

1 A bill to be entitled

2 An act relating to smoke detectors and carbon monoxide
3 detectors; providing legislative intent; providing
4 definitions; specifying approved types of smoke detectors
5 and carbon monoxide detectors; providing requirements for
6 the installation and testing of such detectors; requiring
7 existing and newly constructed residential dwellings and
8 dwelling units to be installed with smoke detectors and
9 carbon monoxide detectors; providing penalties for
10 noncompliance; requiring the Department of Business and
11 Professional Regulation to develop rules; providing
12 severability; providing an effective date.

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14 WHEREAS, the general purpose and intent of this act is to
15 provide proper protection regulations in the best interest of
16 the health, safety, and welfare of the citizens of this state,
17 and

18 WHEREAS, the specific intent and purpose of this act is to
19 create safety regulations requiring carbon monoxide detectors
20 and smoke detectors after the occurrence of several incidents
21 where people have died as a result of carbon monoxide poisoning
22 under circumstances that were preventable, and

23 WHEREAS, this act is named in memory of Janelle Bertot, a
24 talented and community-oriented 19-year-old college student and
25 daughter of a former Hialeah police officer, who died on
26 November 14, 2004, from carbon monoxide poisoning as a result of
27 carbon monoxide that leaked from a friend's motor vehicle, and

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28 WHEREAS, through the efforts of Janelle's parents and other
29 dedicated volunteers, Janelle's Wishing Well, a charitable
30 foundation, has been established to provide scholarships to
31 young people interested in health care and to raise public
32 awareness and create community outreach programs on the dangers
33 of carbon monoxide poisoning, and

34 WHEREAS, the Legislature recognizes and supports the
35 education and prevention efforts of Janelle's Wishing Well to
36 advise young people of the lethal danger of carbon monoxide
37 poisoning, NOW, THEREFORE,

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. (1) SHORT TITLE.--This section may be cited as
42 "Janelle's Law."

43 (2) PURPOSE.--It is the legislative intent in the adoption
44 of this section to protect the health and welfare of the
45 citizens by requiring the installation of smoke detectors and
46 carbon monoxide detectors in all residential dwellings and
47 dwelling units.

48 (3) DEFINITIONS.--The following words and phrases shall
49 have the meanings ascribed to them in this section, except where
50 the context clearly indicates a different meaning:

51 (a) "Carbon monoxide detector" means a device capable of
52 sensing carbon monoxide, a colorless, odorless gas that is
53 produced as a result of incomplete burning of carbon-containing
54 fuels, which is approved or listed by a recognized independent
55 laboratory and, when activated, provides an alarm to warn all

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56 occupants of the presence of carbon monoxide within a
57 residential dwelling or dwelling unit.

58 (b) "Smoke detector" means a device that includes hush and
59 reset buttons and is capable of sensing visible or invisible
60 products of combustion and that is approved or listed by a
61 recognized independent testing laboratory and, when activated,
62 provides an alarm to warn all occupants of the presence of such
63 products within a residential dwelling or dwelling unit.

64 (4) APPROVED TYPES OF SMOKE DETECTORS AND CARBON MONOXIDE
65 DETECTORS; INSTALLATION AND TESTING.--

66 (a) Only smoke detectors and carbon monoxide detectors
67 that are wired directly or hard-wired to the building's electric
68 supply and not controlled by any switch other than the main
69 electric power supply and equipped with a battery backup shall
70 be considered approved types of smoke detectors and carbon
71 monoxide detectors. The smoke detectors and carbon monoxide
72 detectors shall emit a signal when the batteries are low. Wiring
73 shall be permanent and without a disconnecting switch other than
74 as required for over-current protection.

75 (b) Where more than one smoke detector is required to be
76 installed, the smoke detectors shall be interconnected in such a
77 manner that the activation of one smoke detector will activate
78 all of the smoke detectors. Where more than one carbon monoxide
79 detector is required to be installed, the carbon monoxide
80 detectors shall be interconnected in such a manner that the
81 activation of one carbon monoxide detector will activate all of
82 the carbon monoxide detectors.

83 (c) The detectors shall be clearly audible in all bedrooms

84 over background noise levels with all intervening doors closed.
 85 When the installation of the detecting devices is complete, each
 86 detector and interconnecting wiring for multiple-station alarm
 87 devices shall be tested according to the household warning
 88 equipment provisions of the National Fire Protection Association
 89 Standard 72, Current Edition.

90 (5) REQUIREMENTS FOR EXISTING AND NEWLY CONSTRUCTED
 91 RESIDENTIAL DWELLINGS AND DWELLING UNITS.--

92 (a) For existing residential dwellings and dwelling units
 93 that have auxiliary power units or generators, only smoke
 94 detectors and carbon monoxide detectors that are wired directly
 95 or hard-wired to the building's electric supply and not
 96 controlled by any switch other than the main electric power
 97 supply and equipped with a battery backup shall be considered
 98 approved types of smoke detectors and carbon monoxide detectors.
 99 The smoke detectors and carbon monoxide detectors shall emit a
 100 signal when the batteries are low.

101 (b) For all new residential construction, all residential
 102 dwelling units contained within each residential dwelling shall
 103 be installed with a minimum of one smoke detector for each
 104 living area and bedroom or sleeping quarter and one additional
 105 smoke detector for each floor or story, including basements, but
 106 not including crawl spaces and uninhabitable attics.

107 (c) All new construction of residential dwellings and
 108 dwelling units described in this section shall comply with the
 109 requirements of this section beginning July 1, 2007.

110 (d) All existing residential dwellings and dwelling units
 111 described in this section shall comply with the requirements of

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112 this section before July 1, 2009.

113 (6) PENALTIES.--Failure to comply with the provisions of
114 this section may be punishable by a penalty not to exceed \$500.
115 Each violation and each day upon which any such violation occurs
116 shall constitute a separate offense.

117 (7) RULES.--The Department of Business and Professional
118 Regulation shall develop rules pursuant to ss. 120.536(1) and
119 120.54, Florida Statutes, for the implementation of this
120 section.

121 (8) SEVERABILITY.--If any provision of this section or its
122 application to any person or circumstance is held invalid, the
123 invalidity does not affect other provisions or applications of
124 the section which can be given effect without the invalid
125 provision or application, and to this end the provisions of this
126 section are severable.

127 Section 2. This act shall take effect July 1, 2007.