

CHAPTER 3

LEGAL REQUIREMENTS

OBJECTIVES

- 1) Demonstrate an understanding of laws, rules and procedures which regulate open burning in Florida.
- 2) Demonstrate knowledge of the burner's legal obligations regarding broadcast burning.

References:

Appendix D: Florida's Forest Fire Laws and Open Burning Regulations

Attachment 3-1: Training courses to meet educational requirements

Attachment 3-2: Documentation requirements for certified burners

Introduction

Fire is a powerful force. Wild fires burn forest lands, swamps, pastures and marshes throughout the United States including Florida. Fire destroys trees, homes and lives. In 2003, nearly 4 million acres burned in the United States. These fires killed thirty people and destroyed over 4000 homes. Fires can be both dangerous and costly. For prescribed burners in Florida the Courts have addressed this issue.

"Setting a fire is an inherently dangerous activity"

In 1989, in *Midyette vs. Madison*, the Supreme Court of Florida ruled that: 1) Setting a fire is an inherently dangerous activity; 2) Therefore, a landowner is liable for damages to others for negligence in setting or maintaining that fire; 3) This liability is not delegable to an independent contractor actually conducting the burn and; 4) A landowner wishing to use fire to manage forest land, native pastures, or to clear land **must** know what "accepted forestry or burn standards" are AND be certain they are applied.

Both the landowner and the prescribed burner have legal obligations. These shared responsibilities remain in force regardless of agreements between the landowner and the prescribed burner. Public safety concerns must be addressed on every burn, a task that becomes more difficult with each new resident. Despite these problems fire has been consistently used as a land management tool throughout significant portions of the Southeastern United States including Florida. Fortunately, the State of Florida has acknowledged the importance of prescribed burning.

Prescribed Burning benefits public safety, the environment and economy

The Florida legislature has recognized that prescribed burning is a valuable land management tool and addressed this issue specifically in Florida Statutes Chapter 590.125 (3).

“CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND PURPOSE.--

- (a) The application of prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy of the state. The Legislature finds that:
 - 1. Prescribed burning reduces vegetative fuels within wild land areas. Reduction of the fuel load reduces the risk and severity of wildfire, thereby reducing the threat of loss of life and property, particularly in urban areas.
 - 2. Most of Florida's natural communities require periodic fire for maintenance of their ecological integrity. Prescribed burning is essential to the perpetuation, restoration, and management of many plant and animal communities. Significant loss of the state's biological diversity will occur if fire is excluded from fire-dependent systems.
 - 3. Forestland and rangeland constitute significant economic, biological, and aesthetic resources of statewide importance. Prescribed burning on forestland prepares sites for reforestation, removes undesirable competing vegetation, expedites nutrient cycling, and controls or eliminates certain forest pathogens. On rangeland, prescribed burning improves the quality and quantity of herbaceous vegetation necessary for livestock production.
 - 4. The state purchased hundreds of thousands of acres of land for parks, preserves, wildlife management areas, forests, and other public purposes. The use of prescribed burning for management of public lands is essential to maintain the specific resource values for which these lands were acquired”.

The focus of this course is prescribed burning conducted in accordance with FS Chapter 590.125 (3). Prescribed burning is “...the controlled application of fire by broadcast burning in accordance with a written prescription for vegetative fuels under specified environmental conditions, while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land management objectives.”

In 2008 new rules were developed by the Florida Department of Agriculture which regulate pile burning. These new rules are included in FAC 5I-2 and establish a Certified Pile Burner (CPB) program administered by the Florida Forest Service. In addition the 2011 Florida Legislature amended Chapter 590. Certified Pile Burning is also addressed in FS Chapter 590.125 (4). **Pile burning and associated regulations are covered under the separate and independent Certified Pile Burning (CPB) program.**

Areas that have burned under prescribed conditions have lower fuel loads and are less likely to burn under wildfire conditions. These areas can serve as firebreaks that assist

efforts to stop subsequent wildfires and they can make subsequent prescribed fires safer. However prescribed fires can escape and become a wildfire or smoke may cause unforeseen problems. These problems highlight the responsibility of everyone involved to improve both the “art and science” of prescribed burning. While the benefits of prescribed fires are well known the fact remains that they are also dangerous. Considering these two divergent thoughts it is not surprising that the laws and regulations that deal with prescribed fires may seem confusing at times.

Legal requirements associated with prescribed burns include laws, rules, and policies administered by the Florida Forest Service (also referred to as FFS, or Service), Environmental Laws and Endangered Species Laws and Rules. The primary laws are covered in Florida Statutes, Chapter 590 and the primary rules are covered in Section 5I-2 of the Florida Administrative Code (Appendix D). Prescribed Burns on Federal Lands are also covered under Federal guidelines and legal issues are usually resolved at the Federal level. These Federal Issues are not addressed in this Course. This chapter deals primarily with legal considerations at the state level with emphasis on the Florida Forest Service and laws that directly relate to prescribed fire. These include:

- 1) **LAWS** Chapter 590, Florida Statutes
- 2) **RULES** 5I-2, Florida Administrative Code
- 3) **POLICIES** Florida Forest Service Fire Manual

Definitions (adapted from FS 590.125)

- (a) **“Certified pile burner”** means an individual who successfully completes the pile burning certification program of the Florida Forest Service and possesses a valid pile burner certification number.
- (b) **“Certified pile burning”** means a pile burn conducted in accordance with a written pile burning plan by a certified pile burner.
- (c) **“Certified prescribed burn manager”** means an individual who successfully completes the certified prescribed burning program of the Florida Forest Service and possesses a valid certification number.
- (d) **“Certified prescribed burning”** means prescribed burning in accordance with a written prescription conducted by a certified prescribed burn manager.
- (e) **“Contained”** means that fire and smoldering exist entirely within established or natural firebreaks.
- (f) **“Completed”** means that for:
 1. Broadcast burning, no continued lateral movement of fire across the authorized area into entirely unburned fuels within the authorized area.
 2. Certified pile burning or pile burning, no visible flames exist.

3. Certified pile burning or pile burning in an area designated as smoke sensitive by the Florida Forest Service, no visible flames, smoke, or emissions exist.

(g) **“Gross negligence”** means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(h) **“Pile burning”** means the burning of silvicultural, agricultural, land-clearing, or tree-cutting debris originating onsite, which is stacked together in a round or linear fashion, including, but not limited to, a windrow. Pile burning authorized by the Florida Forest Service is a temporary procedure, which operates on the same site for 6 months or less.

(i) **“Pile burn plan”** means a written plan establishing the method of conducting a certified pile burn.

(j) **“Prescribed burning”** means the application of fire by broadcast burning for vegetative fuels under specified environmental conditions, while following appropriate measures to guard against the spread of fire beyond the predetermined area to accomplish the planned fire or land management objectives.

(k) **“Prescription”** means a written plan establishing the conditions and methods for conducting a certified prescribed burn.

(l) **“Smoldering”** means the continued consumption of fuels, which may emit flames and smoke, after a fire is contained.

(m) **“Yard trash”** means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property cleanup activities. The term includes materials such as leaves, shrub trimmings, grass clippings, brush, and palm fronds.

Wildland Fire in Florida; Duties and Responsibilities

“The Florida Forest Service has the primary responsibility for prevention, detection, and suppression of wildfires wherever they may occur.” This is the opening sentence in Chapter 590 FS. Thus, regardless of location or ownership, the Florida Forest Service is the Agency designated by the Florida Legislature with the ‘Primary responsibility’ for the prevention, detection and suppression of wildfires in Florida. The Florida Forest Service fulfills these responsibilities by working cooperatively with other agencies, individuals and organizations. The Florida Forest Service also has the responsibility to “promote natural resource management and fuel reduction through the use of prescribed fire and other fuel reduction measures.”

Other agencies and individuals also have a responsibility to take reasonable measures to protect the public from dangerous wildfires. In some cases this may include efforts to put

out the fire when this can be done safely and/or giving a prompt fire alarm. By **LAW** prescribed burners and others have specific responsibilities to control or report dangerous fires (FS 877.15).

General Prohibitions

Except under certain conditions, it is unlawful to start a wildfire in Florida. Dropping or disposing of a lighted match, cigarette, cigar, glowing object or any substance or thing which may or does cause a wildfire is prohibited (FS 590.10).

Anyone who **intentionally** burns land or land clearing debris which they neither own nor control commits a **felony** of the third degree.

Anyone who **'recklessly'** burns or causes to be burned any wildlands not owned by or in the lawful possession of the person commits a **misdemeanor** of the second degree. Specific details are provided in FS 590.28.

590.081 SEVERE DROUGHT CONDITIONS; BURNING PROHIBITED

The Commissioner of Agriculture has the authority to declare a severe drought emergency and the general boundaries of the area affected. Under these conditions it is ***unlawful to conduct any open burning*** including campfires, bonfires, trash burning or any wildland fire unless a **written** permit is obtained from the FFS.

590.082 EXTRAORDINARY FIRE HAZARD; CERTAIN ACTS MADE UNLAWFUL; PROCLAMATIONS BY THE GOVERNOR

When the Commissioner has declared a severe drought emergency as described in 590.081 and the drought emergency continues until the wildlands become an 'extraordinary fire hazard' the Governor upon the advice of the Commissioner may by proclamation declare an extraordinary fire hazard to exist and describe the general boundaries of the area affected. ***The general public may not enter or travel within the affected wildland area*** except on public roads or highways or well-defined private roads. Exceptions include the landowner or his or her agents, or persons with express permission of the landowner and those persons regularly engaged in certain forestry or agricultural activities.

Open Burning Authorized

Persons may be authorized to burn wildland or vegetative land clearing debris under certain conditions and in accordance with the provisions of FS 590.125. Burns may be conducted under two categories; noncertified burning and certified burning.

Noncertified burning authorizations may be issued for either wildland (Broadcast Burning) or vegetative land-clearing debris when the following conditions are met:

FS 590.125(2) (Summary)

1. There is specific consent of the landowner

2. Authorization has been obtained from the Florida Forest Service prior to starting the burn
3. There are adequate firebreaks, sufficient personnel and firefighting equipment for control of the fire
4. The fire remains within the boundary of the authorized area
5. Someone is present at the burn site until the burn is completed
6. The Florida Forest Service does not cancel the authorization
7. The Florida Forest Service determines that air quality and fire danger are favorable for safe burning

5I-2.006 (Summary)

Noncertified authorizations limit prescribed burning to the period from 0900 (9:00 a.m. ET and 8:00 a.m. CT) to 1 hour before sunset. Prescribed burns must discontinue spreading 1 hour before sunset. Nighttime authorizations may be granted to set fire until midnight if the Dispersion Index (DI) is 8 or above for non-certified burners. Ignition of these fires is not allowed after midnight, however the fire can continue to spread until 9:00 a.m. the following day. If additional time is required a new daytime authorization must be obtained from the Florida Forest Service. **All** fires must be **attended** at all times.

Open Burning for Certified Prescribed Burn Managers (All burning conducted under this section is related to Silviculture, Wildlife Management, Ecological Maintenance and Restoration, Range and Pasture Management.

FS 590.125(3) Certified Prescribed Burning (Summary)

This section requires:

1. That a certified burn manager be present on site with a copy of the prescription from ignition to completion of the burn
2. A written prescription must be prepared prior to receiving authorization from the Florida Forest Service.
3. Must have specific consent of landowner or designee prior to authorization.
4. Must have authorization to burn from the Florida Forest Service prior to ignition.
5. Must have adequate firebreaks, sufficient personnel, and firefighting equipment to contain the fire within the authorized burn area.
6. Is considered to be in the public interest and does not constitute a public or private nuisance.
7. Is considered to be a property right of the property owner.

5I-2.006 (2) Certified Prescribed Burn Managers (Summary)

Requires that the Certified Prescribed Burn Manager's (CPBM) certification number be presented at the time of the authorization request and that a CPBM be onsite for the entire burn.

- (a) Prescription. A prescription for the burn must be completed prior to any ignition and a paper copy must be on site and available for inspection by a Department representative. The prescription will contain, as a minimum, the following::

1. Stand or Site Description;
2. Map of the area to be burned;
3. Fire Breaks (External and Internal) to be Constructed or Re-Worked (Map);
4. Minimum number of personnel and equipment types to be used on the prescribed burn;
5. Desired weather factors, including but not limited to surface wind speed and direction, transport wind speed and direction, minimum mixing height, minimum relative humidity, maximum temperature, and the minimum fine fuel moisture;
6. Desired fire behavior factors, such as type of burn technique, flame length, and rate of spread;
7. The time and date the prescription was prepared;
8. The authorization date and the time period of the authorization;
9. An evaluation and approval of the anticipated impact of the proposed burn on related smoke sensitive areas;
10. The signature and number of the Certified Prescribed Burn Manager.

(b) Open Burning Hours

1. Daytime CPBM Authorizations will be issued for the burning to be conducted from 8:00 a.m. CT or 9:00 a.m. ET and the fire must discontinue spreading two hours after sunset.
2. Nighttime CPBM Authorizations may be granted to set fire until midnight if the Dispersion Index (DI) is 6 or above. Ignition of these fires is not allowed after midnight, however the fire can continue to spread until 9:00 a.m. the following day. If additional time is required a new daytime authorization must be obtained from the FFS. The FFS may issue authorizations at other times, in designated areas under certain conditions.

Policies and Procedures Florida Forest Service procedures for issuing burning authorizations are based on the laws and rules discussed herein. The FFS must have assurance of good and proper dispersion of smoke to protect the health and safety of the citizens of Florida. The FFS relies on the Department of Environmental Protection for air quality monitoring and other air quality issues related to open burning.

This section also gives the FFS authority to suspend, after reasonable notice, any such permission whenever atmospheric or meteorological conditions change so that there is improper diffusion and dispersion of air pollutants which create a condition deleterious to health, safety, or general welfare, or which obscure visibility of vehicular or air traffic.

The FFS has structured the authorization program into three categories; they are:

1. **Open:** In general, authorizations are issued only for the day or night that the burn is done.

2. **Closed:** No burning authorization will be issued for closed areas. An area may be placed in this class due to extreme sensitivity. For example, non-attainment areas, or local ordinances.
3. **Sensitive:** Areas that are in close proximity to smoke sensitive areas, i.e., highways, hospitals, or airports. Burning must be approved by the OIC/Supervisor. No nighttime burning authorizations will be granted. The following are the requirements for burning in a smoke sensitive area:
 - 1) Winds must be 5 mph or greater and smoke must be carried away from the area.
 - 2) Burning will be limited to the time period between 9:00 a.m. and 1 hour before sunset.
 - 3) The smoke plume will not be impacted by other smoke.
 - 4) Piles will be completely extinguished with no visible emissions one hour before sunset.
 - 5) Muck will be excluded from the burn area.
 - 6) Adequate equipment and manpower must be on hand to extinguish the fire if it becomes a problem.
 - 7) The person in charge of the burn must be aware of the sensitive area and be available if needed.
 - 8) It must be unlikely that residual smoke will follow a drainage to the sensitive area that night.

Non-Commercial Pile Burning Pile burning is covered under the Certified Pile Burner Program and must meet the requirements FS Chapter 590 and Florida Administrative Code Chapters 5I-2. (Commercial Pile Burning includes any burning that is considered repetitive and part of the business operation, this type of burning is covered by the Florida Department of Environmental Protection and FS 403 and FAC 62-256.

Wildfire Hazard Reduction Treatment By The Florida Forest Service The Florida Forest Service is authorized to conduct hazard fuel reduction initiatives, including but not limited to, burning, mechanical, or chemical treatment, on any area of wildland within the state which is reasonably determined to be in danger of wildfire. These actions may be taken only *after landowner notification* and *conflict resolution procedures* are completed. This provision is sometimes referred to as the 'Hawkins Bill.'

Certification

To become a Certified Prescribed Burn Manager an individual must complete the required training and conduct a successful certification burn. The Florida Certified Prescribed Burn Manager Training Course is approved by the FFS to meet the required training. It is offered in two formats:

1. The distance learning format is intended for experienced burners and students must meet the following criteria prior to taking the course; have obtained authorizations, as provided in subsection (1), from the FFS and conducted a minimum of three broadcast burns in Florida or participation in five broadcast burns in Florida with recommendation from a current Certified Prescribed Burn Manager, or hold a current prescribed burner certification in another State or hold a current Prescribed Fire Burn Boss Type 2 Certification.
2. The classroom format is open to individuals of all experience levels. After taking this course trainees must obtain direct experience in three broadcast burns prior to conducting a certification burn. If the student meets the criteria for the distance learning format, then the three burns after the course are not necessary.

When one of these steps has been completed the applicant has three years to submit a Certification Agreement and a completed prescription for a proposed burn to their local Florida Forest Service office for review and approval. In addition the burn in that description shall be reviewed by the Florida Forest Service during the burn operation. The local Florida Forest Service District Manager (or their designee) will recommend FFS Prescribed Burn Manager certification upon satisfactory completion of both the prescription and required number of burns.

Maintaining certification A Certified Prescribed Burn Manager must meet additional education AND burning requirements in order to maintain certification. These requirements are based on a five year time period. Certifications for persons who do not meet this requirement will terminate if during the previous five years the education and experience requirements are not met.

Certification renewal requirements

1. Participation in a minimum of eight hours of Florida Forest Service approved training every five years relating to the subject of prescribed fire, or participation in a Florida Forest Service formally recognized Fire Council Meeting (see Attachment 3-1), AND
2. The Certified Prescribed Burn Manager has submitted their certification number for two completed prescribed burns in the preceding five (5) years, or
3. Participation in five burns and have this documented and verified in writing to the Florida Forest Service by a current Certified Burn Manager (see Attachment 3-2)
4. If certification expires, the person must retake the Florida Certified Prescribed Burn Manager Training Course in either format.

Decertification A Certified Prescribed Burn Manager's certification shall be revoked if the Burn Manager's actions constitute violations of Florida law and agency rules which

equal or exceed 15 points within any two year period using the Certified Prescribed Burn Manager Violations – Point Assessment Table (see Attachment 3-3).

Liability and Penalties

FS 590.28 states, whoever intentionally burns, sets fire to, or causes to be burned or causes any fire to be set to, any wild land or vegetative land clearing debris not owned by, or in the lawful possession of, the person setting such fire or burning such lands or causing such fire to be set or lands to be burned without complying with s. 590.125, commits a felony of the third degree. Whoever recklessly burns, sets fire to, or causes to be burned any wild lands not owned by, or in the lawful possession of, the person setting the fire or burning the lands or causing the fire to be set or lands to be burned, commits a misdemeanor of the second degree. In addition **FS 590.13** states: any person violating any of the provisions of this chapter shall be liable for all damages caused by such violation, which damages shall be recoverable in any court of competent jurisdiction. The civil liability attaches whether or not there is criminal prosecution and conviction.

Civil liability means that the prescribed burner and the landowner are responsible for damages to either persons or property that is the result of a prescribed fire. In most cases, a liability claim requires a finding of ‘negligence.’ The Florida Legislature has recognized that prescribed burning is a land management tool that “,,, benefits the safety of the public, the environment, and the economy of the state. ‘Certified Prescribed Burning’ is a property right of the property owner “if vegetative fuels are burned as required in this subsection.” **FS 590.125(3) (c)** “A property owner or his agent is neither liable for damage or injury caused by the fire or resulting smoke nor considered to be in violation of subsection (2) for burns conducted in accordance with this subsection unless gross negligence is proven.” The higher standard of ‘gross negligence’ recognizes the importance and value of certain prescribed burns but while it may give some additional protection from liability, it does not diminish the duty of the prescribed burner to maintain the fire within the parameters of the authorization. In fact, the following section states “Any certified burner who violates this section commits a misdemeanor of the second degree punishable as provided in s. 775.082 or 775.083 . All prescribed burners are subject to the provisions of **FS 590.14** . Included in these provisions is the payment of “all reasonable costs and expenses incurred in suppressing the fire or \$150, whichever is greater.”

Other Laws

This chapter stresses the legal aspects of conducting prescribed burns in Florida. The primary agency regulating ‘broadcast’ burning is the Florida Forest Service but other agencies at the local, state and federal level also have responsibilities that may be affected by prescribed burns. It is the burn manager’s responsibility to comply with these additional requirements.

At the local level, fire departments may require a permit within their area of jurisdiction. Regardless of permit requirements, the burn manager should notify local agencies of proposed burns. Good communications will alert the burn manager of any special local requirements.

At the state level, the Department of Environmental Protection (DEP) has a number of responsibilities that may be impacted by prescribed burns. The DEP regulates open burning under its 'Open Burning Rule' contained in Chapter 62-256 of the Florida Administrative Code (Appendix D). The Florida Forest Service and DEP coordinate their efforts and authorizations are issued only when environmental conditions are favorable. Ultimately, the prescribed burner is responsible for meeting air quality and other legally established environmental rules.

The EPA (Environmental Protection Agency) is the federal agency responsible for protecting the environment. The 'Clean Air Act' and 'Clean Water Act' are primary mandates for the agency. In Florida, prescribed burners may face restrictions if their burn is likely to impact either "non-attainment areas" or 'Class 1 areas. Currently there are no 'non-attainment' areas in Florida. Class 1 areas are Federal lands that have been designated for special visibility protection. For example, Everglades National Park is a Class 1 area.

Wildlife also has protection under both Federal and State law. The 'Endangered Species Act' and other laws afford specific protection for endangered wildlife species. Today in Florida prescribed burners frequently incorporate specific actions in their burn plans to protect key nesting and breeding habitats for a variety of wildlife. The Florida panther, red cockaded woodpeckers, scrub jays, and bald eagles are just some of the species receiving special attention across the state. During the planning stage, the burn manager should identify wildlife species requiring special consideration and incorporate this information in the burn prescription. If you are burning in wetlands you may need to check for the existence of certain species of salamander, and plan your burn accordingly.

Education

FS 590.125 DUTIES OF AGENCIES

"The Department of Education shall incorporate, where feasible and appropriate, the issues of fuels treatment, including prescribed burning into its educational materials".

The legislature has recognized the need for informing the public regarding the importance of prescribed fire as a land management tool. The Department of Education and the Florida Forest Service are developing and implementing educational programs. "Fire in Florida's Ecosystems" is one program that has been developed for Grades 4 through eight. These types of programs are fundamental for continued public support of prescribed fire. This is critical in Florida a state that has been transformed from a rural to urban society in just a few years. In addition, many new residents have arrived from geographic regions where the use of prescribed fire is only a historical footnote.

Summary

Legal requirements associated with prescribed burns include laws, rules, and policies administered by the Florida Forest Service, Environmental Laws and Endangered Species Laws and Rules. An authorization from the Florida Forest Service is required for each burn. For prescribed burners, all burns that qualify will be conducted under the Certified Prescribed Burn Act. This act requires that a certified burn manager review and sign the prescription, that a certified burn manager be present during the burn and that established criteria be followed for the entire process. In addition to other requirements, a written prescription must be on site during the burn. An authorization must be issued by the Florida Forest Service prior to starting the burn. These are normally issued the day of the burn. It is the responsibility of the Burn Manager to:

- 1) Notify FFS at the time the authorization is secured that the burn is being conducted under the provisions of the Certified Prescribed Burn Act.
- 2) Inspect the burn unit prior to ignition to insure that the burn will not adversely affect endangered species and to insure that any improved property or structures will be protected.
- 3) Provide a reliable communication link with FFS during the burn.
- 4) Notify FFS if any problems arise on the burn. If the fire escapes from the designated burn unit **notification** and a request for help **must** be requested **immediately**.
- 5) Always be in control of the burn. Be prepared to extinguish the prescribed burn within two hours after notification by the FFS.
- 6) Be prepared to enact contingency plans for other problems, which may arise.

Prescribed burning is a complicated legal issue. The legislature has recognized the importance of prescribed fire: “The application of prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy of the state.” Regardless of how important prescribed fire may be, the fact remains that “Setting a fire is inherently dangerous.” Continued use of prescribed fire is dependent upon continued public support. Continued public support is not guaranteed. It will require two things. First, prescribed burners must continue to improve their knowledge and skills. These new skills and knowledge will help eliminate the mistakes of the past and provide the foundation to adjust to changes of the future. Nevertheless, prescribed burning will always be a combination of art and science. Mistakes will be made in the future. A well-informed public will accurately judge a sound program and will continue to support a program that benefits the public, the environment and the economy.

Attachment 3-1

Training Courses to meet education requirement for Certified Prescribed Burn Manager

- North Florida Prescribed Fire Council meeting
- Central Florida Prescribed Fire Council meeting
- South Florida Interagency Fire Management Council meeting
- Certified Pile Burner Training
- S-190 Introduction to Wildland Fire Behavior
- S-234 Ignition Operations
- S-290 Intermediate Wildland Fire Behavior
- S-390 Introduction to Wildland Fire Behavior Calculations
- S-490 Advanced Wildland Fire Behavior Calculations
- RX-300 Prescribed Fire Boss
- RX-310 Introduction to Fire Effects
- RX-410 Smoke management Techniques
- RX-340 Fire Effects
- Florida Fire Behavior
- Aerial Ignition Training
- Implementing Prescribed Fire in the Wildland Urban Interface
- Prescribed Burning For Experienced Burners – Auburn University Sponsored, SAF CEU **or** Georgia sponsored by PRECEDA
- Any of the courses approved in 2002 taught by local FFS office.
- The Basic Fire Management Training and Course on Prescribed Fire Techniques for Wildlife – sponsor Hillsborough Community College and Florida Fish & Wildlife Conservation Commission.
- Certified Prescribed Burner Refresher Training – provided at the FFS District Level

Act as an instructor for any of the above courses or for the Inter-agency course.

Attachment 3-2

Documentation requirements for Certified Prescribed Burn Managers

Burn experience documentation:

If you have used your Certified Prescribed Burn Manager number twice in the last five years there is no need to submit documentation. The Florida Forest Service can check your authorization history.

If you have burned five times under another Certified Prescribed Burn Manager the information we will need is the following:

1. Your Certified Prescribed Burn Manager number
2. The name and certified burner number of the person you worked under.
3. The date and authorization number of the burns you worked on, verified by the Certified Prescribed Burn Manager listed in number 2.

This information can be submitted to the Forest Protection Bureau, Prescribed Fire Manager on form FDACS-11619 “Certified Burn Participation Log”

Training documentation:

If you attend a Prescribed Fire Council meeting and provide your certified burner number when registering, your attendance will be credited to your certification automatically. If you attend other courses on the approved training list, provide a copy of any certificates to the Forest Protection Bureau, Prescribed Fire Manager.

Attachment 3-3

CERTIFIED PRESCRIBED BURN MANAGER VIOLATIONS - POINT ASSESSMENT TABLE		
1.	Certified Burner burns without obtaining an authorization.	Fifteen (15) points
2.	Certified Burner obtains an authorization knowingly using false information (For example, Lat./Long. . Section, Township and Range from the public land survey, Certified burn number, equipment on site, personnel).	Fifteen (15) points
3.	Failure to attempt to shut down a burn after notification from FFS.	Five (5) points
4.	Any burn initiated outside of prescription parameters based upon morning forecast (For example, wind speed, relative humidity dispersion, temperature, etc.).	Five (5) Points
5.	Certified Burner who attempts to burn as a Certified Burner without a written prescription at the site of burn while burn is being conducted.	Five (5) points
6.	Failure to pay suppression charges for an escaped burn within 15 days of receipt of second notice from FFS.	Three (3) points
7.	Improper smoke screening (Does not identify or mitigate for smoke sensitive areas). Rule 5I-2.006(2)(a)8, F.A.C.	Two (2) points
8.	The Florida Forest Service or other emergency response agency is required to take suppression.	Two (2) points
9.	Failure to pay an administrative fine within 21 days of receipt of notice of action request or request an administrative hearing.	One (1) point per infraction
10.	Violations of Chapter 590, Florida Statutes, and Rule Chapter 5I-2, F.A.C. – (Section 590.125(3), Florida Statutes, Rule 5I-2.006(2), F.A.C.). Does not include those infractions already listed above.	Three (3) points

An accumulation of 15 points over the course of any two-year period, in arrears from the date of the last offense will be sufficient to generate a recommendation of decertification for no less than a one-year period to the Commissioner of Agriculture. A decertified Prescribed Burn Manager must complete the Burn Manager Certification process in Chapter 5I-2, Open Burning in order to be recertified.

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