

By Senator Silver

38-1375-98

1 A bill to be entitled
 2 An act relating to public lodging
 3 establishments; amending s. 509.215, F.S.;
 4 revising firesafety requirements for specified
 5 public lodging establishments; deleting
 6 obsolete language; amending s. 509.242, F.S.;
 7 revising classifications for public lodging
 8 establishments; providing that such
 9 classifications are for licensing purposes
 10 only; providing classification for "home stay
 11 inn"; amending s. 553.895, F.S.; removing
 12 obsolete firesafety requirements for public
 13 lodging establishments within the Florida
 14 Building Codes Act; providing an effective
 15 date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 509.215, Florida Statutes, is
 20 amended to read:
 21 509.215 Firesafety.--
 22 (1) Any+
 23 ~~(a)~~ public lodging establishment, as defined in this
 24 chapter, which is of three stories or more and for which the
 25 construction contract has been let after January 1, 1994, must
 26 be equipped with an approved automatic sprinkler system
 27 installed in compliance with the provisions of chapter 633 and
 28 the rules and codes adopted pursuant thereto. This subsection
 29 does not preclude the enforcement of any firesafety
 30 requirements provided by law. ~~September 30, 1983, with~~
 31

1 ~~interior corridors which do not have direct access from the~~
2 ~~guest area to exterior means of egress, or~~

3 ~~(b) Building over 75 feet in height that has direct~~
4 ~~access from the guest area to exterior means of egress and for~~
5 ~~which the construction contract has been let after September~~
6 ~~30, 1983,~~

7
8 ~~shall be equipped with an automatic sprinkler system installed~~
9 ~~in compliance with the provisions prescribed in the National~~
10 ~~Fire Protection Association publication NFPA No. 13 "Standards~~
11 ~~for the Installation of Sprinkler Systems." The sprinkler~~
12 ~~installation may be omitted in closets which are not over 24~~
13 ~~square feet in area and in bathrooms which are not over 55~~
14 ~~square feet in area, which closets and bathrooms are located~~
15 ~~in guest rooms. Each guest room shall be equipped with an~~
16 ~~approved listed single-station smoke detector meeting the~~
17 ~~minimum requirements of NFPA-74 "Standards for the~~
18 ~~Installation, Maintenance and Use of Household Fire Warning~~
19 ~~Equipment," powered from the building electrical service,~~
20 ~~notwithstanding the number of stories in the structure or type~~
21 ~~or means of egress, if the contract for construction is let~~
22 ~~after September 30, 1983. Single-station smoke detection is~~
23 ~~not required when guest rooms contain smoke detectors~~
24 ~~connected to a central alarm system which also alarms locally.~~

25 (2) Any public lodging establishment, as defined in
26 this chapter, which is of three stories or more and for which
27 the construction contract was let before December 31, 1993,
28 must ~~October 1, 1983,~~ shall be equipped with:

29 (a) Be equipped with a ~~A~~ system which complies with
30 subsection (1); or

31

1 (b) Be equipped with an ~~An~~ approved sprinkler system
2 for all interior corridors, public areas, storage rooms,
3 closets, kitchen areas, and laundry rooms, less individual
4 guest rooms, if the following conditions are met:

5 1. There is a minimum 1-hour separation between each
6 guest room and between each guest room and a corridor.

7 2. The building is constructed of noncombustible
8 materials.

9 3. The egress conditions meet the requirements of s.
10 5-3 of the Life Safety Code, NFPA 101.

11 4. The building has a complete automatic fire
12 detection system which meets the requirements of NFPA-72, the
13 appropriate edition of the publication of the National Fire
14 Protection Association adopted by the State Fire Marshal
15 ~~NFPA-72A and NFPA-72E~~, including smoke detectors in each guest
16 room individually annunciating to a panel at a supervised
17 location; or-

18 5. Not be required to be equipped with fire sprinklers
19 in the guest rooms nor in other areas of the facility, unless
20 specifically required by code requirements for areas such as
21 places of assembly, when the public lodging establishment is
22 75 feet or less in height and has its guest rooms exiting
23 directly to an open-air walkway that has direct access to an
24 exterior means of egress.

25 ~~(3) The Division of State Fire Marshal may prescribe~~
26 ~~uniform standards for firesafety equipment for public lodging~~
27 ~~establishments for which the construction contracts were let~~
28 ~~before October 1, 1983. An entire building shall be equipped~~
29 ~~as outlined not later than October 1, 1989, except that the~~
30 ~~approved sprinkler system may be delayed by the Division of~~
31 ~~State Fire Marshal until October 1, 1991, on a schedule for~~

1 ~~complete compliance in accordance with rules to be adopted by~~
2 ~~the Division of State Fire Marshal, which schedule shall~~
3 ~~include a provision for a 1-year extension which may be~~
4 ~~granted not more than three times for any individual~~
5 ~~requesting an extension. The entire system must be installed~~
6 ~~and operational by October 1, 1994. The Division of State~~
7 ~~Fire Marshal shall not grant an extension for the approved~~
8 ~~sprinkler system unless a written request for the extension~~
9 ~~and a construction work schedule is submitted. The Division~~
10 ~~of State Fire Marshal may grant an extension upon~~
11 ~~demonstration that compliance with this section by the date~~
12 ~~required would impose an extreme hardship and a~~
13 ~~disproportionate financial impact. Any establishment that has~~
14 ~~been granted an extension by the Division of State Fire~~
15 ~~Marshal shall post, in a conspicuous place on the premises, a~~
16 ~~public notice stating that the establishment has not yet~~
17 ~~installed the approved sprinkler system required by law.~~

18 ~~(4) The provisions for installation of single-station~~
19 ~~smoke detectors required in subsection (1) and subparagraph~~
20 ~~(2)(b)4. shall be waived by the Division of State Fire Marshal~~
21 ~~for any establishment for which the construction contract was~~
22 ~~let before October 1, 1983, and which is under three stories~~
23 ~~in height, if each individual guest room is equipped with a~~
24 ~~smoke detector approved by the Division of State Fire Marshal~~
25 ~~and the schedule for compliance is not later than October 1,~~
26 ~~1986.~~

27 ~~(3)(5)~~ Notwithstanding any other provision of law to
28 the contrary, this section applies only to those public
29 lodging establishments in a building wherein more than 50
30 percent of the units in the building are advertised or held
31 out to the public as available for transient occupancy.

1 (4)(6)(a) Special considerations ~~exception~~ to the
2 provisions of this section may ~~shall~~ be made for a public
3 lodging establishment structure that is individually listed in
4 the National Register of Historic Places pursuant to the
5 National Historic Preservation Act of 1966, as amended; or is
6 a contributing property to a National Register-listed
7 district; or is designated as a historic property, or as a
8 contributing property to a historic district under the terms
9 of a local preservation ordinance.

10 (b) For such structures, provisions may ~~shall~~ be made
11 for a system of fire protection and lifesafety support that
12 would meet the intent of the NFPA standards and be acceptable
13 to, and approved by, a task force composed of the director of
14 the Division of Hotels and Restaurants, the director of the
15 Division of State Fire Marshal, and the State Historic
16 Preservation Officer. When recommending alternative systems,
17 the task force shall consider systems which would not disturb,
18 destroy, or alter the integrity of such historic structures.
19 The director of the Division of State Fire Marshal shall be
20 designated chairperson of the task force and shall record the
21 minutes of each task force meeting, which shall be called in a
22 timely manner to review requests for special provision
23 considerations under this subsection.

24 (c) The task force may use the document known as the
25 "Historic Building Standard-Chapter 1000" in conjunction with
26 NFPA 914, "Recommended Practices for Fire Protection in
27 Rehabilitation and Adaptive Rescue for Historic Structures,"
28 as a guide for evaluating historic public lodging
29 establishments for alternative fire protection and lifesafety
30 support systems.~~shall, no later than November 1, 1996, report~~
31 ~~to the President of the Senate and the Speaker of the House of~~

1 ~~Representatives any legislative recommendations for providing~~
2 ~~a standard system of fire protection and lifesafety support~~
3 ~~alternatives for historic public lodging establishments,~~
4 ~~including bed and breakfast inns, that would meet the intent~~
5 ~~of the NFPA standards. In making its report the task force~~
6 ~~shall consider which, if any, bed and breakfast inn operations~~
7 ~~may be exempted from the firesafety requirements of this~~
8 ~~section.~~

9 ~~(5)(7)~~ The Division of State Fire Marshal shall adopt,
10 in accordance with the provisions of chapter 120, any rules
11 necessary for the implementation and enforcement of this
12 section. The Division of State Fire Marshal shall enforce this
13 section in accordance with the provisions of chapter 633, and
14 any establishment licensed under this chapter in violation of
15 this section may be subject to administrative sanctions by the
16 division pursuant to s. 509.261.

17 ~~(6)(8)~~ Specialized smoke detectors for the deaf and
18 hearing impaired shall be available upon request by guests in
19 public lodging establishments at a rate of at least one such
20 smoke detector per 50 dwelling units or portions thereof, not
21 to exceed five such smoke detectors per public lodging
22 facility.

23 ~~(7)(9)~~ The National Fire Protection Association
24 publications referenced in this section are the ones most
25 recently adopted by rule of the Division of State Fire Marshal
26 of the Department of Insurance.

27 (8) Effective January 1, 1999, the provisions of the
28 National Fire Protection Association's "Life Safety Code,"
29 NFPA 101, 1994 edition, Chapter 21, shall be the uniform
30 firesafety code applied pursuant to the provisions of s.
31 633.022 for home-stay inns of no more than three stories in

1 height which are limited to first and second story guest
2 rooms.

3 (9) Those licensed public lodging establishments that
4 had applied for the exception under paragraph (4)(a) by March
5 1, 1998, must meet the requirements of this section within 5
6 years after the effective date of this subsection.

7 Section 2. Subsection (1) of section 509.242, Florida
8 Statutes, is amended to read:

9 509.242 Public lodging establishments;
10 classifications.--

11 (1) A public lodging establishment shall be classified
12 for licensing purposes only as a hotel, motel, resort
13 condominium, nontransient apartment, transient apartment,
14 roominghouse, bed and breakfast inn, home-stay inn, or resort
15 dwelling if the establishment satisfies the following
16 criteria:

17 (a) Hotel.--A hotel is any public lodging
18 establishment containing sleeping room accommodations for 25
19 or more guests and providing the services generally provided
20 by a hotel and recognized as a hotel in the community in which
21 it is situated or by the industry.

22 (b) Motel.--A motel is any public lodging
23 establishment which offers rental units with an exit to the
24 outside of each rental unit, daily or weekly rates, offstreet
25 parking for each unit, a central office on the property with
26 specified hours of operation, a bathroom or connecting
27 bathroom for each rental unit, and at least six rental units,
28 and which is recognized as a motel in the community in which
29 it is situated or by the industry.

30 (c) Resort condominium.--A resort condominium is any
31 unit or group of units in a condominium, cooperative, or

1 timeshare plan which is rented more than three times in a
2 calendar year for periods of less than 30 days or 1 calendar
3 month, whichever is less, or which is advertised or held out
4 to the public as a place regularly rented for periods of less
5 than 30 days or 1 calendar month, whichever is less.

6 (d) Nontransient apartment.--A nontransient apartment
7 is any apartment building in which 75 percent or more of the
8 units are available for rent to nontransient tenants.

9 (e) Transient apartment.--A transient apartment is any
10 apartment building in which units are advertised or held out
11 to the public as available for transient occupancy.

12 (f) Roominghouse.--A roominghouse is any public
13 lodging establishment that may not be classified as a hotel,
14 motel, resort condominium, nontransient apartment, bed and
15 breakfast inn, home-stay inn, or transient apartment under
16 this section. A roominghouse includes, but is not limited to,
17 a boardinghouse.

18 (g) Resort dwelling.--A resort dwelling is any
19 individually or collectively owned one-family, two-family,
20 three-family, or four-family dwelling house or dwelling unit
21 which is rented more than three times in a calendar year for
22 periods of less than 30 days or 1 calendar month, whichever is
23 less, or which is advertised or held out to the public as a
24 place regularly rented for periods of less than 30 days or 1
25 calendar month, whichever is less.

26 (h) Bed and breakfast inn.--A bed and breakfast inn is
27 a family home structure, with sleeping room accommodations for
28 24 or fewer guests and no more than 12 ~~15~~ sleeping rooms,
29 which has been modified to make these sleeping room
30 accommodations available for rent to guests in transient
31 occupancy ~~serve as a transient public lodging establishment,~~

1 which provides the accommodation and meal services generally
2 offered by a bed and breakfast inn, and which is recognized as
3 a bed and breakfast inn in the community in which it is
4 situated or by the hospitality industry.

5 (i) Home-stay inn.--A home-stay inn is a family home
6 structure with sleeping accommodations for five or fewer
7 guests which has been modified to make these sleeping room
8 accommodations available for rent to guests, which provides
9 the accommodations and meal services generally offered by a
10 home-stay inn, and which is recognized as a home-stay inn in
11 the community in which it is situated or by the hospitality
12 industry. Guest rooms in a home-stay inn are limited to first
13 and second stories only.

14 Section 3. Section 553.895, Florida Statutes, is
15 amended to read:

16 553.895 Firesafety.--

17 ~~(1) Any transient public lodging establishment, as~~
18 ~~defined in chapter 509 and used primarily for transient~~
19 ~~occupancy as defined in s. 83.43(10), or any timeshare unit of~~
20 ~~a timeshare plan as defined in chapters 718 and 721, which is~~
21 ~~of three stories or more and for which the construction~~
22 ~~contract has been let after September 30, 1983, with interior~~
23 ~~corridors which do not have direct access from the guest area~~
24 ~~to exterior means of egress and on buildings over 75 feet in~~
25 ~~height that have direct access from the guest area to exterior~~
26 ~~means of egress and for which the construction contract has~~
27 ~~been let after September 30, 1983, shall be equipped with an~~
28 ~~automatic sprinkler system installed in compliance with the~~
29 ~~provisions prescribed in the National Fire Protection~~
30 ~~Association publication NFPA No. 13 (1985), "Standards for the~~
31 ~~installation of Sprinkler Systems." Each guest room and each~~

1 ~~timeshare unit shall be equipped with an approved listed~~
2 ~~single-station smoke detector meeting the minimum requirements~~
3 ~~of NFPA 74 (1984) "Standards for the Installation, Maintenance~~
4 ~~and Use of Household Fire Warning Equipment," powered from the~~
5 ~~building electrical service, notwithstanding the number of~~
6 ~~stories in the structure, if the contract for construction is~~
7 ~~let after September 30, 1983. Single-station smoke detectors~~
8 ~~shall not be required when guest rooms or timeshare units~~
9 ~~contain smoke detectors connected to a central alarm system~~
10 ~~which also alarms locally.~~

11 (2) Except for single-family and two-family dwellings,
12 any building which is of three stories or more and for which
13 the construction contract is let after January 1, 1994,
14 regardless of occupancy classification and including any
15 building which is subject to s. 509.215, shall be equipped
16 with an automatic sprinkler system installed in compliance
17 with the provisions of chapter 633 and the rules and codes
18 adopted pursuant thereto. A stand-alone parking garage
19 constructed with noncombustible materials, the design of which
20 is such that all levels of the garage are uniformly open to
21 the atmosphere on all sides with percentages of openings as
22 prescribed in the applicable building code, and which parking
23 garage is separated from other structures by at least 20 feet,
24 is exempt from the requirements of this subsection.

25 Section 4. This act shall take effect upon becoming a
26 law.

27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

LEGISLATIVE SUMMARY

For the purposes of part I of ch. 509, F.S., relating to public lodging establishments and public food service establishments, revises firesafety requirements for specified public lodging establishments. Revises classifications for public lodging establishments and provides a classification for "home stay inn." Provides that such classifications are for licensing purposes only.

Removes obsolete firesafety requirements for public lodging establishments within the Florida Building Codes Act.