



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER WILTON SIMPSON

IMPORTANT NOTICE

DATE: July 5, 2023

TO: Firearms Instructors and Security Officer Schools and Training Facilities regulated by Chapter 493, Florida Statutes

FROM: Sean Garner, Director, Division of Licensing

SUBJECT: Amendments to Rules 5N-1.132, 5N-1.140, and 5N-1.142, Florida Administrative Code (F.A.C.)

The Division of Licensing (DOL) recently filed for adoption amendments to Rules 5N-1.132, 5N-1.140, and 5N-1.142, F.A.C. as authorized by sections 493.6303, 493.6105 and 493.6132, Florida Statutes.

The amendments establish rules relating to Class “D” and “G” online trainings, the method of the online class delivery, online security protocols, recordkeeping requirements, and reporting requirements for Class “K” Firearms Instructors and Class “DS” Security Officer Schools and Training Facilities. The rules also update materials and forms incorporated by reference and introduce a new online training portal to be used by Class “DS” schools and Class “K” instructors to report training and generate training certificates on required department forms.

The rules will take effect on **July 19, 2023**. The amended text of the rules will be available through the Florida Administrative Code website on that day, please see the web resources at the end of this notice for links to each Rule.

In anticipation of the adoption of these rules, the division will make available through our website the incorporated materials and launch the Online Training Reporting Portal to class “DS” schools and Class “K” instructors on **July 10, 2023**. The portal will be fully functional and industry members will be able to access and begin reporting training/generating certificates.

Please review the attached document describing the rule amendments. If you have any questions regarding these amendments, please contact our Public Inquiry section at (850) 245-5691.

Amendments to Rules 5N-1.132, 5N-1.140 and 5N-1.142, F.A.C. Adopted July 19, 2023

This document has been prepared to provide industry with a description and breakdown of statute and rule changes in clear simple terms. The information contained in this document does not supersede the statute or adopted rules. Full copies of the rule texts may be accessible through the Florida Administrative Code on or after July 19, 2023. Please see the web resources listed at the end of the document for links to relevant websites.

Statute and Rule Changes Pertinent to Class “K” Instructors

- The 20-hour classroom training for Class “G” licenses can now be partially or fully taught online. The 8-hour range training must continue to be taught in person.
- Firearms training can now be taught by one or more Class “K” firearms instructors.
- Use of triplicate paper-form of the Certificate of Firearms Proficiency (COFP) has been eliminated.
- Starting July 19, 2023, Class “K” instructors will be required to set up an account through the Licensing Information and Alert System (LIAS), to report training and generate certificates of firearm proficiency via the Online Training Reporting portal accessible through LIAS. **The Online Training Reporting portal will be available through LIAS July 10, 2023, as a soft-launch**, and Class “K” instructors will be allowed to set up accounts and start using the system on that day.
 - A link to LIAS is provided at the end of this document.
- The training certificates generated using the Online Training Reporting portal will contain a unique Audit Control Number (ACN), that will be used by the division to validate training. As a result, the requirement that Class “G” applicants provide their “original” proof of training directly to DOL was eliminated, meaning that they can now submit their training certificates to DOL via other methods (i.e. fax, email).

Updates to Firearms Instruction

(Refer to subsections 5N-1.132(4)(a)-(d), F.A.C. for complete text in the adopted rule)

- All classroom instruction must be conducted by in-person instruction; or live online instruction through a secure website, provided the applicant’s identity, attendance and successful completion of training are verified by the instructor.
- Class “K” instructors must generate training certificates (COFP) via the Online Reporting Portal accessible through LIAS for each student who completes training
- Firearms instructors must conduct the firearm training live to allow for necessary student teacher interaction in real time (simultaneously) when teaching students to use firearms.
- If a 28-hour class is taught by more than one instructor, then each Class “K” instructor is responsible for generating a certificate for each student for the number of hours of class the instructor taught.
- Class “K” instructors must provide students with either an electronic or paper copy of each reported Certificate of Firearm Proficiency within 3 business days of class completion.
- Class “K” instructors must retain a copy of all completed COFP.

- Class “K” instructors may generate a duplicate COFP, through the Online Training Portal, and provide it to a student who lost their copy.

Updates to Firearms Instructor Recordkeeping Requirements.

(Refer to subsection 5N-1.132(4)(e), F.A.C. for complete text in the adopted rule)

- Class “K” instructors must maintain:
 - A daily class schedule that includes the date, location, and instructor’s name and license number for each class.
 - A daily log for each class, containing the printed name and signature of each student who attended live (in person) class.
 - A digital log of online students’ attendance and the method used by the instructor to verify each student’s identity.
 - A copy of the COFP issued to each Class “G” student that took the instructor’s course.
- Class “K” instructors are authorized to retain online training records in electronic form, as long as they are reproducible or transmittable upon request from an investigator of the department.
- Class “K” instructors conducting online course must maintain:
 - Records of all training sessions, including the name and license number of the instructor who is present online with the students while the students are receiving instruction.
 - Proof of compliance with all security protocols at the instructor’s place of business in this state.
- Class “K” instructors are responsible to immediately make accessible online training records for inspection by department investigators upon request. If all electronic records are not immediately available, an instructor shall explain to the requesting investigator why the records are not immediately available and provide the records within 3 business days.

Firearm Online Training

New section: 5N-1.132(5)(a)-(m), F.A.C. establishes requirements for situations in which all or part of the 20 hours of classroom training is delivered online:

- Establishes that one or more Class “K” instructors provide instruction in a live transmission format in which the instructor and students are participating in real time (simultaneously).
- Requires instructors offering online instruction to maintain a physical location in Florida and conduct online training from a physical location in Florida.
- Requires instructors conducting an online course to provide the department’s investigators with live access to each course for the purposes of auditing, monitoring, or inspection upon request.
- Requires that online training and testing are provided through a secure website using a Secure Socket Layer (SSL) or Transport Layer Security (TLS) technology.
- Requires instructors to verify student identity using the student’s U.S. state or federal issued photo identification such as a driver license, or state issued identification card.

- Requires instructors to verify student's daily attendance and document attendance in a digital log.
- Requires instructors to utilize an online platform that limits each student's log-in to a single device at all times.
- Requires instructors to utilize an online platform that includes security questions (challenges) to ensure each student is actively participating.
- A student must successfully respond to each security question (challenge).
- At least one security question (challenge) shall be provided every two hours of instruction, with the opportunity to re-attempt an unsuccessful response within 5 minutes.
- If a student fails to successfully respond to a re-attempted security question (challenge), the online platform must mark the student absent.
- Class "K" instructor(s) may provide a student an opportunity to explain an unsuccessful response to a security question (challenge) and allow the student to make up time lost due to absence or fail the student for non-participation.
- If/when screens with text are used to instruct the class, rule establishes students must spend one minute per every 50 words of text before moving to the next screen and requires that the instructor discuss the content presented in each screen.
 - An instructor may prorate the minimum time spent on each screen having fewer than 50 words.
- Establishes that students shall be given the opportunity to submit questions to a Class "K" instructor concerning the classroom training.
- If a student is absent from a portion of the online training, the rule limits the number of hours an instructor may deliver class via recorded instruction to 4 hours.
 - Students shall be allowed to submit questions concerning the recorded instruction.
- Requires that each test administered online shall have randomized test questions.

Firearm Instructor Reporting Requirements According to Rule 5N-1.142, F.A.C.

- Requires Class "K" instructors to register an account online via the LIAS to report class completion of any portion taught by the Class "K" instructor, provide the division necessary information regarding a student's eligibility for a Class "G" firearms license and to generate Certificates of Firearms Proficiency for Statewide Firearm License, on Form FDACS-16005, revised 01/23.
- Requires Class "K" instructors to report via LIAS within 3 business days:
 - Any student who successfully completes any portion of the initial firearms. qualification, consisting of both the in-person range and the classroom training (in person or online).
 - Any student who successfully completes annual requalification training.
 - Any student who successfully completes additional training for each type and caliber of approved firearm.
 - Any student who fails to satisfactorily complete any portion of the prescribed training or testing.

Changes to Incorporated Materials Relevant to Class “K” instructors

Note: while the official incorporation of documents will not occur until July 19, 2023, all updated or new guides and forms will be available through the DOL Forms website starting July 10, 2023, a link to the DOL Forms website is provided at the end of this document.

- Revised material incorporated in rule 5N-1.132, F.A.C., Firearm Training Manual Student Handbook and Study Guide, FDACS-P-02079, rev. 01/2023, has one substantive change to eliminate reference of the “original white page” COFP. Technical changes appear throughout the document.
- Revised material incorporated in rule 5N-1.132, F.A.C., Firearms Training Manual Instructor’s Guide, FDACS-P-02078, rev. 01/2023, has one substantive change to update the section for record keeping and reporting requirements for Class “K” instructors and also includes technical changes throughout the document.
- Revised form sample incorporated in rule 5N-1.132, F.A.C., Certificate of Firearms Proficiency, FDACS-16005, rev. 01/23. This revised form is only accessible for use through the Online Training Reporting Portal in LIAS system.
- New incorporated material in rule 5N-1.142, F.A.C., titled “Training Reporting for Class “K” instructors”, Form FDACS-P-02189, effective 03/23, a publication that contains instructions specific to licensed Class “K” Firearms Instructors on how to navigate the Online Training Portal.

Statute and Rule Changes Pertinent to Class “DS” Schools and of Interest to Class “DI” Instructors

Security Officer Schools and Training Facilities.

- Starting July 19, 2023, Class “DS” schools are required to issue training certificates within 3 business days of class completion using the Certificate of Security Officer Training form FDACS-16103, effective 01/23, which will be available through the Online Training Reporting portal in the school’s required LIAS account.
- **The Online Training Reporting portal will be available through LIAS July 10, 2023, as a soft-launch,** and Class “DS” schools will be allowed to start using the Online Training Portal on that day.
 - A link to LIAS is provided at the end of this document.
- The training certificates generated using the Online Training Reporting portal will contain a unique Audit Control Number (ACN), that will be used by the division to validate training. Training certificates generated independently by schools will no longer be accepted.

Security Officer Online Training

New Section 5N-1.140(1)(f)1.-13., F.A.C. establishes requirements for classroom training and testing delivered online:

- Requires that one or more Class “DI” instructors provide instruction in a live transmission format in which the instructor and students are participating in real time (simultaneously).

- Requires online training to be conducted at a school or training facility in Florida.
- Requires “DS” schools and “DI” instructors conducting an online course to provide the department’s investigators with live access to each course for the purposes of auditing, monitoring, or inspection upon request.
- Requires that online training and testing are provided through a secure website using a Secure Socket Layer (SSL) or Transport Layer Security (TLS) technology.
- Requires instructors to verify student identity using the student’s U.S. state or federal issued photo identification such as a driver license, or state issued identification card.
- Requires instructors to verify student’s daily attendance and document attendance in a digital log.
- Requires schools to utilize an online platform that limits each student’s log-in to a single device at all times.
- Requires schools to utilize an online platform that includes security questions (challenges) to ensure that each student is actively participating:
 - A student must successfully respond to each security question (challenge).
 - At least one security question (challenge) shall be provided every two hours of instruction, with the opportunity to re-attempt an unsuccessful response within 5 minutes.
 - If a student fails to successfully respond to a re-attempted security question (challenge), the online platform must mark the student absent.
 - A Class “DS” school may provide a student an opportunity to explain an unsuccessful response to a security question (challenge) and allow the student to make up time lost due to absence or fail the student for non-participation.
- If/when screens with text are used to instruct the class, rule establishes students must spend one minute per every 50 words of text before moving to the next screen and requires that the instructor discuss the content presented in each screen.
 - An instructor may prorate the minimum time spent on each screen having fewer than 50 words.
- Establishes that students shall be given the opportunity to submit questions to a Class “DI” instructor concerning the classroom training.
- If a student is absent from a portion of online training, rule establishes that the maximum number of hours an instructor may deliver class via recorded instruction is 10 hours.
 - Establishes that students shall be allowed to submit questions to a Class “DI” instructor concerning the recorded instruction.
- Establishes that each test that is administered online shall have randomized test questions.
- Requires schools to verify a student has completed the online training before reporting a student’s successful completion to the division.

Updates to Class “DS” School Retention of Records

(Refer to subsection 5N-1.140(5), F.A.C. for complete text in the adopted rule)

- Requires Class “DS” schools to retain a copy of the Certificate of Security Officer Training, Form FDACS-16103, effective 01/23, issued to any student who successfully completed training.

- Requires records to be maintained for a minimum period of two years at the school or training facility and requires schools to immediately produce training records for inspection by department investigators.
- Establishes that Class “DS” schools conducting online course must also maintain:
 - A digital record of student attendance log for each class session, records of all training sessions, including the name and license number of the instructor(s) who are present online with the students while the students are receiving instruction.
 - Proof of compliance with all security protocols at the place of business in this state.
 - The Records required under this subsection must be immediately made accessible to department’s investigators upon request. If all electronic records are not immediately available, the school or training facility manager shall explain to the requesting investigator why the records are not immediately available and provide the records within 3 business days.
- A school or training facility can meet division record-keeping requirements through the retention of the original paper records, or by scanning such records into an electronic format. Online training records may be retained in electronic form as long as they are reproducible or transmittable upon request from an investigator of the department.

Class “DS” Schools Reporting Requirements According to Rule 5N-1.142, F.A.C.

- Requires schools or training facilities engaged in training to register an account online via the LIAS to report all students who successfully complete training, testing, and generate a Certificate of Security Officer Training form FDACS-16103, effective 01/23.
- Requires schools to report via LIAS within 3 business days any student who successfully completes classroom training in person or online.

Changes to Incorporated Materials Relevant to Class “DS” Schools

Note: while the official incorporation of documents will not occur until July 19, 2023, all updated or new guides and forms will be available through the DOL Forms website starting July 10, 2023, a link to the DOL Forms website is provided at the end of this document.

- New incorporated material sample of the Certificate of Security Officer Training, FDACS-16103, effective 01/23. The reporting form is only accessible for use through the Online Training Reporting Portal in LIAS system.
- New incorporated material in Rule 5N-1.142, F.A.C., titled “Training Reporting for Class “DS” Schools”, Form FDACS-P-02188, effective 03/23, a publication that contains instructions specific to Class “DS” Security Officer School or Training Facility licensees on how to navigate the Online Training Portal.

Web Resources

- Florida Statutes are available through <http://www.leg.state.fl.us/>. Statutes of interest relating to the rule amendments are 493.6303, 493.6105 and 493.6132, Florida Statutes.
- Rule text will be available July 19, 2023, via the Florida Administrative Register:
<https://www.flrules.org/gateway/ruleNo.asp?id=5N-1.132>
<https://www.flrules.org/gateway/ruleNo.asp?id=5N-1.140>
<https://www.flrules.org/gateway/ruleNo.asp?id=5N-1.142>
- Weblink to Licensing Information and Alert System (LIAS). The Online Training Portal will be made available July 10, 2023, via LIAS: <https://www.fdacs.gov/Business-Services/Private-Security-Licenses/Licensing-Information-and-Alert-System>.
- The following forms and publications will be updated on July 10, 2023, through DOL's Forms website: <https://licensing.fdacs.gov/forms/FormsRequest493.aspx>
 - Sample of the Certificate of Firearms Proficiency, Form FDACS-16005, rev. 01/23.
 - Sample of Certificate of Security Officer Training form FDACS-16103, eff. 01/23.
 - Training Reporting for Class "K" Instructors", Form FDACS-P-02189, eff. 03/23, a publication that contains instructions specific to licensed Class "K" Firearms Instructors on how to navigate the Online Training Portal.
 - Training Reporting for Class "DS" Schools", Form FDACS-P-02188, eff. 03/23, a publication that contains instructions specific to Class "DS" Security Officer School or Training Facility licensees on how to navigate the Online Training Portal.
 - Firearm Training Manual Student Handbook and Study Guide, FDACS-P-02079, rev. 01/2023.
 - Firearms Training Manual Instructor's Guide, FDACS-P-02078, rev. 01/2023