

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Murman offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 175 and 176 insert:

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

7 400.441 Rules establishing standards.--

8 (1) It is the intent of the Legislature that rules
9 published and enforced pursuant to this section shall include
10 criteria by which a reasonable and consistent quality of
11 resident care and quality of life may be ensured and the results
12 of such resident care may be demonstrated. Such rules shall also
13 ensure a safe and sanitary environment that is residential and
14 noninstitutional in design or nature. It is further intended
15 that reasonable efforts be made to accommodate the needs and
16 preferences of residents to enhance the quality of life in a

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17 facility. In order to provide safe and sanitary facilities and
18 the highest quality of resident care accommodating the needs and
19 preferences of residents, the department, in consultation with
20 the agency, the Department of Children and Family Services, and
21 the Department of Health, shall adopt rules, policies, and
22 procedures to administer this part, which must include
23 reasonable and fair minimum standards in relation to:

24 (a) The requirements for and maintenance of facilities,
25 not in conflict with the provisions of chapter 553, relating to
26 plumbing, heating, cooling, lighting, ventilation, living space,
27 and other housing conditions, which will ensure the health,
28 safety, and comfort of residents and protection from fire
29 hazard, including adequate provisions for fire alarm and other
30 fire protection suitable to the size of the structure. Uniform
31 firesafety standards shall be established and enforced by the
32 State Fire Marshal in cooperation with the agency, the
33 department, and the Department of Health.

34 1. Evacuation capability determination.--

35 a. The provisions of the National Fire Protection
36 Association, NFPA 101A, Chapter 5, 1995 edition, shall be used
37 for determining the ability of the residents, with or without
38 staff assistance, to relocate from or within a licensed facility
39 to a point of safety as provided in the fire codes adopted
40 herein. An evacuation capability evaluation for initial
41 licensure shall be conducted within 6 months after the date of
42 licensure. For existing licensed facilities that are not
43 equipped with an automatic fire sprinkler system, the
44 administrator shall evaluate the evacuation capability of

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45 residents at least annually. The evacuation capability
46 evaluation for each facility not equipped with an automatic fire
47 sprinkler system shall be validated, without liability, by the
48 State Fire Marshal, by the local fire marshal, or by the local
49 authority having jurisdiction over firesafety, before the
50 license renewal date. If the State Fire Marshal, local fire
51 marshal, or local authority having jurisdiction over firesafety
52 has reason to believe that the evacuation capability of a
53 facility as reported by the administrator may have changed, it
54 may, with assistance from the facility administrator, reevaluate
55 the evacuation capability through timed exiting drills.
56 Translation of timed fire exiting drills to evacuation
57 capability may be determined:

58 (I) Three minutes or less: prompt.

59 (II) More than 3 minutes, but not more than 13 minutes:
60 slow.

61 (III) More than 13 minutes: impractical.

62 b. The Office of the State Fire Marshal shall provide or
63 cause the provision of training and education on the proper
64 application of Chapter 5, NFPA 101A, 1995 edition, to its
65 employees, to staff of the Agency for Health Care Administration
66 who are responsible for regulating facilities under this part,
67 and to local governmental inspectors. The Office of the State
68 Fire Marshal shall provide or cause the provision of this
69 training within its existing budget, but may charge a fee for
70 this training to offset its costs. The initial training must be
71 delivered within 6 months after July 1, 1995, and as needed
72 thereafter.

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73 c. The Office of the State Fire Marshal, in cooperation
74 with provider associations, shall provide or cause the provision
75 of a training program designed to inform facility operators on
76 how to properly review bid documents relating to the
77 installation of automatic fire sprinklers. The Office of the
78 State Fire Marshal shall provide or cause the provision of this
79 training within its existing budget, but may charge a fee for
80 this training to offset its costs. The initial training must be
81 delivered within 6 months after July 1, 1995, and as needed
82 thereafter.

83 d. The administrator of a licensed facility shall sign an
84 affidavit verifying the number of residents occupying the
85 facility at the time of the evacuation capability evaluation.

86 2. Firesafety requirements.--

87 a. Except for the special applications provided herein,
88 effective January 1, 1996, the provisions of the National Fire
89 Protection Association, Life Safety Code, NFPA 101, 1994
90 edition, Chapter 22 for new facilities and Chapter 23 for
91 existing facilities shall be the uniform fire code applied by
92 the State Fire Marshal for assisted living facilities, pursuant
93 to s. 633.022.

94 b. Any new facility, regardless of size, that applies for
95 a license on or after January 1, 1996, must be equipped with an
96 automatic fire sprinkler system. The exceptions as provided in
97 section 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein,
98 apply to any new facility housing eight or fewer residents. On
99 July 1, 1995, local governmental entities responsible for the
100 issuance of permits for construction shall inform, without

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101 liability, any facility whose permit for construction is
102 obtained prior to January 1, 1996, of this automatic fire
103 sprinkler requirement. As used in this part, the term "a new
104 facility" does not mean an existing facility that has undergone
105 change of ownership.

106 c. Notwithstanding any provision of s. 633.022 or of the
107 National Fire Protection Association, NFPA 101A, Chapter 5, 1995
108 edition, to the contrary, any existing facility housing eight or
109 fewer residents is not required to install an automatic fire
110 sprinkler system, nor to comply with any other requirement in
111 Chapter 23, NFPA 101, 1994 edition, that exceeds the firesafety
112 requirements of NFPA 101, 1988 edition, that applies to this
113 size facility, unless the facility has been classified as
114 impractical to evacuate. Any existing facility housing eight or
115 fewer residents that is classified as impractical to evacuate
116 must install an automatic fire sprinkler system within the
117 timeframes granted in this section.

118 d. Any existing facility that is required to install an
119 automatic fire sprinkler system under this paragraph need not
120 meet other firesafety requirements of Chapter 23, NFPA 101, 1994
121 edition, which exceed the provisions of NFPA 101, 1988 edition.
122 The mandate contained in this paragraph which requires certain
123 facilities to install an automatic fire sprinkler system
124 supersedes any other requirement.

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

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

130 g. A local government may charge fees only in an amount
131 not to exceed the actual expenses incurred by local government
132 relating to the installation and maintenance of an automatic
133 fire sprinkler system in an existing and properly licensed
134 assisted living facility structure as of January 1, 1996.

135 h. If a licensed facility undergoes major reconstruction
136 or addition to an existing building on or after January 1, 1996,
137 the entire building must be equipped with an automatic fire
138 sprinkler system. Major reconstruction of a building means
139 repair or restoration that costs in excess of 50 percent of the
140 value of the building as reported on the tax rolls, excluding
141 land, before reconstruction. Multiple reconstruction projects
142 within a 5-year period the total costs of which exceed 50
143 percent of the initial value of the building at the time the
144 first reconstruction project was permitted are to be considered
145 as major reconstruction. Application for a permit for an
146 automatic fire sprinkler system is required upon application for
147 a permit for a reconstruction project that creates costs that go
148 over the 50-percent threshold.

149 i. Any facility licensed before January 1, 1996, that is
150 required to install an automatic fire sprinkler system shall
151 ensure that the installation is completed within the following
152 timeframes based upon evacuation capability of the facility as
153 determined under subparagraph 1.:

154 (I) Impractical evacuation capability, 24 months.

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155 (II) Slow evacuation capability, 48 months.

156 (III) Prompt evacuation capability, 60 months.

157

158 The beginning date from which the deadline for the automatic
159 fire sprinkler installation requirement must be calculated is
160 upon receipt of written notice from the local fire official that
161 an automatic fire sprinkler system must be installed. The local
162 fire official shall send a copy of the document indicating the
163 requirement of a fire sprinkler system to the Agency for Health
164 Care Administration.

165 j. It is recognized that the installation of an automatic
166 fire sprinkler system may create financial hardship for some
167 facilities. The appropriate local fire official shall, without
168 liability, grant two 1-year extensions to the timeframes for
169 installation established herein, if an automatic fire sprinkler
170 installation cost estimate and proof of denial from two
171 financial institutions for a construction loan to install the
172 automatic fire sprinkler system are submitted. However, for any
173 facility with a class I or class II, or a history of uncorrected
174 class III, firesafety deficiencies, an extension must not be
175 granted. The local fire official shall send a copy of the
176 document granting the time extension to the Agency for Health
177 Care Administration.

178 k. A facility owner whose facility is required to be
179 equipped with an automatic fire sprinkler system under Chapter
180 23, NFPA 101, 1994 edition, as adopted herein, must disclose to
181 any potential buyer of the facility that an installation of an
182 automatic fire sprinkler requirement exists. The sale of the

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183 facility does not alter the timeframe for the installation of
184 the automatic fire sprinkler system.

185 1. Existing facilities required to install an automatic
186 fire sprinkler system as a result of construction-type
187 restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted
188 herein, or evacuation capability requirements shall be notified
189 by the local fire official in writing of the automatic fire
190 sprinkler requirement, as well as the appropriate date for final
191 compliance as provided in this subparagraph. The local fire
192 official shall send a copy of the document to the Agency for
193 Health Care Administration.

194 m. Except in cases of life-threatening fire hazards, if an
195 existing facility experiences a change in the evacuation
196 capability, or if the local authority having jurisdiction
197 identifies a construction-type restriction, such that an
198 automatic fire sprinkler system is required, it shall be
199 afforded time for installation as provided in this subparagraph.

200
201 Facilities that are fully sprinkled and in compliance with other
202 firesafety standards are not required to conduct more than one
203 of the required fire drills between the hours of 11 p.m. and 7
204 a.m., per year. In lieu of the remaining drills, staff
205 responsible for residents during such hours may be required to
206 participate in a mock drill that includes a review of evacuation
207 procedures. Such standards must be included or referenced in the
208 rules adopted by the State Fire Marshal. Pursuant to s.
209 633.022(1)(b), the State Fire Marshal is the final
210 administrative authority for firesafety standards established

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211 and enforced pursuant to this section. All licensed facilities
212 must have an annual fire inspection conducted by the local fire
213 marshal or authority having jurisdiction.

214 3. Resident elopement requirements.--Facilities are
215 required to conduct a minimum of two resident elopement
216 prevention and response drills per year. All administrators and
217 direct care staff must participate in the drills which shall
218 include a review of procedures to address resident elopement.
219 Facilities must document the implementation of the drills and
220 ensure that the drills are conducted in a manner consistent with
221 the facility's resident elopement policies and procedures.

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

224 Between lines 21 and 22 insert:
225 amending s. 400.441, F.S.; requiring facilities to conduct
226 resident elopement prevention and response drills and to provide
227 documentation thereof;

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