

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: Community Affairs Committee

BILL: CS/CS/SB 1822

INTRODUCER: Community Affairs Committee; Banking and Insurance Committee; Senators Garcia and Deutch

SUBJECT: Janelle’s Law/Carbon Monoxide Alarms

DATE: April 30, 2007 REVISED: _____

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			RI	Withdrawn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

I. Summary:

The committee substitute for committee substitute (CS) requires that one or more carbon monoxide sensor devices be installed in any portion of a public lodging establishment that has an enclosed space or room containing a certain type of boiler regulated under ch. 554, F.S., in a portion of the establishment which also contains sleeping rooms. The CS requires that each carbon monoxide device must bear the label of a nationally recognized testing laboratory. It also requires that the device must have been tested and listed as complying with the most recent Underwriters Laboratories, Inc., Standard 2034, or its equivalent.

The CS exempts public lodging establishments that have adequately mitigated the carbon monoxide hazard. The devices must be integrated into the establishment’s fire detection system. It requires the Division of Hotels and Restaurants within the Department of Business and Professional Regulation (DBPR) to adopt rules regarding the installation of the sensors and the determination of whether the establishment has adequately mitigated a carbon monoxide hazard.

The CS 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. It defines “carbon monoxide alarm” and “fossil fuel.” The CS requires the Florida Building Commission (Commission) to adopt rules to administer the provisions of the CS and also requires the Commission to incorporate the requirements of the CS into the next revision of the Florida Building Code. Section 553.885, F.S., is named “Janelle’s Law” in memory of a Janelle Bertot and Anthony Perez who died from carbon monoxide poisoning.

This CS substantially amends section 509.211 and creates section 553.885 of the Florida Statutes.

II. Present Situation:

Carbon Monoxide Detectors

Although the popularity of CO detectors has grown 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 such fuels 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 or deaths that occur each 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 the body's ability to use oxygen can be more severely affected by lower concentrations of CO than healthy adults would be.¹

Carbon monoxide may result in fatigue in healthy people, and at low concentrations may cause chest pain in people with heart disease. At higher concentrations, carbon monoxide may cause impaired vision and coordination, headaches, dizziness, confusion, and 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 DBPR is the state agency charged with enforcing the provisions of ch. 509, F.S., and all other laws relating to the inspection and regulation of public lodging establishments and public food service establishments. According to DBPR, there are more than 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)(a), F.S., provides that 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 a period 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 licensing purposes, the term does not include condominium common elements as defined in s. 718.103.

¹ National Fire Prevention Association, available at: <http://www.nfpa.org/categoryList.asp?categoryID=246&URL=Research%20&%20Reports/Fact%20sheets/Safety%20in%20the%20home>

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. A copy is available at: http://www.myflorida.com/dbpr/hr/annualreports/ar2005_06.pdf (Last visited March 23, 2007).

The following establishments are excluded from the definition of “public lodging establishment”:

- 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,
- Any hospital, nursing home, sanitarium, assisted living facility, or other similar place,
- 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,
- 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, 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, so long as no more than four rental units within a single complex of buildings are available for rent,
- Any migrant labor camp or residential migrant housing permitted by the Department of Health; under ss. 381.008-381.00895, and
- 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’s (commission), Mechanical Technical Advisory Committee, the commission has approved proposed revisions to the Florida Building Code that 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 when CO 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 amends s. 509.211, F.S., to require that one or more carbon monoxide sensor devices be installed in any portion of a public lodging establishment that has an enclosed space or room containing a certain type of boiler regulated under ch. 554, F.S.,⁵ in a portion of the establishment which also contains sleeping rooms. The CS requires that each carbon monoxide sensor device must bear the label of a “nationally recognized testing laboratory.” The CS does not define the term “nationally recognized testing laboratory.” However, the term is defined in

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

⁵ Chapter 554, Florida Statutes, governs boiler safety.

s. 489.505(29), F.S., relating to electrical and alarm system contracting definitions and the definitions in part II of ch. 489, F.S.⁶ The CS also requires that the device must have been tested and listed as complying with the most recent Underwriters Laboratories, Inc., Standard 2034, or its equivalent.⁷

The CS exempts public lodging establishments that have adequately mitigated the carbon monoxide hazard. Carbon monoxide sensor devices must be integrated with the public lodging establishment's fire detection system. It requires the Division of Hotels and Restaurants within DBPR to adopt rules regarding the installation of sensor devices and determinations of whether an establishment has adequately mitigated a carbon monoxide hazard.

Section 2 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.

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

The CS 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 CS 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.

This section of the CS may be cited as "Janelle's Law", in memory of a Janelle Bertot and Anthony Perez who died from carbon monoxide poisoning.

Section 3 provides the CS takes effect July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁶ Section 489.505(29), F.S., defines the term "nationally recognized testing laboratory" to mean "an organization that the Occupational Safety and Health Administration has legally recognized to be in compliance with 29 C.F.R. s. 1910.7 and that provides quality assurance, product testing, or certification services."

⁷ Underwriters Laboratories, Inc., (UL) is an independent, not-for-profit product safety certification organization. It conducts product safety tests and establishes safety standards for a wide variety of products. More information about UL may be found at: <http://www.ul.com/about/> (Last visited March 21, 2007.) The scope of the Underwriters Laboratories Standard 2034 may be found at: <http://ulstandardsinfontet.ul.com/scopes/scopes.asp?fn=2034.html> (Last visited March 21, 2007.)

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Effective July 1, 2007, every building for which a building permit is issued for new construction on or after July 1, 2008, which has a fossil-fuel burning heater or appliance, a fireplace, or an attached garage must have an approved operation carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes. Carbon monoxide detectors typically cost between \$20 and \$100 per unit, depending on whether they are battery-powered or hard-wired.⁸

C. Government Sector Impact:

This CS requires the commission to adopt rules for the installation of operational carbon monoxide alarms.

The CS also requires the Division of Hotels and Restaurants within DBPR to adopt rules for installation of carbon monoxide sensor devices in certain public lodging establishments and determinations of whether an establishment has adequately mitigated a carbon monoxide hazard.

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.

⁸ <http://www.smokesign.com/codetectors.html>

VIII. Summary of Amendments:

None.

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