and has been provided appropriate test accommodations as defined in Rule 6A-1.0943, FAC.; and

(f) Written evidence that the manifestation of the student's disability prohibits the student from responding to the written test even when appropriate accommodations are provided so that the result of the testing reflects the student's impaired sensory, manual or speaking skills rather than the student's achievement.

(g) Written description of academic accomplishments indicating mastery of skills assessed on the graduation test as described in Section 232.246(5)(a), Florida Statutes.

(3) Upon receipt of the request for exemption, the Commissioner shall determine whether sufficient documentation has been provided and may request additional information.

(4) If the Commissioner determines that the criteria for an exemption have been met, the request for exemption from one or both parts of the test will be granted. Students granted a request for exemption from the graduation test must meet all other criteria for graduation with a standard diploma as outlined in Section 229.57(3)(c), Florida Statutes.

(5) Students who are not granted an exemption under this rule and who have not demonstrated mastery of the skills measured by the test for graduation continue to be eligible for the provision of a free appropriate public education through the student's twenty-second birthday.

(6) Students with disabilities who do not meet the graduation criteria for a standard high school diploma may be eligible for a special diploma as outlined in Rule 6-1.0996, FAC.

Specific Authority 229.57(3)(c)6.,(14), 232.246(8), 232.248(5)(a) FS. Law Implemented 229.57(3)(c)6., 232.246(8) FS. History--New

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: **Railroad Safety Standards and Clearance Requirements**
RULE CHAPTER NO.: **14-57**
RULE TITLE: **Railroad Safety Standards and Clearance Requirements**
RULE NO.: **14-57.003**
PURPOSE AND EFFECT: Rule 14-57.003 is being amended for clarification and updating. The title of the rule also is being amended. Additional federal standards are being incorporated by reference.
SUBJECT AREA TO BE ADDRESSED: Rule 14-57.003 is being amended.
SPECIFIC AUTHORITY: 351.35(1) FS.
LAW IMPLEMENTED: 341.302(7),(8), 351.35(1),(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-57.003 Railroad Safety Standards and Clearance Requirements ~~Standards.~~

(1) This rule adopts the federal minimum safety standards for track, freight car, and locomotive inspections prescribed by 49 C.F.R. Parts 213, 214, 215, 216, 217, 218, 219, 220, 221, 223, 225, 228, 229, 230, 231, 232, 233, 234, 236, 238, 239, and 240, and the federal minimum safety standards for the transportation of hazardous material by rail as prescribed by 49 C.F.R. Parts 171, 172, 173, 174, 178, 179, and 180 as ~~part of the~~ rules of the Florida Department of Transportation; and prescribes reasonable requirements governing clearances above, beside, and between railroad tracks in the State of Florida.

(2) Definitions. In this rule, the words or terms are defined as follows:

(a) "Department" means the Florida Department of Transportation.

(b) "Height of a Conventional Railroad Freight Car" is the distance between the top of the rail and the highest part or appurtenance of a car.

(c) "Overhead Clearance" is the vertical distance from the level of the top of the highest rail to a structure or obstruction above.

(d) "Railroad" is as defined in Section 341.301, Florida Statutes.

(e) "Side Clearance" is the shortest distance from the center line of track to a structure or obstruction at the side of the track.

(f) "Side of a Conventional Railroad Freight Car" is that part or appurtenance of a car at the maximum distance measured at right angles from the center line of the car.

(g) "Standard Gage" is the established distance of four feet, eight and a half inches between the heads of the two rails of a railroad track measured at right angles to the rails in a plane five-eighths of an inch below the top of the rail head. ~~"Width of a Freight Car" is twice the distance from the center line to the side of a car as defined herein.~~

(3) The following federal minimum safety standards for inspections of track, conventional railroad freight and passenger cars, locomotives, and train operations inspections are incorporated by reference and made ~~part of the~~ rules of the Department:

- (a) Track Safety Standards. 49 C.F.R. Part 213.
- (b) Railroad Workplace Safety. 49 C.F.R. Part 214.
- (c) Railroad Freight Car Safety Standards. 49 C.F.R. Part 215.
- (d) Special Notice and Emergency Order Procedures: Railroad Track, Locomotive and Equipment. 49 C.F.R. Part 216.
- (e) Railroad Operating Rules. 49 C.F.R. Part 217.
- (f) Railroad Operating Practices. 49 C.F.R. Part 218.
- (g) Control of Alcohol and Drug Use. 49 C.F.R. Part 219.
- (h) Radio Standards and Procedures. 49 C.F.R. Part 220.
- (i) Rear End Marking Device – Passenger, Commuter and Freight Trains. 49 C.F.R. Part 221.
- (j) Safety Glazing Standards – Locomotives, Passenger Cars, and Cabooses. Title 49 C.F.R. Part 223.
- (k) Railroad Accidents/Incidents: Reports Classification, and Investigations. 49 C.F.R. Part 225.
- (l) Hours of Service of Railroad Employees. 49 C.F.R. Part 228.
- (m) Railroad Locomotive Safety Standards. 49 C.F.R. Part 229.
- (n) Locomotive Inspection. 49 C.F.R. Part 230.
- (o) Railroad Safety Appliance Standards. 49 C.F.R. Part 231.
- (p) Railroad Power Brakes and Drawbars. 49 C.F.R. Part 232.
- (q) Signal Systems Reporting Requirements. 49 C.F.R. Part 233.
- (r) Grade Crossing Signal System Safety. 49 C.F.R. Part 234.
- (s) Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances. 49 C.F.R. Part 236.
- (t) Passenger Equipment Safety Standards. 49 C.F.R. Part 238.
- (u) Passenger Train Emergency Preparedness. 49 C.F.R. Part 239.
- (v)(~~q~~) Qualification and Certification of Locomotive Engineers. 49 C.F.R. Part 240.

(4) The following federal minimum safety standards for the transportation of hazardous materials by rail are hereby incorporated by reference and made ~~a part of the~~ rules of the Department:

- (a) General Information, Regulations, and Definitions. 49 C.F.R. Part 171.

(b) Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements. 49 C.F.R. Part 172.

(c) Shippers – General Requirements for Shipments and Packagings. 49 C.F.R. 173.

(d) Carriage by Rail. 49 C.F.R. Part 174.

(e) Specifications for Packagings. 49 C.F.R. Part 178.

(f) Specifications for Tank Cars. 49 C.F.R. Part 179.

(g) Continuing Qualification and Maintenance of Packagings. 49 C.F.R. Part 180.

(5) Railroad Clearance Requirements Standards.

(a) Overhead Clearances. The minimum overhead clearance above the top of the rail of standard gage railroad tracks, which are used or proposed to be used for transporting conventional railroad freight cars, shall be 22 feet, except as otherwise provided in this rule. The minimum overhead clearance above the top of the rail on such tracks located inside buildings shall may be reduced to 17 feet. In these cases ~~Where~~ where the overhead clearance is less than 22 feet so reduced inside buildings, appropriate warning signs directing the attention of railroad employees, and others, the trainmen to the reduced clearance shall be erected as specified in Subsection (5)(f)1. of this Rule at suitable locations at each point where the affected track enters the building.

(b) Side Clearances. The minimum side clearances from the center line of a curved railroad track, shall be one inch per thirty minutes of curvature, in addition to the minimum side clearance from the center line of tangent standard gage gauge railroad tracks. ~~The minimum side clearance, which are used or proposed to be used for tangent standard gage railroad tracks transportation of freight cars as hereinafter prescribed,~~ shall be as follows:

1. The minimum side clearance for aAll structures and obstructions above the top of the rail, except those hereinafter specifically mentioned, shall be eight feet. (note: posts, pipes, warning signs, and similar obstructions should, where practicable, have a side clearance of ten feet.)

2. The minimum side clearance for tracks adjacent to platforms for loading and unloading conventional railroad cars freight, where the tops of such which platforms are approximately level with the floors of such freight cars serving such platforms, may be reduced to not less than five feet nine inches, on one side of the tracks only. When such tracks with reduced clearance are not situated in an open thoroughfare, ~~appropriate~~ Wwarning signs, which directing the attention of railroad employees and others the trainmen to the reduced clearance, shall be erected as specified in Subsection (5)(f)1. of this Rule at suitable locations at each end of such platform.

3. The minimum side clearance for tracks adjacent to or entering engine terminal or shop structures, such as engine houses and car repair shops, outdoor locomotive fueling and servicing facilities, einder conveyors and turntables shall may be reduced to six feet. When a side clearance of less than eight

feet exists on such tracks, warning signs ~~which directing the~~ attention of ~~railroad employees the trainmen~~ to the reduced clearance shall be erected ~~at suitable locations~~ at each end of the structure. The clearance requirements of this rule do not apply to ~~repair or servicing working~~ platforms and ~~working~~ structures inside engine houses and repair shops.

4. The minimum side clearance for platforms, eight inches or less above the top of the rail, shall be four feet eight inches.

5. The minimum side clearance for switch boxes, switch operating mechanisms, and accessories necessary for the control and operation of signals, switches, and derails, ~~interlockers~~ projecting four inches or less above the top of the rail, shall be three feet.

6. The minimum side clearance for signals and switch stands, three feet or less above the top of the rail and located between tracks, where not practicable to provide clearances otherwise prescribed by this rule because of the distance between the tracks, shall be six feet.

7. The minimum side clearance for fences of cattle guards shall be six feet nine inches.

~~8. The side clearances specified herein shall not apply to mail cranes when the arms of such cranes are supporting a mail sack for delivery, provided that the top arm is not higher than ten feet eight inches above top of rail and neither arm extends within six feet five inches from the center line of track.~~

~~9. The side clearance for icing platforms and supports shall be seven feet eight inches.~~

~~10. All minimum side clearances prescribed in this rule section are for tangent tracks. Structures adjacent to curved tracks shall have an additional side clearance of one inch per 30 minutes of degree of curvature.~~

(c) Clearances Between Tracks.

1. The minimum distance between the center lines of parallel standard gauge tracks shall be 13 feet six inches ~~except as hereinafter provided.~~

2. The minimum distance between the center line of any standard gauge ladder track and parallel to any other adjacent track shall be have a clearance of not less than 19 feet from the center line of such other track.

3. The minimum distance between the center lines of parallel team, house, and industry tracks shall be 13 feet.

(d) ~~Other~~ Obstructions and Conditions Adjacent to Tracks.

1. The space between tracks within railroad yards, as ordinarily used by trainmen and yardmen and other employees in the discharge of their duties, and the space beside such tracks within eight feet of the center line thereof, shall be kept clear of grass, weeds, mud, slime, debris, and similar obstructions ~~obstacles~~.

2. No merchandise, material, or other articles shall be placed or permitted to remain either on the ground or on the platforms adjacent to any track, during the movement of trains

or engines on such adjacent track, at a distance less than eight feet from the center line of track. This prohibition subsection shall not apply to materials ~~to be used within a reasonable length of time~~ in the construction, maintenance, or repair of the tracks. Notice of the general location of such materials to be used for the construction, maintenance, or repair of the tracks shall be posted where general notices concerning the movement of trains are posted, or shall otherwise be made available to railroad employees working in such area.

3. A ~~suitable~~ line or other marker shall be maintained ~~at a distance of~~ eight feet from the center line of track on all platforms, excluding passenger platforms, to indicate the space along the edge of the platform which must be kept clear of merchandise, material, or other articles.

(e) ~~Applicability~~ Application.

1. The clearances prescribed in this rule shall apply to building structures or facilities constructed or relocated adjacent to any tracks ~~prior therein described subsequent to~~ September 17, 1953, and to all tracks therein.

2. The clearances prescribed in this rule ~~shall~~ ~~do~~ not apply to the extension of tracks or the adjacent buildings, structures, or facilities ~~provided the track or buildings or structure or facility to be extended was constructed prior to~~ September 17, 1953.

(f) Deviation from Clearance. In the event that the required railroad clearance cannot be met after any new construction of railroad track or any adjacent building, structure, or facility, the owner, or other designated person, of the adjacent building, structure, or facility shall take the following safety measures: Request for Variance. In any particular case, if a variance from any of the standard clearances is necessary, the affected railroad or industry may submit a request for variance in accordance with the requirements of Section 120.542, Florida Statutes, and Rule Chapter 28-104, Florida Administrative Code.

1. Install appropriate warning signs at a location at least 100 feet in advance of the location where less than the required clearance exists. Such signs must be installed at both ends of any location which can be approached by a train from either direction, exclusive of any switching activity on a stub end track.

2. Install markings, decals, or paint on any and all obstructions that have less than the required side clearance. Such markings, decals, or paint shall be in a pattern of diagonal stripes to call attention to the obstruction.

(6) Penalties. Failure to comply with the provisions of this rule chapter will result in a penalty in accordance with Section 351.35(2), Florida Statutes, as provided for in applicable federal regulations.

Specific Authority 351.35(1) FS. Law Implemented 341.302(7),(8), 351.35(1),(2) FS. History—New 1-27-81, Formerly 14-57.03, Amended 7-27-97.

**DEPARTMENT OF LABOR AND EMPLOYMENT
SECURITY**

Division of Workers' Compensation

RULE TITLE: Florida Workers' Compensation Reimbursement Manual for Hospitals

RULE NO.: 38F-7.501

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt by reference replacement pages 4, 9 and 22 for the 1999 Florida Workers' Compensation Reimbursement Manual for Hospitals, which contains reimbursement policies and per diem rates for hospital services and supplies. It is essential for all users of the UB-92 manual to have all the updates in order to have a complete manual. Hospitals follow the data elements provided in the manual to report the services rendered and to process hospital bills for payment. Payers need the complete manual to know what data the Florida workers' compensation program requires hospitals to complete before hospitals forward bills to payers for reimbursement.

SUBJECT AREA TO BE ADDRESSED: The Florida Workers' Compensation Reimbursement Manual for Hospitals.

SPECIFIC AUTHORITY: 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS.

LAW IMPLEMENTED: 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS.

A RULE DEVELOPMENT WORKSHOP IS DEEMED TO BE NOT NECESSARY BY THE AGENCY HEAD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Nancy M. Rice, Registered Nurse Consultant, Suite 101, Forrest Building, 2728 Centerview Drive, Tallahassee, Florida, (850)410-1093

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

38F-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 1999 Edition, and replacement pages 4, 9, and 22 are ~~is~~ adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies as well as basic instructions and information for all hospitals and carriers in the preparation and reimbursement of bills for hospital services.

(2) No change.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 1999 Edition, and LES Form DWC-90, are available for inspection during normal business hours, at the Division of Workers' Compensation, Bureau of Rehabilitation and Medical Services, 101 400 Forrestr Building, 2728 Centerview Drive, Tallahassee, Florida 32399-0664, or via the Division's home page at <http://www2.myflorida.com/les/wc/> ~~<http://www.wc.les.state.fl.us/DWC/>~~.

Specific Authority 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS. Law Implemented 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99.

DEPARTMENT OF ELDER AFFAIRS

Administration of Federal Aging Programs

RULE TITLE: Program Forms

RULE NO.: 58A-1.010

PURPOSE AND EFFECT: A rule development workshop will be held to discuss revised DOEA Form 203, Care Plan, and its instructions which will be incorporated by reference in rule 58A-1.010, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Revision of care plan form.

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Thursday, May 17, 2001

PLACE: Elder Leadership Institute, Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE TITLE: Program Forms

RULE NO.: 58C-1.008

PURPOSE AND EFFECT: A rule development workshop will be held to discuss revised DOEA Form 203, Care Plan, and its instructions which will be incorporated by reference in rule 58C-1.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Revision of care plan form.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Thursday, May 17, 2001

PLACE: Elder Leadership Institute, Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

DEPARTMENT OF ELDER AFFAIRS

Administration of the Alzheimer's Disease Initiative

RULE TITLE: Program Forms RULE NO.: 58D-1.007

PURPOSE AND EFFECT: A rule development workshop will be held to discuss revised DOEA Form 203, Care Plan, and its instructions which will be incorporated by reference in Rule 58D-1.007, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Revision of care plan form.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Thursday, May 17, 2001

PLACE: Elder Leadership Institute, Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE TITLE: Program Forms RULE NO.: 58H-1.009

PURPOSE AND EFFECT: A rule development workshop will be held to discuss revised DOEA Form 203, Care Plan, and its instructions which will be incorporated by reference in Rule 58H-1.009, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Revision of care plan form.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Thursday, May 17, 2001

PLACE: Elder Leadership Institute, Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Sharlene Davis or Mary Hodges, Division of Home and Community-Based Services, (850)414-2108

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Time for Compliance With Final Order RULE NO.: 61G4-12.008

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary to clarify the effect of probationers unsatisfactory appearances before the Board.

SUBJECT AREA TO BE ADDRESSED: Time for compliance with final order in regards to probationary period.

SPECIFIC AUTHORITY: 455.227(2), 489.108 FS.

LAW IMPLEMENTED: 455.227(2), 489.129(2), (6) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cathleen O'Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Statement of Authority
RULE NO.: 61G4-15.002
PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary in regards to corporations.
SUBJECT AREA TO BE ADDRESSED: Statement of authority.
SPECIFIC AUTHORITY: 489.108 FS.
LAW IMPLEMENTED: 489.105(4), 489.119, 489.1195 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cathleen O’Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-15R
RULE CHAPTER TITLE: Drinking Water Standards, Monitoring and Reporting
RULE CHAPTER NO.: 62-550
RULE TITLES: Intent and Scope
RULE NOS.: 62-550.102
 Definitions for Public Water Systems 62-550.200
 Application of Quality Standards to Public Water Systems 62-550.300
 Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels 62-550.310
 Primary Drinking Water Standards: Treatment Technique Requirements 62-550.315
 Secondary Drinking Water Standards: Maximum Contaminant Levels 62-550.320
 Secondary Drinking Water Standards: Treatment Technique Requirements 62-550.325
 General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals 62-550.500
 Nitrate and Nitrite Monitoring Requirements 62-550.512
 Inorganic Contaminants Monitoring Requirements 62-550.513
 Monitoring Requirements for Disinfectant Residuals and Disinfection Byproducts 62-550.514

Volatile Organic Contaminants Monitoring Requirements 62-550.515
 Synthetic Organic Contaminants Monitoring Requirements 62-550.516
 Physical Characteristics Monitoring Requirements 62-550.517
 Microbiological Monitoring Requirements 62-550.518
 Radionuclides Monitoring Requirements 62-550.519
 Secondary Contaminants Monitoring Requirements 62-550.520
 Monitoring of Consecutive Public Water Systems 62-550.540
 Approved Laboratories and Analytical Methods for Public Water Systems 62-550.550
 Public Water System Monitoring Information and Monitoring Schedule 62-550.590
 Recordkeeping 62-550.720
 Reporting Requirements for Public Water Systems 62-550.730
 Control of Lead and Copper 62-550.800
 Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors 62-550.821
 Consumer Confidence Reports 62-550.824
PURPOSE AND EFFECT: The Department is developing rule amendments to incorporate the U.S. Environmental Protection Agency’s Stage 1 Disinfectants and Disinfection Byproducts Rule into Chapter 62-550. In addition, the Department is correcting and clarifying miscellaneous rules.
SUBJECT AREA TO BE ADDRESSED: Rule 62-550.102 may be amended to clarify the intent of the phrases “sell water to any person” and “treatment facilities” and to correct and clarify the description of Chapter 62-560. Rule 62-550.200 may be revised to add definitions for the terms “enhanced coagulation,” “enhanced softening,” “GAC10,” “haloacetic acids (five),” “maximum residual disinfectant level,” “specific ultraviolet absorption,” “subpart H system,” and “total organic carbon” and to correct or clarify the definitions for the terms “community water system,” “exemption,” “total trihalomethanes,” “variance,” and “waiver.” Rule 62-550.300 may be revised to indicate that water quality standards include maximum residual disinfectant levels and treatment technique requirements as well as maximum contaminant levels. Rule 62-550.310 may be amended to add maximum residual disinfectant levels (MRDLs), maximum contaminant levels (MCLs) for disinfection byproducts, and compliance dates for these MRDLs and MCLs. Rule 62-550.315 may be added to identify all the treatment technique requirements that are considered primary drinking water standards. Rule 62-550.320 may be revised to correct and clarify existing rule language. Rule 62-550.325 may be amended to address only treatment technique requirements that are considered secondary drinking water standards and to make the treatment technique requirements for control of iron and manganese consistent with

the requirements in *Recommended Standards for Water Works*. Rule 62-550.500 may be amended to correct and clarify existing rule language and to add disinfectant residuals and disinfection byproducts to the monitoring frequency table and the monitoring schedule table. Rule 62-550.512 and Rule 62-550.513 may be amended to correct and clarify existing rule language. Rule 62-550.514 may be amended to reference monitoring requirements for disinfectant residuals and disinfection byproducts and to add compliance dates for this monitoring. Rule 62-550.515 may be amended to correct existing rule language. Rule 62-550.516 may be amended to change the name of the contaminant group “Pesticides and Polychlorinated Biphenyls” to “Synthetic Organic Contaminants” and to correct rule references. Rule 62-550.517 may be amended to correct rule references and to clarify existing rule language. Rule 62-550.518 may be amended to correct and clarify existing rule language and to require microbiological monitoring of raw water for only those water systems using ground water not under the direct influence of surface water. Rule 62-550.519 may be amended to correct and clarify existing rule language. Rule 62-550.520 may be amended to correct a rule reference. Rule 62-550.540 may be amended to correct and clarify existing rule language; to allow consecutive water systems to consolidate their monitoring requirements with those of their supplier water system or those of another interconnected consecutive system; and to require that supplier systems include in their disinfection byproducts monitoring plan consecutive community or non-transient non-community water systems that do not add a chemical disinfectant to the water. Rule 62-550.550 may be amended to correct and clarify existing rule language; to specify that DPD colorimetric test kits may be used to measure chlorine, chloramine, or chlorine dioxide; and to specify that licensed operators or persons under their direct supervision (instead of any authorized representative of a supplier of water) may perform measurements of certain contaminants, disinfectant residuals, or water quality parameters. Rule 62-550.590 may be amended to clarify existing rule language and to add monitoring requirements for disinfectants and disinfection byproducts to the monitoring frequencies table and the routine monitoring schedule table. Rule 62-550.720 may be amended to correct and clarify existing rule language and to require that monthly operating reports be kept for a minimum of ten years (instead of five years). Rule 62-550.730 may be amended to correct and clarify existing rule language; to require that monthly operating reports be submitted within ten days (instead of 15 days) after the end of each month; and to reference the reporting format for disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors and enhanced coagulation or softening. Rule 62-550.800 may be amended to update the reference to Federal regulations. Rule 62-550.821 may be added to incorporate 40 CFR 141, subpart L (Disinfectant Residuals, Disinfection Byproducts,

and Disinfection Byproduct Precursors), by reference and to clarify and supplement this subpart. Rule 62-550.824 may be amended to revise a rule reference.

SPECIFIC AUTHORITY: 403.553(3), 403.861(6),(9), (16),(17) FS.

LAW IMPLEMENTED: 403.851, 403.852(12),(13), 403.853, 403.853(1),(2),(3),(4),(7), 403.859(1), 403.861(1),(16),(17), 403.8615, 403.862 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., May 15, 2001

PLACE: Orlando Public Library, Oak Room, 101 East Central Boulevard, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steven Kelly, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9598

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 at least seven days before the meeting.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT NO CHARGE FROM THE CONTACT LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-16R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Requirements for Public Water Systems that are Out of Compliance	62-560
RULE TITLES:	RULE NOS.:
Violations	62-560.310
Scope of Drinking Water Public Notification Rules	62-560.400
Public Notification – Primary Standards	62-560.410
Public Notice Requirements Pertaining to Lead	62-560.420
Public Notification – Secondary Standards	62-560.430
Drinking Water Variance Request	62-560.510
Drinking Water Exemption Request	62-560.520
Request for Waiver of Disinfection Requirements	62-560.530
Request for Waiver of Certified Operator Requirements	62-560.540
Request for Waiver of Monitoring Requirements	62-560.545
State-Wide Monitoring Waivers for Selected Contaminants	62-560.546
Manner of Decision on Variances, Exemptions, and Waivers	62-560.550
Variances and Exemptions from the Additional Requirements For Surface Water Systems	62-560.560

General 62-560.600
 Best Available Technology for Achieving
 Compliance With a Maximum
 Contaminant Level or Maximum
 Residual Disinfectant Level 62-560.610
 Bottled Water, Point-of-Use, and
 Point-of-Entry Devices 62-560.620
 PURPOSE AND EFFECT: The Department is developing rule amendments to incorporate the U.S. Environmental Protection Agency's Stage 1 Disinfectants and Disinfection Byproducts Rule into Chapter 62-560. In addition, the Department is amending variance and exemption rules to make them consistent with the Federal Safe Drinking Water Act, deleting obsolete public notice requirements for lead, and correcting and clarifying miscellaneous rules.
 SUBJECT AREA TO BE ADDRESSED: Rule 62-560.310 may be amended to clarify existing rule language. Rule 62-560.400 may be amended to correct and clarify existing rule language and to revise the title and date of the Department's publication containing mandatory health effects language, which will be updated to include language for disinfectants and disinfection byproducts. Rule 62-560.410 may be amended to correct and clarify existing rule language and to specify that violation of the maximum residual disinfectant level for chlorine dioxide in the distribution system is an acute violation. Rule 62-560.420 may be repealed because the requirements in this rule have been deleted from USEPA regulations as obsolete and have been superseded by the lead public education provisions in the treatment technique requirements for control of lead and copper. Rule 62-560.430 may be amended to revise the title and date of the Department's publication containing mandatory health effects language. Rule 62-560.510 may be amended to correct and clarify existing rule language; to make this rule consistent with the Federal Safe Drinking Water Act and Federal regulations; to incorporate the requirements of Rule 62-560.560(1), which may be repealed; and to specify that a variance cannot be obtained from the treatment technique requirements for control of disinfection byproduct precursors. Rule 62-560.520 may be amended to correct and clarify existing rule language; to make the rule consistent with the Federal Safe Drinking Water Act and Federal regulations; and to incorporate the requirements of Rule 62-560.560(2), which may be repealed. Rule 62-560.530 may be amended to correct and clarify existing rule language. Rule 62-560.540 may be amended to clarify existing rule language and to limit the waiver of certified operator requirements to only transient non-community water systems because Federal guidelines require that all non-transient non-community water systems be operated by an appropriately certified operator. Rules 62-560.545, 62-560.546, and 62-560.550 may be amended to correct and clarify existing rule language. Rule 62-560.560 may be repealed because the

requirements in this section may be incorporated into revised Rule 62-560.510(7) and new Rule 62-560.520(5). Rule 62-560.600 may be amended to correct and clarify existing rule language. Rule 62-560.610 may be amended to add Best Available Technology for achieving compliance with maximum residual disinfectant levels and maximum contaminant levels for disinfection byproducts; to move the requirements of Rules 62-560.610(3)(a) and (b) to Rule 62-560.600; and to correct and clarify existing rule language. Rule 62-560.620 may be amended to correct and clarify existing rule language.

SPECIFIC AUTHORITY: 403.853(3), 403.861, 403.861(8),(9) FS.

LAW IMPLEMENTED: 120.57, 120.60, 403.0877, 403.852(12),(13), 403.853, 403.853(1),(3), 403.854, 403.854(1),(2),(3),(4),(5),(6),(7), 403.857, 403.859, 403.860, 403.860(5),(6) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., May 15, 2001

PLACE: Orlando Public Library, Oak Room, 101 East Central Boulevard, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steven Kelly, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9598

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996, at least seven days before the meeting.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NOT CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Definitions
 RULE NO.: 64B1-3.001

PURPOSE AND EFFECT: The proposed rule will define certain terms associated with the practice of acupuncture.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 457.102, 457.104 FS.

LAW IMPLEMENTED: 457.102 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY AT A LATER DATE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Acting Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS UNAVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Content and Retention of Medical Records RULE NO.: 64B1-10.001 PURPOSE AND EFFECT: The proposed rule will set forth requirements for content and retention of medical records by acupuncturist. SUBJECT AREA TO BE ADDRESSED: Content and Retention of Medical Records. SPECIFIC AUTHORITY: 457.104 FS. LAW IMPLEMENTED: 457.109(1)(m) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY AT A LATER DATE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Acting Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS UNAVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Examination Requirements RULE NO.: 64B13-4.001 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to increase the passing score for the clinical examination from 75 points to 80 percent. SUBJECT AREA TO BE ADDRESSED: The passing score for the clinical examination. SPECIFIC AUTHORITY: 456.017(2), 463.006(2), 463.05 FS. LAW IMPLEMENTED: 456.017(2), 463.006(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), the certification examination, and Parts I and II of the state examination for licensure.

- (1) No change.
(2) State Examination
(a) through (c) No change.
(d) Part II of the state examination shall consist of a clinical portion and a pharmacology/ocular disease portion.
1. through 3. No change.
4. An applicant must attain a score of 80 percent 75 points or better in order to secure a passing grade on the clinical portion of the practical examination.
5. through 6. No change.
(3) No change.

Specific Authority 456.017(2), 463.006(2), 463.05 FS. Law Implemented 456.017(2), 463.006(2) FS. History-New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES: Standards of Practice for Surgery RULE NOS.: 64B15-14.006 Standard of Care for Office Surgery 64B15-14.007 PURPOSE AND EFFECT: The Board proposes to promulgate two new rules. Rule 64B15-14.005 will address the standards of practice for surgery, and Rule 64B15-14.007 will address the standard of care for office surgery.

SUBJECT AREA TO BE ADDRESSED: Standard of practice for surgery and standard of care for office surgery.

SPECIFIC AUTHORITY: 459.005, 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026, 459.331(1)(x), (aa) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:00 p.m., or thereafter, June 8, 2001 PLACE: The Crown Plaza Hotel, 950 NW LeJeune, Miami, Florida 33125

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.006 Standards of Practice For Surgery.

The Board of Osteopathic Medicine interprets the standard of care requirement of Section 459.015(1)(x), Florida Statutes, and the delegation of duties restrictions of Section 459.015(1)(aa), Florida Statutes, with regard to surgery as follows:

(1) The ultimate responsibility for diagnosing medical and surgical problems is that of the licensed doctor of medicine or osteopathy who is to perform the surgery. In addition, it is the responsibility of the operating surgeon or an equivalently trained doctor of medicine or osteopathy or a physician practicing within a Board approved postgraduate training program to explain the procedure to and obtain the informed consent of the patient. It is not necessary, however, that the operating surgeon obtain or witness the signature of the patient on the written form evidencing informed consent.

(2) Management of postsurgical care is the responsibility of the operating surgeon.

(3) The operating surgeon can delegate discretionary postoperative activities to equivalently trained licensed doctors of medicine or osteopathy or to physicians practicing within Board approved postgraduate training programs. Delegation to any health care practitioner is permitted only if the other practitioner is supervised by the operating surgeon or an equivalently trained licensed doctor of medicine or osteopathy or a physician practicing within a Board approved postgraduate training program.

(4) The rule shall have no application to anesthesia-related activities performed in accordance with Florida law.

Specific Authority 459.005 FS. Law Implemented 459.331(1)(x),(aa) FS. History—New _____.

64B15-14.007 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

(1) Definitions.

(a) Surgery. For the purpose of this rule, surgery is defined as any operative procedure, including the use of lasers, performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering or any elective procedure for aesthetic, reconstructive or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including

premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic procedure with use of local or general anesthetic.

(b) Surgeon. For the purpose of this rule, surgeon is defined as a licensed osteopathic physician performing any procedure included within the definition of surgery.

(c) Equipment. For the purpose of this rule, implicit within the use of the term of equipment is the requirement that the specific item named must meet current performance standards.

(d) Office surgery. For the purpose of this rule office surgery is defined as surgery which is performed outside a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Department of Health, the Agency for Health Care Administration, or a successor agency. Office surgical procedures shall not be of a type that generally result in blood loss of more than ten percent of estimated blood volume in a patient with a normal hemoglobin; require major or prolonged intracranial, intrathoracic, abdominal, or major joint replacement procedures, except for laparoscopic procedures; directly involve major blood vessels; or are generally emergent or life threatening in nature.

(2) General Requirements for Office Surgery.

(a) For all surgical procedures, the level of sterilization shall meet current OSHA requirements.

(b) The surgeon must examine the patient immediately before the surgery to evaluate the risk of anesthesia and of the surgical procedure to be performed. The surgeon must maintain complete records of each surgical procedure, as set forth in Rule 64B15-15.004, F.A.C., including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as provided in this rule, certified registered nurse anesthetist, or physician assistant qualified as set forth in rule 64B15-6.010(2)(b)6., F. A.C.

(c) The requirement set forth in subsection (2)(b) above for written informed consent is not necessary for minor Level I procedures limited to the skin and mucosa.

(d) The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the duration of the procedure, the type of post-operative care, and any adverse incidents, as identified in Section 459.026, F.S. The log and all surgical records shall be provided to investigators of the Department of Health upon request.

(e) In any liposuction procedure, the surgeon is responsible for determining the appropriate amount of supernatant fat to be removed from a particular patient. A maximum of 4000cc supernatant fat may be removed by

liposuction in the office setting. A maximum of 50mg/kg of Lidocaine can be injected for tumescent liposuction in the office setting.

(f) For elective cosmetic and plastic surgery procedures performed in a physician's office, the maximum planned duration of all surgical procedures combined must not exceed 8 hours. Except for elective cosmetic and plastic surgery, the surgeon shall not keep patients past midnight in a physician's office. For elective cosmetic and plastic surgical procedures, the patient must be discharged within 24 hours of presenting to the office for surgery; an overnight stay is permitted in the office provided the total time the patient is at the office does not exceed 23 hours and 59 minutes including the surgery time. An overnight stay in a physician's office for elective cosmetic and plastic surgery shall be strictly limited to the physician's office. If the patient has not recovered sufficiently to be safely discharged within the timeframes set forth, the patient must be transferred to a hospital for continued post-operative care.

(g) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B15-14.006, F.A.C. Management of post-surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in Rule 64B15-14.006(3), F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. The office must provide at least two (2) monitors, one of these monitors must be certified in Advanced Cardiac Life Support (ACLS), and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Once the surgeon has signed a timed and dated discharge order, the office may provide only one monitor to monitor the patient. The monitor must be certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

2. The surgeon must be reachable by telephone and readily available to return to the office if needed. For purposes of this subsection, "readily available" means capable of returning to the office within 15 minutes of receiving a call.

(h) A policy and procedure manual must be maintained in the office, updated annually, and implemented. The policy and procedure manual must contain the following: duties and responsibilities of all personnel, quality assessment and improvement systems comparable to those required by Rule 59A-5.019; cleaning and infection control, and emergency procedures. This applies only to physician offices at which Level II and Level III procedures are performed.

(i) The surgeon shall report to the Department of Health any adverse incidents that occur within the office surgical setting. This report shall be made within 15 days after the occurrence of an incident as required by section 497.026, F.S.

(j) A sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules of the Board of Osteopathic Medicine as set forth in Rule Chapter 64B15, F.A.C. This notice must also appear prominently within the required patient informed consent.

(3) Level I Office Surgery.

(a) Scope. Level I office surgery includes the following:

1. Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.

2. Liposuction involving the removal of less than 4000cc supernatant fat is permitted.

3. Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, skin biopsies, arthrocentesis, thoracentesis, paracentesis, dilation of urethra, cysto-scope procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).

4. Pre-operative medications not required or used other than minimal pre-operative tranquilization of the patient; anesthesia is local, topical, or none. No drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient is permitted in Level I Office Surgery.

5. Chances of complication requiring hospitalization are remote.

(b) Standards for Level I Office Surgery.

1. Training Required. Surgeon's continuing medical education should include: proper dosages; management of toxicity or hypersensitivity to regional anesthetic drugs. Basic Life Support Certification is recommended but not required.

2. Equipment and Supplies Required. Oxygen, positive pressure ventilation device, Epinephrine (or other vasopressor), Corticoids, Antihistamine and Atropine if any anesthesia is used.

3. Assistance of Other Personnel Required. No other assistance is required, unless the specific surgical procedure being performed requires an assistant.

(4) Level II Office Surgery.

(a) Scope.

1. Level II Office Surgery is that in which peri-operative medication and sedation are used intravenously, intramuscularly, or rectally, thus making intra and post-operative monitoring necessary. Such procedures shall include, but not be limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy, and liposuction involving the removal of up to 4000cc supernatant fat.

2. Level II Office Surgery includes any surgery in which the patient is placed in a state which allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal command and/or tactile stimulation. Patients whose only response is reflex withdrawal from a painful stimulus are sedated to a greater degree than encompassed by this definition.

(b) Standards for Level II Office Surgery.

1. Transfer Agreement Required. The physician must have a transfer agreement with a licensed hospital within reasonable proximity if the physician does not have staff privileges to perform the same procedure as that being performed in the out-patient setting at a licensed hospital within reasonable proximity. "Reasonable proximity" is defined as not to exceed thirty (30) minutes transport time to the hospital.

2. Training Required. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to establish comparable background, training, and experience. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon and at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthesia provider practicing within the scope of the provider's license manage the anesthesia.

3. Equipment and Supplies Required.

a. Full and current crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, the following resuscitative medications:

I. adrenalin (epinephrine) 1:10,000 dilution; 10ml

II. adrenalin (epinephrine) 1:1000 dilution; 1ml

III. atropine 0.1mg/ml; 5ml

IV. benadryl (diphenhydramine)

V. calcium chloride 10%; 10ml

VI. dextrose 50%;

VII. dilantin (phenytoin)

VIII. dopamine

IX. heparin

X. inderal (propranolol)

XI. isuprel

XII. lanoxin (digoxin)

XIII. lasix (furosemide)

XIV. xylocaine (lidocaine)

XV. magnesium sulfate 50%

XVI. narcan (naloxone)

XVII. pronestyl (procainamide)

XVIII. sodium bicarbonate 50mEq/50ml

XIX. solu-medrol (methylprednisolone)

XX. verapamil hydrochloride

XXI. mazon

b. Suction devices, endotracheal tubes, laryngoscopes, etc.

c. Positive pressure ventilation device (e.g., Ambu) plus oxygen supply.

d. Double tourniquet for the Bier block procedure.

e. Monitors for blood pressure/EKG/Oxygen saturation.

f. Emergency intubation equipment.

g. Adequate operating room lighting.

h. Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

i. Appropriate sterilization equipment.

j. IV solution and IV equipment.

4. Assistance of Other Personnel Required. The surgeon must be assisted by a qualified anesthesia provider as follows: An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B15-6.010(2)(b)6., F.A.C., or a registered nurse may be utilized to assist with the anesthesia, if the surgeon is ACLS certified. An assisting anesthesia provider cannot function in any other capacity during the procedure. If additional assistance is required by the specific procedure or patient circumstances, such assistance must be provided by a physician, osteopathic physician, registered nurse, licensed practical nurse, or operating room technician. A physician licensed under Chapter 458 or 459, a licensed physician assistant, a licensed registered nurse with post-anesthesia care unit experience or the equivalent, credentialed in Advanced Cardiac Life Support or, in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia.

(5) Level IIA Office Surgery.

(a) Scope. Level IIA office surgeries are those Level II office surgeries with a maximum planned duration of 5 minutes or less and in which chances of complications requiring hospitalization are remote.

(b) Standards for Level IIA Office Surgery.

1. The standards set forth in 64B15-14.006(4), must be met except for the requirements set forth in section 64B15-14.006(4)(b)4., regarding assistance of other personnel.

2. Assistance of Other Personnel Required. During the procedure, the surgeon must be assisted by a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or by a licensed registered nurse or a licensed practical nurse. Additional assistance may be required by specific procedure or patient circumstances. Following the procedure, a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or a licensed registered nurse must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia. The

monitor must be certified in Advanced Cardiac Life Support, or, in the case of pediatric patients, Pediatric Advanced Life Support.

(6) Level III Office Surgery.

(a) Scope.

1. Level III Office Surgery is that surgery which involves, or reasonably should require, the use of a general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of:

a. Intravenous sedation beyond that defined for Level II office surgery;

b. General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or

c. Major Conduction anesthesia.

2. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I, II, or III are appropriate candidates for Level III office surgery. For ASA Class III patients, the surgeon must document in the patient's record the justification and precautions that make the office an appropriate forum for the particular procedure to be performed.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required.

a. The surgeon must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Board of Medical Specialties, the American Osteopathic Association or any other board approved by the Board of Osteopathic Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia.

b. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support.

2. Emergency procedures related to serious anesthesia complications should be formulated, periodically reviewed, practiced, updated, and posted in a conspicuous location.

3. Equipment and Supplies Required.

a. Equipment, medication, including at least 36 ampules of dantrolene on site, and monitored post-anesthesia recovery must be available in the office.

b. The office, in terms of general preparation, equipment, and supplies, must be comparable to a free standing ambulatory surgical center, including, but not limited to, recovery capability, and must have provisions for proper recordkeeping.

c. Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device.

d. Table capable of trendelenburg and other positions necessary to facilitate the surgical procedure.

e. IV solutions and IV equipment.

4. Assistance of Other Personnel Required. An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B15-6.010(2)(c)6., Florida Administrative Code, must administer the general or regional anesthesia and an M.D., D.O., Registered Nurse, Licensed Practical Nurse, Physician Assistant, or Operating Room Technician must assist with the surgery. The anesthesia provider cannot function in any other capacity during the procedure. A physician licensed under chapter 458 or 459, a licensed physician assistant, or a licensed registered nurse with post-anesthesia care unit experience or the equivalent, and credentialed in Advanced Cardiac Life Support, or in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia.

Specific Authority 459.005(1), 459.015(1)(z), 459.026 FS. Law Implemented 459.015(1)(g), (x), (z), (aa), 459.026 FS. History--New.

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Standards for Telemedicine Practice 64B15-14.008

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule which will set forth the standards for telemedicine practice.

SUBJECT AREA TO BE ADDRESSED: Standards for telemedicine practice.

SPECIFIC AUTHORITY: 459.005, 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1),(x),(t) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:00 p.m., or thereafter, June 8, 2001

PLACE: The Crown Plaza Hotel, 950 N. W. LeJeune, Miami, Florida 33125

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.008 Standards for Telemedicine Practice.

(1) Prescribing medications based solely on an electronic medical questionnaire constitutes the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by reasonably prudent osteopathic physicians as being acceptable under similar conditions and circumstances, as well as prescribing legend drugs other than in the course of an osteopathic physician's professional practice. Such practice shall constitute grounds for disciplinary action pursuant to §§459.015(1)(x) and (t), F.S.

(2) Osteopathic Physicians shall not provide treatment recommendations, including issuing a prescription, via electronic or other means, unless the following elements have been met:

(a) A documented patient evaluation, including history and physical examination, adequate to establish the diagnosis for which any drug is prescribed.

(b) Sufficient dialogue between the osteopathic physician and the patient regarding treatment options and the risks and benefits of treatment.

(c) Maintenance of contemporaneous medical records meeting the requirements of Rule 64B15-15.004, F.A.C.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means those situations in which the prescribing physician determines that the immediate administration of the medication is necessary for the proper treatment of the patient, and that it is not reasonably possible for the prescribing physician to comply with the provision of this rule prior to providing such prescription.

(4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications, nor on-call or cross-coverage situations in which the physician has access to patient records.

Specific Authority 459.005, 459.015(1)(z) FS. Law Implemented 459.015(1)(x), (t) FS. History-New

DEPARTMENT OF HEALTH
Division of Family Health Services

RULE CHAPTER TITLE: Eligibility and Fee Assessment for Services Offered by County Public Health Units
RULE CHAPTER NO.: 64F-16
RULE TITLE: Definitions
RULE NO.: 64F-16.001
PURPOSE AND EFFECT: To incorporate by reference specific poverty guidelines referenced in the rule.
SUBJECT AREAS TO BE ADDRESSED: Federal poverty guidelines used to determine eligibility.

SPECIFIC AUTHORITY: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 14 DAYS OF THIS NOTICE AND NOT DEEMED UNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., May 14, 2001

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, (850)245-4444, Ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, (850)245-4444, Ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-16.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) through (6) No change.

(7) "Poverty guidelines" means the non-farm family poverty income scale adopted by the United States Department of Health and Human Services (HHS), as published in the Federal Register; February 16, 2001 edition (Volume 66, Number 33) pages 10695-10697, February 15, 2000 edition (Volume 65, Number 31) pages 7555-7557. A Copy of these guidelines can be obtained by writing to: the Office of Maternal and Child Health, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723.

(8) through (12) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History-New 10-14-93, Amended 4-29-96, Formerly 10D-121.002, Amended 1-9-01,

Section II
Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Enterprise Zone Linked Deposit Program
RULE NO.: 3C-100.970
PURPOSE AND EFFECT: Section 290.0075, F.S., set a June 30, 2000 expiration date for the Enterprise Zone Linked Deposit Program and the program is no longer active.
SUMMARY: Rule 3C-100.970 is repealed since the program has expired by statute.