

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Banking and Insurance

BILL: SB 1164

INTRODUCER: Senator Legg

SUBJECT: Firesafety

DATE: January 25, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matiyow	Knudson	BI	Pre-meeting
2.			CF	
3.			FP	

I. Summary:

SB 1164 amends s. 429.41, F.S., relating to the uniform firesafety standards for assisted living facilities. The bill repeals reference to the utilization of fire code requirements that are more than 20 years old and allows for the utilization of the most current addition of the Life Safety Code adopted by the Office of the State Fire Marshal.

II. Present Situation:

Assisted Living Facilities

An assisted living facility (ALF) is a residential establishment, or part of a residential establishment, that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.¹ A personal service is direct physical assistance with, or supervision of, the activities of daily living and the self-administration of medication.² Activities of daily living include ambulation, bathing, dressing, eating, grooming, toileting, and other similar tasks.³

An ALF is required to provide care and services appropriate to the needs of the residents accepted for admission to the facility.⁴ The owner or facility administrator determines whether an individual is appropriate for admission to the facility based on a number of criteria.⁵ If, as determined by the facility administrator or health care provider, a resident no longer meets the

¹ Section 429.02(5), F.S. An ALF does not include an adult family-care home or a non-transient public lodging establishment.

² Section 429.02(16), F.S.

³ Section 429.02(1), F.S.

⁴ For specific minimum standards see Fla. Admin. Code R 58A-5.0182.

⁵ Section 429.26, F.S., and Fla. Admin. Code R 58A-5.0181.

criteria for continued residency or the facility is unable to meet the resident's needs, the resident must be discharged in accordance with the Resident Bill of Rights.⁶

An ALF must have a standard license issued by the Agency for Health Care Administration under part I of ch. 429, F.S., and part II of ch. 408, F.S. Currently, there are 3,078 licensed ALF's in Florida.⁷

Firesafety

Section 429.41, F.S., requires the Office of the State Fire Marshal, in cooperation with the Department of Health, to promulgate rules and fire safety procedures to ensure the safety of residents living within an ALF community. In addition, the Office of the State Fire Marshal is likewise tasked with the responsibility of providing training and education to the employees of the Agency for Health Care Administration who are responsible for regulating ALF communities.

Currently, an ALF is required to use the National Fire Protection Association (NFPA) Life Safety Code from 1994 when establishing uniform fire safety standards, requirements, training and education curriculum that is taught. With the 1994 Life Safety Code in statute an ALF is prohibited from utilizing more recent codes that have been adopted. The 1994 code does not encompass the safety improvements that have been developed and adopted into the code over the past 20 years.

III. Effect of Proposed Changes:

The bill allows ALF communities to use the most current Life Safety Code adopted by the State Fire Marshal rather than being required to use the 1994 edition. Additionally, the current NFPA 101A (Guide on Alternative Approaches to Life Safety) is also adopted which provides the same level of protection through a different approach than what is currently required in the Life Safety Code. Such alternative approaches would still need to be approved by the local official having jurisdiction.

The bill also prohibits a utility from charging above the actual expense incurred by the utility as it relates to the installation and maintenance of automatic fire sprinkler systems installed at an ALF. The law currently restricts local government from charging above the actual expense for the same installation.⁸

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁶ s. 429.28, F.S.

⁷ Agency for Health Care Administration, Florida Health Finder Search, facility/provider type: Assisted Living Facility and advanced search: Gold Seal Award Recipient, (search conducted Jan. 22, 2016), available at: <http://www.floridahealthfinder.gov/facilitylocator/FacilitySearch.aspx> (last visited Jan. 22, 2016).

⁸ s. 429.41(1)(a)2.g.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

ALF communities will be able to add improvements and other amenities that are allowed under the current Life Safety Code.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

Lines 27-29 read as if DFS is being given new rule making authority when the authority to adopt such rules on firesaftey for ALF communities is already granted in s. 633.206, F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 429.41 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.