

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-37.039 Prescribed Forms for Training and Certification.

(1) No change.

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

(a) through (ww) No change.

(xx) DFS-K4-2174, "Application for Firefighter Assistance Grant Program," eff. 7/16.

Rulemaking Authority 633.104, 633.128(1)(l), 633.135(3), 633.216(9), 633.406(2), 633.418(1), 633.508(2) FS. Law Implemented 633.112(1), 633.128, 633.135, 633.138, 633.216, 633.406, 633.408, 633.412, 633.418, 633.508(2) FS. History—New 9-7-81, Formerly 4A-37.20, 4A-37.39, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 9-13-98, 12-10-01, Formerly 4A-37.039, Amended 3-19-09, 8-27-12, 8-20-13, 11-18-13, 2-15-15 (f), 2-15-15 (ee)-(ii), 7-13-16, _____.

69A-37.501 Definitions. The following terms will have these meanings for purposes of Rules 69A-37.501 and 69A-37.502, F.A.C.:

(1) "Combination fire department" means a fire service provider utilizing a combination of volunteer and career firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The combination fire department shall have at least 30% of its roster identified as volunteer firefighters to qualify as a combination fire department under the Firefighter Assistance Grant Program.

(2) "Volunteer fire department" means a fire service provider utilizing only volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property.

(3) "Grantee" means the recipient of the grant award from the Division of State Fire Marshal. The grantee shall be the fire service provider organized and operating in the state of Florida as a volunteer fire department or combination fire department.

(4) "Fire service provider" means a municipality or county, the state, the Division, or any political subdivision of the state, including authorities and special districts, that employs firefighters or uses volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property. The term includes any organization under contract or other agreement with such entity to provide such services.

(5) "NFPA" means the National Fire Protection Association.

(6) "Personal protective equipment" (PPE) means the firefighter personal protective equipment, including structural firefighting protective ensembles and individual ensemble elements that comply with NFPA® 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting Handbook (2014 Edition), which is hereby incorporated by reference. NFPA® 1851 is copyrighted material that cannot be copied but may be: (i) viewed during regular business hours at the Division of State Fire Marshal, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida; (ii) accessed in a read-only, non-printable, non-downloadable format at the NFPA's free access website at <http://www.nfpa.org/codes-and-standards/free-access>; or (iii) purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. For purposes of the Firefighter Assistance Grant Program, one set of PPE includes the following:

(a) One coat;

(b) One pair of pants;

(c) One helmet;

(d) One pair of gloves;

(e) One protective hood;

(f) One faceshield or goggles;

(g) One pair of footwear; and

(h) One pair of suspenders.

(7) "Self-contained breathing apparatus" (SCBA) means the breathing apparatus that complies with the NFPA® 1852, Standard on Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA) (2013 Edition), which is hereby incorporated by reference. NFPA® 1852 is copyrighted material that cannot be copied but may be: (i) viewed during regular business hours at the Division of State Fire Marshal, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida; (ii) accessed in a read-only, non-printable, non-downloadable format at the NFPA's website at <http://www.nfpa.org/codes-and-standards/free-access>; or (iii) purchased by writing to

the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. SCBA issued under this grant program shall have automatic-on or integrated personal alert safety system (PASS) devices. For purposes of the Firefighter Assistance Grant Program, one SCBA set includes the following:

- (a) One high pressure tank;
- (b) One pressure regulator;
- (c) One face mask;
- (d) One personal alarm device; and
- (e) One SCBA harness.

(8) “Pumper fire apparatus” means a vehicle designed to be used by a fire service provider under emergency conditions to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations. This definition does not include aerial devices. For purposes of the Firefighter Assistance Grant Program, this apparatus shall fully comply with Chapter 5 of the NFPA® 1901, Standard for Automotive Fire Apparatus (2016 Edition), which is hereby incorporated by reference. Chapter 5 of NFPA® 1901 is copyrighted material that cannot be copied but may be: (i) viewed during regular business hours at the Division of State Fire Marshal, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida; (ii) accessed in a read-only, non-printable, non-downloadable format at the NFPA’s free access website at <http://www.nfpa.org/codes-and-standards/free-access>; or (iii) purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

(9) “Division” means the Division of State Fire Marshal.

Rulemaking Authority 633.135(3) FS. Law Implemented 633.135 FS. History – New

69A-37.502 Firefighter Assistance Grant Program.

(1) The Firefighter Assistance Grant Program is established pursuant to section 633.135, F.S. The Firefighter Assistance Grant Program is created within the Division of State Fire Marshal to improve the emergency response capability of volunteer fire departments and combination fire departments. The program shall provide financial assistance to improve firefighter safety and enable such fire departments to provide firefighting, emergency medical, and rescue services to their communities. This grant program shall only be carried out when funds have been allocated by the legislature to the Division for the grant period. To participate in the Firefighter Assistance Grant Program, an eligible fire service provider shall mail a completed Form DFS-K4-2174, Application for Firefighter Assistance Grant Program, to the Division of State Fire Marshal, Bureau of Fire Standards and Training, 11655 NW Gainesville Road, Ocala, Florida 34482. Form DFS-K4-2174 is incorporated by reference in subsection 69A-37.039(2), F.A.C., and is available at the following link: http://floridastatecollege_grant_application_asp.

(2) Purpose and objective. The purpose of this program is to provide funding to fire departments to use to provide volunteer firefighter training and procure necessary firefighter personal protective equipment, self-contained breathing apparatus equipment, and pumper fire apparatus. The objective of this program is to award grants directly to eligible fire departments in order to have an immediate impact on the safety of firefighters and to improve the emergency response capability of volunteer fire departments and combination fire departments.

(3) Eligibility.

(a) Eligible applicants are fire service providers organized and operating in the state of Florida as a volunteer fire department or combination fire department that meet all of the following requirements:

1. Is a fire service provider as defined by subsection 69A-37.501(4), F.A.C.;
2. Has been organized as a fire department for a consecutive period of not less than five (5) years;
3. Is recorded as a fire department in the Division’s online electronic database;
4. Has a Florida fire department identification (FDID) number as defined in Rule 69A-66.007, F.A.C.;
5. Has submitted the Florida Fire Service Needs Assessment Survey found at this link: http://floridastatefirecollege_needs_survey_asp. The applicant shall have completed this survey during the most recent survey period of April 1st through May 31st in the same calendar year of the Firefighter Assistance Grant Program application period start date, however, for the first year of this program, the Department waives the submittal deadline; and,
6. Is compliant with the Florida Firefighters Occupational Health and Safety Act (Sections 633.502-633.536, F.S.) or has a plan for correction for any noncompliance issue filed with the Division. The applicant must have

completed a compliance inspection within the previous three years of the grant award or agree to have a compliance inspection conducted prior to the grant award.

(b) In addition to the requirements of subparagraphs (3)(a)1.-6., volunteer fire departments must have a written agreement in effect between the fire service provider and the volunteer fire department at the time of application.

(c) To remain eligible, volunteer fire departments must maintain a written agreement between the fire service provider and the volunteer fire department during the grant period.

(d) To remain eligible, volunteer fire departments and combination fire departments must submit fire incident data as required in Rule 69A-66.004, F.A.C., for a period of twelve months following the date of grant award;

(4) Ineligible organizations.

(a) Fire service providers that are federal government entities or contracted by the federal government and are primarily responsible for suppression of fires, emergency medical, or rescue services on federal installations or land are not eligible.

(b) Fire service providers that are primarily responsible for suppression of fires, emergency medical, or rescue services on federal or state military bases are not eligible.

(c) Fire service providers that are primarily responsible for suppression of fires, emergency medical, or rescue services on federal or state Indian lands are not eligible.

(d) Fire brigades or any private fire department that operates independent of a municipality or county, the state, the Division, or any political subdivision of the state, including authorities and special districts, are not eligible.

(5) Notice of Firefighter Assistance Grant Program. The Division shall publish notice of the availability of grants from the Firefighter Assistance Grant Program on the Division website annually after July 1st and no later than July 31st; however, for the first year of this program this deadline shall not apply. This notice shall include:

(a) Notification of grant period;

(b) Notification of application submission start date;

(c) Application instructions;

(d) Notification of application submission deadline date; and

(e) The total dollar amount of the available grant funds;

(6) Notification of Firefighter Assistance Grant Program awards.

(a) The Division shall notify grantees and publish notice of grant awards on the Division website within 60 days of the application submission deadline date. The grantee shall notify the Division of its acceptance of the grant award within 30 calendar days of award notification by email to: firefightergrant@myfloridacfo.com.

(b) The Division shall publish on the Division website the list of all grant applicants and grant award outcomes no later than 60 days after notifying grant award grantees. The Division's list shall include: the name of each applicant, requested uses for funds sought, and the outcome of the application status. The status shall be recorded as: eligible – grant awarded; or, eligible – funding not available; or, ineligible.

(c) Awarded grant funds shall be administered pursuant to a written agreement between the Department and the grant applicant. If a grant agreement is not executed within 90 days of the announcement of award, the Department will rescind its notice of award of funds to the grant applicant.

(7) Supplemental grant award. The Division shall issue supplemental grant awards to eligible grantees to replace applicants who did not respond to the notification of firefighter assistance grant awards or did not execute a agreement under subsection (6). The Division shall not issue any supplemental grant awards after March 31st of the state of Florida's fiscal year for which the grants funds were allocated.

(8) Volunteer firefighter training.

(a) The Division shall provide the classroom part of volunteer firefighter training using online instruction at no cost to the grantee. Additionally, the Division shall issue grant awards to grantees to conduct the practical skill training contained in the volunteer firefighter curriculum defined in paragraph 69A-37.055(2)(a), F.A.C. Grant requests for practical skill training shall include the following information in the narrative section of Form DFS-K4-2174, Application for Firefighter Assistance Grant Program:

1. Number of proposed students;

2. Dates of proposed practical skill training sessions; and
3. Names of proposed instructors and their instructor certification numbers.
4. Quotes for required expenditures to provide this training.

(b) The Division shall reimburse the grantee the pre-approved instructional costs upon receipt of documentation that the pre-approved expenses have been paid and documentation verifying the actual number of students attending the training, the dates the sections were held, the instructors names and certification number, and the names of the students issued a Volunteer Firefighter Certificate of Completion by the Division within the grant period. Requests for class offering approval shall be electronically submitted using the Class Offering Approval Request, Form DFS-K4-2167, at this link: https://floridastatefirecollege.org/provider/pr_offering_app.asp. Form DFS-K4-2167 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 instructor providing training under subsection (8) must be qualified and approved by the Division. Instructors shall electronically submit an Instructor Approval Request, Form DFS-K4-2168, to obtain Division approval prior to the first day of the course, at this link: https://floridastatefirecollege.org/provider/pr_instructor_app.asp. Form DFS-K4-2168 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.

(9) Personal protective equipment (PPE).

(a) The Division shall award grants to eligible grantees to be used to purchase a set of PPE that complies with the standards of NFPA® 1851 referenced in subsection 69A-37.501(6), F.A.C. Grantees shall issue this PPE to members of their fire department that hold an active Volunteer Firefighter Certificate of Completion or a Certificate of Compliance issued by the Division. The grantee shall be the sole owner of all PPE purchased with grant funds awarded through the Firefighter Assistance Grant Program. This PPE shall only be assigned to firefighters that are on the roster of the fire service provider and recorded in the Division's online electronic database. This PPE shall not be relocated, distributed, gifted, or loaned to any other fire service provider, or individual.

(b) In the event that an individual originally assigned the PPE separates from the grantee's volunteer or combination fire department, the PPE remains the property of the grantee and shall be newly assigned to another member of the fire department that is on the roster of the fire service provider and recorded in the Division's online electronic database.

(c) Any application for a grant award to purchase PPE shall include an inventory list of all PPE currently in use by the applicant's volunteer or combination fire department. This inventory shall be listed in the narrative section of Form DFS-K4-2174, Application for Firefighter Assistance Grant Program.

(d) Grants authorizing the purchase of PPE shall be awarded by the Division to eligible grantees with individuals that possess an active Volunteer Firefighter Certificate of Completion or Certificate of Compliance in the following priority sequence:

1. Awarded first to such grantees to be assigned to individuals who do not possess PPE; then,
2. Awarded second to such grantees to be assigned to individuals to replace PPE that is a minimum of two NFPA cycles and ten (10) years of age or older; then,
3. Awarded last to such grantees to be assigned to individuals to replace PPE that is a minimum of one NFPA cycle and five (5) years of age or older.

(e) The Division shall award grants for the purchase of PPE under paragraph (9)(d) to such grantees in the first priority under subparagraph (9)(d)1., before awarding grants to the second priority. The Division shall then award grants for the purchase of PPE under paragraph (9)(d) to such grantees in the second priority under subparagraph (9)(d)2., before awarding PPE equipment to the third priority.

(10) Self-contained breathing apparatus (SCBA).

(a) The Division shall award grants to eligible grantees to be used to purchase a set of SCBA that complies with the standards of NFPA® 1852 referenced in subsection 69A-37.501(7), F.A.C. The SCBA purchased by a grantee with grant funds awarded through the Firefighter Assistance Grant Program shall be for the sole and proprietary use of the grantee. This SCBA may be shared to facilitate all-hazard responses with other fire service providers during emergency responses; however, this SCBA shall not be relocated, distributed, gifted, or loaned to any other fire service provider or individual.

(b) Grant awards authorizing the purchase of SCBA shall be awarded by the Division to eligible grantees in the following priority sequence:

1. Awarded first to any grantee to assign SCBA to firefighters in seated riding positions on the grantee's pumper fire apparatus that do not possess SCBA; then.

2. Awarded second to any grantee to replace SCBA to firefighters in seated riding positions on the grantee's pumper fire apparatus that is a minimum of two NFPA cycles and ten (10) years of age or older; then.

3. Awarded last to grantees to replace SCBA to firefighters in seated riding positions on the grantee's pumper fire apparatus that is a minimum of one NFPA cycle and five (5) years of age or older.

(c) The Division shall award grants for the purchase of SCBA under paragraph (10)(b) to all eligible grantees in the first priority under subparagraph (10)(b)1., before awarding grants for the purchase of SCBA equipment to all eligible grantees in the second priority. The Division shall initially award grants for the purchase of no more than five (5) sets of SCBA to any single grantee under the first priority.

(d) The Division shall award grants for the purchase of SCBA under paragraph (10)(b) to all eligible grantees in the second priority under subparagraph (10)(b)2., before awarding grants for the purchase of SCBA equipment to all eligible grantees in the last priority. The Division shall initially award grants for the purchase of no more than five (5) sets of SCBA to any single grantee under the second priority.

(e) The Division shall lastly award grants for the purchase of SCBA under paragraph (10)(b) to all eligible grantees in the third priority under subparagraph (10)(b)3. The Division shall initially award grants for the purchase of no more than five (5) sets of SCBA to any single grantee under the third priority.

(11) Pumper fire apparatus cost-sharing and pumper fire apparatus awards. The Division shall award funds to subsidize the cost-sharing part of the grantee's Federal Emergency Management Administration (FEMA) Assistance to Firefighters Grant (AFG) to obtain pumper fire apparatus. The Division shall first award funds authorized under this rule to all eligible grantees under subsections (8), (9) and (10), prior to funding pumper fire apparatus purchase or pumper fire apparatus cost-sharing.

(a) Pumper fire apparatus cost-sharing subsidy.

1. The Division shall first award funds to eligible grantees to subsidize the cost share when the grantee has been awarded a FEMA AFG grant to obtain a pumper fire apparatus. The Division shall provide funds in the amount equal to, but not more than, five percent (5%) of the FEMA AFG grant awarded. Applicants under paragraph (11)(a) shall attach a copy of the FEMA AFG Summary Award Notification to Form DFS-K4-2174, Application for Firefighter Assistance Grant Program. The FEMA AFG Summary Award Notification shall include:

a. Name of grantee;

b. Amount awarded;

c. Grantee share of cost; and

d. Period of grant performance.

2. The Division shall prioritize awards of cost-sharing subsidy under paragraph (11)(a) based on the period of grant performance ending date recorded in the grantee's FEMA AFG Summary Award Notification. Awards shall be made by the Division sequentially beginning with the first award to the grantee with the earliest period of performance end date.

(b) Grant awards to purchase pumper fire apparatus.

1. The Division shall award grants for the purchase of pumper fire apparatus directly to eligible grantees. The pumper fire apparatus purchased by the grantee may be new or refurbished and shall comply with the standards in NFPA® 1901 referenced in subsection 69A-37.501(8), F.A.C., at the time of the award. The grantee shall be the sole and proprietary owner of the pumper fire apparatus purchased by a grantee with grant funds awarded through the Firefighter Assistance Grant Program. The grantee shall obtain and maintain insurance coverage for the pumper fire apparatus. The pumper fire apparatus shall not be relocated, distributed, gifted, or loaned to any other fire service provider or individual. The pumper fire apparatus shall not be modified by any means without the prior written approval of the Division. Ownership of the pumper fire apparatus may not be changed without the prior written approval of the Department.

2. Applicants requesting a grant award for the purchase of pumper fire apparatus under paragraph (11)(b), shall:

a. Only utilize personnel to operate the pumper fire apparatus who meet the training requirements set forth in paragraph 69A-62.021(3)(d), F.A.C.;

b. Attach a complete vehicle inventory list to Form DFS-K4-2174, Application for Firefighter Assistance Grant

Program. The vehicle inventory list shall include: year, make, model, odometer reading, and engine hour reading of each vehicle; and.

c. Attach photos of each vehicle listed on the vehicle inventory to Form DFS-K4-2174, Application for Firefighter Assistance Grant Program.

3. The Division shall award grants for the purchase of pumper fire apparatus to eligible grantees based on age of apparatus to be replaced, then based on miles on apparatus to be replaced. Any grantee that has received a grant to replace an unsafe fire apparatus shall be required to permanently remove the replaced vehicle from its vehicle inventory until deemed to be safe for operation by a certified Emergency Vehicle Technician. The grantee shall not loan, relocate, distribute, gift, sell, or transfer the unsafe fire apparatus to any other fire service provider.

Rulemaking Authority 633.135(3) FS. Law Implemented 633.135 FS. History – New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Tucker, Superintendent

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 06/23/2016 & 08/03/2016