

Bill No. CS for SB 1062

Amendment No. ____ Barcode 713574

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

Senate Amendment (with title amendment)

On page 7, before line 1,

insert:

Section 6. Paragraph (a) of subsection (1) of section 400.441, Florida Statutes, is amended to read:

400.441 Rules establishing standards.--

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the

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1 department, in consultation with the agency, the Department of
2 Children and Family Services, and the Department of Health,
3 shall adopt rules, policies, and procedures to administer this
4 part, which must include reasonable and fair minimum standards
5 in relation to:

6 (a) The requirements for and maintenance of
7 facilities, not in conflict with the provisions of chapter
8 553, relating to plumbing, heating, cooling, lighting,
9 ventilation, living space, and other housing conditions, which
10 will ensure the health, safety, and comfort of residents and
11 protection from fire hazard, including adequate provisions for
12 fire alarm and other fire protection suitable to the size of
13 the structure. Uniform firesafety standards shall be
14 established and enforced by the State Fire Marshal in
15 cooperation with the agency, the department, and the
16 Department of Health.

17 1. Evacuation capability determination.--

18 a. The provisions of the National Fire Protection
19 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used
20 for determining the ability of the residents, with or without
21 staff assistance, to relocate from or within a licensed
22 facility to a point of safety as provided in the fire codes
23 adopted herein. An evacuation capability evaluation for
24 initial licensure shall be conducted within 6 months after the
25 date of licensure. For existing licensed facilities that are
26 not equipped with an automatic fire sprinkler system, the
27 administrator shall evaluate the evacuation capability of
28 residents at least annually. The evacuation capability
29 evaluation for each facility not equipped with an automatic
30 fire sprinkler system shall be validated, without liability,
31 by the State Fire Marshal, by the local fire marshal, or by

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1 the local authority having jurisdiction over firesafety,
2 before the license renewal date. If the State Fire Marshal,
3 local fire marshal, or local authority having jurisdiction
4 over firesafety has reason to believe that the evacuation
5 capability of a facility as reported by the administrator may
6 have changed, it may, with assistance from the facility
7 administrator, reevaluate the evacuation capability through
8 timed exiting drills. Translation of timed fire exiting drills
9 to evacuation capability may be determined:

10 (I) Three minutes or less: prompt.

11 (II) More than 3 minutes, but not more than 13
12 minutes: slow.

13 (III) More than 13 minutes: impractical.

14 b. The Office of the State Fire Marshal shall provide
15 or cause the provision of training and education on the proper
16 application of Chapter 5, NFPA 101A, 1995 edition, to its
17 employees, to staff of the Agency for Health Care
18 Administration who are responsible for regulating facilities
19 under this part, and to local governmental inspectors. The
20 Office of the State Fire Marshal shall provide or cause the
21 provision of this training within its existing budget, but may
22 charge a fee for this training to offset its costs. The
23 initial training must be delivered within 6 months after July
24 1, 1995, and as needed thereafter.

25 c. The Office of the State Fire Marshal, in
26 cooperation with provider associations, shall provide or cause
27 the provision of a training program designed to inform
28 facility operators on how to properly review bid documents
29 relating to the installation of automatic fire sprinklers.
30 The Office of the State Fire Marshal shall provide or cause
31 the provision of this training within its existing budget, but

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1 may charge a fee for this training to offset its costs. The
2 initial training must be delivered within 6 months after July
3 1, 1995, and as needed thereafter.

4 d. The administrator of a licensed facility shall sign
5 an affidavit verifying the number of residents occupying the
6 facility at the time of the evacuation capability evaluation.

7 2. Firesafety requirements.--

8 a. Except for the special applications provided
9 herein, effective January 1, 1996, the provisions of the
10 National Fire Protection Association, Life Safety Code, NFPA
11 101, 1994 edition, Chapter 22 for new facilities and Chapter
12 23 for existing facilities shall be the uniform fire code
13 applied by the State Fire Marshal for assisted living
14 facilities, pursuant to s. 633.022.

15 b. Any new facility, regardless of size, that applies
16 for a license on or after January 1, 1996, must be equipped
17 with an automatic fire sprinkler system. The exceptions as
18 provided in section 22-2.3.5.1, NFPA 101, 1994 edition, as
19 adopted herein, apply to any new facility housing eight or
20 fewer residents. On July 1, 1995, local governmental entities
21 responsible for the issuance of permits for construction shall
22 inform, without liability, any facility whose permit for
23 construction is obtained prior to January 1, 1996, of this
24 automatic fire sprinkler requirement. As used in this part,
25 the term "a new facility" does not mean an existing facility
26 that has undergone change of ownership.

27 c. Notwithstanding any provision of s. 633.022 or of
28 the National Fire Protection Association, NFPA 101A, Chapter
29 5, 1995 edition, to the contrary, any existing facility
30 housing eight or fewer residents is not required to install an
31 automatic fire sprinkler system, nor to comply with any other

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1 requirement in Chapter 23, NFPA 101, 1994 edition, that
2 exceeds the firesafety requirements of NFPA 101, 1988 edition,
3 that applies to this size facility, unless the facility has
4 been classified as impractical to evacuate. Any existing
5 facility housing eight or fewer residents that is classified
6 as impractical to evacuate must install an automatic fire
7 sprinkler system within the timeframes granted in this
8 section.

9 d. Any existing facility that is required to install
10 an automatic fire sprinkler system under this paragraph need
11 not meet other firesafety requirements of Chapter 23, NFPA
12 101, 1994 edition, which exceed the provisions of NFPA 101,
13 1988 edition. The mandate contained in this paragraph which
14 requires certain facilities to install an automatic fire
15 sprinkler system supersedes any other requirement.

16 e. This paragraph does not supersede the exceptions
17 granted in NFPA 101, 1988 edition or 1994 edition.

18 f. This paragraph does not exempt facilities from
19 other firesafety provisions adopted under s. 633.022 and local
20 building code requirements in effect before July 1, 1995.

21 g. A local government may charge fees only in an
22 amount not to exceed the actual expenses incurred by local
23 government relating to the installation and maintenance of an
24 automatic fire sprinkler system in an existing and properly
25 licensed assisted living facility structure as of January 1,
26 1996.

27 h. If a licensed facility undergoes major
28 reconstruction or addition to an existing building on or after
29 January 1, 1996, the entire building must be equipped with an
30 automatic fire sprinkler system. Major reconstruction of a
31 building means repair or restoration that costs in excess of

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1 50 percent of the value of the building as reported on the tax
2 rolls, excluding land, before reconstruction. Multiple
3 reconstruction projects within a 5-year period the total costs
4 of which exceed 50 percent of the initial value of the
5 building at the time the first reconstruction project was
6 permitted are to be considered as major reconstruction.
7 Application for a permit for an automatic fire sprinkler
8 system is required upon application for a permit for a
9 reconstruction project that creates costs that go over the
10 50-percent threshold.

11 i. Any facility licensed before January 1, 1996, that
12 is required to install an automatic fire sprinkler system
13 shall ensure that the installation is completed within the
14 following timeframes based upon evacuation capability of the
15 facility as determined under subparagraph 1.:

16 (I) Impractical evacuation capability, 24 months.

17 (II) Slow evacuation capability, 48 months.

18 (III) Prompt evacuation capability, 60 months.

19

20 The beginning date from which the deadline for the automatic
21 fire sprinkler installation requirement must be calculated is
22 upon receipt of written notice from the local fire official
23 that an automatic fire sprinkler system must be installed. The
24 local fire official shall send a copy of the document
25 indicating the requirement of a fire sprinkler system to the
26 Agency for Health Care Administration.

27 j. It is recognized that the installation of an
28 automatic fire sprinkler system may create financial hardship
29 for some facilities. The appropriate local fire official
30 shall, without liability, grant two 1-year extensions to the
31 timeframes for installation established herein, if an

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1 automatic fire sprinkler installation cost estimate and proof
2 of denial from two financial institutions for a construction
3 loan to install the automatic fire sprinkler system are
4 submitted. However, for any facility with a class I or class
5 II, or a history of uncorrected class III, firesafety
6 deficiencies, an extension must not be granted. The local
7 fire official shall send a copy of the document granting the
8 time extension to the Agency for Health Care Administration.

9 k. A facility owner whose facility is required to be
10 equipped with an automatic fire sprinkler system under Chapter
11 23, NFPA 101, 1994 edition, as adopted herein, must disclose
12 to any potential buyer of the facility that an installation of
13 an automatic fire sprinkler requirement exists. The sale of
14 the facility does not alter the timeframe for the installation
15 of the automatic fire sprinkler system.

16 l. Existing facilities required to install an
17 automatic fire sprinkler system as a result of
18 construction-type restrictions in Chapter 23, NFPA 101, 1994
19 edition, as adopted herein, or evacuation capability
20 requirements shall be notified by the local fire official in
21 writing of the automatic fire sprinkler requirement, as well
22 as the appropriate date for final compliance as provided in
23 this subparagraph. The local fire official shall send a copy
24 of the document to the Agency for Health Care Administration.

25 m. Except in cases of life-threatening fire hazards,
26 if an existing facility experiences a change in the evacuation
27 capability, or if the local authority having jurisdiction
28 identifies a construction-type restriction, such that an
29 automatic fire sprinkler system is required, it shall be
30 afforded time for installation as provided in this
31 subparagraph.

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1 3. Resident elopement requirements.--Facilities are
 2 required to conduct a minimum of two resident elopement
 3 prevention and response drills per year. All administrators
 4 and direct care staff must participate in the drills that
 5 shall include a review of procedures to address resident
 6 elopement. Facilities shall document the implementation of the
 7 drills and ensure that the drills are conducted in a manner
 8 consistent with the facility's resident elopement policies and
 9 procedures.

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11 Facilities that are fully sprinkled and in compliance with
 12 other firesafety standards are not required to conduct more
 13 than one of the required fire drills between the hours of 11
 14 p.m. and 7 a.m., per year. In lieu of the remaining drills,
 15 staff responsible for residents during such hours may be
 16 required to participate in a mock drill that includes a review
 17 of evacuation procedures. Such standards must be included or
 18 referenced in the rules adopted by the State Fire Marshal.
 19 Pursuant to s. 633.022(1)(b), the State Fire Marshal is the
 20 final administrative authority for firesafety standards
 21 established and enforced pursuant to this section. All
 22 licensed facilities must have an annual fire inspection
 23 conducted by the local fire marshal or authority having
 24 jurisdiction.

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26 (Redesignate subsequent sections.)

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 1, line 20, after the semicolon,

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1 insert:

2 amending s. 400.441, F.S.; requiring facilities
3 to conduct a minimum number of resident
4 elopement prevention and response drills
5 annually;

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