

- (b) Perjury.
- (c) Armed robbery.
- (d) Robbery.
- (e) Extortion.
- (f) Bribery.
- (g) Embezzlement.
- (h) Grand theft.
- (i) Larceny.
- (j) Burglary.
- (k) Breaking and entering.
- (l) Identity Theft.
- (m) Any type of forgery or uttering a forged instrument.
- (n) Misuse of public office.
- (o) Racketeering.
- (p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.
- (q) Treason against the United States, or a state, district, or territory thereof.
- (r) Altering public documents.
- (s) Witness tampering.
- (t) Tax evasion.
- (u) Impersonating or attempting to impersonate a law enforcement officer.
- (v) Money laundering.
- (w) Murder in all degrees.
- (x) Arson.
- (y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.
- (z) Aggravated Assault (e.g., as with a deadly weapon).
- (aa) Aggravated Battery (e.g., as with a deadly weapon).
- (bb) Rape.
- (cc) Sexually molesting any minor.
- (dd) Sexual battery.
- (ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.
- (ff) Kidnapping.
- (16) Class "B" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" crimes.
- (17) Class "C" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.
- (18) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:
 - (a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

- (b) The degree of penalty associated with the same or similar crimes in the United States; and
- (c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0061, 494.0062, 494.0072 FS. History--New _____.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.701
 RULE TITLE: Use of Blue Lights and Sirens

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require officers who are currently certified to complete the Department's classroom training portion in order to highlight topics unique to the Department.

SUMMARY: The proposed rule requires officers who have completed a certified law enforcement crossover course and are currently certified to complete the Department's 4 hour classroom training portion of the 16 hour requirement.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 316.003, 316.072, 316.2397 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: Jamie Jordan-Nunes, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-602.701 Use of Blue Lights and Sirens.
- (1) through (5) No change.
- (6) Training:

(a) No change.

(b) Correctional officers who have attended and successfully completed a certified law enforcement crossover course and have their certificates of certification as law enforcement officers on file with the department will be required to complete the 4 hour classroom portion of the 16 hour ~~considered as meeting this~~ training requirement. In the event there is no cross over emergency vehicle operation course, the additional department training will be required.

(c) through (d) No change.

Specific Authority 944.09 FS. Law Implemented 316.003, 316.072, 316.2397 FS. History—New 6-16-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hendry, Special Teams Coordinator, Bureau Security Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2008

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-33.004
RULE TITLE: Layoff and Employee Transition

PURPOSE AND EFFECT: To implement changes to the administrative rule as required by Ch. 2008-126, Laws of Florida, which amended Section 110.227, F.S.

SUMMARY: Requires agencies to develop objective measures to assess employee retention in layoff situations and give consideration to employee’s length of service.

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

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

SPECIFIC AUTHORITY: 110.1055, 110.201(1), 110.227(2) FS.

LAW IMPLEMENTED: 110.201, 110.227 FS.

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

DATE AND TIME: September 15, 2008, 2:00 p.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Phil Spooner, (850)488-2445. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Phil Spooner, Workforce Design and Compensation Manager, 4050 Esplanade Way Suite 235, Tallahassee, FL 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-33.004 Layoff ~~Workforce Reduction~~ and Employee Transition.

(1) ~~A workforce reduction is the deletion of positions. Agencies may delete both vacant and filled positions.~~ Agencies may effect a layoff ~~delete positions~~ for a variety of reasons, including budget cuts, program reductions resulting from outsourcing or privatization efforts, or program phase-outs. Agencies shall accomplish a layoff ~~workforce reductions~~ in an orderly, systematic, and uniform manner in accordance with this rule.

(2) Each agency shall have a Department-approved workforce transition plan. The goal of the plan is to ensure that the agency makes reasonable efforts to provide a smooth transition for the career service employees adversely affected by the layoff ~~workforce reduction~~. The plan shall identify the steps the agency will take during the layoff ~~workforce reduction~~ to advance this goal. The following steps are reasonable and shall be included in any plan, unless the plan justifies in writing why they are not included:

(a) Appoint a workforce transition team, which is responsible for overseeing and administering the layoff ~~workforce reduction~~.

(b) Develop a communications plan, designed to ensure open, honest, and frequent communication regarding staffing changes. Provide clear avenues for employees to seek and obtain information and assistance. Address necessary communications with the Department, the Agency for Workforce Innovation, and unions.

(c) Assess the positions to be deleted and the mission and goals of the residual program (that is, the program area that will remain after the deletion of functions and positions). Identify the employees and programs or services that will be affected by the layoff ~~workforce reduction~~. Identify the knowledge, skills, and abilities that employees will need to carry out the residual program.

(d) Assess employees.

1. If the ~~layoff workforce reduction~~ affects law enforcement or correctional officers, firefighters, or professional health care providers, develop procedures to establish the relative merit and fitness of these employees. Include a formula for uniform application within a competitive area, taking into consideration the type of appointment, the length of service, and the evaluation of the employee's performance within the last five years of employment. The Department may authorize selective competition within the competitive area, based upon specific qualifications deemed necessary for a position, if the duties and responsibilities requiring such qualifications are clearly reflected in the official position description on file with the agency.

2. If the ~~layoff workforce reduction~~ affects any other career service employee, develop assessment procedures which shall base employee retention on objective measures that include the following considerations: the comparative merit, demonstrated skills, and experience and length of service in the State Personnel System of each employee. In determining which employees to retain, the primary retention considerations should be the employees' job performance, the job-related skills possessed by employees and consider which employees will best enable the agency to advance its mission. ~~I~~ in this context, consider how each employee fares with respect to the following factors: commitment, cooperation, excellence, fairness, honesty/integrity, initiative, respect, and teamwork. An employee's experience and length of service in the State Personnel System shall also receive consideration for employee retention and may be used in those instances where employees receive equal assessments.

(3) A ~~permanent~~ career service employee with permanent status in their current position facing layoff ~~as a result of a work force reduction~~ shall have an opportunity for first interview within any agency for a vacancy for which the employee is qualified and has applied.

(4) Before laying off a ~~permanent~~ career service employee with permanent status in their current position ~~as part of a work force reduction~~, an agency shall provide the employee reasonable notice of the intended action. Where possible, the agency shall provide at least thirty days notice, and in all cases the agency shall provide at least ten days notice or, in lieu thereof, pay or a combination of notice and pay.

(5) The Agency for Workforce Innovation through its existing programs shall make available placement assistance to affected agencies and employees.

(6) Agencies shall ~~prepare update~~ and maintain a the workforce transition spreadsheet database and provide the spreadsheet to the Department upon request ~~any additional information related to the database.~~

(7) ~~A~~ Consequences of a workforce reduction, including a layoff is, are not a disciplinary actions therefore, it may not be appealed to the Public Employees Relations Commission.

Specific Authority 110.1055, 110.201(1), 110.227(2) FS. Law Implemented 110.201, 110.227 FS. History—New 1-1-02, Amended 4-3-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Director of Human Resource Management, Department of Management Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David A. Faulkenberry, Deputy Secretary of Human Resource Support, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-4.002	Content of Examination
61G17-4.003	Grading Criteria and Procedures
61G17-4.004	Grading
61G17-4.006	Grades Review Procedure

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to delete the essay portion of the examination.

SUMMARY: The essay portion of the examination will be deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

SPECIFIC AUTHORITY: 455.217(1), (2), 472.013 FS.

LAW IMPLEMENTED: 455.217(1), (2), 472.013 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G17-4.002 Content of Examination.
- (1) through (2) No change.

(3) The Florida Jurisdictional Multiple Choice Examination shall be based on Florida’s laws and rules regarding the practice of surveying and mapping. The following areas shall be tested on the examination and will be weighted approximately as designated:

Statute/Rule	Area Tested	Assigned Weight
Chapter 177, Part I, Florida Statutes. Chapter 177, Part II, Florida Statutes. Chapter 161, Florida Statutes. Rule 62B-33, Florida Administrative Code.	Platting Coastal Mapping	30%
Chapter 177, Part III, Florida Statutes. Chapter 472, Florida Statutes. Chapter 718, Florida Statutes. Chapter 95, Florida Statutes.	Restoration of Corners Land Surveying Condominiums Adverse Possession	15+0% 5+0% 5+0%
61G17-1, Florida Administrative Code. 61G17-2, Florida Administrative Code. 61G17-5, Florida Administrative Code. 61G17-6+7, Florida Administrative Code.	Organization & Purpose Grounds for Discipline Continuing Education Minimum Technical Standards	40%
61G17-7, Florida Administrative Code.	Seals, Signatures, & Certificates of Authorization	
61G17-9, Florida Administrative Code. Chapter 455, Florida Statutes, and Section 287.055, Florida Statutes	Penalties Department of Business and Professional Regulation – General provisions Consultants’ Competitive Negotiation Act	5%

~~(4) The Florida Jurisdictional Essay Examination shall be based on professional practice and principles in surveying and mapping and on Florida’s laws and rules regarding the practice of surveying and mapping. The examination shall test the applicant’s ability to apply acceptable surveying and mapping standards to problems which are commonly encountered in Florida, and the practice of surveying and mapping. The candidate is expected to prepare survey descriptions, drawings, exhibits or reports in compliance with Florida laws and rules. The following areas shall be tested on the examination and will be weighted approximately as designated:~~

- ~~(a) Minimum Technical Standards—60%~~
- ~~(b) Principles and Practice—30%~~
- ~~(c) Description & Communication—10%~~

THIS RULE SHALL TAKE EFFECT OCTOBER 31, 2008.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History—New 1-3-80, Amended 1-25-84, Formerly 21HH-4.02, Amended 9-16-87, 12-13-88, 8-30-92, Formerly 21HH-4.002, Amended 5-30-95, 5-17-99, 7-9-00, 10-31-08.

61G17-4.003 Grading Criteria and Procedures.

(1) The Principles and Practice Examination contains machine graded, multiple choice questions developed by the NCEES based upon the results of National Task Analysis Surveys performed periodically. Grades shall be determined by the applicant's ability to choose the correct answer from several given choices.

(2) The Florida Jurisdictional Multiple Choice Examination consists of 30 multiple choice questions. The multiple choice questions will be weighted equally and machine graded. Scores for the multiple choice portion shall be determined by the applicant's ability to choose the correct answer from several given choices. A minimum of 21 questions must be answered correctly in order to receive a passing score.

~~(3) The Florida Jurisdictional Essay Examination consists of one or more essay questions. Grading criteria shall follow the minimum technical standards set out in Chapter 61G17-6, F.A.C., and the surveying standards set out in the texts referenced in the Candidate Information Booklet sent to the applicants for examination. Graders are brought to a consensus on grading procedures and criteria through a training session. The examination will be independently graded on a blind basis by two graders. The resulting score shall be the average of the two graders' scores. Should the candidate receive a passing score from one grader, but a total failing score, or should the candidate receive a failing score from one grader but a total passing score, the examination will be referred to a committee of no fewer than three (3) members for regrading. The decision of the committee shall be final. A minimum of 70% of the total possible points is required for a passing score.~~

THIS RULE SHALL TAKE EFFECT OCTOBER 31, 2008.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History—New 1-3-80, Amended 10-29-80, 4-19-82, 1-25-84, Formerly 21HH-4.03, Amended 9-16-87, 8-30-92, Formerly 21HH-4.003, Amended 9-7-93, 4-6-94, 5-30-95, 10-31-08.

61G17-4.004 Grading.

(1) The Principles and Practice Examination and the Fundamentals Examination contain machine graded, multiple choice questions developed by the NCEES. The minimum score necessary for passing the Principles and Practice Examination and the Fundamentals Examination shall be set by NCEES through the use of a Modified Angoff Method for determining the minimally acceptable raw score necessary to pass the examination. The passing score shall be established by NCEES.

(2) The Florida Jurisdictional Multiple Choice Examination consists of 100 ~~30~~ multiple choice questions developed by the Department, or the Board’s designee. The multiple choice questions will be weighted equally and machine graded. ~~The Florida Jurisdictional Essay Examination consists of one or more essay questions developed by the Department. The essays shall be independently graded on a blind basis by graders.~~ A passing grade on the Florida Jurisdictional Multiple Choice Examination ~~and the Florida Essay Examination~~ is defined as 70% of the total possible points ~~on each examination.~~

(3) Scores on the examination will be reported as follows: the Principles and Practice Examination, the Fundamentals Examination, the Florida Jurisdictional Multiple Choice Examination ~~and the Florida Jurisdictional Essay Examination~~

shall have separate scores. ~~Three~~ **Four** passing scores must be received in order to successfully pass the examination; however, these four passing scores need not be obtained in one sitting.

THIS RULE SHALL TAKE EFFECT OCTOBER 31, 2008.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History--New 1-3-80, Amended 6-9-80, 8-27-81, 1-25-84, Formerly 21HH-4.04, Amended 8-30-92, Formerly 21HH-4.004, Amended 5-30-95, 11-15-95, 7-27-00, 10-31-08.

61G17-4.006 Grades Review Procedure.

Any applicant who takes the Florida Jurisdictional Multiple Choice Examination ~~and the Florida Jurisdictional Essay Examination~~ may examine the applicant's own answers and questions, papers, grades and grading key, upon such terms and conditions as set forth by the Department of Business and Professional Regulation in Rule 61-11.017, F.A.C. The applicant shall bear the actual cost incurred by the Department in providing the examination review.

THIS RULE SHALL TAKE EFFECT OCTOBER 31, 2008.

Specific Authority 455.217(2), 472.013 FS. Law Implemented 455.217(2), 472.013 FS. History--New 1-3-80, Formerly 21HH-4.06, 21HH-4.006, Amended 5-30-95, 5-17-00, 10-31-08.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 26, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.405
RULE TITLE: Lower Suwannee River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for nutrients in impaired waters located in the Suwannee River Basin (downstream of the confluence with the Withlacoochee River) and to delete the existing language in Rule 62-304.405, F.A.C., regarding a TMDL for Total Coliforms in the Fenholloway River.

SUMMARY: This TMDL addresses nutrient impairments for a number of springs in the Suwannee River (downstream of the confluence with the Withlacoochee River) basin and the Lower Suwannee Estuary. These waterbodies were verified as impaired by nitrate-N using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. A concentration target was used to establish the nutrient TMDL. The existing language for a Total Coliform TMDL in the Fenholloway River is being deleted, as "Total Coliform" is no longer a surface water quality criterion (EPA approved this revision to Florida's surface water quality standards on May 4, 2007).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has not prepared a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 18, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.405 Lower Suwannee River Basin TMDLs. ~~Fenholloway River. The Total Maximum Daily Load for the Fenholloway River is a 61 percent reduction in Total Coliforms from nonpoint sources, and is allocated as follows:~~

(1) Middle Suwannee Planning Unit. The Wasteload Allocation for point sources discharging wastewater to the Fenholloway River or its tributaries is for all permittees to meet the Class III criteria for Total Coliforms;

(a) Suwannee River (downstream of the confluence with the Withlacoochee River).

1. The Total Maximum Daily Loads for Suwannee River are to achieve 0.35 mg/L nitrate-N for the discharge from Suwannee River, and are allocated as follows:

a. The Wasteload Allocation (WLA) for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater (NPDES) Permitting Program is not applicable.

c. The Load Allocation (LA) for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The range of percent reduction necessary to achieve the LA is estimated between 0 and 51 percent depending on the month and location within the basin. Achievement of the TMDL constitutes achievement of a percent reduction, and

d. The Margin of Safety is implicit.

(b) Branford Springs.

1. The Total Maximum Daily Load for Branford Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 61 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(c) Falmouth Springs.

1. The Total Maximum Daily Load for Falmouth Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA or wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 62 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(d) Royal Springs.

1. The Total Maximum Daily Load for Royal Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 74 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(e) Ruth Springs.

1. The Total Maximum Daily Load for Ruth Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 92 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(f) Troy Springs.

1. The Total Maximum Daily Load for Troy Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 81 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(2) Lower Suwannee Planning Unit. The Load Allocation for nonpoint sources is a 61 percent reduction in loading, and

(a) Fanning Springs.

1. The Total Maximum Daily Load for Fanning Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 92 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(b) Manatee Springs.

1. The Total Maximum Daily Load for Manatee Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

- a. The WLA for wastewater sources is not applicable.
- b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.
- c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 79 percent. Achievement of the TMDL constitutes meeting the water quality target, and
- d. The Margin of Safety is implicit.
- (c) Lower Suwannee Estuary.
 - 1. The Total Maximum Daily Load for Lower Suwannee Estuary is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:
 - a. The WLA for wastewater sources is not applicable.
 - b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.
 - c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The range of percent reduction necessary to achieve the LA is estimated between 30 and 58 percent depending on the month and location within the basin. Achievement of the TMDL constitutes meeting the water quality target, and
 - d. The Margin of Safety is implicit.
 - ~~(3) The Margin of Safety is implicit.~~

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 12-3-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.410
 RULE TITLE: Santa Fe Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for nutrients and dissolved oxygen in the Santa Fe River (below river rise) and to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliforms (New River), total nitrogen (New River WBIDs 3506 and 3506B), and total phosphorus (New River WBID 3506).

SUMMARY: The Santa Fe TMDL addresses nutrients and dissolved oxygen impairments in the Santa Fe River (below river rise). This waterbody was verified as impaired by

nitrate-N and dissolved oxygen (DO) using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. For DO, the nutrient TMDL target, set as a monthly average for nitrate-N, will reduce any pollutant impacts associated with DO. A concentration target was used to develop the nutrient TMDL. The New River TMDLs address fecal coliform and DO impairments in the New River. This waterbody was also verified as impaired by fecal coliforms and dissolved oxygen using the methodology established in Chapter 62-303, F.A.C. For the DO TMDLs, water quality targets were identified for total nitrogen and/or total phosphorus using a bioregion reference nutrient approach. The Kansas approach was used to develop the fecal coliform TMDL.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has not prepared a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 18, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

- 62-304.410 Santa Fe Basin TMDLs.
- Santa Fe River Planning Unit.
- (1) Santa Fe River TMDLs.

(a) Santa Fe River TMDL for nutrient and dissolved oxygen impairments: The Total Maximum Daily Load for nutrients in the Santa Fe River (below river rise) is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

1. The Wasteload Allocation (WLA) for wastewater sources is not applicable.

2. The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program are to meet a monthly average in-stream ambient water quality target of 0.35 mg/L nitrate-N. The range of percent reduction necessary to achieve the LA is estimated between 13 and 35 percent depending on the month and location within the basin. Achievement of the TMDL constitutes meeting the water quality target, and

3. The Load Allocations (LA) for nonpoint sources are to meet a monthly average of 0.35 mg/L nitrate-N. The range of percent reduction necessary to achieve the LA is estimated between 13 and 35 percent depending on the month and location within the basin. Achievement of the TMDL constitutes meeting the water quality target, and

4. The Margin of Safety is implicit.

(2) New River TMDLs.

(a) New River TMDL for fecal coliform impairment. The Total Maximum Daily Load for New River 400 counts/100mL for fecal coliform, and is allocated as follows:

1. The WLA for wastewater point sources is not applicable.

2. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

3. The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 45 percent reduction at sources contributing to exceedances of the criteria, and

4. The Margin of Safety is implicit.

5. While the LA for fecal coliform has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is not the intent of the TMDL to abate natural background conditions.

(b) New River TMDL for dissolved oxygen impairment. The Total Maximum Daily Load for the New River is allocated as follows:

1. The WLA for wastewater point sources is not applicable.

2. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

3. The LA for nonpoint sources is to address anthropogenic sources in the basin such that there is a 38 percent reduction of current anthropogenic total nitrogen (TN) loading to the upper portion of the New River, a 13 percent reduction of current anthropogenic total nitrogen (TN) loading to the lower portion of the New River, and a 38 percent reduction of current anthropogenic total phosphorus (TP) loading to the lower portion of the New River, based on measured concentrations from the 1995 to 2006 period.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-3.006

RULE TITLE: Diagnostic Testing

Diagnosis Testing

PURPOSE AND EFFECT: To create a new rule.

SUMMARY: This rule provides that, except during surgery, spinal ultrasound, somatosensory evoked potential and dermatomal evoked potential are diagnostic tests that are not medically necessary for treating persons with bodily injury covered by personal injury protection benefits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There is no fiscal impact because small businesses must perform legally and ethnically and because the prohibitions in this rule were previously in a former rule of the department.

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

SPECIFIC AUTHORITY: 627.736(5) FS.

LAW IMPLEMENTED: 627.736(5) 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: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-3.006 Diagnostic Testing.

For the purposes of Section 627.736(5)(b)6., F.S., the Department of Health, in consultation with the appropriate licensing boards, adopts the following list of diagnostic tests, when not used during a surgical procedure, based on the lack of demonstrated medical value and level of general acceptance by the provider community:

(1) Spinal ultrasound, also known as sonography, ultrasonography, and echography, is deemed not to be medically necessary for use in the diagnosis and treatment of persons sustaining bodily injury covered by personal injury protection benefits.

(2) Somatosensory Evoked Potential is deemed not to be medically necessary for use in the diagnosis of radiculopathy or distal nerve entrapment when treating persons sustaining bodily injury covered by personal injury protection benefits.

(3) Dermatomal Evoked Potential is deemed not to be medically necessary for use in the diagnosis and treatment of persons sustaining bodily injury covered by personal injury protection benefits.

Specific Authority 627.736(5) FS. Law Implemented 627.736(5) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry McPherson
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana Viamonte Ros
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose of the amendment is to incorporate a new medication requested by the Florida Optometric Association, to which the TOPA Committee did not raise an objection, and to implement the Board’s determination that Azasite in the existing rule language is the brand name of the medication, not the chemically generic name, and its instruction that the amendment correct the name Azasite to Azithromycin.

SUMMARY: A new medication requested by the Florida Optometric Association, to which the TOPA Committee did not raise an objection, is incorporated, and the Board’s determination that Azasite in the existing rule language is the

brand name of the medication, not the chemically generic name, and its instruction that the amendment correct the name Azasite to Azithromycin is implemented.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (3) No change.
- (4) ANTIBACTERIAL
 - (a) through (l) No change.
 - (m) Moxifloxacin – 0.5%;
 - (n) Sodium sulfacetamide – 10.0% (alone and in combination); ~~and~~
 - (o) Azithromycin – 1%; ~~and Azasite.~~
 - (p) Levofloxacin – 1.5%
- (5) through (8) No change.
- (9) MISCELLANEOUS.
 - (a) Hydroxypropyl cellulose ophthalmic Insert;
 - (b) Dapiprazole – 0.5%; ~~and~~
 - (c) Cyclosporine emulsion – 0.05%; ~~and~~
 - (d) Polyvinyl pyrrolidone – drops 2.0%.

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History–New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-4.002	Definitions
64D-4.003	Eligibility and Documentation Requirements

PURPOSE AND EFFECT: The purpose and effect of this amendment will be to increase the federal poverty level and eliminate cash asset eligibility requirements for the HIV/AIDS Patient Care Programs to increase the number of person’s living with HIV disease able to access services.

SUMMARY: The proposed revisions increase the federal poverty level and eliminate cash assets for those persons living with HIV disease to be able to access services.

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

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

SPECIFIC AUTHORITY: 381.003(1)(c) FS.

LAW IMPLEMENTED: 381.011(1), 381.003(1)(c) FS.

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

DATE AND TIME: September 10, 2008, 10:00 a.m.
PLACE: Prather Building, Bureau of HIV/AIDS, 2585 Merchants Row Boulevard, Room 340N, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Stevens, Bureau of HIV/AIDS, 4052 Bald Cypress Way, BIN A09, Tallahassee, Florida 32399-1715, (850)245-4335

THE FULL TEXT OF THE PROPOSED RULES IS:

64D-4.002 Definitions.

For the purpose of this rule chapter, the words and phrases listed below are defined in the following manner:

(1) through (4) No change.

~~(5) “Cash Assets” mean items of value such as second cars and homes, boats, real estate and financial investments. Not included as cash assets are items such as the applicant’s~~

~~primary residence, personal transportation, individual retirement accounts and deferred compensation, which are not accessed.~~

~~(5)(6)~~ “Client” means an applicant who has been determined eligible.

~~(6)(7)~~ “Department” means the Florida Department of Health.

~~(7)(8)~~ “Eligible” means approved by the Department to receive allowable services.

~~(8)(9)~~ “Eligibility Staff” means personnel authorized by the Department to determine eligibility.

~~(9)(10)~~ “Federal Poverty Level” (FPL) means the poverty income levels (effective February 2008) as published by the U.S. Department of Health and Human Services (HHS), Federal Office of Management and Budget (OMB), which is incorporated by reference. The federal poverty guidelines are located on the Department of Health, Bureau of HIV/AIDS website or can be obtained at any Florida county health department.

~~(10)(11)~~ “Household Income” means income from all sources received by the applicant, the applicant’s spouse (if married) and other adult persons living in the home, if they are included in the household size as defined in subsection 64D-4.002 (12), F.A.C.

~~(11)(12)~~ “Household Size” means the number of persons in an applicant’s household whose income is counted for purposes of determining the Federal Poverty Level defined in subsection 64D-4.002(10), F.A.C. The number counted in household size include the applicant, the spouse (if married) and any adults such as parents, adult siblings, adult children, significant others and partners who live with the applicant and meet one or more of the following:

- (a) Claims the applicant as a dependent on a tax return.
- (b) Claims the applicant on a health insurance policy. This does not apply to life insurance when the applicant is claimed as the beneficiary.
- (c) Has legal custody or other legal arrangement or guardianship of the applicant.
- (d) Has commingled funds with the applicant, such as banking accounts, savings accounts, business, mortgage agreement or other personal finances.

~~(12)(13)~~ “HIV/AIDS Patient Care Programs” means the:

- (a) Ryan White Title II Consortia Program.
- (b) Ryan White Title II AIDS Drug Assistance Program.
- (c) Ryan White Title II AIDS Insurance Continuation Program.
- (d) State Housing Opportunities for Persons with AIDS Program, and
- (e) HIV/AIDS Patient Care Programs provided by the patient care networks and county health departments as administered by the Department of Health, Bureau of HIV/AIDS.

~~(13)~~(14) "Low Income" means a gross household income at or below ~~400%~~ 300% of the FPL in accordance with subsection 64D-4.002(10), F.A.C., ~~and cash assets not to exceed \$12,000.~~

~~(14)~~(15) "Program Qualifications" are program specific requirements to qualify for enrollment in the following single service programs, after eligibility has been approved:

- (a) Ryan White Title II AIDS Drug Assistance Program.
- (b) Ryan White Title II AIDS Insurance Continuation Program.
- (c) State Housing Opportunities for Persons with AIDS.

~~(15)~~(16) "Verification" means to confirm the accuracy of information through sources other than a self-declaratory statement of the individual originally supplying the information.

Specific Authority 381.0011(13) FS. Law Implemented 381.001(1), 381.003(1)(c), 381.0011(5) FS. History--New 1-23-07, Amended 8-31-07, 3-21-08,_____.

64D-4.003 Eligibility and Documentation Requirements.

The applicant eligibility and documentation requirements to receive allowable services from the HIV/AIDS Patient Care Programs include the following:

- (1) through (3) No change.
- (4) Must have low-income ~~and cash assets not to exceed \$12,000.~~
- (5) through (7) No change.

Specific Authority 381.0011(13) FS. Law Implemented 381.001(1), 381.003(1)(c), 381.0011(5) FS. History--New 1-23-07, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Suzanne Stevens, Patient Care Program

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana Viamonte Ros, M.D., M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-37.0335	Qualification of New Employee
69A-37.0336	Application Process Certificate of Compliance
69A-37.036	Determination of Moral Character
69A-37.037	Firefighter Training Course Medical Examination
69A-37.039	Prescribed Forms for Training and Certification

69A-37.0527	Retention of Certification
69A-37.054	Out of State Training – Certificate of Compliance; Special Certificate of Compliance
69A-37.055	Curriculum Requirements for Training Firefighter Recruits or Firefighters
69A-37.056	Specifications for Certifiable Training
69A-37.057	Roster of Students
69A-37.058	Verification of Prescribed Training Hours

PURPOSE AND EFFECT: To remove references to the Firefighter I category and adopt the latest National Fire Protection Association Standards for Training.

SUMMARY: All references to Firefighter I are changed to Part I. An application process for certificate of compliance is added, forms are updated and the curriculum for firefighter training is updated. It requires a minimum of 398 hours.

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

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

SPECIFIC AUTHORITY: 633.38(1)(a), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34(4), 633.35, 633.35(2), 633.38, 633.45, 633.45(1)(a), (b), 633.45(2)(a),(i), 633.101(1) FS.

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

DATE AND TIME: Friday, September 12, 2008, 10:00 a.m.

PLACE: Assembly Hall, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: MaryAnn Benson at (351)369-2815. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dave Casey, Chief, Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Fighter Standards and Training, Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486; Telephone: (352)369-2800; Email: DAVE.CASEY@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-37.0335 Qualification of New Employee.

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

(2) Upon the employment of a firefighter, the employing agency shall report such employment forward to the Bureau of Fire Standards and Training (hereinafter the "Bureau") completed Form DFS-K4 DI4-1032 entitled "Notice of Employment as a Firefighter" which evidences that the new employee is certified as a firefighter and has met the requirements necessary to maintain the certification as specified in Section 633.35(2), F.S. This form shall be forwarded within 10 business days after the first day of employment. Form DFS-K4 DI4-1032 is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

(3) Proposed effective date January 1, 2009.

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, 12-10-01, Formerly 4A-37.0335, Amended 1-1-09.

69A-37.0336 Application Process Certificate of Compliance.

(1) An applicant shall make application for a certificate of compliance on form DFS-K4-1016, effective January 1, 2009, adopted and incorporated by reference in subsection 69A-37.039(2), F.A.C. The form can be obtained where indicated in subsection 69A-37.039(1), F.A.C. The applicant is encouraged to submit the application electronically.

(2) Within 30 days of receipt of the application, the Bureau shall notify the applicant of the actions necessary for the application to be deemed complete. The notification shall be in writing and provided either electronically or by U. S. Mail.

(3) The application shall be deemed complete when all of the information requested in the application has been provided, the application blanks are all filled in, the results of the criminal history background check have been provided, the required fees are paid, and when the applicant has successfully completed the examination process as prescribed by the Bureau.

(4) The application shall be granted or denied within 90 days of the date the application is deemed complete. The applicant shall be notified of the decision in writing, which shall include a notice of rights and election of proceedings.

(5) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2), 633.45(2)(a) FS. History—New 1-1-09.

69A-37.036 Determination of Moral Character.

(1) Applicants for a Certificate of Compliance as a firefighter I or II shall submit a completed fingerprints for the purpose of conducting a criminal background check card with current processing fee. When Firefighter I and Firefighter II training are to occur contiguously this submission should occur

at the beginning of the Firefighter I training. In any other situation the submission is required prior to entry into Firefighter II training. Determination of good moral character is required prior to certification as a firefighter pursuant to Sections 633.34(4) and 633.35(2), F.S.

(2) The Bureau of Fire Standards and Training shall consider the results of the fingerprint procedure outlined in Section 633.34(4) F.S., in making a determination as to the applicant's good moral character, and shall not certify anyone not meeting the conditions of Section 633.34, F.S.

(3) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(4), 633.35(2), 633.45(2)(a) FS. History—New 9-7-81, Formerly 4A-37.04, 4A-37.36, Amended 11-26-85, 1-3-90, 3-20-95, 12-10-01, Formerly 4A-37.036, Amended 1-1-09.

69A-37.037 Firefighter Training Course Medical Examination.

(1) Pursuant to Section 633.34(5), F.S., an individual shall submit to the Bureau 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 Bureau division, on Form DFS-K4 DI4-1022, incorporated by reference in subsection 69A-37.039(2), F.A.C., before an individual is admitted into a firefighter training program as defined in Section 633.35, F.S. 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, based upon the job and task functions of a firefighter as outlined in NFPA 1582-5.1, 2007 Edition, adopted and incorporated herein by reference, shall be given by a physician, surgeon, or physician assistant licensed to practice in the State of Florida pursuant to Chapter 458, F.S.; an osteopathic physician, surgeon, or physician assistant licensed to practice in the State of Florida pursuant to Chapter 459, F.S.; or an advanced registered nurse practitioner licensed to practice in the State of Florida pursuant to Chapter 464, F.S. An individual shall receive this examination within six months of the scheduled starting date of the firefighting program. Without a completed DFS-K41022, an individual will not be allowed to attend training or test for certification the 6 month period prior to the date the application for firefighter certification is received by the Bureau of Fire Standards and Training.

(3) Proposed effective date January 1, 2009. The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022 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, F.S., and in subsection (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 is incorporated by reference in subsection 69A 37.039(2), F.A.C., and can be obtained where indicated in subsection 69A 37.039(1), F.A.C.~~

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(5) FS. History—New 9-7-81, Formerly 4A-37.05, 4A-37.37, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.037, Amended 1-2-06, 1-1-09.

69A-37.039 Prescribed Forms for Training and Certification.

(1) Information required by the Bureau of Fire Standards and Training in this chapter shall be furnished on-line at www.floridastatefirecollege.org. The information required at www.floridastatefirecollege.org is based on prescribed forms set forth below and as set out specifically in these rules. The forms identified in and required by this chapter are incorporated herein. The forms can also be obtained:

(a) From fire departments or training centers, or

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

(c) By downloading them from the fire college website at www.myfloridacfo.com. ~~www.fsfe.ufl.edu.~~

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

(a) ~~DFS-K4 DI4-1016~~ rev. _____, 08/00 (formerly FST-1), "Application for Firefighter Certification Examination as a Firefighter".

(b) ~~DFS-K4 DI4-1019~~ rev. _____, 7/00 "Fee Information and Application and Fingerprint Card Instructions".

(c) ~~DI4-1020~~ rev. 03/00, "Personal Inquiry Waiver".

(c)(d) ~~DFS-K4 DI4-1022~~ rev. _____, 08/98 (formerly FST-2), "Medical Examination".

(d)(e) ~~DFS-K4 DI4-1026~~ rev. _____, 08/00 "Roster of Students".

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

(g) ~~DI4-1032~~ rev. 10/00 (formerly FST-1A) "Notice of Employment as a Firefighter".

(e)(h) ~~DFS-K4 DI4-1033~~ rev. _____, "Fire Department Notice of Firefighter Hire/Termination or Supplemental Compensation Ineligibility" 10/00 (formerly FST-3) "Notice of Termination as a Firefighter".

(f)(i) ~~DFS-K4 DI4-1308~~ rev. _____, 10/00 (formerly FST-1C) "Application for Firefighter Certification Retention Examination Practical Examination for Retention of Firefighter Certification".

(g)(j) ~~DFS-K4 DI4-1309~~ rev. _____, 10/00 "Preliminary Equivalency Application Firefighter Minimum Curriculum Requirements".

(k) ~~DI4-1380~~ rev. 03/00 "Firefighter I Training Record".

(l) ~~DI4-1381~~ rev. 10/00 "Application Reactivation Form".

(h)(m) ~~DFS-K4 DI4-1390~~ rev. _____, 05/00 "Application for Special Certificate of Compliance for Administrative & Command Head of a Fire/Rescue/Emergency Services Organization".

(i)(n) ~~DFS-K4 DI4-1438~~ rev. _____, 01/01 "Application for Fire Investigator I Certification Examination".

(j)(o) ~~DFS-K4 DI4-1439~~ rev. _____, 01/01 "Application for Fire Investigator II Certification Examination".

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

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

(k)(r) ~~DFS-K4 DI4-1442~~ rev. _____, new 01/01 "Firefighters Supplemental Compensation Program Request for Upgrade from Associate Level to Bachelor Level".

(s) ~~DI4-1443~~ new 01/01 "Acceptance to Apply for the Firefighter Equivalency Examination".

(t) ~~DI4-1445~~ new 01/01 "Firefighter One Equivalency Examination Application".

(l)(u) ~~DFS-K4 DI4-1446~~ rev. _____, new 01/01 "Application for Firesafety Inspector II Certification Examination".

(m)(v) ~~DFS-K4 DI4-1447~~ rev. _____, new 01/01 "Application for Fire Officer I One Certification Examination".

(n)(w) ~~DFS-K4 DI4-1448~~ rev. _____, new 01/01 "Application for Fire Officer II Two Certification Examination".

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

(y) ~~DI4-1450~~ new 01/01 "Important Information About Retesting and Certification Renewal".

(o)(z) ~~DFS-K4 DI4-1451~~ rev. _____, new 01/01 "Application for Fire Instructor I Certification".

(p)(aa) ~~DFS-K4 DI4-1452~~ rev. _____, new 01/01 "Application for Fire Instructor II Certification".

(q)(bb) ~~DFS-K4 DI4-1453~~ rev. _____, new 01/01 "Application for Fire Instructor III Certification".

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

(r)(dd) ~~DFS-K4 DI4-1455~~ rev. _____, new 01/01 "Application for Single Course Exemption Instructor Certification".

(s)(ee) ~~DFS-K4 DI4-1456~~ rev. _____, new 01/01 "Application for Fire and Lifesafety Educator Certification Examination".

~~(t)(ff)~~ DFS-K4 ~~DI4-1457~~ rev. _____, new 01/01 “Application for Fire Apparatus Pump Operator Certification Examination”.

~~(gg)~~ ~~DI4 1458~~ new 01/01 “Firefighter Minimum Standards Skills Refresher Course”.

~~(u)(hh)~~ DFS-K4 ~~DI4-1459~~ rev. _____, 01/01 “Application for Special Firesafety Inspector Certification Examination”.

~~(ii)~~ ~~DI4 1460~~ rev. 01/01 “Certified Firefighter Training Center List”.

~~(jj)~~ ~~DI4 1461~~ rev. 01/01 (formerly FST 60) “Training Affidavit”.

~~(kk)~~ ~~DI4 1463~~ rev. 01/01 “Certification Renewal Application”.

~~(v)(H)~~ DFS-K4 ~~DI4-1023~~ rev. _____, 07/00 “Application for Firesafety Inspector I Certification Examination.”

(3) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34, 633.35, 633.38, 633.45, 633.101(1) 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, Amended 9-13-98, 12-10-01, Formerly 4A-37.039, Amended 1-1-09.

69A-37.0527 Retention of Certification.

(1) The ~~retake of the state certification~~ examination for retention of certificate referenced in Section 633.352, F.S., shall be known as the retention examination ~~and is referenced in Section 633.352, F.S.~~ 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 retention examination, an individual shall apply on-line at www.floridastatefirecollege.org, or submit to the Bureau of Fire Standards and Training Form DFS-K4 ~~DI4-1308~~, “Application for Practical Examination for Retention of Firefighter Certification Retention Examination”, which is adopted in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C., which shall include a medical examination in accordance with Rule 69A-37.037, F.A.C. 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, F.S., or by an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, F.S. 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 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C. An individual shall not participate in the practical examination unless a completed Form DFS-K4 ~~DI4-1022~~ is on file with the Bureau of Fire Standards and Training.~~

(3) To be eligible to participate in the retention examination, an individual must submit fingerprints in accordance with Rule 69A-37.036, F.A.C. 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, or its designee, will schedule the date and time for all retention examinations.

(5) Each individual will be required to wear N.F.P.A. labeled approved helmet, fire coat, bunker pants, boots, protective hood, self-contained breathing apparatus (“SCBA”), mask, personal alert safety system (“PASS device”), and gloves. Such equipment shall be in operating condition to enter a hazardous environment and comply with the NFPA edition noted on the label, tag or design.

(6) Any individual who does not obtain a passing score of 70% or more on the retention examination will be permitted one opportunity to repeat the ~~retake~~ examination. The examination must be repeated ~~retake must occur~~ within 6 months of the original examination or the opportunity is forfeited.

(7) Failure to pass the examination within the timeframes set forth above of the re-take examination will result in the individual’s having to successfully complete Firefighter ~~I and H~~ training as defined in Rule 69A-37.055, F.A.C., before a new application and any additional testing can occur.

(8) Proposed effective date January 1, 2009.

Specific Authority 633.38(1)(a), 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History—New 12-10-01, Formerly 4A-37.0527, Amended 1-1-09.

69A-37.054 Out of State Training – Certificate of Compliance; Special Certificate of Compliance.

(1) Certificate of Compliance. CERTIFICATE OF COMPLIANCE.

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

a. A completed Form DFS-K4-1309 “Preliminary Equivalency Application for Firefighter Minimum Curriculum Requirements,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

b. A completed Form DFS-K4-1016 “Application for Firefighter Certification Examination,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

c. Form DFS-K4-1022, "Medical Examination," completed in accordance with Rule 69A-37.037, F.A.C.

d. A copy of a high school diploma in accordance with Rule 69A-37.034, F.A.C.

e. Fingerprints in accordance with Rule 69A-37.036, F.A.C.

f. The appropriate fee in accordance with subsection 69A-37.050(6), F.A.C.

2. In order for a person to be eligible to be tested, a complete application must be received by the Bureau not less than 10 business days prior to the scheduled examination date for review, verification, and approval.

(b) The Bureau shall issue a certificate of compliance to any qualified person who:

1. Successfully passes the written and practical examination as required by Rule 69A-37.056, F.A.C. This examination is given during February, May, September, and November and is administered only at the Florida State Fire College.

(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 69A-37.056, F.A.C. 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 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

b. ~~A completed Form DI4 1309 "Equivalency Examination Preliminary Application," which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

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 subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

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 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

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.~~

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

~~2.1. Passes the examination;~~

~~3.2. Meets the other requirements of Section 633.35(2), F.S.; and~~

~~4.3. Complies with the requirements of this section~~
~~Submits the forms required by these rules.~~

~~(c)(d) Only one opportunity to repeat retake of the examination is permitted and must be taken within 6 months of the initial examination date or be forfeited. Failure to pass the examination within this timeframe will result in the individual's having to successfully complete the Firefighter training as defined in Rule 69A-37.055, F.A.C., before any additional testing can occur.~~

~~(d)(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 retake complete both the Firefighter I and Firefighter II training before any additional testing can occur.~~

~~(2) Special Certificate of Compliance. 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, F.S., and who meets all the requirements of this subsection. The Administrative and Command Head of a fire/rescue/emergency services organization is permitted to 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 examinations, and submitting all the documents, and meeting all the requirements of this subsection (1) of this rule, with the exception of the completion of the practical portion of the examination and the requirements of Rule 69A-37.037, F.A.C. 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. Complete a course of instruction of at least six hours presented by the Bureau which shall include: Attend a 6 hour seminar as determined by the Bureau of Fire Standards and Training outlining:~~

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

b. Chapter 447, F.S., “Labor Organizations” and the applicable rules;

c. The State Emergency Response Plan, Florida Field Operations Guide, and related documents and plans;

d. Chapter 286, F.S., known as the “Sunshine Law”, and Chapter 119, F.S., known as the “Public Records Law”.

3. Submit a completed Form DFS-K4 ~~DI4-1016~~ “Application for Firefighter Certification Examination as a Firefighter,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

4. Submit a completed Form DFS-K4 ~~DI4-1309~~ “Preliminary Equivalency Examination Firefighter Minimum Curriculum Requirements Preliminary Application,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

(3) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(a) FS. History—New 9-7-81, Formerly 4A-37.11, 4A-37.54, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-9-96, 12-10-01, Formerly 4A-37.054, Amended 1-1-09.

69A-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 206 hours of training to complete Part I (equivalent to NFPA Firefighter I compliant) and an additional 192 hours to complete Part II (equivalent to NFPA Firefighter II compliant) training. Completion of both Part I and Part II represents the required 398 460 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 referred to collectively hereinafter as the “Minimum Standards Course:” which is required to be certified as a firefighter. 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~~ in this rule. Part I completion shall be documented when the required coursework identified in this section has been completed. These courses shall be delivered by an instructor approved by the Bureau. A score of 70% or more must be achieved on each of a written and practical examination delivered by the Bureau. Part I curriculum may be delivered by a recognized fire department. The completion of the Form DFS-K4 ~~DI4-1028~~ “Verification of Prescribed Training Hours” evidencing compliance with minimum curriculum requirements shall be presented to the Bureau of ~~Fire Standards and Training~~ Field Representative prior to the state certification examination for Firefighter II. ~~Form DI4-1028 is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~ The school or

employing agency is permitted ~~to~~ and is encouraged to; offer additional training above that training required by this chapter for firefighter recruit training.

(2) Curriculum requirements. The Bureau will develop and maintain an objective-based curriculum addressing the topics contained in this subsection. Such curriculum shall be available electronically through the Division of State Fire Marshal’s website and by email upon request. The curriculum will list each topic area, the required hours, and the objectives. The curriculum will be maintained by the Bureau.

(a) Part I of the curriculum, consisting of 206 hours of knowledge and skill-based training, will include:

1. Orientation. Orientation is a pre-class meeting to cover the following topics:

a. Outline of Training Program.

b. Student Duties & Responsibilities.

c. Testing Procedures.

d. Familiarization with the Training Provider.

e. Responsibilities of the Training Provider.

f. Study Habits.

g. Personnel Policies of the Training Provider.

h. NFPA 1582, “Standard on Medical Requirements for Fire Fighters”, 2007 Edition.

2. Chapter 5 of NFPA Standard 1001, “Fire Fighter Professional Qualifications”, 2008 Edition, hereby adopted and incorporated by reference. Copies of NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

3. Federal Requirements for Part I.

a. National Incident Management System – NIMS 100 Self Study.

b. National Incident Management System – NIMS IS-700 Self Study.

4. Florida-Specific Requirements.

a. Florida Incident Field Operations Guide (FOG).

b. Fire Department Terminology

c. Apparatus and Company Familiarization.

d. Emergency Driving, Sections 316.126 and 316.2398, F.S.

e. Rule Chapter 69A-37, F.A.C.

f. Florida Division of Forestry NWCG S-190, Introduction to Wildland Fire Behavior.

g. Florida Division of Forestry NWCG S-130 Wildland Firefighter Training.

h. Physical Fitness Education.

i. Physical Fitness Training.

j. EMS First Responder – Current Certification as an emergency medical technician or paramedic, or successful completion of a USDOT first responder course will substitute for this area. Documentation of current certification or completion shall be submitted prior to completion of this curriculum.

k. Florida State Emergency Response Committee – Awareness Level Hazardous Materials.

l. Florida State Emergency Response Committee – Operations Level Hazardous Materials.

m. Examinations: each portion of the outline shall be the subject of both a written and a performance test to obtain the best measure of learning.

n. Course Review.

(b) Part II of the curriculum, consisting of 192 hours of knowledge and skill-based training, which together with Part I totals 398 hours, will include:

1. Chapter 6 of NFPA Standard 1001, “Fire Fighter Professional Qualifications”, 2008 Edition, adopted and incorporated herein by reference. Copies of NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

2. Florida Specific Requirements.

a. Structural Collapse Awareness.

b. Examinations: each portion of the outline shall be the subject of a test, both academic and performance, to obtain the best measure of learning.

c. Course Review.

d. Florida Fire Chiefs Statewide Emergency Response Plan.

e. Thermal Imaging – (TIC).

f. Positive Pressure Ventilation.

g. Company Evolutions – Engine.

h. Company Evolutions – Ladder.

i. Company Evolutions – Combined Operations.

j. Air Monitoring – CO, LEL, O2 – SCBA.

k. New Challenges.

l. Firefighter Safety and Survival.

m. Physical Fitness Training.

~~(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 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

~~(3) Proposed effective date January 1, 2009. 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. Orientation, Apparatus and Equipment (6 1/2 hours lecture): 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 edition;~~

~~r. NFPA 1582, “Standard on Medical Requirements for Fire Fighters,” 1997 edition;~~

~~s. Rule Chapter 69A-37, F.A.C.;~~

~~t. Section 633.30, and Sections 633.34 through 633.353, F.S.~~

~~2. NFPA Standard 1001, “Fire Fighter Professional Qualifications”, 1997 edition, and NFPA 1582, “Standard on Medical Requirements for Fire Fighters”, 2000 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) Fire Behavior (3 1/2 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) Portable Extinguishers (2 1/2 hours lecture, 1 hour 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) Personal Protective Equipment (7 hours lecture, 3 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) Ropes and Knots (4 hours lecture, 2 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) Water Supply (3 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) Ladders (4 1/2 hours lecture, 3 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. Climbing and operating from ladders.

(h) Hose (7 hours lecture, 3 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) Water Fire Streams (3 1/2 hours lecture, 2 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;
5. Fire stream evolutions.

(j) Fire Control (5 hours lecture, 3 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;
- e. Basement, vehicle, trash, rubbish and wildland fires;
3. Fires and emergencies in confined enclosures;
4. Fire suppression evolutions.

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

1. Basics of automatic fire sprinkler systems;
2. Standpipe systems;
3. Control of water flow.

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

1. Assessing situations requiring forceful entry;
2. Forceful entry tools, proper care and usage;
3. Specific techniques for forcing entry through doors, windows, walls, fences and floors.

(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) Review of fire behavior; situations requiring ventilation;(n) Ventilation (4 hours lecture, 1 hour drill): The following elements shall be included in this section of training:

2. Procedures for vertical, horizontal and forced ventilation.

(o) Loss Control (4 1/2 hours lecture, 1 hour 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) Building Construction (3 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) Fire Prevention and Public Education (3 1/2 hours lecture, 1 hour drill): The following elements shall be included in this section of training:

1. Recognition of hazards;
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) Firefighter Safety (3 1/2 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.

(s) 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. First Responder (20 hours lecture, 20 hours drill): The following elements shall be included in this section of training:

- a. Diagnostic signs and symptoms;
- b. Cardio pulmonary resuscitation;
- e. Vehicle extraction; and
- d. Patient movement.

2. If an individual is currently certified as an emergency medical technician or paramedic or has taken a First Responder course he or she is exempt 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.

(u) Controlled Burning (2 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; and
3. Vehicles.

(v) Awareness Level Hazardous Materials (8 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.

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;
 e. 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, 12-10-01, 1-1-09.

69A-37.056 Specifications for Certifiable Training.

To be recognized for certification as a firefighter by the ~~Bureau 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) ~~Part I curriculum set forth in subsection 69A-37.055(2), F.A.C., taught independent of Part II curriculum set forth in paragraph 69A-37.055(2)(b), F.A.C., may be conducted through fire departments or facilities other than approved training centers, but must be compliant to or have access to all facilities, equipment, and instructors required for the delivery of the curriculum. Curriculum set forth in paragraphs 69A-37.055(2)(a) and (b), F.A.C., taught as the Minimum Standards Course shall be taught at a facility approved pursuant to Rule 69A-37.60, F.A.C. Alternative delivery techniques including mentoring and/or blended learning (traditional classroom with computer based training must be approved by the Bureau and provide for verified complete compliance to the skill and knowledge objectives. The training shall take place in a training center or facility approved for such training by the Bureau of Fire Standards and Training.~~

(2) ~~The training shall be given by instructors certified by the Bureau of Fire Standards and Training. In addition, First Responder Lead Instructors shall be currently certified as an emergency medical technician or paramedic in the state of Florida and certified as an American Heart Association (AHA) or American Red Cross (ARC) Cardiopulmonary Resuscitation (CPR) Instructor.~~

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

(4) ~~Each student enrolled in a Minimum Standards Course Firefighter I course or a Firefighter II course, or both courses, shall receive instruction and training in every course subject of the curriculum. Knowledge-based curriculum instruction and training shall not be less than the number of hours specified for each subject. Skill-based curriculum hours are based upon an ideal class size of 30 with a student to instructor ratio of one instructor for every six students, and a student to equipment ratio of one piece or set of equipment for every six students. Hours may be adjusted according to the actual class ratio.~~

(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, 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) ~~The knowledge and/or skill of each subject area within the Minimum Standards Course will be tested to validate the acquisition and application of such knowledge and skill. All subject area and final tests, both written and practical, given during the Minimum Standards Course training shall require maintenance of a percentage score of not less than 70% on each subject listed in the Minimum Standards Course the prescribed Firefighter I and Firefighter II courses. If a minimum score of 70% is not achieved on any test, the student shall be afforded a one-time make up examination to achieve the required 70%. Tests used shall be designed to encompass all the significant contents of the subjects being taught. Students not in compliance with the minimum score requirement shall be dropped from the course.~~

(a) In order to sit for the state examination, the information required by Sections 633.34 and 633.35, F.S., must be furnished to the ~~Bureau of Fire Standards and Training~~.

(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, or designee,~~ and shall encompass all components ~~of the Minimum Standards Course 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 applicant must attain a score of 70 percent on both the written and practical examinations to receive a certificate of compliance. The 70% score requirements for both written and practical examinations shall prevail in this testing environment as well.~~

(c) The state practical examination will be administered at the local training facility. Whenever possible, the ~~Bureau of Fire Standards and Training~~ will schedule the state examination date at the convenience of the training facility. The written examination will be administered electronically at the local training center facility or local testing center if the training center lacks the capacity to support electronic testing.

(d) ~~Only one retake of the state examination is permitted. 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. 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 business days prior to the date of the examination.~~

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

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

(7) In general classroom work, the number of students per certified instructor will be determined by the instructor on the basis of complexity of the subject.

(8) In demonstrations involving the use of equipment and performance of tasks under non-hazardous conditions, whether in the classroom or in the field, there shall be no less than one certified instructor for each ten students.

(9) In field work under conditions considered hazardous there shall be not less than one certified instructor for each six students, but in no case shall there be less than two certified instructors. The instructors shall be placed to oversee the safety and effectiveness of the training. Live Fire Training shall be conducted in accordance with Rule 69A-37.405, F.A.C.

(10) In those instances in which the normal scheduled time does not allow for compliance with the foregoing limitations, the time allotted to those classes shall be extended as necessary to ensure compliance with the intent and purpose of these rules.

(11) Proposed effective date January 1, 2009.

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, 12-10-01, Formerly 4A-37.056, Amended 1-1-09.

69A-37.057 Roster of Students.

During the first week of training for the Minimum Standards Course, a roster of students FST-4 form ~~entitled the~~ “Roster of Students” shall be electronically completed ~~and~~ forwarded to the Bureau of Fire Standards and Training, with all supporting paperwork (i.e., release of a building to burn, if applicable; any required affidavits for use of other facilities or equipment; pre-certification paperwork, or verification that said pre-certification paperwork has been received by the Bureau of Fire Standards and Training for students enrolled in class) as evidence of students who are enrolled in approved training programs. State examination dates will not be scheduled until such time as ~~the FST-4 form, with all documents are supporting papers,~~ is received and approved by the Bureau of Fire Standards and Training. The names of all instructors to be utilized in the training session, with certificate number and issue date, are to be added to this roster. Form FST-4 is incorporated by reference in subsection 69A-37.061(2), F.A.C., and The roster can be completed on line at www.floridastatefirecollege.org. obtained where indicated in subsection 69A-37.039(1), F.A.C.

Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1) FS. History—New 9-7-81, Formerly 4A-37.17, 4A-37.57, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, Formerly 4A-37.057, Amended 1-1-09.

69A-37.058 Verification of Prescribed Training Hours.

(1) At the completion of the Minimum Training Course Firefighter II training, on the date of the state certification examination, the instructor-in-charge of the course shall present to the Bureau of Fire Standards and Training Field Representative Form one DFS-K4 D14-1028 “Verification of Prescribed Training Hours,” signed by each instructor who taught a specific subject, as listed on Form DFS-K4 D14-1028.

(2) If Form DFS-K4 D14-1028 is not available for the Bureau of Fire Standards and Training Field Representative, the state certification examination will not be administered.

(3) Form DFS-K4 D14-1028 is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

(4) Proposed effective date January 1, 2009.

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, 12-10-01, Formerly 4A-37.058, Amended 1-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dave Casey, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Financial Services.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008, February 8, 2008, April 11, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLES:
69A-62.002	Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards
69A-62.003	Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes
69A-62.007	Minimum Requirements for Class 9 Protection
69A-62.021	General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs

PURPOSE AND EFFECT: To update NFPA standards adopted by reference, remove references to Firefighter I and Firefighter II, establish minimum safety standards for any person under

the authority of the firefighter employer at the scene of a fire to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such person has completed the training set forth in Part I of paragraph 69A-37.055(2)(a), F.A.C., and providing an effective date.

SUMMARY: Section 633.808, Florida Statutes, authorizes the Department to prescribe by rule the safeguards, devices, and other means of protection for the prevention of accidents in every firefighter employee place of employment or at any fire scene, the prevention of occupational diseases. Section 633.820, Florida Statutes, states that the rules apply to volunteer firefighters and volunteer fire departments. In addition to adopting updated National Fire Protection Standards relating to health and safety, the rules set forth the minimum training requirements that must be met by those not certified as firefighters, but under the authority of the firefighter employer at the scene of a fire, to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere. The rule provides an effective amendment date of January 1, 2009, to coincide with the effective date of proposed amendments to Chapter 69A-37, F.A.C., which set for the training requirements.

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

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

SPECIFIC AUTHORITY: 633.01(1), 633.45(1)(a), 633.804, 633.805, 633.808, 633.821 FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.802, 633.804, 633.805, 633.807, 633.808, 633.821 FS.

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

DATE AND TIME: Friday, September 12, 2008, 11:00 a.m.

PLACE: Assembly Hall, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: MaryAnn Benson at (351)369-2815. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dave Casey, Chief, Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Fighter Standards and Training, Florida State Fire Marshal, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-62.002 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards.

(1) The Department of Financial Services, Division of State Fire Marshal, adopts and incorporates as rules of the Division of State Fire Marshal the following standards as they pertain solely to firefighters and firefighter employers: The National Fire Protection Association, Inc., Standard 1500, Paragraph ~~7.15~~ ~~5-8~~ (Personal Alert Safety System [PASS]), ~~2007~~ ~~1997~~ edition. A PASS device shall be worn each time a Self-Contained Breathing Apparatus is required.

(2) No change.

(3) Proposed effective date January 1, 2009.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(a), 633.802, 633.821 FS. History—New 9-6-04, Amended 1-1-09.

69A-62.003 Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes.

(1) through (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident.

(a)1. Except as provided in subparagraphs 2., 3., and 4., no firefighter or any other person under the authority of the firefighter employer at the scene of a fire is permitted to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such firefighter or other person at the scene of a fire has completed the training set forth in Part I of paragraph 69A-37.055(2)(a), F.A.C. of is certified in this state by the division as a Firefighter I or a Firefighter II, as established in subsections (1) and (2) of Rule 69A 37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 69A 37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters but is also applicable to any other person working under the authority of the Firefighter Employer at the scene of a fire.

2.a. A volunteer firefighter who possesses the State Basic Volunteer certificate previously issued by the division is exempt from the ~~Firefighter I and Firefighter II~~ requirement in subparagraph (3)(a)1. The training encompassed in the basic volunteer certificate in itself may not meet “trained commensurate to duty” as defined depending upon duties or tasks assigned or undertaken in the exclusionary zone.

b. A volunteer firefighter who provides evidence of having completed curriculum equivalent to the training set forth in Part I of paragraph 69A-37.055(2)(a), F.A.C. Florida Firefighter I course of study as provided in subsection 69A-37.055(6), F.A.C., prior to January 1, 2004, is exempt from the ~~Firefighter I and Firefighter II~~ requirement in subparagraph (3)(a)1., if:

(I) The fire chief or other chief administrative officer of the fire department of which the firefighter is a member files with the State Fire Marshal form DFS-K4-1594, “~~Firefighter I Training Exemption Application,~~” effective _____, amended _____, which is hereby adopted and incorporated by reference, and

(II) The ~~said~~ form is accepted by the State Fire Marshal after confirmation of the evidence provided. Form DFS-K4-1594 may be obtained by writing the Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486.

~~e. Any volunteer exempted by sub-subparagraph a. or b. is permitted to take the Florida Firefighter I examination until December 31, 2005, upon the completion and filing with the division of form DFS K4 1380, “Firefighter I Training Record,” Rev. 03/00, adopted in Rule 69A-37.039, F.A.C., by a Florida-certified instructor that verifies equivalent training and demonstration of competency.~~

~~d. If:~~

~~(I) The fire chief or other chief administrative officer of the fire department fails or refuses to file form DFS-K4-1380 with the division, or~~

~~(II) The division is unable to accept such form because the evidence provided cannot be confirmed, the volunteer firefighter is not permitted to take the Firefighter I examination without first having successfully completed the Firefighter I course.~~

3. United States Department of Defense firefighters responding in their capacity as U.S. Department of Defense firefighters meeting equivalent U.S. Department of Defense qualifications are exempt from the ~~Florida Firefighter I and Firefighter II~~ requirement in subparagraph (3)(a)1.

4. Volunteer firefighters having NWCG S-130, S-190, and Standards for Survival certification by the Florida Division of Forestry are permitted to participate in wild land fire suppression without meeting the requirement of subparagraph (3)(a)1. the Firefighter I certification.

(b) No change.

(4)(a) In addition to the prohibition in subsection (3), no firefighter employer, regardless of whether such firefighter employer employs firefighters certified under Section 633.34, F.S. (2003), or utilizes volunteer firefighters, is permitted to allow any firefighter or other person at the scene of a fire to participate in any activity which is included in the standards adopted in Sections 633.801-821, F.S. (2003), or pursuant to this rule chapter unless such firefighter or other person at the scene of a fire has completed the training set forth in Part I of Rule 69A-37.055(2)(a), F.A.C. is a Florida certified Firefighter I as established in subsections (1) and (2) of Rule 69A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 69A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person operating in the exclusionary zone of a scene that would require the use of breathing apparatus, protective clothing, or specialized training required under Section 633.821(2), F.S.

(b) No change.

(5) Proposed effective date January 1, 2009.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History–New 11-21-01, Formerly 4A-62.003, Amended 9-6-04, 1-1-09.

69A-62.007 Minimum Requirements for Class 9 Protection.

(1) through (3) No change.

(4)(a) The chief of any fire department that includes volunteer firefighters shall maintain annually submit a current, complete Roster of Volunteer Firefighters to the State Fire Marshal utilizing form DFS-K4-1581, effective 05/04, which is hereby adopted and incorporated by reference, utilizing the online database found at www.floridastatefirecollege.org. ~~form DFS-K4-1581, effective 05/04, which is hereby adopted and incorporated by reference, no later than June 30 of each year. Form DFS-K4-1581 may be obtained by contacting the Division of State Fire Marshal, Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486 or at the division’s website located at <http://www.fldfs.com/SFM/>.~~ The roster shall include:

1. The fire department name;
2. The fire department identification number (FDID);
3. The complete fire department address;
4. The fire department contact person, telephone number and the fire department fax number, if any;
5. The certification level for each firefighter reported and, if any equivalency exemption has been issued, the number of persons for whom such exemption has been issued, and
6. ~~The firefighter certification number, the issue date of the certification, the status of the certification, i.e., volunteer or career, and the status of each firefighter who has been issued an equivalency exemption, i.e., volunteer or career, if any.~~

~~(b) Form DFS-K4-1581 The personnel roster need not be in any particular form; however, a personnel roster form containing the above information is available for the fire department's convenience and may be submitted if the chief of the fire department chooses. shall be completed by the Fire Chief or the designee of the chief. Such convenience form may be obtained at the division's website located at <http://www.fldfs.com/SFM/> or by writing to the Division of State Fire Marshal, Bureau of Fire Standards and Training, at 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486.~~

(5) Proposed effective date January 1, 2009.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History--New 9-6-04, Amended 1-1-09.

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

(1) through (2) No change.

(3) (a) through (c) No change.

~~(d) Each Basic Life Support (BLS) and each Advanced Life Support (ALS) provider, as described in Rules 64E 2.002 and 64E 2.003, F.A.C., respectively, shall authorized emergency vehicle operator shall possess documentation that document that he or she each driver has completed at least a 16-hour course of instruction on driving an authorized emergency vehicle, as defined by Section 316.003(1), F.S., which includes, at a minimum, classroom and behind-the-wheel training in a vehicle of the same size, type and class as the emergency vehicle operator will be assigned to operate, as outlined below:~~

1. Classroom Training.

a. Legal aspects of authorized emergency vehicle operators.

b. Selecting routes and reporting emergency operation.

c. The practice of defensive driving.

d. Accident avoidance.

e. Principles of vehicle control.

f. Routine safety checks of vehicle.

2. Practical.

a. Braking and control braking.

b. Backing; road position, fender judgment and steering technique.

c. Slalom; steering technique and chassis set.

d. Steering technique during a skid; a skid pad is optional.

e. Turn-around-steering technique; fender judgment, road position, controlled braking, controlled acceleration, understeer, oversteer and chassis set.

A list of approved courses/providers is posted on the "Firefighter Safety and Health" webpage at <http://www.myfloridacfo.com/sfm/bfst/SafetyHealth/SafetyFor.ms.htm> ~~<http://www.fldfs.com/sfm>~~ or may be obtained from the Safety Program Office of the Bureau of Fire Standards and

Training by calling at (352)369-2800. Fire Department or Training Center requests for the approval of other courses must be directed to the same office.

(f) through (m) No change.

(4) through (7) No change.

(8) Proposed effective date January 1, 2009.

Specific Authority 633.804, 633.805, 633.808, 633.821 FS. Law Implemented 633.804, 633.805, 633.807, 633.808, 633.821 FS. History--New 9-6-04, Amended 6-6-07, 1-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dave Casey, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 16, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE NO.: RULE TITLE:

69D-1.003 Review Process and Reward Criteria

PURPOSE AND EFFECT: To accommodate the change from three chapter presidents of the Florida Association of Special Investigations Units (FASIU) to five chapter Presidents; and to reflect an organizational change within the Division of Insurance Fraud.

SUMMARY: At the time that the original rule was promulgated, there were only three chapters of the Florida Association of Special Investigations Units, with each chapter represented by a president. Each of the three chapters is represented on the committee that reviews anti-fraud grants in accordance with Section 626.989, F.S. There are currently five chapters of the FASIU. This rule modification seeks to reflect the change in chapters of the Florida Association of Special Investigations Units and address the need for representation for each chapter.

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

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

SPECIFIC AUTHORITY: 624.308, 626.9892 FS.

LAW IMPLEMENTED: 624.307, 626.9892 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: Mark Schlein, 200 E. Gaines Street, Tallahassee, FL 32399, Mark.Schlein@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69D-1.003 Review Process and Reward Criteria.

(1) No change.

(2) Applications will be reviewed by a committee, consisting of each of the ~~five~~ ~~three~~ chapter presidents of the Florida Association of Special Investigation Units or their designees, ~~three regional supervisors of the Division of Insurance Fraud~~, the Director of the Division of Insurance Fraud, and any personnel appointed by the Director.

(3) through (10) No change.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New 6-6-05, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Schlein, Deputy Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark Schlein, Deputy Director, Division of Insurance Fraud

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

RULE NOS.:	RULE TITLES:
69U-100.100	Authority, Purpose, and Scope
69U-100.101	Definitions Concerning Debt Cancellation Products
69U-100.102	Prohibited Practices
69U-100.103	Refunds
69U-100.104	Method of Payment or Fees
69U-100.105	Disclosures
69U-100.106	Affirmative Election to Purchase and Acknowledgement of Receipt of Disclosures Required

PURPOSE AND EFFECT: Currently, financial institutions may offer debt cancellation products pursuant to an Order of General Application that was issued by the Office of Financial Regulation on February 1, 2006. During the 2008 regular session, the Florida Legislature passed HB 343, which, among other things, codifies this authority in statute. HB 343 was signed into law (Chapter 2008-75, Laws of Florida) on May 28, 2008, and will take effect on October 1, 2008. The new law provides authority for financial institutions to offer debt cancellation products, and charge fees for such products, in connection with the loans, leases, and similar extensions of credit made by the financial institutions pursuant to Sections 655.947 and 655.954, F.S. The proposed rules implement the

new law by setting forth standards that will apply to debt cancellation products offered by financial institutions. The purpose of these standards is to ensure that financial institutions offer debt cancellation products consistent with safe and sound financial institution practices, and subject to appropriate consumer protection. The proposed rules apply to all contracts and agreements for debt cancellation products entered into by financial institutions in connection with extensions of credit they make, purchase, or assume. The proposed rules are based on and consistent with federal regulations set forth in 12 C.F.R. Part 37 (2008).

SUMMARY: Chapter 2008-75, Laws of Florida, provides authority for financial institutions to offer debt cancellation products, and charge fees for such products, in connection with the loans, leases, and similar extensions of credit made by the financial institutions pursuant to Sections 655.947 and 655.954, F.S. The proposed rules implement the new law by setting forth standards that will apply to debt cancellation products offered by financial institutions.

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

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

SPECIFIC AUTHORITY: 655.012(2), 655.947(3) FS.

LAW IMPLEMENTED: 655.947, 655.954 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: Bruce Kuhse, Chief Counsel, Division of Financial Institutions, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9896, Bruce.Kuhse@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69U-100.100 Authority, Purpose, and Scope.

(1) Financial institutions may offer debt cancellation products, and charge fees for such products, in connection with the loans, leases, and similar extensions of credit made by the financial institutions, pursuant to Sections 655.947 and 655.954, F.S., and the rules and orders of the Commission and the Office.

(2) Rules 69U-100.100 – 69U-100.106, F.A.C., set forth the standards that apply to debt cancellation products offered by financial institutions. The purpose of these standards is to ensure that financial institutions offer debt cancellation products consistent with safe and sound financial institution practices, and subject to appropriate consumer protection.

(3) Rules 69U-100.100 – 69U-100.106, F.A.C., apply to all contracts and agreements for debt cancellation products entered into by financial institutions in connection with extensions of credit they make, purchase, or assume.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.101 Definitions Concerning Debt Cancellation Products.

For the purposes of Rules 69U-100.100 – 69U-100.106, F.A.C., the following definitions apply:

(1) “Actuarial method” means the system of allocating payments made on a debt between the amount financed and the finance charge pursuant to which a payment is applied first to the accumulated finance charge and any remainder is subtracted from, or any deficiency is added to, the unpaid balance of the amount financed.

(2) “Closed-end credit” means consumer credit other than open-end credit as defined in these rules.

(3) “Customer” means an individual who obtains an extension of credit from a financial institution primarily for personal, family, or household purposes.

(4) “Debt cancellation products” shall have same meaning as defined in Section 655.005(1), F.S.

(5) “Debt suspension agreement” means a loan or lease term, or other contractual arrangement modifying loan or lease terms, under which a financial institution agrees to suspend all or part of a customer’s obligation to repay an extension of credit from that financial institution upon the occurrence of a specified event. The agreement may be separate from, or a part of, other loan or lease documents. The term debt suspension agreement does not include loan or lease payment deferral arrangements in which the triggering event is the borrower’s unilateral election to defer repayment, or the financial institution’s unilateral decision to allow a deferral of repayment.

(6) “Financial institution” shall have the same meaning as defined in Section 655.947, F.S.

(7) “Open-end credit” means consumer credit extended by a financial institution under a plan in which:

(a) The financial institution reasonably contemplates repeated transactions;

(b) The financial institution may impose a finance charge from time to time on an outstanding unpaid balance; and

(c) The amount of the credit that may be extended to the customer during the term of the plan (up to any limit set by the financial institution) is generally made available to the extent that any outstanding balance is repaid.

(8) “Residential mortgage loan” means a loan secured by 1-to-4 family residential real property.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.102 Prohibited Practices.

(1) A financial institution may not extend credit nor alter the terms or conditions of an extension of credit conditioned upon the customer entering into a debt cancellation product with the financial institution.

(2) A financial institution may not engage in any practice or use an advertisement that could mislead or otherwise cause a reasonable person to reach an erroneous belief with respect to information that must be disclosed under Rules 69U-100.101 – 69U-100.106, F.A.C.

(3) A financial institution may not offer debt cancellation products that contain terms:

(a) Giving the financial institution the right unilaterally to modify the debt cancellation product unless:

1. The modification is more favorable to the customer and made without additional charge to the customer; or

2. The customer is notified of any proposed change and is provided a reasonable opportunity to cancel the debt cancellation product without penalty before the change goes into effect; or

(b) Requiring a lump sum, single payment for the debt cancellation agreement payable at the outset of the debt cancellation agreement, where the debt subject to the debt cancellation agreement is a residential mortgage loan.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.103 Refunds.

(1) If a debt cancellation product is terminated (including, for example, when the customer prepays the covered loan), the financial institution shall refund to the customer any unearned fees paid for the debt cancellation product unless the debt cancellation product provides otherwise. A financial institution may offer a customer a debt cancellation product that does not provide for a refund only if the financial institution also offers that customer a bona fide option to purchase a comparable debt cancellation product that provides for a refund.

(2) The financial institution shall calculate the amount of a refund using a method at least as favorable to the customer as the actuarial method.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.104 Method of Payment or Fees.

Except as provided in paragraph 69U-100.102(3)(b), F.A.C., a financial institution may offer a customer the option of paying the fee for a debt cancellation product in a single fee, provided the financial institution also offers the customer a bona fide option of paying the fee for that debt cancellation product in monthly or other periodic payments. The option of monthly or periodic payments need not be offered for any debt cancellation product designed to protect a customer against a deficiency between the outstanding loan or lease amount and

the value of the motor vehicle that is used as collateral for the loan. If the financial institution offers the customer the option to finance the single payment by adding it to the amount the customer is borrowing, the financial institution must also disclose to the customer, in accordance with Rule 69U-100.105, F.A.C., whether and, if so, the time period during which, the customer may cancel the agreement and receive a refund.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.105 Disclosures.

(1) The short form of disclosures required by these rules must include the information described in Form OFR-U-XX, “Debt Cancellation Products – Short Form Disclosures”, effective XX-XX-2008, which is hereby incorporated by reference, that is appropriate to the product offered. Short form disclosures made in a form that is substantially similar to the disclosures in Form OFR-U-XX will satisfy the short form disclosure requirements of this rule.

(2) The long form of disclosures required by these rules must include the information described in Form OFR-U-YY, “Debt Cancellation Products – Long Form Disclosures”, effective XX-XX-2008, which is hereby incorporated by reference, that is appropriate to the product offered. Long form disclosures made in a form that is substantially similar to the disclosures in Form OFR-U-YY, “Debt Cancellation Products – Long Form Disclosures”, will satisfy the long form disclosure requirements of this rule.

(3) The financial institution shall make the short form disclosures orally or in writing at the time the financial institution first solicits the purchase of a debt cancellation product.

(4) The financial institution shall make the long form disclosures in writing before the customer completes the purchase of the debt cancellation product. If the initial solicitation occurs in person, then the financial institution shall provide the long form disclosures at that time.

(5) If the debt cancellation product is solicited by telephone, the financial institution shall provide the short form disclosures orally and shall mail the long form disclosures, and, if appropriate, a copy of the debt cancellation product contract or agreement to the customer within 3 business days, beginning on the first business day after the telephone solicitation.

(6) If the debt cancellation product is solicited through written materials such as mail inserts or “take one” applications, the financial institution may provide only the short form disclosures in the written materials if the financial institution mails the long form disclosures to the customer within 3 business days, beginning on the first business day after the customer contacts the financial institution to respond to the solicitation, subject to the requirements of subsection 69U-100.106(3), F.A.C.

(7) The disclosures provided in this rule may be provided through electronic media in a manner consistent with the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001, et seq., which is hereby incorporated by reference, and Ch. 668, F.S.

(8) The disclosures required by this rule must be conspicuous, simple, direct, readily understandable, and designed to call attention to the nature and significance of the information provided.

(9) The disclosures required by this rule must be in a meaningful form. Examples of methods that could call attention to the nature and significance of the information provided include:

(a) A plain-language heading to call attention to the disclosures;

(b) A typeface and type size that are easy to read;

(c) Wide margins and ample line spacing;

(d) Boldface of italics for key words; and

(e) Distinctive type style, and graphic devices, such as shading or sidebars, when the disclosures are combined with other information.

(10) The short form disclosures are required in advertisements and promotional materials for debt cancellation products unless the advertisements and promotional materials are of a general nature describing or listing the services or products offered by the financial institution.

(11) All forms and federal statutes referenced in this rule may be obtained from the Office of Financial Regulation’s website (www.flofr.com), or by mail by submitting a request to the Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0371.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.106 Affirmative Election to Purchase and Acknowledgment of Receipt of Disclosures Required.

(1) Before entering into a debt cancellation product, the financial institution must obtain a customer’s written affirmative election to purchase a debt cancellation product and written acknowledgment of receipt of the disclosures required by subsection 69U-100.105(2), F.A.C. The election and acknowledgment information must be conspicuous, simple, direct, readily understandable, and designed to call attention to their significance. The election and acknowledgment satisfy these standards if they conform with the requirements of subsection 69U-100.105(2), F.A.C.

(2) If the sale of a debt cancellation product occurs by telephone, the customer’s affirmative election to purchase may be made orally, provided the financial institution:

(a) Maintains sufficient documentation to show that the customer received the short form disclosures and then affirmatively elected to purchase the debt cancellation product;

(b) Mails the affirmative written election and written acknowledgment, together with the long form disclosures required Rule 69U-100.105, F.A.C., to the customer within 3 business days after the telephone solicitation, and maintains sufficient documentation to show it made reasonable efforts to obtain the documents from the customer; and

(c) Permits the customer to cancel the purchase of the debt cancellation product without penalty within 30 days after the financial institution has mailed the long form disclosures to the customer.

(3) If the contract is solicited through written mail inserts or "take one" applications and the financial institution provides only the short form disclosures in the written materials, then the financial institution shall mail acknowledgment of the receipt of disclosures, together with the long form disclosures required by Rule 69U-100.105, F.A.C., to the customer within 3 business days, beginning on the first business day after customer contacts the financial institution or otherwise responds to the solicitation. The financial institution may not obligate the customer to pay for the debt cancellation product until after the financial institution has received the customer's written acknowledgment of receipt of disclosures unless the financial institution:

(a) Maintains sufficient documentation to show that the financial institution provided the acknowledgment of receipt of disclosures to the customer as required by this rule;

(b) Maintains sufficient documentation to show that the financial institution made reasonable efforts to obtain from the customer a written acknowledgment of receipt of the long form disclosures; and

(c) Permits the customer to cancel the purchase of the debt cancellation product without penalty within 30 days after the financial institution has mailed the long form disclosures to the customer.

(4) The affirmative election and acknowledgment may be made electronically in a manner consistent with the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., which is incorporated by reference in Rule 69U-100.105, F.A.C., and Ch. 668, F.S.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bruce Kuhse, Chief Counsel, Division of Financial Institutions, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9896, Bruce.Kuhse@flofr.com
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.094221
RULE TITLE: Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly.

Subsection (2) is amended to read:

(2)(b) To promote a student using the SAT-9 or SAT-10 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 on FCAT Reading must score at or above the 51st percentile on the SAT-9 or at or above the 45th percentile on the Reading SAT-10. The SAT-9 or SAT-10 may only be administered two (2) times if there are at least thirty (30) days between administrations and different test forms are administered ~~one (1) time~~.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.733
RULE TITLE: Visiting – Special Status Inmates

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 27, July 3, 2008 issue of the Florida Administrative Weekly.

33-601.733 Visiting – Special Status Inmates.

(1) through (3) No change.

(4) An inmate housed in a mental health unit shall ~~not~~ be permitted visits except as ~~prohibited~~ authorized by the warden and chief health officer on a case-by-case basis.

(5) through (6) No change.