

implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of program service and will provide greater clarification of the program.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-44, Florida Administrative Code.

**SPECIFIC AUTHORITY:** 420.507(12),(23) FS.

**LAW IMPLEMENTED:** 420.5088 FS.

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

**TIME AND DATE:** 11:00 a.m., Tuesday, July 17, 2001

**PLACE:** Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Bridget E. Warring, HAP Construction Loan Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

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

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

## Section II Proposed Rules

### DEPARTMENT OF INSURANCE

#### Division of State Fire Marshal

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Firefighter Standards and Trainin	4A-37
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Qualification of New Employee	4A-37.0335
Determination of Moral Character	4A-37.036
Firefighter Training Course	
Medical Examination	4A-37.037
Non-Use of Tobacco	4A-37.0371
Termination of Employee	4A-37.0385
Prescribed Forms for Training	
and Certification	4A-37.039
Types of Training Certificates Issued	4A-37.050
Upgrading Certificates or Letters	
of Completion	4A-37.0515
Retention of Certification	4A-37.0527

Out of State Training – Certificate of Compliance; Special Certificate of Compliance	4A-37.054
Minimum Curriculum Requirements for Training Firefighter Recruits or Firefighters	4A-37.055
Specifications for Certifiable Training	4A-37.056
Verification of Prescribed Training Hours	4A-37.058
Types of Instructor Certificates Issued	4A-37.059
Certification as an Approved Firefighter	
Recruit Training Facility	4A-37.060
Prescribed Forms for Training and Certification	4A-37.061
Procedures for State Firefighter	
Certification Examination Day	4A-37.062
Cheating	4A-37.063
Florida State Fire College	4A-37.064
Programs of Study and Vocational Course	4A-37.065

**PURPOSE AND EFFECT:** The changes have the following purposes and effects:

1. Update, adopt, and repeal forms;
2. Update, adopt, and repeal NFPA and other standards;
3. 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;
4. Make technical changes updating outdated words and phrases;
5. Repeal unnecessary and/or outdated rule sections, subsections, and paragraphs;
6. Update Florida State Fire College Curricula, courses, courses of study, and programs of study;
7. Change “Minimum Standards Course” to “Firefighter I and Firefighter II courses”;
8. Update Instructor requirements and eligibility, and provide for use of field experts;
9. Update facility requirements for certified training centers to allow modern construction techniques and materials;
10. Provide specificity for certificates of competencies in several areas.

**SUMMARY:** These rules update the Florida State Fire College forms, adopt NFPA and other Standards, update Florida State Fire College courses and examinations, repeal outdated rules and standards, update Florida State Fire college curricula, courses of study and programs of study, provide for the creation of the Firefighter I and Firefighter II courses which is an upgrade from the former Minimum Standards Course, update Florida State Fire College instructor requirements and eligibility, provide for use of field experts at the Florida State Fire College, update facility requirements for certified training centers to allow modern construction techniques and materials, update Florida State Fire College specificity for certificates of competence.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 633.45(2) FS.

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

IF REQUESTED A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 10:00 a.m., July 26, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES 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) 633.351(3), Florida Statutes. This form shall be forwarded within 10 ten (10) business working days after the first day of employment. Form DI4-1032 FST-1A is incorporated by reference in subsection Rule 4A-37.039(2), F.A.C. and can be obtained where indicated in subsection 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 Section 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 month 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 subsection Rule 4A-37.039(2), F.A.C., and can be obtained where indicated in subsection 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 and 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~~ ~~ten~~ ~~(10)~~ ~~business~~ ~~working~~ days after date of termination. Form DI4-1033 FST-3 is incorporated by reference in ~~Rule~~ subsection 4A-37.039(2), F.A.C., and can be obtained where indicated in ~~Rule~~ subsection 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 may 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" DI4-1022 form effective 6-91 entitled Medical Examination

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

(d) DI4-1022 rev. 08/98, (formerly FST-2) form effective 6-91 entitled "Medical Examination;" FST-50 form effective 10-90 entitled "Tobacco Affidavit,"

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

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

(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) 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) DI4-1463 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 Section 633.34(5), Florida Statutes, as provided in Section 633.35(2) or section 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 subsection 4A-37.039(2), and can be obtained where indicated in subsection 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 subsection 4A-37.039(2), and can be obtained where indicated in subsection 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 Rule 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\_\_\_\_\_.

(Substantial rewording of Rule 4A-37.054 follows. See Florida Administrative Code for present text.)

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 to any person who successfully passes the written and practical examination as required by

Rule 4A-37.056. This examination is given during February, May, September, and November and is administered only at the Florida State Fire College in Lowell.

(b)1. To qualify to take the examination for the certificate of compliance, the individual must submit:

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

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

c. 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 Rule 4A-37.039, and can be obtained where indicated in subsection 4A-37.039(1).

d. A copy of high school diploma or its equivalent.

e. The required fingerprint card, fingerprint card processing fee, and application fee.

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

2. 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 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. Passes the examination;

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

3. Submits the forms required by these rules.

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

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

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

(2) SPECIAL CERTIFICATE OF COMPLIANCE.

(a) The Bureau of Fire Standards and Training shall issue a special certificate of compliance to an individual from another state who provides proof of employment as the Administrative and Command Head of the fire/rescue/emergency services organization of an employing agency as defined in Section

633.30, Florida Statutes, and who meets all the requirements of this subsection. The Administrative and Command Head of a fire/rescue/emergency services organization is permitted to hold the title of director, fire chief, or other title. This individual is permitted to respond to emergency incidents with ultimate onsite management, command, and supervisory authority over employees engaged in operations involving fire, hazardous materials, building collapse, confined space rescue, and other emergency operations.

(b) Any person making application for a special certificate of compliance as the designated Administrative and Command Head of an organization must meet all the requirements of this subsection, as well as successfully passing the written examination and submitting all the documents and meeting all the requirements of this subsection, with the exception of the completion of the practical portion of the examination required in this section. The applicant shall also:

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

2. Attend a 6 hour seminar as determined by the Bureau of Fire Standards and Training outlining:

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

b. Chapter 447, Florida Statutes, "Labor Organizations", and the applicable rules.

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

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

(c) The 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 is permitted to 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 holder with the new organization.

(e) The 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 choose to obtain the 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 DI4-1028 FST-5 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 subsection rule 4A-37.039(2) 4A-37.061(2), and can be obtained where indicated in subsection 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 subsection 4A-37.039(2), and can be obtained where indicated in subsection 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, and 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.

~~(13) 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 (34 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)1.(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 1/2 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 ;and
4. 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 course or a Firefighter II course, or both, courses ~~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 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 is permitted ~~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 10 ~~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 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~~ present to the Bureau of Fire Standards and Training Field Representative Form DI4-1028 FST-5 form ~~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~~ 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 subsection rule 4A-37.039(2), and can be obtained where indicated in subsection 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 subsection 4A-37.039(2) Rule 4A-37.061(2) and can be

obtained where indicated in subsection 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 ~~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 40 ~~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 subsection 4A-37.039(2) Rule 4A-37.061(2) and can be obtained where indicated in subsection 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 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.

(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. 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 (Form DI4-1025), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 4A-37.039(1), with all supporting documentation and fees, to the Bureau of Fire Standards and Training. 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) A minimum of 6 years experience as a regular member of an organized fire department. 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) A bachelor's degree or higher. 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) Physical ability to perform the tasks associated with the training. A valid Firesafety Inspector Certificate.

(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. 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.

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 subsection 4A-37.039(2) and can be obtained where indicated in subsection 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.

(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 10 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 10 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 3 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 30 thirty (30) days prior to the expiration of the Instructor Certification.

~~(d)(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 improvement certification.

a. This course ~~shall~~ ~~must~~ be 40 ~~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 40 ~~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 or ~~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 (d) through (u) of this subsection below.

~~(d)(a) Have a fixed~~ A structure not less than 2 ~~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. All floors shall be provided with window openings with sill height at least 42 ~~forty two (42)~~ inches above the top of the finished floor.

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

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

c. 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. The structure shall have an interior enclosed stairway connecting all floors and roof. Double handrails on stairways and guard rails around stair wells shall be provided.

3. An exterior stairway of metal or masonry construction shall be provided, extending from first floor level, connecting all floors above the first floor. 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. 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. 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 42 ~~forty two (42)~~ inches high measured vertically to the top of the wall or rail from the finished roof surface.

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

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

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

~~(e)(b)~~ Have a classroom Classroom with adequate lighting, heating, cooling and ventilation.

~~(f)(e)~~ Have the AH 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.

~~(g)(4)~~ Have pumper 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:

- 1. Both hard suction and soft sleeve hose shall be provided,
- 2. Hand hose lines shall be limited to 2 1/2 inch and 1 3/4 inch in size.
- 3. 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.

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

5. All ladders used for training shall conform to the requirements of NFPA Standard 1931, 1994 1989 edition and NFPA Standard 1932, 1994 1989 edition. ~~All referenced parts of the NFPA publications mentioned in this subsection are hereby adopted and incorporated by reference. Copies of the NFPA publications may be obtained by writing to the association, whose address is: National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.~~

~~(h)(e)~~ Have forcible ~~Forcible~~ entry and ventilation drill facilities, which shall include ~~including~~ a means of practice on:

- 1. Doors,
- 2. Windows,
- 3. Roofs,
- 4. Floors, and
- 5. Partitions.

(i) 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.

~~(j)~~ The following forcible entry and ventilation tools are the minimum required:

- 1. Pick head axe,
- 2. Flat headed axe,
- 3. Pike poles,
- 4. Prying tools,
- 5. Haligan type tool,
- 6. Fire service claw tool,
- 7. Sledge hammer,
- 8. Bolt cutter,
- 9. Hand and power saws.

~~(k)(4)~~ Have salvage ~~Salvage~~ equipment to include:

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

~~(l)(e)~~ Have two ~~Two~~ Class II life safety harnesses which ~~includes~~.

- 1. Two life safety ropes (2 two ~~two~~ person rope) each not less than 75 feet in length,
- 2. Two ~~and~~ rescue carabiners that meet the requirements of NFPA Standard 1983, 1997 1990 edition, as adopted in Rule 4A-37.037, Florida Administrative Code, for use in rope rescue training and in tying rescue knots, and
- 3. Additional ~~Additional~~ rope of assorted length, diameter, and construction suitable for practice in knots and lashings.

~~(m)(h)~~ Have representative ~~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 ~~and/or~~ refill capabilities, or both, to enable at least 20 minutes of protective breathing apparatus training per student.

~~(n)(4)~~ Have facilities ~~Facilities~~ for live fire training in:

- 1. An enclosed structure for simulated structural firefighting, minimum of 400 ~~four hundred (400)~~ square feet, having at least 2 two ~~(2)~~ rooms.
- 2. Flammable liquid fire facility, minimum of 50 ~~fifty (50)~~ square feet, using at least 1 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.

(o) Have the following reference and training materials:

1. ~~(f)~~ International Fire Service Training Association (IFSTA) Manual Essentials of Firefighting, current edition, and

2. 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.

3. A complete set of the IFSTA Manuals,

4. NFPA Fire Protection Handbook, current edition,

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

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

(p) ~~(k)~~ Have the standard ~~Standard~~ first aid supplies as required in First Aid Manual (American National Red Cross), ~~and~~

1. One Resusci-Anne or equivalent,

2. 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.

(q) ~~(t)~~ Have audio ~~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

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

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

(t) ~~(o)~~ Have protective ~~Protective~~ hoods that meet the requirements of NFPA 1971, Standard on Protective Clothing for Structural Fire Fighting, ~~1997 1991~~ edition, provided by the training center or made available for purchase, and shall be used by each student engaged in live fire training, ~~and is incorporated herein by reference.~~

(u) ~~(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.~~

(v) All referenced parts of the NFPA publications mentioned in this subsection 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.

(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 Rule 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, this rule chapter, or Rule Chapter 4A-39, Florida Administrative Code, 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 DI4-1457), which is incorporated by reference in paragraphs 4A-37.039(2)(bb), (cc), and (dd) and can be obtained where indicated in subsection 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 DI4-1447), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 DI4-1448), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 subsection 4A-37.039(2) and can be obtained where indicated in subsection 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. Submission of the required application (Form DI4-1446), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 DI4-1438), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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. Holding a certificate of competency as a Fire Investigator I

c. Submission of the required application (Form DI4-1439), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 DI4-1459), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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 64 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 DI4-1456), which is incorporated by reference in subsection 4A-37.039(2) and can be obtained where indicated in subsection 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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Randall Napoli, Chief, Bureau of Fire Standards and Training,  
Division of State Fire Marshal, Department of Insurance  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Charles D. Clark, Director, Division  
of State Fire Marshal, Department of Insurance  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 15, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 27, 2001

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firesafety Inspector Certification  
RULE CHAPTER NO.: 4A-39  
RULE TITLES: 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.

SUMMARY: Updates Florida State Fire College codes and standards, updates Florida State Fire College elective courses, updates procedures relating to examinations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 633.01 FS.

LAW IMPLEMENTED: 633.081 FS.

IF REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 10:00 a.m., July 26, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES 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)(d) 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 Rule 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) ~~DI4-1459 A-38~~ Form – "Application for Special Firesafety Inspector Request for Certification Examination."

~~(3)(2) DI4-1463 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 1501 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,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Randall Napoli, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLES: Standards  
 RULE NOS.: 5F-2.001

Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 5F-2.014

PURPOSE AND EFFECT: The purpose of Rule 5F-2.001, F.A.C. is to adopt the 2001 edition of the chemical and physical standards set forth in the American Society for Testing and Materials. These standards will be used for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization. The purpose of Rule 5F-2.014, F.A.C., is to adopt the 2001 edition of NIST Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent specifications and testing criteria of measuring devices developed by a consensus organization.

SUMMARY: Proposed Rules 5F-2.001 and 5F-2.014, F.A.C. will specify that the 2001 Annual Book of ASTM Standards and 2001 edition of NIST Handbook 44, respectively, are the accepted standards for implementation of Chapter 525, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 525.14, 525.037, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.037, 525.07, 525.14, 531.40 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., July 24, 2001

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone (850)488-9740

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-00a ~~D 4814-99~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-00a ~~D 4814-99~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in the American Society for Testing and Materials designation D 975-00 ~~D 975-98a~~ "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 975-00 ~~D 975-98a~~, "Standard Specification for Diesel Fuel Oils."

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) American Society for Testing and Materials D 4814-00a ~~D 4814-99~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel," (approved December 10, 2000 ~~June 1999~~);

(c) American Society for Testing and Materials D 975-00 ~~D 975-98b~~, "Standard Specification for Diesel Fuel Oils" (approved December 10, 2000 ~~December 1999~~);

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, \_\_\_\_\_.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2001 2000 Edition issued November 2000 1999, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History--New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Comprehensive Shellfish

RULE CHAPTER NO.:

Control Code

5L-1

RULE TITLE:

RULE NO.:

Shellfish Harvesting Area Standards

5L-1.003

PURPOSE AND EFFECT: This amendment proposes to reclassify the Choctawhatchee Bay shellfish harvesting area, Okaloosa and Walton Counties. A sanitary survey has been conducted that evaluates current information on pollution sources and bacteriological water quality, and recommends reclassification of the shellfish harvesting area.

SUMMARY: The proposed reclassification of the Choctawhatchee Bay shellfish harvesting area will decrease the size of conditionally approved Central Section by 273 acres, from 38,308 acres to 38,035 acres, increase the size of

the conditionally approved Eastern Section by 639 acres, from 13,398 acres to 14,037 acres, and decrease the size of the prohibited area by 366 acres, from 21,275 acres to 20,909 acres.

Current and proposed management of the conditionally approved areas is based on local rainfall. The average closure frequency of the 0622 conditionally approved Central Section is expected to decrease by 0.3 days per month, from 4.2 to 3.9 days per month. The average closure frequency of the 0632 conditionally approved Eastern Section is expected to increase by 3.6 days per month, from 12.9 to 16.5 days per month.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Choctawhatchee Bay shellfish harvesting area (#06) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide an illustration of the Choctawhatchee Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #06. This map is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Monday, July 23, 2001

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Mangement, (850)921-6262, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John McDowell, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein,



including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised August 9, 2000, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised August 9, 2000, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) through (10) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History--New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 10-12-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00.

INDEX OF SHELLFISH HARVESTING AREA CLASSIFICATION MAPS, BOUNDARIES AND MANAGEMENT PLANS

Revised August 9, 2000

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Apalachicola Bay System	16	16A, 16B	August 9, 2000
Boca Ciega Bay	42	42	June 18, 1997
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	August 9, 2000
Cedar Key	30	30	November 5, 1992
Choctawhatchee Bay	06	06	<del>July 17, 1989</del>
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	January 1, 1995
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	March 18, 1999
Indian Lagoon	15	15A, 15B	November 5, 1992
Indian River/St. Lucie Counties	70	70	June 18, 1997
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	June 18, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	January 1, 1995
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	January 1, 1995
Ochlockonee Bay	20	20	November 3, 1998
Pensacola Bay System	02	02A, 02B	January 31, 1996
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	May 6, 1993
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28	February 25, 1998
Ten Thousand Islands	66	66	June 18, 1997
Waccasassa Bay	32	32	November 5, 1992
Wakulla County	22	22	January 1, 1995
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	November 5, 1992

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert Thompson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code

RULE CHAPTER NO.: 5L-1

RULE TITLES: Shellfish Harvesting Area Standards

RULE NOS.: 5L-1.003

Container Identification, Terminal Sale Date;

Prohibitions 5L-1.007

PURPOSE AND EFFECT: This amendment proposes to reestablish the Alligator Harbor shellfish harvesting area, Franklin County. A sanitary survey has been conducted that evaluates current information on pollution sources and bacteriological water quality, and recommends reclassification of the shellfish harvesting area. If a high density aquaculture lease site is not established in the Harbor for the culture of hard clams, the area will remain unclassified and closed for shellfish harvesting.

The four-digit harvest area codes are proposed to be updated to reflect the proposed classifications. These codes or the name of the harvest area must be recorded on harvester tags. This information provides for tracing shellfish that are implicated in illness outbreaks back to the harvest area.

SUMMARY: Currently, Alligator Harbor is entirely unclassified and closed for the harvest of shellfish. The proposed reclassification will establish a 3,273 acre conditionally approved area and a 554 acre prohibited area.

Proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of conditionally approved area is expected to be 0.2 days per month.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Alligator Harbor shellfish harvesting area (#18) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide an illustration of the Alligator Harbor shellfish harvesting area classification boundaries in shellfish harvesting area map #18. This map is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

Additionally, these amendments propose updating the four-digit harvest area codes defined in subsection 5L-1.007(3)(e), F.A.C. for the area. These codes will be used on harvester tags to identify the locations where shellfish are harvested.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** There is no anticipated regulatory cost.

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

**SPECIFIC AUTHORITY:** 597.020 FS.

**LAW IMPLEMENTED:** 597.020 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 1:00 p.m. – 3:00 p.m., Monday, July 23, 2001

**PLACE:** 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management, (850)921-6262, at least seven days before the meeting.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** John McDowell, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

**THE FULL TEXT OF THE PROPOSED RULES IS:**

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised \_\_\_\_\_ August 9, 2000, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised \_\_\_\_\_ August 9, 2000, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) through (10) No change.

Specific Authority 597.020 ~~570.071(23)~~ FS. Law Implemented 597.020 ~~370.074~~ FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, \_\_\_\_\_.

5L-1.007 Container Identification, Terminal Sale Date; Prohibitions.

(1) through (2) No change.

(3) The harvester’s tag’s shall contain legible waterproof information arranged in the specific order as follows:

(a) The harvester’s saltwater product license number or aquaculture certificate number;

(b) The date of harvesting;

(c) The time of harvest;

(d) The time of refrigeration, if applicable;

(e) The identification of the harvest area using the four digit area number or name of the harvest area listed in Table 2, which is incorporated herein and appears at the end of this chapter, as well as the most precise identification within that area as practicable;

(f) Common name of shellfish and quantity of shellfish;

(g) The following statement will appear in bold capitalized type “THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS.”

(4) through (12) No change.

Specific Authority 597.020 ~~570.071(23)~~ FS. Law Implemented 597.020 ~~370.074~~ FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00, \_\_\_\_\_.

AREA NUMBER	HARVEST AREA NAME
0222	Pensacola Bay Conditionally Approved Escambia Bay Winter Nov – Mar
0232	Pensacola Bay Conditionally Approved East Bay Winter Nov – Feb
0242	Pensacola Bay Conditionally Approved Escambia Bay Spring/Fall Apr – Jun, Oct
0252	Pensacola Bay Conditionally Approved East Bay Spring/Fall Mar – Jun, Oct
0215	Pensacola Bay Restricted Escambia Bay Spring/Fall Apr – Jun, Oct
0216	Pensacola Bay Conditionally Restricted Escambia Bay Winter Nov – Mar
0226	Pensacola Bay Conditionally Restricted East Bay Winter Nov – Feb
0622	Choctawhatchee Bay Conditionally Approved Central
0632	Choctawhatchee Bay Conditionally Approved Eastern
0806	West Bay Conditionally Restricted Spring/Fall Apr – Jun, Oct – Nov
0812	West Bay Conditionally Approved Winter Dec – Mar
0822	West Bay Conditionally Approved Spring/Fall Apr – Jun, Oct – Nov
1012	North Bay Conditionally Approved Western
1022	North Bay Conditionally Approved Eastern
1206	East Bay Conditionally Restricted

1212	East Bay Conditionally Approved Section 1	3406	Withlacoochee Bay Conditionally Restricted
1222	East Bay Conditionally Approved Section 2	3702	Citrus County Conditionally Approved
1401	St. Joe Bay Approved	3706	Citrus County Conditionally Restricted
1506	Indian Lagoon Conditionally Restricted	4202	Boca Ciega Bay Conditionally Approved
1512	Indian Lagoon Conditionally Approved Zone X Spring/Fall Apr – Jun, Oct – Dec	4802	Lower Tampa Bay Conditionally Approved
1522	Indian Lagoon Conditionally Approved Zone Y Spring/Fall Apr – Jun, Oct – Dec	4806	Lower Tampa Bay Conditionally Restricted
1532	Indian Lagoon Conditionally Approved Zone Z Spring/Fall Apr – Jun, Oct – Dec	5402	Sarasota Bay Conditionally Approved
1542	Indian Lagoon Conditionally Approved Zone A Winter Jan – Mar	5406	Sarasota Bay Conditionally Restricted
1552	Indian Lagoon Conditionally Approved Zone B Winter Jan – Mar	5602	Lemon Bay Conditionally Approved
1611	Apalachicola Bay Approved Winter Jan – Jun, Oct – Dec	5802	Gasparilla Sound Conditionally Approved
1621	Apalachicola Bay Approved Summer Jul – Sep	6002	Myakka River Conditionally Approved
1631	Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer Jul – Sep	6006	Myakka River Conditionally Restricted
1612	Apalachicola Bay Conditionally Approved West 1 Winter Jan – Jun, Oct – Dec	6212	Pine Island Sound Conditionally Approved Western Section
1622	Apalachicola Bay Conditionally Approved West 2 Winter Jan – Jun, Oct – Dec	6222	Pine Island Sound Conditionally Approved Eastern Section
1632	Apalachicola Bay Conditionally Approved West 3 Winter Jan – Jun, Oct – Dec	6602	Ten Thousand Islands Conditionally Approved
1642	Apalachicola Bay Conditionally Approved East Winter Jan – Jun, Oct – Dec or Apalachicola Bay Approved East Hole Summer Jul – Sep	7001	Indian River/St. Lucie Approved
1652	Apalachicola Bay Conditionally Approved North Summer Jul – Sep	7006	Indian River/St. Lucie Restricted
1662	Apalachicola Bay Conditionally Approved South Summer Jul – Sep	7202	North Indian River Conditionally Approved
1606	Apalachicola Bay Conditionally Restricted	7206	North Indian River Conditionally Restricted
1802	<u>Alligator Harbor Conditionally Approved</u>	7412	Body F Conditionally Approved
2002	Ochlockonee Bay Conditionally Approved	7416	Body F Conditionally Restricted
2006	Ochlockonee Bay Conditionally Restricted	7506	Body E Conditionally Restricted
2206	Wakulla County Conditionally Restricted	7602	Body D Conditionally Approved
2212	Wakulla County Conditionally Approved Zone 1	7606	Body D Conditionally Restricted
2222	Wakulla County Conditionally Approved Zone 2	7712	Body C Conditionally Approved Zone 1 Spring/Summer/Fall Mar – Nov
2501	Horseshoe Beach Approved Summer	7722	Body C Conditionally Approved Zone 2 Spring/Summer/Fall Mar – Nov
2502	Horseshoe Beach Conditionally Approved Winter	7732	Body C Conditionally Approved Winter Dec – Feb
2506	Horseshoe Beach Conditionally Restricted Winter	7716	Body C Conditionally Restricted Winter Dec – Feb
2802	Suwannee Sound Conditionally Approved	7726	Body C Conditionally Restricted Spring/Summer/Fall Mar – Nov
2806	Suwannee Sound Conditionally Restricted	7802	Body B Conditionally Approved
3012	Cedar Key Conditionally Approved Zone A	7902	South Banana River Conditionally Approved
3022	Cedar Key Conditionally Approved Zone B	7906	South Banana River Conditionally Restricted
3006	Cedar Key Conditionally Restricted	8001	Body A Approved
3202	Waccasassa Bay Conditionally Approved	8005	Body A Restricted
3206	Waccasassa Bay Conditionally Restricted	8201	South Volusia Approved
3402	Withlacoochee Bay Conditionally Approved	8212	South Volusia Conditionally Approved Zone 1
		8222	South Volusia Conditionally Approved Zone 2
		8206	South Volusia Conditionally Restricted
		8802	St. Johns South Conditionally Approved
		8806	St. Johns South Conditionally Restricted
		9202	St. Johns North Conditionally Approved
		9206	St. Johns North Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA CLASSIFICATION  
MAPS, BOUNDARIES AND MANAGEMENT PLANS

Revised August 9, 2000

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Alligator Harbor	18	18	
Apalachicola Bay System	16	16A, 16B	August 9, 2000
Boca Ciega Bay	42	42	June 18, 1997
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	April 5, 2000
Cedar Key	30	30	November 5, 1992
Choctawhatchee Bay	06	06	July 17, 1989
Citrus County	37	37	Mary 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	January 1, 1995
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	March 18, 1999
Indian Lagoon	15	15A, 15B	November 5, 1992
Indian River/St. Lucie Counties	70	70	June 18, 1997
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	June 18, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	January 1, 1995
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	January 1, 1995
Ochlockonee Bay	20	20	November 3, 1998
Pensacola Bay System	02	02A, 02B	January 31, 1996
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	Mary 6, 1993
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28	February 25, 1998
Ten Thousand Islands	66	66	June 18, 1997
Waccasassa Bay	32	32	November 5, 1992
Wakulla County	22	22	January 1, 1995
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	November 5, 1992

NAME OF PERSON ORIGINATING PROPOSED RULE:

Robert Thompson

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Sherman Wilhelm, Director,  
Division of Aquaculture

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 16, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Railroad Safety Standards and                      14-57  
Clearance Requirements

RULE TITLE:                                      RULE NO.:

Railroad Safety Standards and                      14-57.003  
Clearance Requirements

PURPOSE AND EFFECT: Rule 14-57.003, F.A.C., is being amended for clarification and updating. The title of the rule also is being amended. Additional federal standards are being incorporated by reference.

SUMMARY: Rule 14-57.003, F.A.C., is being amended.

SPECIFIC AUTHORITY: 351.35(1) FS.

LAW IMPLEMENTED: 341.302(7),(8), 351.35(1),(2) FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been prepared.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE 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~~ **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 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 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 Warning 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 gage gauge tracks shall be 13 feet six inches except as hereinafter provided.

2. The minimum distance between the center line of any standard gage 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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hines

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Academic Education Program Services RULE NO.: 33-501.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement the provisions of s. 944.801, F.S., to provide for screening and assessment of inmates' educational needs, and to mandate participation in educational programs for inmates with particular identified needs.

SUMMARY: The proposed rule provides for assessment of inmate educational needs and for mandatory education programs for inmates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.801 FS.

LAW IMPLEMENTED: 944.09, 944.801 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.101 Academic Education Program Services.

(1) Upon arrival at a Department of Corrections' reception center for initial processing, each inmate shall be screened and assessed to determine if the inmate meets the department's criteria for mandated academic education program services participation.

(2) Criteria for mandated academic education program services shall be based upon:

(a) Lack of a verified high school diploma, G.E.D. or college degree:

(b) Other classification or program criteria as determined by the department to ensure security and optimal program placement.

(3) When, in accordance with criteria established in (2), it is determined that an inmate is in need of academic education program services, he or she shall be assigned a priority ranking for services based upon these criteria and shall be placed into available programs or placed on a waiting list for future assignment to a program.

(4) Priority ranking for assignment shall be maintained for all inmates and updated at least monthly. Prioritization ranking shall also be based upon length of sentence remaining to be served and readiness for program services.

(5) If an inmate refuses to participate in mandatory academic education program services, the classification officer shall ensure that this refusal is documented on Form DC6-119, Inmate Refusal to Participate in Mandatory Program. Form DC6-119 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_. Inmates who refuse to participate in mandated academic education program services shall be subject to disciplinary action.

(6) Inmates discharged from the academic education program services due to program rule violations, violation of institutional rules, or behavior management problems shall be subject to disciplinary action.

(7) Inmates who refuse to participate in mandated academic education program services shall be removed from the priority listing until such time as the inmate agrees to participate in the academic education program mandated.

(8) Inmates shall only be subject to disciplinary action when a program slot is available and the inmate refuses to enter or participate in the program.

(a) If an inmate recants an earlier refusal to participate in a mandatory program, he or she shall be returned to the priority listing and the priority ranking shall be recalculated.

(b) When a program slot becomes available, the inmate shall be considered for placement into the academic education program. Inmates entering an academic education program after refusal or who are re-admitted to a program after administrative discharge per (6) of this rule shall be eligible at the time of program entry to request restoration of incentive gain time in accordance with rule 33-601.105.

(9) Inmates shall not be denied access to academic education program services on the basis of race, gender, ethnicity, age, sexual preference, human immunodeficiency virus status, prior program departure against professional advice, or disability.

Specific Authority 944.09, 944.801 FS. Law Implemented 944.09, 944.801 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Nimer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Law Libraries  
RULE NO.: 33-501.301

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the Department’s law library policy to ensure consistency with the access to courts plan approved by the U.S. District Court in litigation involving the Florida Department of Corrections’ provision of law library services.

SUMMARY: The proposed rule corrects titles of persons involved with law library services, and clarifies and streamlines information concerning access to law libraries consistent with decisions rendered in recent litigation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.301 Law Libraries.

(1) through (2)(a) No change.

(b) Inmates at work camps, road prisons, forestry camps, vocational centers and drug treatment centers attached to institutions with major or minor law collections shall be provided access to the law library and research aides by means

~~of correspondence, except as otherwise provided in (2)(d), (2)(e) and (2)(f) an opportunity to visit with a certified inmate law clerk or visit the law library within 1 week of submitting a written request to facility staff. The institution shall either transport the inmate law clerk to the work camp or transport the inmates to the law library at the main unit. Priority shall be given to inmates who must meet deadlines imposed by law, rule or order of court. However, the inmate shall be responsible for notifying the facility staff of his or her deadline in a timely manner. Facility staff shall respond to a request for special access to meet a deadline within 48 hours of the request. This period shall not be shortened due to the failure of the inmate to given timely notice of the deadline.~~

~~(c) Youthful offenders shall be provided access to law libraries and certified inmate law clerks. A minimum of 2 adult inmates, who have been certified by the law library services attorney as inmate law clerks, shall be assigned to work in law libraries at youthful offender institutions. The adult inmate law clerks shall be housed at nearby adult correctional institutions or community correctional centers, and shall be transported to the youthful offender institution to work in the law library at least 3 days per week. For security reasons, all contact between the adult inmate law clerks and youthful offender inmates shall be supervised by departmental staff.~~

~~(c)(d) Inmates who are temporarily transferred to correctional or medical facilities outside the department may secure legal assistance and/or access to legal research materials by submitting a written request to the law library services administrator attorney in the central office, or the librarian or law library supervisor at the institution from which they were transferred. Inmates who are serving sentences imposed by the Florida courts by virtue of the Interstate Corrections Compact may secure legal assistance and/or access to legal research materials by writing the law library services administrator attorney in the central office. Correspondence should be directed to the Florida Department of Corrections, ATTN: Library Services Office of Programs, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The time limits established in section (9) of this rule shall apply to the processing of these inmate requests for assistance.~~

~~(d)(e) Law libraries shall provide interpreters for any language, other than English, native to five percent or more of the statewide inmate population. Such inmates at work camps and satellite correctional facilities shall be provided an opportunity to visit the law library within one week of submitting an oral or written request for legal assistance to the law library supervisor or other facility staff. When language barriers prevent inmates from accessing the legal collection or effectively communicating with the librarian or inmate law clerks, the institution shall provide access to an interpreter. Each institution shall maintain a current list of staff, inmates, citizen volunteers, or persons from community resource agencies and organizations who are available to provide~~



foreign language assistance. All time limits for service established in this rule in (2)(d)1., 2., (f), (9)(a), (b), (c), and (d) shall be extended by 24 hours if assistance by an interpreter is required, and shall be extended by 48 hours if the services of interpreters located outside the institution must be secured.

(e) Inmates who are functionally illiterate, mentally disordered, or have other disabilities that hinder their ability to research the law and prepare legal documents and legal mail, and need research assistance, shall be provided access to the law library and to research aides. These inmates may request legal assistance by making an oral request for same to the correctional staff working in their housing or confinement units, classification staff, work supervisors, mental health staff, or to the law library supervisor. Staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of an oral or written request, the law library supervisor shall schedule the inmate for a visit to the law library or a visit with a research aide.

(f) Priority in the use of the law library, legal research materials or services shall be given to inmates who must meet deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions shall be given priority in the use of the law library and related legal services. However, the inmate shall be responsible for notifying the department of the his deadline in a timely manner. Department staff shall respond to a request for special access to meet a deadline within 3 working days of receipt 48 hours of the request, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. This period shall not be shortened due to the failure of the inmate to give timely notice of the deadline. A court deadline is any requirement imposed by law, rule or order of court that establishes a maximum time limit on the filing of legal documents with a court. For purposes of this rule, priority access shall only be granted if the maximum time limit is 20 or fewer days. No inmate shall be excused from work, or excused from work and transported from a work camp, road prison, or forestry camp, for more than two days per work week. Upon confirmation of the deadline, the law library supervisor shall contact the classification department and schedule an appointment by call-out to enable excusing an inmate from work, and, where necessary, transportation from the work camp, forestry camp, or road prison, when:

1. The inmate needs to secure access to law library services, such as copying or interlibrary loan services. In such instances, the inmate shall only be excused for as long as is necessary to request or receive the necessary assistance; or,

2. The inmate needs access to legal research materials only available in the law library collection, and the time available to the inmate to use the law library during off-duty hours is determined to be less than six hours per week.

(g) No inmate shall be excused from work solely for the purpose of drafting legal documents and legal mail; such activities shall be performed during off-duty hours. Inmates in open population who do not have court deadlines as described above shall be expected to use the law library or access law library services during off-duty hours.

(h)(g) Inmates who mutilate, deface or pilfer law library materials shall be subject to formal disciplinary action as provided in 33-601.301-601.314, and penalties for infraction may include a temporary suspension of the inmate's privilege of on-site use of the law library of up to 30 days. The disciplinary team which presides over the disciplinary hearing shall determine the length of the suspension after considering the inmate's past record of rule infractions while in the law library, assessing the material damage to the legal research collection, and determining whether the damage to the collection was intentional or inadvertent. Inmates who have been suspended from the law library shall conduct business through correspondence or through research aides inmate law clerks rather than through personal visits to the law library. However, steps shall be taken to ensure that the inmate is not denied access to legal material during this suspension.

(3) Law Library Access for Inmates in Administrative Confinement, Disciplinary Confinement, Close Management, Protective Management, on Death Row, and in Medical or Mental Health Units.

(a) Inmates in administrative confinement shall have access to the law library. Inmates in administrative confinement, disciplinary confinement, and close management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to their the inmate's cells, and, as provided in sections (2)(e) and (f), to visit with research aides certified inmate law clerks. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions in administrative confinement who demonstrate that they need to meet a deadline imposed by law, rule or order of court. Inmates in administrative confinement, disciplinary confinement and close management at Florida State Prison shall be permitted to visit the law library if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with research aides or by means of correspondence.

(b) Inmates in mental health units shall be provided access to the law library and provided opportunities to visit with research aides. These inmates shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. These inmates may request legal assistance by making an oral request for same to the security or

mental health staff working in the unit. Security and mental health staff shall relay oral requests for legal assistance to the law library supervisor. Upon receipt of a request, the law library supervisor shall arrange for a research aide to visit the inmate. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions. Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

(c) Inmates in protective management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, and to have the law library deliver legal materials to their cells. Inmates in protective management shall have access to the law library, to include access to at least one research aide, during evening or other hours when general population inmates are not present. If security reasons prevent a visit to the law library, access shall be provided through visits with research aides or by means of correspondence. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, rule or order of court in legal proceedings challenging convictions, sentences or prison conditions.

(d) Inmates on death row shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with research aides. Inmates on death row who have filing deadlines imposed by law, rule or order of court, in legal proceedings challenging convictions, sentences, or prison conditions, shall be permitted to visit the unit's law library at least once per week for up to two hours if security requirements permit it. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance through visits with research aides or by means of correspondence.

(e) Inmates who are temporarily housed in institutional infirmaries or hospitals, or who are on medical or dental lay-in, and who are unable to visit the law library due to medical or treatment reasons, shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library materials delivered to them,

and to visit with research aides unless medical reasons prevent it. These inmates may secure legal assistance by contacting the law library supervisor. Upon receipt of an oral or written request for legal assistance, or a referral from medical or dormitory staff, the law library supervisor shall assign a research aide to provide legal assistance to the inmate.

(f)(e) Inmates shall be limited to possession ~~the receipt~~ of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.

(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the confinement area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.

(e) Illiterate or impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

(4) Law Library Access for Inmates in Protective Management.

(a) Inmates in protective management shall have access to the law library, to include access to at least one certified inmate law clerk, during evening or other hours when general population inmates are not present. If security reasons prevent a visit, access shall be provided through correspondence or visits from inmate law clerks. Steps shall be taken to ensure the inmate is not denied needed legal access while in protective management.

(b) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt not including the day of receipt. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is

functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.

~~(c) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.~~

~~(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the protective management unit to provide assistance to inmates. The regular schedule shall require a visit on at least one day each week other than the day that protective management inmates are scheduled to visit the law library. If security requirements prevent a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled.~~

~~(e) Illiterate or impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.~~

~~(5) Law Library Access for Inmates in Close Management.~~

~~(a) Inmates in close management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal research materials to their cells, and to visit with certified inmate law clerks. Efforts shall be made to accommodate the research needs of inmates in close management who demonstrate that they need to meet a deadline imposed by law, rule or order of court.~~

~~(b) At Florida State Prison, inmates in close management shall be taken to the law library unless security requirements prevent a personal visit. If security requirements prevent a personal visit to the law library, the inmate shall be required to secure legal assistance by means of correspondence with the law library, by using legal materials brought to the inmate's cell, and through visits with certified inmate law clerks. However, steps shall be taken to ensure that the inmate is not denied access while in close management.~~

~~(c) At all institutions except Florida State Prison, inmates in close management, levels I and II, shall not be taken to the law library. An inmate in close management, levels I and II, shall be required to secure legal assistance by means of correspondence with the law library, by using legal materials~~

~~brought to the inmate's cell, and through visits with certified inmate law clerks, rather than a personal visit to the law library. However, steps shall be taken to ensure that the inmate is not denied needed access while in close management, levels I and II.~~

~~(d) Inmates in close management, level III, who need to prepare legal documents to meet a deadline imposed by law, rule, or order of court, shall be permitted to visit the law library once each week, for up to 2 hours in duration, after completing 60 days after the first month in this status with a clear disciplinary record and satisfactory adjustment (as defined in rule 33-603.401) since being in close management, unless security and safety concerns preclude law library visits.~~

~~(e) Inmates in close management, level III, who have not completed 60 days after the first month in this status with a clear disciplinary record and satisfactory adjustment (as defined in rule 33-603.401) since being in close management shall secure the needed legal assistance by means of correspondence with the law library, by using legal materials brought to the inmate's cell, and by securing assistance through visits with certified inmate law clerks, rather than a personal visit to the law library. However, steps shall be taken to ensure that the inmate is not denied needed access while in close management.~~

~~(f) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday, not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.~~

~~(g) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library, and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.~~

~~(h) Each institution shall establish a regular schedule for visits by inmate law clerks to the close management unit to provide assistance to inmates. The regular schedule shall~~

require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.

(i) Illiterate or impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.

~~(6) Law Library Access for Inmates in Disciplinary Confinement.~~

~~(a) Inmates in disciplinary confinement shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver research materials to their cells, and to visit with certified inmate law clerks. Steps shall be taken to ensure that inmates are not denied needed access while in disciplinary confinement.~~

~~(b) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.~~

~~(c) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes and other reference materials provided by the law library and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.~~

~~(d) Each institution shall establish a regular schedule for visits by inmate law clerks to the confinement area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.~~

~~(e) Illiterate and impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.~~

~~(7) Law Library Access for Inmates on Death Row.~~

~~(a) Inmates on death row shall be permitted to have access to their personal legal files and law books, to correspond with the law library, to have the law library deliver legal materials to the inmate's cell, and to visit with certified inmate law clerks. Efforts shall be made to accommodate the research needs of inmates on death row who demonstrate that they need to meet a deadline imposed by law, rule or order of court.~~

~~(b) Inmates on death row who have court deadlines imposed by law, rule or order of court shall be provided opportunities to visit the law library in their unit or the main unit law library at least once per week for up to two hours in duration.~~

~~(c) Written inmate requests for legal assistance shall be directed to the librarian and shall be responded to within 2 working days of receipt, not including the day of receipt. For purposes of this rule, "working day" shall mean any weekday, not including holidays or weekends. Specific requests for cases, statutes or other reference materials, or requests for legal supplies or forms, shall be responded to by means of correspondence. However, written inmate requests for legal assistance that are broad in scope, contain incorrect references to research materials, or where the styling or content of the request indicates that the inmate lacks an understanding of the law or legal research, that the inmate is functionally illiterate, or that the inmate may be impaired, shall be responded to by personal interview with an inmate law clerk or the librarian.~~

~~(d) Inmates shall be limited to the receipt of no more than 15 research items from the law library at any one time. Research items are defined as photocopies of cases, statutes, and other reference materials provided by the law library, and do not include the inmate's personal legal papers, pleadings, or transcripts. Institutions shall require that inmates return all research materials supplied previously by the law library, or explain why some or all research materials issued previously must be retained, in order to receive additional materials. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation or security hazard.~~

~~(e) Each institution shall establish a regular schedule for visits by inmate law clerks to the confinement area to provide assistance to inmates. The regular schedule shall require visits on at least 3 days each week. If security requirements prevent permitting a law clerk visit at the scheduled time, then the law clerk visit shall be rescheduled. Not less than 3 visits shall be conducted within any 7 day period.~~

~~(f) Illiterate and impaired inmates shall be permitted to request a visit with an inmate law clerk by making an oral request for same to the correctional staff working in the confinement unit. Upon receipt of an oral request, the correctional staff shall permit the inmate to visit with an inmate law clerk at the next scheduled law clerk visit.~~

~~(4)(8) Major, Minor and Starter Collection Types, Locations, and Contents of Law Libraries. Major or minor collection law libraries shall be established at all institutions, annexes, work camps and forestry camps housing more than 400 inmates. Starter collection law libraries shall be established at institutions, work camps, forestry camps and road prisons housing less than 400 inmates and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library collections.~~

~~(a) A major collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; Florida and federal case reporters; Florida and federal Shepard's citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights is a reference collection containing legal research titles recommended for inclusion in prison law libraries by the American Association of Law Libraries, as published in Recommended Collections for Prison and Other Institution Law Libraries (revised June, 1990). See Appendix One for a list of titles to be maintained in a major collection law library. In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:~~

- ~~1. Population level;~~
- ~~2. Age of the inmate population Utilization needs;~~
- ~~3. The transitory nature of the institution's inmate population;~~
- ~~4. The institution's proximity to other facilities with major collections;~~

~~5.3. Whether the institution has one or more of the following housing categories:~~

- ~~a. Protective management;~~
- ~~b. Close management; or~~
- ~~c. Death row.~~

~~(b) Major collections shall be located at the following institutions:~~

- ~~1. Apalachee Correctional Institution~~
- ~~2. Avon Park Correctional Institution~~
- ~~3. Baker Correctional Institution~~
- ~~4. Broward Correctional Institution~~
- ~~5. Calhoun Correctional Institution~~
- ~~6. Central Florida Reception Center~~
- ~~7. Century Correctional Institution~~

- ~~8. Charlotte Correctional Institution~~
- ~~9. Columbia Correctional Institution~~
- ~~10. Cross City Correctional Institution~~
- ~~11. Dade Correctional Institution~~
- ~~12. DeSoto Correctional Institution~~
- ~~13. Everglades Correctional Institution~~
- ~~14. Florida Correctional Institution~~
- ~~15. Florida State Prison Main Unit~~
- ~~16. Glades Correctional Institution~~
- ~~17. Gulf Correctional Institution~~
- ~~18. Hamilton Correctional Institution~~
- ~~19. Hardee Correctional Institution~~
- ~~20. Hendry Correctional Institution~~
- ~~21. Holmes Correctional Institution~~
- ~~22. Jackson Correctional Institution~~
- ~~23. Jefferson Correctional Institution~~
- ~~24. Lake Correctional Institution~~
- ~~25. Liberty Correctional Institution~~
- ~~26. Madison Correctional Institution~~
- ~~27. Marion Correctional Institution~~
- ~~28. Martin Correctional Institution~~
- ~~29. Mayo Correctional Institution~~
- ~~30. New River Correctional Institution~~
- ~~31. North Florida Reception Center~~
- ~~32. Okaloosa Correctional Institution~~
- ~~33. Okeechobee Correctional Institution~~
- ~~34. Polk Correctional Institution~~
- ~~35. Santa Rosa Correctional Institution~~
- ~~36. South Florida Reception Center~~
- ~~37. Sumter Correctional Institution~~
- ~~38. Taylor Correctional Institution~~
- ~~39. Tomoka Correctional Institution~~
- ~~40. Union Correctional Institution~~
- ~~41. Wakulla Correctional Institution~~
- ~~42. Walton Correctional Institution~~
- ~~43. Washington Correctional Institution~~
- ~~44. Zephyrhills Correctional Institution~~

~~(b)(e) A minor collection law library contains: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner's rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights is a reference collection containing the Florida statutes, case law, citation indexes, practice digests, federal practice digests, an abridged set of the federal statutes and a variety of secondary source materials recommended for inclusion in prison law libraries by the American Association of Law Libraries. See Appendix Two for a list of all titles to be~~

~~maintained at all minor collection law libraries. A minor collection law library shall be established at all institutions, annexes, and community facilities with lawful inmate capacities of more than 400 which do not have major collection law libraries.~~

~~(c)(d) A starter collection law library contains: an annotated edition of the Florida Statutes; an annotated edition of the Title 42, United States Code, Section 1983; the Florida and federal rules of court; and a legal dictionary is a basic reference collection for research in Florida law. See Appendix Three for a list of all titles to be maintained at all starter collection law libraries. A starter collection law library shall be established at institutions, work camps, forestry camps, road prisons, vocational centers, and drug treatment centers, with maximum inmate capacities up to 400 and located 50 or more miles from the main unit of the institution or other institutions with major or minor law library collections. Starter collections shall be located in the following institutions and facilities:~~

~~1. Big Pine Key Road Prison~~

~~2. Franklin Work Camp~~

~~(e) Attachments:~~

~~1. Appendix One: Title list for major collection law libraries.~~

~~2. Appendix Two: Title list for minor collection law libraries.~~

~~3. Appendix Three: Title list for starter collection law libraries.~~

~~(d)(f) Major and minor collection law libraries shall also maintain current copies of the following departmental rules and regulations:~~

~~1. Rules of the Florida Department of Corrections;~~

~~2. Department of Corrections Procedures and Policy and Procedure Directives, except those that the Office of the Secretary has directed be withheld from inspection by inmates for security reasons;~~

~~3. Institutional operating procedures, except those that the Office of the Secretary or the regional director has directed be withheld from inspection by inmates for security reasons. No law library collection shall include departmental Department of Corrections or institutional emergency plans, security post orders, or departmental operations manuals.~~

~~(e)(g) No change.~~

~~(h) A law collection shall not be established at Corrections Mental Health Institution. Inmates at that institution shall secure legal assistance from the law library located at River Junction Correctional Institution. The law library at River Junction Correctional Institution shall include additional legal research materials that address the unique legal needs of forensic inmates, and the inmate law clerks at River Junction Correctional Institution shall visit Corrections Mental Health Institution at least 3 times per week to provide inmates with legal assistance.~~

~~(f)(i) Law collections shall not be established at work release community correctional centers or other community-based facilities. Inmates at those facilities shall secure legal assistance by means of correspondence with a major or minor law collection, by visits with to attorneys, legal aid organizations or law libraries in the community, or by transportation or temporary transfer to an institution with a major or minor law collection.~~

~~(g)(j) The contents of legal collections shall be reviewed annually by the library services administrator to ensure continued compliance with applicable federal and state laws and American Correctional Association standards that major collection law libraries continue to comply with the recommendations of the American Association of Law Libraries and to determine whether additional titles should be added to minor or starter collection law libraries. When the library services administrator believes that titles need to be added or deleted from the collections, he or she shall make such recommendation to the director of program services. If the director of program services approves the request, the material shall be ordered and placed in the appropriate law library collections. The location of legal collections shall be reviewed to determine whether new collections should be established, or whether existing major, minor, or starter legal collections should be upgraded, downgraded, moved, or disbanded. Reviews shall be conducted using the criteria established in sections (8)(a), (8)(b), (8)(c), (8)(d), and (8)(k) of this rule.~~

~~(k) On the recommendation of the library services administrator, the assistant secretary for education and job training may authorize exceptions to the criteria establishing the type of law library that an institution shall receive, as provided in (8)(a), (8)(b), (8)(c) and (8)(d). Exceptions shall be approved based on a review of the following factors:~~

~~1. Characteristics of the institution's inmate population that evidences a need for unique legal research materials;~~

~~2. The transitory nature of the institution's inmate population;~~

~~3. The institution's mission;~~

~~4. The institution's proximity to other facilities with legal collections;~~

~~5. A continuing pattern of heavy or light usage of the law library or interlibrary loan services as evidenced through analyses of monthly law library reports.~~

~~(h)(4) Requests for the addition or deletion of titles in major, minor, and starter law library collections shall be submitted in writing to the law library services administrator in the central office. The law library services administrator shall review all requests and make a recommendation to the director of program services assistant secretary for education and job training. Requests shall be reviewed according to the material's primary research value and whether it supplements what is currently in the collection or substantively provides additional~~

information, or merely duplicates what is in the current collection. If the request is approved, ~~the attachments referenced in section (8)(e) shall be amended and copies distributed to all institutions and facilities of the department and to all law libraries, and the materials shall be ordered and placed in the appropriate law library collections.~~

~~(m) Institutions are permitted to purchase supplemental materials for inclusion in their legal collections. However, all requests to purchase legal materials, except for replacement volumes, shall be submitted by the warden or his designee in advance to the law library services administrator for review and approval. Requests shall be reviewed according to the criteria established in subsection (8)(l).~~

~~(i)(n) Each minor and major collection law library shall maintain a list of all titles in the law library collection at the law library's circulation counter and shall make it available to inmates upon request. Inmates shall also be provided copies of this list upon request at no charge. Law libraries may distribute copies of Appendix One or Two of this section, as appropriate, to satisfy this requirement.~~

~~(5)(9) Interlibrary Loan Services for Law Libraries.~~

~~(a) Institutions without legal collections shall be served by an institution with a major law collection. Inmates located at these institutions shall submit a written request for legal assistance to the chief, officer in charge, or other designated staff member. Written inmate requests for legal assistance that contain incorrect references to research materials, or contain styling or content that indicates that the inmate lacks an understanding of the law or legal research or is functionally illiterate or impaired, that involves complex or multiple legal issues or a need for ongoing access to legal materials, shall be responded to by personal interview to include telephonic consultation with the librarian at the major collection. Within 2 working days of receipt of a written request or the conducting of a personal interview, not including the day of receipt or interview, the appropriate staff member shall request that the librarian or law library supervisor at a major collection law library assign an inmate law clerk to assist the inmate. When a personal interview with the inmate and consultation with the librarian at the major collection indicates that the inmate's request can not be resolved by means of correspondence then the inmate shall be transported to an institution with a major law collection or shall be temporarily transferred to that institution in order to secure assistance from inmate law clerks or research the legal collection. If circumstances preclude transfer of an individual inmate, other measures shall be taken to ensure that the inmate's need for legal assistance is met.~~

~~(b) If information is not available to inmates located at facilities with minor and starter collections, then they shall request research assistance from a major collection law library. Inmates located at these institutions shall submit a written request for legal assistance to the librarian or other designated staff member. Written inmate requests for legal assistance that~~

~~contain incorrect references to research materials, or contain styling or content that indicates that the inmate lacks an understanding of the law or legal research or is functionally illiterate or impaired, that involves complex or multiple legal issues or a need for ongoing access to legal materials, shall be responded to by personal interview to include telephonic consultation with the librarian at the major collection. Within 2 working days of receipt of a written request or the conducting of a personal interview, not including the day of receipt or interview, the librarian shall request that the librarian or law library supervisor at the nearest major collection law library assign an inmate law clerk to assist the inmate. When a personal interview with the inmate and consultation with the librarian at the major collection indicates that the inmate's request can not be resolved by means of correspondence then the inmate shall be transported to an institution with a major law collection or shall be temporarily transferred to that institution in order to secure assistance from inmate law clerks or research the legal collection. If circumstances preclude transfer of an individual inmate, other measures shall be taken to ensure that the inmate's need for legal assistance is met.~~

~~(a)(e) Institutions with Mmajor collection law libraries shall provide research assistance to inmates at institutions with minor and starter collections libraries and to inmates housed at community correctional centers and other community-based facilities without law libraries. On receipt of a written request for legal assistance, the law library supervisor librarian shall immediately assign a research aide an inmate law clerk to provide assistance. All assistance that can be provided through use of that institution's major collection shall be completed within 3 working days of receipt, not including the day of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work can not be initiated without further information from the requesting inmate, ~~in~~ which case the requesting inmate shall be advised and given an estimated time of completion. If the major collection does not have the information in its collection, then within 3 working days of receipt it shall forward the request to the institution law libraries designated by the law library services administrator to process interlibrary loan requests to law libraries outside the department, and shall advise the inmate that the request has been so forwarded. If the information is not available at these law libraries, then within 2 working days of receipt, not including the day of receipt, the law library supervisors at those facilities shall request such information through interlibrary loan from the Florida State University law library or other law libraries outside the department and shall advise the inmate that such a request has been made. Completed work received from these law libraries shall be placed in return mail to the librarian, law library supervisor, or other designated staff within 24 hours of receipt.~~

(b) Minor and starter collection law libraries and inmates at correctional facilities without law libraries shall be provided research assistance by major collection law libraries. Inmates located at these facilities who need access to legal research materials only available in major collection law libraries, or who need research assistance, shall submit a written request for the material or assistance to the law library supervisor or to the chief correctional officer. Within two working days of receipt of a written request, not including the day of receipt, the law library supervisor or chief correctional officer shall forward the request to the law library supervisor at a major collection law library for completion.

(c) Inmate requests to secure law materials not in the department's major collection libraries shall be submitted to the library services administrator for review and approval. Only requests for primary source materials, such as statutes, rules, and court decisions, that relate to Florida criminal law, Florida post-conviction and post-sentence remedies, federal habeas corpus, or the rights of prisoners, shall be approved.

1. Inmates needing such materials are to submit a written request to the institution's law library supervisor. The written request is to include the full and complete citation of the material needed, and a written justification on why the material is needed to litigate any of the above types of actions. If any deadlines apply, the date of the deadline is to be noted on the written request. The law library supervisor is then to forward the request to the library services administrator in the central office. The correct mailing address is: Department of Corrections, ATTN: Library Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

2. When requests are received, they shall be reviewed by the department's library services administrator. If the request is disapproved, the reason for disapproval will be noted on the request and the request shall be returned to the requesting law library. If the request is approved, the request shall be forwarded to the Florida State University law library for completion. When the completed work is received from Florida State University, it shall be mailed to the requesting law library.

(d) Librarians and other designated staff persons supervising law libraries shall maintain a tracking file for all interlibrary loan requests submitted to other law libraries. Whenever a response has not been received from a lending law library within 7 calendar days, the librarian or other designated staff person shall contact the librarian or law library supervisor at the lending facility to ascertain the status of the request.

(d)(e) Inmates with deadlines imposed by law, rule or order of court in legal proceedings challenging convictions and sentences or prison conditions shall be given priority in the handling of interlibrary loan requests, and such requests shall be submitted separately from requests not involving deadlines. Requests for interlibrary loan service involving inmates with deadlines shall be submitted to other law libraries by DC

electronic mail, fax, or by telephone. The interlibrary loan request shall include a reference to the court deadline and provide the date of the deadline.

(e)(f) Materials received pursuant to an interlibrary loan request is are the property of the law library and not the personal property of the inmate who requested it the materials. The materials shall not be removed from the law library without the written approval of the law library supervisor.

(f)(g) No limits shall be placed on the number of requests for interlibrary loan service submitted by inmates. However, inmates in confinement shall be limited to possession receipt of no more than 15 items at any one time.

(6)(10) Use of Inmates as Research Aides law clerks.

(a) Major and minor collection law libraries shall be assigned inmates as library clerks to perform work of a clerical nature and for training as research aides.

1. Duties of library clerks include circulating legal materials, maintaining law library files, keeping the law library clean and orderly, and assisting the law library supervisor in collecting statistics, typing reports and correspondence, and other job tasks related to program operations. Library clerks who are assigned only such work shall not be required to complete the research aide training program.

2. Inmates who have no formal training in legal research and who wish to work as research aides shall be assigned to the law library as library clerks and shall be required to attend and successfully complete the research aide training program.

3. Inmates assigned as library clerks shall not assist inmates in the preparation of legal documents and legal mail, nor shall they be used in conducting confinement visits unless they are accompanied by a research aide.

(a) Major and minor collection law libraries shall be assigned inmates as clerks to assist the librarian or law library supervisor in the operation of the law library program, to assist the inmate population in the research and use of the law library collection, and to assist inmates in the drafting of legal documents, legal mail and grievances. Inmates assigned to work in law libraries shall be classed as follows: library clerk, law clerk trainee, and law clerk certified.

1. Library clerk: When assigned to work in a law library, a library clerk's primary duty is to perform work of a clerical nature, such as circulating legal materials, typing or photocopying inmate legal documents, maintaining law library files, keeping the law library clean and orderly, and assisting the librarian or law library supervisor in collecting statistics, typing reports and other job related activities as requested. Inmates assigned to the law library as library clerks shall not be required to complete the law clerk training program.

2. Law clerk trainee: A law clerk trainee's primary duty is to secure knowledge in the techniques of legal research and writing, use of specific legal research materials, the law and rules of criminal law and post-conviction remedies, civil rights, and other subject matter identified by the law library services



attorney as necessary for an inmate law clerk to provide meaningful assistance to inmates. The law clerk trainee may be assigned work of a purely clerical nature and may assist inmates in research of the legal collection, provided that such does not interfere with the training process. Inmates assigned as law clerk trainees shall not assist inmates in the preparation of legal documents and legal mail, nor shall they be used in conducting confinement visits unless they are accompanied by a law clerk certified.

3. Law clerk certified: Inmates assigned to this position must have successfully completed the Department of Corrections' law clerk training program. The primary work responsibility of a law clerk certified is to assist inmates in conducting legal research and preparing legal documents and legal mail associated with the filing of post-conviction petitions filed in the state or federal courts, civil rights actions filed in the state or federal courts, administrative actions filed with the Florida Parole Commission or the Florida Bar, and inmate grievances filed with the Department of Corrections. A law clerk certified shall be permitted to assist inmates in open population, in confinement, at work camps, or at institutions without law libraries in legal research and the preparation of the aforesaid legal documents. Only a law clerk certified shall assist inmates in preparing legal documents and legal mail, in researching or responding to interlibrary loan requests, or in making visits to inmates in confinement.

(b) Major and minor collection law libraries shall be assigned one or more inmates as research aides to assist to inmates in open population, in confinement, at work camps, or at institutions without law libraries, in research and use of the law library collection, and in the drafting of legal documents, and legal mail associated with the filing of post-conviction petitions or civil rights actions filed in the state or federal courts, administrative actions filed with the Florida Parole Commission, the Florida Bar and other administrative bodies, and inmate grievances filed with the Department of Corrections. A minimum of two research aides shall be assigned to major and minor collection law libraries in adult institutions, and a minimum of 1 research aide shall be assigned to minor collection law libraries in youthful offender institutions. Institutions shall assign additional research aides to the law library as needed to ensure that illiterate and impaired inmates are provided research assistance. ~~Inmate Staffing Requirements—Adult Institutions.~~

1. Library Clerk: shall be assigned to the law library as needed to perform work of a clerical nature.

2. Law Clerk Trainee (L03) and Law Clerk Certified (L04):

a. A minimum of 2 certified law clerks shall be assigned to the law library. Additional certified law clerks and law clerk trainees shall be assigned at the rate of 1 for every 300 inmates in open population and protective management, to include

inmates housed in annexes, work camps and other satellite facilities if major or minor collection law libraries are not located at those sites;

b. A minimum of 1 additional clerk shall be assigned if the institution has an administrative and disciplinary confinement, close management, or death row unit housing 50 or more inmates. If the population of these units exceeds 50 inmates, then additional inmate law clerks shall be assigned at the rate of 1 for every 100 inmates;

e. At least 1 additional clerk shall be assigned if the institution's law library has been designated as a regional resource center, or if it provides interlibrary loan services to an institution, annex, or community facility with a minor collection law library.

At reception centers, inmates in "reception and orientation" status shall not be counted in the institution's population for purposes of computing clerk staffing.

d. Institutions shall assign additional clerks to the law library as needed, to ensure that requests for assistance are responded to within the time frames established in this chapter.

(c) ~~Inmate Staffing Requirements—Youthful Offender Institutions.~~ A minimum of 2 adult inmates, who have been certified as inmate law clerks by the law library services attorney, shall be assigned to work in the law library at least 3 days per week to provide research assistance to youthful offenders.

(c)(d) Qualifications. Research aides ~~In order to be assigned as a law clerk trainee or law clerk certified, an inmates shall:~~

1. Have a high school diploma or general equivalency diploma (GED), or TABE (Test of Adult Basic Education) total battery scores ~~in reading and language~~ of grade 9.0 or higher or otherwise demonstrate successfully complete a performance-based evaluation instrument that demonstrates that he or she the inmate possesses the reading and language skills necessary to read; and understand; and research the law, to conduct legal research, and to assist other inmates in legal research and the preparation of legal documents.

2. Have a release date that indicates that he or she has sufficient time remaining on his or her sentence to complete the research aide law clerk training program and to perform work in the law library;

3. Have a satisfactory good record of institutional adjustment as evidenced by having no more than 2 disciplinary reports within the previous 12 months;

4. Display good character without abusing the authority of the position, a willingness to work and cooperate with others; and the ability to perform the general duties of a research aide law clerk, including good oral and written communication skills, good comprehension and intelligence.

(d)(e) Research Aide Law Clerk Training Program. ~~The A~~ legal research training curriculum shall be developed by the law office of library services shall develop a training program

to provide inmates who work in law libraries with attorney to assist inmate law clerks in acquiring a basic knowledge in the techniques of legal research and writing, use of specific legal research materials, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for a research aide an inmate law clerk to provide meaningful assistance to inmates. The legal research training program shall consist of:

1. A seminar taught by legal practitioners that provides law clerk trainees instruction in legal research and writing, use of specific legal research materials, the law and rules of criminal law and post-conviction remedies, civil rights, and other subject matter identified by the law library services attorney as necessary for an inmate law clerk to provide meaningful assistance to inmates. The seminar shall include live instruction by legal practitioners, practice exercises, writing assignments, and a final examination;

2. A research guide developed under the direction of the law library services attorney;

3. Videotaped presentations on legal research, Shepardizing, post-conviction remedies, prisoners' rights, and other areas designated by the law library services attorney;

4. Other research tools as developed by the law library services attorney.

(f) Training Requirements.

1. Library clerks All law clerk trainees who have no formal training in legal research and who wish to work as research aides shall be required to successfully complete the legal research aide training program. Immediately upon assignment to the law library, the inmate shall be provided a copy of the research guide and shall be required to review it and the videotape program presentations. Unless authorized by the law library services attorney, an inmate assigned as a law clerk trainee shall not attend the law clerk training seminar until after he or she has worked in a law library a minimum of 90 days.

2. Successful completion of the research aide law clerk training program shall be evidenced by verification by the institution librarian that the inmate has reviewed the research guide and viewed the videotaped program presentations, attendance at the research aide law clerk training seminar, completion of all writing assignments and practice exercises included as part of the research aide law clerk training seminar, and receipt of a passing score (80%) on the research aide law clerk training seminar's final examination.

3. Inmates who successfully complete the research aide law clerk training seminar shall be given a certificate by the office of law library services attorney documenting successful completion of the program, and a notation shall be recorded in the department's offender database. Any inmate who fails to pass the final examination, who does not demonstrate possession of good written communication skills, or who

demonstrates incompetence as defined in section (10)(i)7. of this rule, shall be immediately removed from his work assignment in the law library.

4.3- Inmates who have been awarded an associate degree or certificates of completion in paralegal research, a bachelors degree in pre-law, or a juris doctorate degree, shall not have to attend the research training program to be certified as a research aide. The office of library services shall certify any such inmate upon verification of educational achievements and a determination that he or she possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing who were certified through use of previous Department of Corrections certification procedures, or who were licensed to practice law in any state or in the federal courts shall be certified by the law library services attorney if they present proof of their educational attainments, licensure, or work experience, and if they possesses good written communication skills.

(c)(g) Law clerk training seminars shall be conducted as often as needed to ensure that all major and minor collection law libraries comply with the minimum staffing requirements established in sections (10)(b) and (10)(e) of this rule. The office of law library services attorney shall be responsible for the scheduling of research aide law clerk training programs seminars. When training programs seminars are scheduled, institutions shall be notified of the upcoming training, and requested to identify inmates in need of training. The law library services administrator attorney shall review the requests and verify that the inmates satisfy the minimum qualifications established in section (6)(c)(40)(d); only inmates who meet the minimum qualifications shall be accepted for training. No inmate shall attend the research aide training program unless his or her participation has been approved by the library services administrator. The office of law library services attorney shall arrange for the then forward the names of those inmates to the Office of Population Management for temporary transfer of the approved inmate participants to the institution where the seminar is to be conducted.

(f)(h) At the time of an inmate's assignment to work in the law library, the librarian or law library supervisor shall advise the inmate that he or she is not to disclose any information about an inmate's legal case to other inmates. The inmate shall also be advised that violation of this policy shall be cause for removal from his or her work assignment in the law library.

(g) The Law Library Supervisor shall immediately remove a research aide from his or her work assignment in the law library upon demonstration that the research aide is incompetent. Central Office Library Services shall also have the authority to order the removal of a research aide from his or her work assignment in the law library for incompetence. For purposes of this rule, incompetence is defined as a demonstrated inability to research and use the law library

~~collection, to provide inmates with accurate information on the law and civil or criminal procedure, or to assist inmates in the preparation of legal documents or legal mail.~~

~~(h)(i) Prohibited Conduct: Research Aides Inmate Law Clerks. Violation of any of the provisions of this section shall result in the immediate removal of the research aide from his or her work assignment in the law library, and disciplinary action pursuant to Rules 33-601.301-601.314. The library services administrator will be informed whenever an institution removes a research aide from the law library for any of the following reasons.~~

1. ~~Research aides Inmate law clerks~~ shall not act as legal representatives or in any way appear to be engaged in the unauthorized practice of law, to include participation in judicial and administrative hearings or telephonic hearings conducted for other inmates;

2. ~~Research aides Inmate law clerks~~ shall not sign or include their names, work assignment title, or a reference to certification as a ~~research aide law clerk~~ or trained paralegal in any legal document, legal mail, privileged mail, routine mail, or grievance prepared on behalf of an inmate;

3. ~~Research aides Inmate law clerks~~ shall not include their work assignment title or a reference to certification as a ~~research aide law clerk~~ or trained paralegal in the return address of their outgoing correspondence, or in legal documents, legal mail, privileged mail, routine mail and grievances;

4. ~~Research aides Inmate law clerks~~ shall not use department or institution letterhead stationary or memoranda to prepare letters or legal documents;

5. ~~Research aides Inmate law clerks~~ shall not charge nor shall they receive payment of any kind for providing legal assistance to inmates;

6. ~~Research aides Inmate law clerks~~ shall not disclose information about an inmate's legal work to other inmates;

7. ~~Research aides shall not conduct legal research or prepare legal documents for staff; Demonstrated incompetence: the inmate law clerk has demonstrated that he or she lacks the knowledge, skills and ability to function as a law clerk, as evidenced by a demonstrated inability to research and use the law library collection, to assist inmates in the preparation of legal documents, legal mail or grievances, or to provide inmates with accurate information on the law and civil or criminal procedure.~~

~~Violation of any of the provisions of this section shall result in the immediate removal of the inmate law clerk from his or her work assignment in the law library, and disciplinary action pursuant to rules 33-601.301-601.314. The law library services attorney will be informed whenever an institution removes a Law Clerk Certified from the law library for any of the above reasons.~~

~~(i)(j) Upon receipt of notice that a research aide Law Clerk Certified has been found guilty of charged with a disciplinary infraction concerning for violation of any of the provisions of section (h)(i), and has been found guilty of same, the law library services administrator attorney will review the matter to determine whether the inmate's research aide law clerk training certificate should be revoked. The determination as to whether the inmate's certificate shall be revoked shall be based on a consideration of the following factors: the findings of the disciplinary report; discussions with institution staff about the infraction; a record of prior counseling or disciplinary action for violation of the provisions of section (h)(i); a record of multiple violations of the provisions of section (h)(i); and a determination that the violations of section (h)(i) were intentional rather than inadvertent. If the law library services administrator attorney determines that revocation is warranted, the certificate entry will be deleted from the offender database, and a notice that the inmate's law clerk certificate has been revoked shall be placed in the inmate's central office and institution file.~~

~~(j)(k) No action shall be taken against a research aide an inmate law clerk for assisting, preparing, or submitting legal documents to the courts or administrative bodies, to include grievances and civil rights complaints against the department or staff. Good faith use or good faith participation in the administrative or judicial process shall not result in formal or informal reprisal against the research aide inmate law clerk.~~

~~(k)(4) A research aide An inmate law clerk who wishes to correspond in writing with research aides law clerks at other institutions regarding legal matters shall be required to obtain prior approval from the warden at his or her institution. The approved correspondence shall be mailed through institution mail from one librarian or law library supervisor to another librarian or law library supervisor. Law clerks shall communicate with each other over the telephone only under the direct supervision and monitoring of the librarian or law library supervisor when all other methods of communication have failed, or when necessary to expedite interlibrary loan service.~~

~~(l)(m) Research aides Inmate law clerks shall give all work files to inmates who are being transferred or released. If the research aide law clerk is unable to give the inmate the file prior to transfer, he or she shall give it to the librarian or law library supervisor. As soon as the inmate's destination is known, the librarian or law library supervisor shall forward the file to the librarian, law library supervisor, or other designated employee at the inmate's new location for forwarding to the inmate. If the inmate has been released from the custody of the Department of Corrections, then the librarian or law library supervisor shall give the file to the institution's inmate property officer for return to the released inmate.~~

~~(m)(n)~~ The ~~librarian or~~ law library supervisor at the institution from which an inmate is transferred may authorize a research aide or an inmate law clerk at that institution to continue assistance to the transferred inmate on a pending matter if the inmate's new institution or facility does not have a major or minor collection law library when the inmate law clerk has already done a substantial amount of research on the matter, and the amount of assistance that remains is minimal; and the inmate requests continued receiving assistance in writing signs an authorization to that effect.

(n) The office of library services shall suspend the research aide certificate of an inmate when two years have passed since he or she worked in a law library as a research aide. Whenever a research aide certificate is suspended, the office of library services shall remove the certificate entry from the offender database. Provided that no more than five years have passed since an inmate has worked as a research aide, a law library supervisor may request that an inmate's suspended research aide certificate be reinstated. In such cases, the office of library services shall require that the inmate demonstrate, through successful completion of a written examination, that he or she still possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing. If the inmate demonstrates to the office of library services that he or she still has the requisite knowledge and skills to work as a research aide, the suspension shall be lifted and the research aide certificate shall be re-entered in the offender database.

(o) The office of library services shall revoke the research aide certificate of an inmate who demonstrates that he or she is incompetent, or when five or more years have passed since he or she has worked in a law library as a research aide. Whenever a research aide certificate is revoked, the office of library services shall remove the certificate entry from the offender database. Such action is not deemed to be judgemental or prejudicial. However, the inmate shall be required to attend and successfully complete the research aide training program to be re-certified as a research aide.

~~(7)(11)~~ Circulation and control of legal materials.

(a) No part of the law library collection may be removed from the law library without the written approval of the law library supervisor ~~librarian or~~. Inmates who remove legal materials from the law library without written authorization shall be subject to disciplinary action.

(b) The law library's shelves shall be closed to direct access by inmates not assigned as library clerks or research aides ~~inmate law clerks~~. Inmates needing access to legal materials shall direct a request to a library or inmate law clerk or research aide who shall then retrieve the material and issue it to him or her. Inmates shall sign for all legal research materials issued to them for use in the law library or library. At a minimum, inmates shall be permitted to sign out at least 1 case reporter and 1 other volume at any one time.

(c) No change.

~~(8)(12)~~ Grievance and Court Forms Supply Services.

(a) Major and minor collection ~~All~~ law libraries shall provide inmates access to Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal ~~Department of Corrections grievance forms and forms needed to prepare Rule 3.800 and Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions. Forms DC6-236 and DC1-303 are incorporated by reference in Rule 33-103.019, F.A.C.~~

(b) Major and minor collection law libraries shall provide inmates access to court-approved forms needed to prepare Rule 3.800 and Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions, Federal habeas corpus, affidavits of insolvency, and civil rights complaint forms shall only also be supplied if copies of same are provided to the law library by the federal courts. In all instances, law libraries are obligated to provide only one copy of the form. If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in section 33-602.405. ~~Institutions shall provide white paper and pens to prepare and submit legal documents and legal mail for those inmates without necessary funds to purchase their own paper and pen.~~

~~(13)~~ Copying Services.

(a) ~~All institutions and facilities shall provide photographic copying services to inmates submitting legal documents and accompanying evidentiary materials to courts and administrative bodies. Rules regulating the provision of copying services to inmates are established in section 33-602.405.~~

(b) ~~Copying machines shall be in the law library or in close proximity to the law library in institutions having major law collections. Minor collection law libraries shall be allowed access to a photocopy machine to provide photographic copying services to inmates, as established in section 33-602.405, and to provide research assistance to inmates in confinement.~~

~~(14) Notary Service. Institutions shall provide notary service to inmates who have legal material that requires notarization. Rules regulating the provision of notary service to inmates are established in section 33-210.102.~~

~~(9)(15)~~ Reports. All institutions having major and minor law libraries shall prepare a monthly law library report detailing at a minimum the days and hours that the law library was open to inmate use, the circulation of law library materials, the volume of legal services provided to inmates, the number of research aides ~~inmate law clerks~~ on staff, and legal materials added to the law library collection during the month. This report shall be submitted to the library services administrator by the tenth day of each calendar month for the previous month's activities. The library services administrator shall be

responsible for developing the report and for disseminating instructions to all institutions for accurately completing the report.

~~(16) Monitoring and Evaluation of Law Library Programs.~~

~~(a) The warden of the institution shall be responsible for day to day monitoring of the law library program and other institution programs or departments that provide legal services to inmates and ensuring that all requirements of this rule are adhered to.~~

~~(b) The library services administrator and the law library services attorney in the Office of the Assistant Secretary for Education and Job Training shall be responsible for the statewide coordination and monitoring of institutional law libraries and related legal services. The library services administrator and the law library services attorney share responsibility for the review of department policy and procedure as it relates to the operation of law library programs and the monitoring and evaluation of law library programs and services.~~

~~(c) The library services administrator shall be responsible for:~~

- ~~1. Managing the statewide purchase of all legal research materials required by this rule for all law libraries;~~
- ~~2. Monitoring of law library acquisitions and inventories to ensure that they are current and complete;~~
- ~~3. Providing guidance and in-service training to librarians on issues related to management of law library programs and services;~~
- ~~4. Collecting data on the operation of law library programs and the provision of law library services;~~
- ~~5. Investigating and responding to inmate grievances and correspondence involving the operation of law library programs;~~
- ~~6. Reviewing the contents of the department's law library collections at least annually and making recommendations regarding same to the assistant secretary for education and job training;~~
- ~~7. Reviewing requests from institutions to add supplemental legal materials to their law library collections.~~

~~(d) The law library services attorney is responsible for:~~

- ~~1. Managing all activities related to the training of inmate law clerks, to include development of a training curriculum for the training program, monitoring of training activities, and reviewing the training program at least annually to ensure that it remains current and appropriate to the needs of inmates;~~
- ~~2. Monitoring the performance of inmate law clerks to assess the appropriateness of training topics included in the law clerk training program;~~
- ~~3. Investigating and responding to inmate grievances and correspondence involving law clerk assistance to inmates;~~

~~4. Developing and ensuring the conduct of in-service training programs for librarians, law library supervisors, and other staff on legal research and the inmate law clerk training program;~~

~~5. Reviewing department rules, operating procedures and operations manuals relating to the training of inmate law clerks at least annually and recommending revisions as required;~~

~~(e) The library services administrator, law library services attorney, or library services assistant administrator shall periodically visit each law library program to ensure that the legal collections are current and complete, to ensure that all required services to inmates are being provided in a timely manner, and to ensure that all inmate law clerks are qualified to provide research assistance to inmates.~~

~~(f) The library services administrator and library services assistant administrator shall be professional librarians with experience in managing institutional library and law library programs, and the law library services attorney shall have a Juris Doctorate degree from an accredited college of law and shall be a member of the Florida Bar.~~

~~(17) Operating Procedures.~~

~~(a) Every institution with a major or minor collection law library shall develop an institutional operating procedure regulating the operation of the law library and inmate access to the law library in accordance with the requirements of this rule. At a minimum the operating procedure shall detail:~~

- ~~1. The location of the law library;~~
- ~~2. The type of law collection at the institution;~~
- ~~3. The hours of operation of the law library;~~
- ~~4. The procedure for circulating law library materials to inmates while in the law library;~~
- ~~5. The procedure for handling inmate requests for access to the law library collection and appropriate law library services based upon court deadlines;~~
- ~~6. The procedure to secure inmates interlibrary loan service, to include procedures to be followed by institution staff to ensure that materials requested by interlibrary loan to meet deadlines are secured for the inmate within the required time;~~
- ~~7. The procedure to provide inmates in confinement with access the law library and law library services, to include the schedule for visits by inmate law clerks to the confinement areas;~~
- ~~8. The procedure to provide inmates at work camps attached to institutions with access to the law library, law library services, and inmate law clerks, to include the schedule for visits by inmate law clerks to the work camp or visits by inmates at the work camp to the law library in the main unit;~~
- ~~9. The procedure to provide inmates with access to interpreters when language barriers hinder access to the legal collection or communication with inmate law clerks;~~

- 10. The procedure to provide inmates with copying services;
- 11. The procedure to provide inmates with access to grievance and court forms;
- 12. The procedure to provide insolvent inmates needing to prepare legal documents and legal mail with access to white paper and pens;
- 13. The procedure to provide inmates with access to notary service.

(b) The operating procedure shall be approved by the at each institution and reviewed at least annually. Whenever the operating procedure on the law library is revised a copy shall be submitted to the library services administrator in the central office for review and approval to ensure that the institutional policy and procedure is in compliance with the requirements of this rule.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, \_\_\_\_\_.

**APPENDIX ONE  
TITLE LIST FOR MAJOR COLLECTION LAW  
LIBRARIES**

- 1. Prisoners and the Law, by Robbins. (Clark Boardman).
- 2. Jailhouse Lawyer’s Manual. (Columbia Human Rights Law Review).
- 3. Florida Criminal Sentencing Law, by Davidson. (D & S Publishing).
- 4. Volume 12: Chapter 23, Florida Parole commission. Florida Administrative Code Annotated. (Darby Publishing).
- 5. Guide to Florida Legal Research, by Stupski. (Florida Bar Association).
- 6. Legal Forms and Worksheets. (Florida Bar Association).
- 7. Florida Criminal Law and Procedure, by Adkins. (Harrison).
- 8. Uniform System of Citation. (Harvard Law Review Association).
- 9. Florida Law Weekly—Federal. (Judicial & Admin. Research Assoc.).
- 10. Florida Law Weekly. (Judicial & Admin. Research Assoc.).
- 11. Florida Jurisprudence, 2nd. (Lawyer’s Cooperative).
- 12. Florida Pleading and Practice Forms, 2nd. (Lawyer’s Cooperative).
- 13. Florida Bar Journal.
- 14. Federal Habeas Corpus, by Liebman. (Michie).
- 15. Legal Research: How to Find and Understand the Law, by Elias. (Nolo Press).
- 16. Post Conviction Remedies: A Self Help Manual, by Manville. (Oceana).
- 17. Prisoners’ Self-Help Litigation Manual, by Manville. (Oceana).

- 18. Spanish—English Legal Terminology, by Vanson. (Scott Forsman).
- 19. Shepard’s Federal Citations. (Shepard’s).
- 20. Shepard’s Florida Citations. (Shepard’s).
- 21. Shepard’s U.S. Citations. (Shepard’s).
- 22. Florida Statutes. (State of Florida).
- 23. Black’s Law Dictionary. (West).
- 24. Federal Civil Judicial Procedure and Rules. (West).
- 25. Federal Criminal Code and Rules. (West).
- 26. Federal Reporter 2nd. Previous 20 years to date. (West).
- 27. Federal Supplement. Previous 20 years to date. (West).
- 28. Florida Cases. 1941 to Date. (West).
- 29. Florida Criminal Law and Rules. (West).
- 30. Florida Digest 2nd. (West).
- 31. Florida Evidence, by Ehrhardt. (West).
- 32. Florida Rules of Court—State & Federal. (West).
- 33. Florida Session Laws. (West).
- 34. Florida Statutes Annotated. (West).
- 35. How to Find the Law, by Cohen. (West).
- 36. Law of Corrections and Prisoners’ Rights, by Krantz. (West).
- 37. Legal Research in a Nutshell, by Cohen. (West).
- 38. Supreme Court Reporter. Previous 20 years to date. (West).
- 39. U.S. Code Annotated, in part: Constitution and Amendments; Title 28, Section 2254; Title 42, Section 1983. (West).
- 40. West’s Federal Practice Digest, 4th. and 3rd. (West).
- 41. West—Spanish-English/English-Spanish—Law Dictionary. (West).
- 42. Florida Appellant Practice, by Padovano. (West).
- 43. Florida Criminal Law and Practice, by Crawford. (West).
- 44. Florida Post Sentencing, by Daley. (Capital Legal Publishers).
- 45. Rights of Prisoners. (Clark Boardman).

**APPENDIX TWO  
TITLE LIST FOR MINOR COLLECTION  
LAW LIBRARIES**

- 1. Prisoners and the Law, by Robbins. (Clark Boardman).
- 2. Jailhouse Lawyer’s Manual. (Columbia Human Rights Law Review).
- 3. Florida Criminal Sentencing Law, by Davidson. (D & S Publishing).
- 4. Guide to Florida Legal Research, by Stupski. (Florida Bar Association).
- 5. Legal Forms and Worksheets. (Florida Bar Association).
- 6. Florida Criminal Law and Procedure, by Adkins. (Harrison).

- ~~7. Uniform System of Citation. (Harvard Law Review Association).~~
- ~~8. Florida Law Weekly — Federal. (Judicial & Admin. Research Assoc.).~~
- ~~9. Florida Law Weekly. (Judicial & Admin. Research Assoc.).~~
- ~~10. Florida Jurisprudence, 2nd. (Lawyer’s Cooperative).~~
- ~~11. Florida Pleading and Practice Forms, 2nd. (Lawyer’s Cooperative).~~
- ~~12. Federal Habeas Corpus, by Liebman. (Michie).~~
- ~~13. Legal Research: How to Find and Understand the Law, by Elias. (Nolo Press).~~
- ~~14. Post Conviction Remedies: A Self-Help Manual, by Manville. (Oceana).~~
- ~~15. Prisoners’ Self Help Litigation Manual, by Manville. (Oceana).~~
- ~~16. Spanish — English Legal Terminology, by Vanson. (Scott Forsman).~~
- ~~17. Shepard’s Florida Citations. (Shepard’s).~~
- ~~18. Florida Statutes. (State of Florida).~~
- ~~19. Black’s Law Dictionary. (West).~~
- ~~20. Federal Civil Judicial Procedure and Rules. (West).~~
- ~~21. Federal Criminal Code and Rules. (West).~~
- ~~22. Florida Cases. 1941 to Date. (West).~~
- ~~23. Florida Criminal Law and Rules. (West).~~
- ~~24. Florida Digest 2nd. (West).~~
- ~~25. Florida Evidence, by Ehrhardt. (West).~~
- ~~26. Florida Rules of Court — State & Federal. (West).~~
- ~~27. Florida Session Laws. (West).~~
- ~~28. Florida Statutes Annotated. (West).~~
- ~~29. How to Find the Law, by Cohen. (West).~~
- ~~30. Law of Corrections and Prisoners’ Rights, by Krantz. (West).~~
- ~~31. Legal Research in a Nutshell, by Cohen. (West).~~
- ~~32. U.S. Code Annotated, in part: Constitution and Amendments; Title 28; Title 42, Sections 1983-2000d-6. (West).~~
- ~~33. West’s Federal Practice Digest, 4th and 3rd. (West).~~
- ~~34. West — Spanish-English/English-Spanish — Law Dictionary. (West).~~
- ~~35. Florida Appellant Practice, by Padovano. (West).~~
- ~~36. Florida Criminal Law and Practice, by Crawford. (West).~~
- ~~37. Florida Post Sentencing, by Daley. (Capital Legal Publishers).~~
- ~~38. Volume 12 (Chapter 23, Florida Parole Commission), Florida Administrative Code Annotated. (Darby).~~
- ~~39. Rights of Prisoners. (Clark Boardman).~~
- ~~40. Florida Bar Journal. (Florida Bar Association).~~

**APPENDIX THREE  
TITLE LIST FOR STARTER COLLECTION  
LAW LIBRARIES**

- ~~1. Florida Statutes Annotated, including: Uniform Commercial Code, Florida Session Law Service, Florida Rules of Court, State and Federal. (West).~~
- ~~2. United States Code Annotated, in part: Title 42, Sections 1983-2000d. (West).~~
- ~~3. Black’s Law Dictionary, current edition. (West).~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Nimer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2001

**WATER MANAGEMENT DISTRICTS  
Southwest Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Surface Water Management for	
Mining Materials Other	
Than Phosphate	40D-45
RULE TITLES:	RULE NOS.:
Policy and Purpose	40D-45.011
Definitions	40D-45.021
Implementation, Effective Date	
and Applicability	40D-45.031
Permits Required	40D-45.041
Exemptions	40D-45.051
Conditions for Exemption	40D-45.053
Alteration of Exempt Projects	40D-45.054
Publications and Agreements Incorporated	
by Reference	40D-45.091
Content of Application	40D-45.101
Conditions for Issuance	40D-45.301
Duration of Permits	40D-45.321
Modification of Permits	40D-45.331
Transfer of Permits	40D-45.351
Limiting Conditions	40D-45.381
Inspection	40D-45.461
Abatement	40D-45.471
Remedial and Emergency Measures	40D-45.481
PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal Chapter 40D-45, Florida Administrative Code (F.A.C.) in compliance with the requirements of Section 120.536, Florida Statutes (F.S.). The effect of the proposed rule will be to eliminate from the District’s rules permitting criteria and thresholds unique to mining activities regulated by the District.	

SUMMARY: The Governing Board initiated repeal of Chapter 40D-45, F.A.C. in January of 1996. The majority of Chapter 40D-45, F.A.C., regarding Surface Water Management for Mining Materials Other Than Phosphate, was identified as obsolete as a result of the adoption of the Environmental Resource Permitting rules in Chapter 40D-4, F.A.C., and the current Operating Agreement with the Department of Environmental Protection. In October 1999 the District listed Chapter 40D-45, in its entirety, as exceeding the District's rulemaking authority pursuant to Section 120.536, F.S. No authorizing legislation was passed by the 2000 Legislature and pursuant to Section 120.536, F.S. the District was required to begin proceedings to repeal Chapter 40D-45, F.A.C. by January 1, 2001. At its December 2000 meeting, the Governing Board again authorized repeal of Chapter 40D-45, F.A.C. The proposed rulemaking will repeal Chapter 40D-45, F.A.C. in its entirety.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-45, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 120.54(8), 373.044, 373.046, 373.113, 373.133, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 120.54(8), 373.042, 373.046, 373.403, 373.409, 373.413, 373.414, 373.416, 373.416(1), 373.416(2), 373.423, 373.426, 373.429, 373.433, 373.436, 373.439 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-45.011 Policy and Purpose.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.414, 373.416, 373.426 FS. History-New 4-1-90, Repealed.

40D-45.021 Definitions.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.403, 373.423 FS. History-New 4-1-90, Amended 10-3-95, Repealed.

40D-45.031 Implementation, Effective Date and Applicability.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS., Ch. 76-243, Laws of Florida. History-New 4-1-90, Repealed.

40D-45.041 Permits Required.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented, 373.413, 373.416, 373.426 FS. History-New 4-1-90, Amended 1-30-94, Repealed.

40D-45.051 Exemptions.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413 FS. History-New 4-1-90, Amended 1-30-94, Repealed.

40D-45.053 Conditions for Exemption.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413 FS. History-New 4-1-90, Amended 1-30-94, Repealed.

40D-45.054 Alteration of Exempt Projects.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413 FS. History-New 4-1-90, Amended 1-30-94, Repealed.

40D-45.091 Publications and Agreements Incorporated by Reference.

Specific Authority 120.54(8), 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 120.54(8), 373.046, 373.403, 373.413, 373.414, 373.416, 373.429 FS. History-New 4-1-90, Amended 2-1-91, 11-16-92, 10-3-95, Repealed.

40D-45.101 Content of Application.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.413 FS. History-New 4-1-90, Repealed.

40D-45.301 Conditions for Issuance.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.403, 373.413, 373.414, 373.416, 373.426 FS. History-New 4-1-90, Amended 1-30-94, Repealed.

40D-45.321 Duration of Permits.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History-New 4-1-90, Amended 1-30-94, Repealed.

40D-45.331 Modification of Permits.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429 FS. History-New 4-1-90, Amended 1-30-94, Repealed.

40D-45.351 Transfer of Permits.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2) FS. History-New 4-1-90, Amended 1-30-94, Repealed.

40D-45.381 Limiting Conditions.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History-New 4-1-90, Amended 1-30-94, Repealed.

40D-45.461 Inspection.

Specific Authority 373.044, 373.133, 373.171 FS. Law Implemented 373.423 FS. History-New 4-1-90, Repealed.



40D-45.471 Abatement.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.433 FS. History--New 4-1-90, Repealed.

40D-45.481 Remedial and Emergency Measures.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.436, 373.439 FS. History--New 4-1-90, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 1996 [December 2000]

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Permits Required

RULE NO.: 40E-2.041

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Chapter 40E-2, F.A.C. to clarify that the drawdown of lakes for environmental, recreational, and flood control purposes is not regulated by Chapters 40E-2 and 40E-20, F.A.C.

SUMMARY: Language is added to Rule 40E-2.041, F.A.C., specifically stating that the drawdown of lakes for environmental, recreational, and flood control purposes is not regulated by Chapters 40E-2 or 40E-20, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.103(1), 373.219, 373.244 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE LISTED BELOW.

TIME AND DATE: 8:30 a.m., August 9, 2001

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For technical issues contact: Scott Burns (internet: sburns@sfwmd.gov), or Doug MacLaughlin (internet: dmsclaug@sfwmd.gov), telephone number 1(800)432-2045. For procedural issues contact: Julie Jennison

(internet: jjenniso@sfwmd.gov), 1(800)432-2045, Ext. 6294 or (561)682-6294, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-2.041 Permits Required.

(1) Unless expressly exempt by law or District rule, a water use permit must be obtained from the District prior to any use or withdrawal of water. The drawdown of lakes for environmental, recreational, or flood control purposes is not regulated by Chapters 40E-2 or 40E-20, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(1), 373.219, 373.244 FS. History--New 9-3-81, Formerly 16K-2.03(1),(2), Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Use Regulation Department  
NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2001, February 16, 2001

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Environmental Resource Permits

RULE CHAPTER NO.: 40E-4

RULE TITLE: Exemptions from Permitting

RULE NO.: 40E-4.051

PURPOSE AND EFFECT: The purpose of the proposed amendments is to repeal or amend District rules which were listed by the District pursuant to Section 120.536, F.S. The effect will be to amend subsections 40E-4.051(4)(b) and (c), F.A.C., which are exemptions from environmental resource permitting that involve the construction or restoration of seawalls, and to repeal subsection 40E-4.051(8), F.A.C., in its entirety.

SUMMARY: The proposed amendment of subsection 40E-4.051(4)(b), F.A.C., will delete language that was listed by the District as unauthorized and for which no authorizing legislation was passed by the 2000 Legislature. The

amendment will also add language clarifying the activities covered by the exemption. The proposed amendment to subsection 40E-4.051(4)(c), F.A.C., will delete redundant language, add the construction of riprap as an activity covered by the exemption, and clarify the requirements for construction of seawalls and ripraps in estuaries and lagoons. The repeal of subsection 40E-4.051(8) will remove an exemption for the use of rotenone by the Florida Fish and Wildlife Conservation Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.416, 403.813(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Sluth, Associate Legal Research Assistant, Office of Counsel, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (561)682-6299, 1(800)432-2045, Suncom 229-6299

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.051 Exemptions From Permitting.

(1) through (3) No change.

(4)(a) No change.

(b) The restoration of a seawall or riprap at its previous location or upland of or within 18 inches one foot waterward of its previous location, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without the necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. ~~Restoration and repair shall be performed using the criteria set forth in Section 373.414(5), F.S.~~ This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, F.S.

(c) The construction of ~~private vertical~~ seawalls or riprap in wetlands or other surface waters, ~~other than in an estuary or lagoon, and the construction of riprap revetments,~~ where such construction is between and adjoins at both ends existing

seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, does not violate state water quality standards, impede navigation, or adversely affect flood control. However, this exemption shall not affect the permitting requirements of Chapter 161, F.S. In estuaries and lagoons, cConstruction of vertical seawalls is limited to the circumstances and purposes stated in shall be in accordance with subsection 373.414(5)(b)1.-4., F.S.

(5) through (7) No change.

~~(8) The Use of Rotenone by the Florida Game and Fresh Water Fish Commission. The use of rotenone, by the Florida Game and Fresh Water Fish Commission, in conducting tests related to its responsibility regarding fish management. The chemical selected shall be used at no more than the strength approved by the United States Environmental Protection Agency (EPA) label specifications. In addition, the chemical shall be used only under the direct on-site supervision of a staff member of the Florida Game and Fresh Water Fish Commission.~~

(9) through (11) renumbered (8) through (10) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History--New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Robbins, Director, Natural Resources Management Department, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (561)682-6951, 1(800)432-2045 Ext. 6951, or Suncom 229-6951

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2001

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF STATE

##### Division of Licensing

RULE NOS.:

1C-3.134

1C-3.138

1C-3.140

RULE TITLES:

Licensed Firearms Instructors;  
Schools or Training facilities;  
License Application  
School Staff; Licensing  
Requirements; Standards  
School Curriculum; Examinations;  
Retention of Records