

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: March 19, 1998 Revised: _____

Subject: Public Lodging Establishments

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
2.	_____	_____	<u>BI</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1288 revises and creates definitions contained in part I of chapter 509, F.S., relating to public lodging establishments. The definition for the term "bed and breakfast inn" is revised to distinguish this category of establishment from that of hotels and motels through reference to the number of guests and rooms. A separate definition for the term "home-stay inns" is provided based on guest numbers.

The bill revises fire safety requirements for home-stay inns by providing alternative sprinkler system standards required for licensure of such establishments. The bill also provides a five year compliance period for the public lodging establishments which have not met the current fire safety code standards so that they might have the opportunity to qualify by utilizing the less stringent sprinkler system requirements.

The task force established pursuant to chapter 96-384, L.O.F., is directed to consider alternative fire protection and life safety support systems for historic public lodging establishments. Finally, the bill deletes obsolete fire safety code language relating to public lodging establishments.

This bill substantially amends sections 509.215, 509.242, and 553.895 of the Florida Statutes.

II. Present Situation:

Chapter 509, F.S., authorizes the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to regulate public lodging and public food service establishments. Such establishments must be inspected, at least biannually, and licensed by the division. Definitions are provided in s. 509.013, F.S., for what constitutes a public lodging

establishment for the purposes of regulation and for a variety of potential public lodging occupants.

Public lodging establishments are defined in terms of how often they rent their units to guests who stay 30 days or less or if they promote themselves as regularly renting to guests. Guests are then described as any patron, customer, tenant, lodger, boarder, or occupant of a public lodging or food service establishment. The definitions for “public lodging establishment” and “guest” are interdependent. Although the definition of public lodging establishment mentions guests who stay for 30 days or less, there is no tie in the definition of a guest to any length of stay, even though the stay is in a public lodging establishment. The definitions of this section further describe a transient as a guest who intends for his/her occupancy to be temporary.

Section 509.013, F.S., also provides exemptions for certain types of public lodging establishments. One exemption is for any place which rents four rental units or less, unless the establishment regularly promotes itself as regularly renting to guests. The phrase “regularly renting to guests” appears to assume that “guest” refers to those who only rent public lodging establishments for 30 days or less. The exemption provided in this section is intended to target establishments of this type which regularly rent units for less than a month at a time.

Section 509.242, F.S., provides definitions describing the eight categories of public lodging establishments. A bed and breakfast inn is defined as “a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.”

Pursuant to s. 509.215, F.S., public lodging establishment buildings built after September 30, 1983, must be equipped with an automatic sprinkler system and an approved smoke detector system if it fell into one of two categories:

1. A building more than three stories with interior corridors that do not have direct access from the guest area to an exterior means of egress.
2. A building more than 75 feet high that has direct access from the guest to an exterior means of egress.

Those public lodging establishments that were built before October 1, 1983, had to have a system that complied with the above requirements or were allowed to have an approved sprinkler system for specific areas other than individual guest rooms which included all interior corridors, public areas, storage rooms, closets, kitchen areas, and laundry rooms, if certain conditions were met. These conditions are written as inclusive and require that:

1. There is a minimum 1-hour separation between each guest room and between each guest room and a corridor.

2. The building is constructed of noncombustible materials.
3. The egress conditions such as standard stair widths, hand rails, stair enclosures and use of fire resistant materials could reasonably meet the standards set by s. 5-3 of the Life Safety Code, NFPA 101.
4. The building has a complete automatic fire detection system designed to have a separate smoke detector in each guest room that can individually alert a continuously manned control panel. The system must meet NFPA requirements described in publications 72A and 72E.

Those public lodging establishments in which 50% or more of the units in the building are advertised or held out to the public as available for transient occupancy were required to meet the appropriate requirements under these two categories and were given successive deadlines during which the above provisions had to be adhered to for licensure. Between January 1, 1984, and January 1, 1994, the Department of Business and Professional Regulation licensed public lodging establishments based on their applicable compliance with either the total building sprinkler system and guest room smoke alarm requirements in s. 509.215(1), F.S., or the partial building sprinkler system and guest room alarm requirements in s. 509.215(2), F.S. The final deadline was reached on December 31, 1993.

In 1993, the Legislature amended the building construction standards under s. 553.895, F.S., to require that all buildings, regardless of occupancy status, of three stories or more built after the 1993 deadline, except single-family and two-family dwellings, be equipped with an automatic sprinkler system that meets the requirements of statutorily prescribed fire prevention and control measures under Chapter 633, F.S. Section 553.895, F.S., references and includes any building subject to the public lodging establishment provisions of s. 509.215, F.S.

Subsection (6) of s. 509.215, F.S., authorizes a special exception for public lodging establishment structures that meet certain historical designations. Provisions must be made for such structures for a system of fire protection and life safety support that meet the intent of the NFPA standards and are acceptable to and approved by a task force composed of the director of the Division of Hotels and Restaurants (of DBPR), the director of the Division of State Fire Marshal (Department of Insurance), and the State Historic Preservation Officer (Department of State).

Chapter 96-384, L.O.F., provided a specific definition for bed and breakfast inns under s. 509.242, F.S. The special exception provision was extended to all historic public lodging establishments so that the term would include bed and breakfast inns. The description of "historic" establishments in this provision encompassed not only specifically designated buildings, but also those that are considered properties which contribute to a historic district.

Chapter 96-384, L.O.F., also required the task force, formerly referred to as the "commission," to review and recommend alternative fire safety systems for historic public lodging facilities. The task force was also required to report to the Legislature by November 1, 1996, on any legislative

recommendations it may have for providing a standard system of fire protection and life safety support alternatives for historic public lodging establishments. Any system recommended by the task force was still required to meet the intent of the NFPA standards.

In its report to the Legislature, the task force recommended the adoption of the specified alternative sprinkler system standards for licensure of bed and breakfast inns and home-stay inns. Also, the task force recommended that its future deliberations on alternative fire protection and life safety support systems for historic public lodging establishments be guided by the “Historic Building Standard-Chapter 1000” and the “Recommended Practices for Fire Protection in Rehabilitation and Adaptive Rescue for Historic Structures” (NFPA 914). Because much of the language in s. 509.215, F.S., related to fire safety standards which had to have been met by January 1, 1994, the task force recommendations included deleting the obsolete language.

According to the recommendations of the task force, five transient public lodging establishments are not in compliance with the requirements of s. 509.215, F.S. They are:

- ▶ The Coombs House, Apalachicola, Florida;
- ▶ The Seven Sisters Bed and Breakfast, Ocala, Florida;
- ▶ The Santa Rosa Inn Hotel, Sebring, Florida;
- ▶ The Westcott House, St. Augustine, Florida; and
- ▶ The Oaks, Eustis, Florida.

Each of these properties were requested to place their exception request on hold until the task force and the Legislature acted upon the recommended changes to chapter 509, F.S. In addition, representatives of the agencies that comprise the task force inspected and evaluated each property and made recommendations. It was recommended that four of the properties install the NFPA 13R type sprinkler system as an alternative to the statutorily required more expensive commercial sprinkler system of NFPA 13. It was determined that the fifth property would need to comply only with Chapter 21 of the Life Safety Code, NFPA 101, 1994 Edition.

In March, 1997, the Division of Hotels and Restaurants reported that it had licensed 193 bed and breakfast inns in the previous nine months and that only five had not complied with fire safety requirements. The division also notes that there may be a false perception of how many bed and breakfast inns exist in Florida because a number of establishments which are currently licensed and inspected as non-transient rooming houses have been advertising as bed and breakfasts in order to take advantage of this trendy name.

III. Effect of Proposed Changes:

Section 1 amends s. 509.215, F.S., providing that any public lodging establishment which is of three stories or more and for which a construction contract has been let after January 1, 1994, regardless of occupancy status, must be equipped with an approved automatic sprinkler system installed in compliance with the provisions of chapter 633, F.S., which establishes Florida’s fire prevention and control standards.

This section maintains the alternative sprinkler and smoke alarm system provisions allowed for certain three story and more structures built before December 31, 1993 and the conditions under which such structures must be equipped with an approved sprinkler system for all interior corridors, public areas, etc., are revised. The building must have a fire detection system meeting the requirements of NFPA-72, including smoke detectors in each guest room that can individually alert a continuously manned control panel. As an alternative to this condition, when the public lodging establishment is 75 feet or less in height and its guest rooms exit directly to an open-air walkway with direct access to an exterior means of egress, the building is not required to be equipped with fire sprinklers in the rooms nor in the other areas of the facility unless specifically required by code requirements for areas such as places of public assembly. Obsolete language in s. 509.215, F.S., which provides a series of compliance deadlines for public lodging establishments to meet the fire safety code provisions is deleted. This amendatory language conforms the public lodging fire safety code provisions in s. 509.215, F.S., with similar provisions in chapter 553, F.S., which establishes the state building code.

Subsection (6) of s. 509.215, F.S., is renumbered as (4) and revised to clarify that special fire safety code [sprinkler and alarm] system considerations *may* be made for historic public lodging establishments if they meet the NFPA standards and are approved by the task force established to evaluate such issues. The task force may make use of two recognized documents, "Historic Building Standard-Chapter 1000," in conjunction with NFPA 914, "Recommended Practices for Fire Protection in Rehabilitation and Adaptive Rescue for Historic Structures," as guides for evaluating alternative systems for historic public lodging establishments. The obsolete language in newly numbered subsection (4) which requires the task force to report to the Legislature on these alternative systems by November 1, 1996, is deleted.

Subsection (8) is added to s. 509.215, F.S., to provide for the use of alternative fire safety code standards starting for home-stay inns of no more than three stories, beginning January 1, 1999. Home-stay inns of three stories or less which restrict their guest rooms to the first two stories would be authorized to use the NFPA's "Life Safety Code," NFPA 101, 1994 edition, Chapter 21 (one- and two-family dwelling) provisions as their fire safety standards to qualify for licensure under Chapter 509, F.S.

Finally, this section provides a five year compliance period for the licensed public lodging establishments which applied for an exception to the fire safety requirements by March 1, 1998. This language applies to the five public lodging establishments which have not met the current fire safety code standards so that they might have the opportunity to qualify by utilizing the less stringent sprinkler system requirements.

Section 2 amends s. 509.242, F.S., by providing that the classifications for public lodging establishments contained in this section are to be used for the purpose of licensure only. This section revises the accommodations qualifier in the definition for bed and breakfast inns to reference the number of guests (24 or fewer) and the number of rooms (no more than 12) in order to distinguish this category of public lodging establishment from that of hotels or motels.

This section also provides a definition for home-stay inns describing such an entity as a family home structure with sleeping accommodations for five or fewer guests in guest rooms that are limited to first or second stories only.

Section 3 amends s. 553.895, F.S., to delete subsection (1) which contains obsolete language.

Section 4 provides that this act will take effect upon becoming law.

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:

Certain public lodging establishments may be able to come into licensure compliance by utilizing the less stringent and potentially less expensive sprinkler systems thereby retaining their competitiveness in the market.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
