

Council Substitute for House Bill No. 727

An act relating to firesafety; providing a short title; amending s. 633.022, F.S.; including application of uniform firesafety standards to tunnels; revising application of automatic sprinkler systems requirements to nursing homes; requiring a nursing home licensee to submit complete sprinkler construction documents to the Agency for Health Care Administration by a specified date; requiring such licensee to gain final approval from the agency to start construction by a specified date; authorizing the agency to extend the deadline under certain circumstances; amending s. 633.0245, F.S.; providing a new application deadline for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program; amending s. 663.0215, F.S., requiring the State Fire Marshal to conduct a study on the use of voice-over-Internet-protocol telephone service for monitoring fire alarm systems; requiring rulemaking under certain conditions; creating s. 633.027, F.S.; requiring owners of certain structures to post certain signs or symbols on the structures; requiring the State Fire Marshal to adopt rules governing such signs or symbols; providing for enforcement; providing penalties; providing an effective date.

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

Section 1. This act may be cited as the “Aldridge/Benge Firefighter Safety Act.”

Section 2. Paragraph (b) of subsection (1) and paragraph (a) of subsection (4) and of section 633.022, Florida Statutes, are amended to read:

633.022 Uniform firesafety standards.—The Legislature hereby determines that to protect the public health, safety, and welfare it is necessary to provide for firesafety standards governing the construction and utilization of certain buildings and structures. The Legislature further determines that certain buildings or structures, due to their specialized use or to the special characteristics of the person utilizing or occupying these buildings or structures, should be subject to firesafety standards reflecting these special needs as may be appropriate.

(1) The department shall establish uniform firesafety standards that apply to:

(b) All new, existing, and proposed hospitals, nursing homes, assisted living facilities, adult family-care homes, correctional facilities, public schools, transient public lodging establishments, public food service establishments, elevators, migrant labor camps, mobile home parks, lodging parks, recreational vehicle parks, recreational camps, residential and non-residential child care facilities, facilities for the developmentally disabled, motion picture and television special effects productions, tunnels, and self-service gasoline stations, of which standards the State Fire Marshal is the final administrative interpreting authority.

In the event there is a dispute between the owners of the buildings specified in paragraph (b) and a local authority requiring a more stringent uniform firesafety standard for sprinkler systems, the State Fire Marshal shall be the final administrative interpreting authority and the State Fire Marshal's interpretation regarding the uniform firesafety standards shall be considered final agency action.

(4)(a) Notwithstanding any provision of law to the contrary, each nursing home licensed under part II of chapter 400 shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with s. 9 of National Fire Protection Association, Inc., Life Safety Code, ~~in accordance with the following schedule:~~

~~1. Each hazardous area of each nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2008.~~

~~2. Each entire nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2010. A nursing home licensee shall submit complete sprinkler construction documents to the Agency for Health Care Administration for review by December 31, 2008, and the licensee must gain final approval to start construction from the agency by June 30, 2009. The agency shall grant a 6-month extension to a nursing home licensee if the completion and submission of the sprinkler construction documents are contingent upon the approval of the application for the loan guarantee program authorized under s. 633.0245. In such case, the agency may extend the deadline for final approval to begin construction beyond June 30, 2009, but the deadline may not be extended beyond December 31, 2009.~~

Section 3. Subsection (9) of section 633.0245, Florida Statutes, is amended to read:

633.0245 State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program.—

(9) No application for participation in the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program may be accepted by the State Fire Marshal after July 1, 2009 ~~June 30, 2006~~.

Section 4. Subsection (12) is added to section 633.0215, Florida Statutes, to read:

633.0215 Florida Fire Prevention Code.—

(12) Notwithstanding other provisions of this section, the State Fire Marshal shall study the use of managed, facilities-based, voice-over-Internet-protocol telephone service for monitoring fire alarm signals. If the study determines that voice-over-Internet-protocol telephone service technology provides a level of protection equivalent to that required by NFPA 72: National Fire Alarm Code, the State Fire Marshal shall initiate rulemaking pursuant to ss. 120.536(1) and 120.54 by December 1, 2008, to allow the use of this technology as an additional method of monitoring fire alarm systems.

Section 5. Section 633.027, Florida Statutes, is created to read:

633.027 Buildings with light-frame truss-type construction; notice requirements; enforcement.—

(1) The owner of any commercial or industrial structure, or any multiunit residential structure of three units or more, that uses light-frame truss-type construction shall mark the structure with a sign or symbol approved by the State Fire Marshal in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.

(2) The State Fire Marshal shall adopt rules necessary to implement the provisions of this section, including, but not limited to:

(a) The dimensions and color of such sign or symbol.

(b) The time within which commercial, industrial, and multiunit residential structures that use light-frame truss-type construction shall be marked as required by this section.

(c) The location on each commercial, industrial, and multiunit residential structure that uses light-frame truss-type construction where such sign or symbol must be posted.

(3) The State Fire Marshal, and local fire officials in accordance with s. 633.121, shall enforce the provisions of this section. Any owner who fails to comply with the requirements of this section is subject to penalties as provided in s. 633.161.

Section 6. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.