

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Banking and Insurance Committee

BILL: CS/SB 1822

INTRODUCER: Banking and Insurance Committee and Senator Garcia

SUBJECT: Janelle's Law/Carbon Monoxide Alarms

DATE: April 10, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Deffenbaugh	BI	Fav/CS
2.			RI	
3.			CA	
4.			GA	
5.				
6.				

I. Summary:

Committee Substitute for Senate Bill 1822 requires every building for which a building permit is issued for new construction on or after July 1, 2008, that has fossil-fuel-burning heaters or appliances, a fireplace, or an attached garage, to comply with installation of carbon monoxide alarms. The bill defines “carbon monoxide alarm” and “fossil fuel.” The bill requires the Florida Building Commission (Commission) to adopt rules to administer the provisions of the bill and also requires the Commission to incorporate the requirements of the bill into the next revision of the Florida Building Code. The bill requires public lodging establishments to equip machine rooms with one or more carbon monoxide (CO) sensor devices and requires the Division of Hotels and Restaurants (Division) of the Department of Business and Professional Regulation (DBPR) to determine whether CO hazards exist within enclosures.

The act is named “Janelle’s Law” in memory of a Janelle Bertot and Anthony Perez who died from carbon monoxide poisoning.

This bill substantially amends s. 509.211, F.S., and creates s. 553.885, F.S.

II. Present Situation:

Carbon Monoxide Detectors

Although the popularity of CO detectors has been growing in recent years, it cannot be assumed that everyone is familiar with the hazards of carbon monoxide poisoning in the home. Often called the silent killer, CO is an invisible, odorless, colorless gas created when fuels (such as gasoline, wood, coal, natural gas, propane, oil, and methane) burn incompletely. In the home,

heating and cooking equipment that burn fuel are potential sources of CO. Vehicles or generators running in an attached garage can also produce dangerous levels of CO.

According to the National Safety Council, 200-300 unintentional-injury deaths a year are due to CO poisoning. The dangers of CO exposure depend on a number of variables, including the victim's health and activity level. Infants, pregnant women, and people with physical conditions that limit their body's ability to use oxygen (i.e., emphysema, asthma, heart disease) can be more severely affected by lower concentrations of CO than healthy adults would be.¹

Carbon monoxide may be a health risk and may result in fatigue in healthy people and chest pain in people with heart disease at low concentrations. At higher concentrations, carbon monoxide may cause impaired vision and coordination; headaches; dizziness; confusion; nausea. It can cause flu-like symptoms that clear up after one is no longer exposed to the source of the carbon monoxide. Carbon monoxide can be fatal at very high concentrations.²

Public Lodging Establishments

The Department of Business and Professional Regulation (department) is the state agency charged with enforcing the provisions of ch. 509, F.S., and all other applicable laws relating to the inspection and regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare. According to the department, there are over 36,000 licensed public lodging establishments.³ The Florida Restaurant and Lodging Association estimates that there are over 400,000 hotel and motel rooms in Florida.

Section 509.013(4), F.S., defines a public lodging establishment, and provides:

(4)(a) "Public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefore, are set out in s. 509.242, F.S.. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103, F.S.

(b) The following are excluded from the definition in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;
2. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family,

¹ National Fire Prevention Association.

² *Id.*

³ For FY 2005-2006 there were 36,906 licensed public lodging establishments. *Annual Report, Fiscal Year 2005-2006*, Division of Hotels and Restaurants, Department of Business and Professional Regulation.

or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health; under ss. 381.008-381.00895; and

6. Any establishment inspected by the Department of Health and regulated by chapter 513.⁴

Florida Building Code

The Florida Building Code does not currently require the installation of carbon monoxide detectors in new construction of residential dwellings. However, according to the Florida Building Code Commission (Commission), Mechanical Technical Advisory Committee, the Commission has approved proposed revisions to the Florida Building Code to require the installation of carbon monoxide detectors in all new residential construction effective October 1, 2008, including one and two family, multifamily, and commercial lodging construction. The proposed revision requires that the carbon monoxide detectors be hard wired for electricity and have a battery back up. A combination smoke detector/carbon monoxide detector may be used.

Janelle Bertot & Anthony Perez

Janelle Bertot and Anthony Perez were students at the Florida International University when they suffered tragic and sudden deaths. They died on November 14, 2004, from CO poisoning as a result of CO that leaked from their motor vehicle. Janelle's family and friends have established a charitable foundation in her name which seeks to raise awareness of young people and the general public on the dangers of CO poisoning.

III. Effect of Proposed Changes:

Section 1 The bill amends s. 509.211, F.S., requiring that all public lodging establishments be equipped with one or more carbon monoxide sensor devices in every enclosure that has boilers or other machinery generating carbon monoxide, unless it is determined by the Division that no potential carbon monoxide hazard exists within the enclosure. These sensor devices must bear the label of a nationally recognized testing laboratory and must have been tested and listed as complying with the most recent Underwriters Laboratories Inc., Standard 2034, or its equivalent. These devices must also be integrated with the lodging establishment's fire-detection system. The installation and determination that no CO hazard exists must be made in accordance with rules adopted by the Division of Hotels and Restaurants of the DBPR.

Section 2 The bill requires, beginning July 1, 2008, that all new construction, having a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage, must have an approved carbon monoxide alarm installed within 10 feet of each sleeping room.

⁴ Chapter 513, F.S., relates to the regulation of mobile home and recreational vehicle parks.

The bill requires the Florida Building Commission to adopt rules to implement the provisions of the bill and to incorporate these requirements into the next revision of the Florida Building Code.

The bill defines “carbon monoxide alarm” to mean a device that is capable of detecting carbon monoxide, which produces a distinct audible alarm, and meets the requirements of, and is approved by, the Florida Building Commission. The bill defines “fossil-fuel” to mean coal, kerosene, oil, fuel gases, or any other petroleum or hydrocarbon product that emits carbon monoxide as a by-product of combustion.

Section 3 The bill provides that the act shall take effect July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Newly constructed buildings will be required to be equipped with carbon monoxide alarms, subject to rules adopted by the Florida Building Commission, effective July 1, 2009. Internet research shows that carbon monoxide detectors typically cost between \$20 and \$100 per unit, depending on whether they are battery-powered or hardwired to your home.

C. Government Sector Impact:

This bill requires the Florida Building Commission (Commission) to adopt rules for the installation of carbon monoxide detectors. The bill also requires that the Division of Hotels and Restaurants (Division) determine whether a potential carbon monoxide hazard exists within an enclosure. The Commission and Division will likely incur costs in adopting these rules, however, the costs are indeterminate at the present time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The provisions of section 1 are identical to those found in CS/SB 1840.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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