

**PROPOSAL TO THE 8<sup>th</sup> EDITION OF FLORIDA FIRE PREVENTION CODE**

**PART I**

**TRANSMIT TO:**

Division of State Fire Marshal  
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|------------------------------|
| <b>DSFM USE ONLY</b>         |
| Log # <u>PL-006</u>          |
| Date Rec'd <u>09/28/2021</u> |

NOTE: If you need further information on this process, please contact the Fire Prevention Bureau at 850/413-3736.

Please review the evaluation criteria (Part II) and Fiscal Impact Statement before completing this proposal. A separate submittal is required for each proposed amendment.

Type or print legibly in black ink.

Date 9/28/2021 Proponent: Tommy Demopoulos Tel. No. 954-600-6150

E-Mail tommy.demopoulos@tamarac.org

Company Tamarac Fire Rescue

Street Address 6000 Hiatus Road

City Tamarac State FL Zip 33321

Organization Represented (if any) Florida Fire Marshal's and Inspectors Association (FFMIA)

Local Ordinance No. \_\_\_\_\_ Jurisdiction \_\_\_\_\_ Section/Paragraph \_\_\_\_\_

NFPA Standard No. and edition year NFPA 101 8<sup>th</sup> edition Section/Paragraph 32.1.9 and 33.1.9

Indicate One (Designate by "X" at the end of the line):

- 1. YRevise section to read: \_\_\_\_\_
- 2. YAdd new section to read: X \_\_\_\_\_
- 3. YDelete section without substitution: \_\_\_\_\_
- 4. YDelete section and substitute the following: \_\_\_\_\_

Proposal (underline proposed new wording or strike-through the wording to be deleted):

**32.1.8 Secondary Power Supply.** All new assisted living facilities shall provide an approved Emergency Power Supply System (EPSS), capable of keeping the living areas at a temperature no higher than 80 degrees F. Such installation shall be in accordance with Section 9.1.3 of this code and NFPA 70.

**32.1.8.1** Small facilities shall be exempt from complying with section 9.1.3.2.

And

**33.1.10 Secondary Power Supply.** All existing assisted living facilities shall provide an approved Emergency Power Supply System (EPSS), capable of keeping the living areas at a temperature no higher than 80 degrees F. Such installation shall be in accordance with Section 9.1.3 of this code and NFPA 70.

**33.1.10.1** Small facilities shall be exempt from complying with section 9.1.3.2.

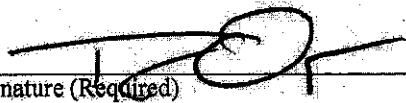
**33.1.10.1.2** Existing approved, non-conforming installations shall be deemed compliant with this code unless the AHJ determines that nonconformity presents a distinct hazard to life.

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**Statement of Problem and Substantiation for Proposal** (Note: State the problem that will be resolved by your recommendation; give the specific reason for your comment including copies of tests, research papers, fire experience, etc. If more than 200 words provide an abstract and describe the source document.) (Must be filled in to be considered):

There is currently no requirement in the FFPC for Assisted Living Facilities to provide a secondary power supply. After the tragic deaths of 12 patients post Hurricane IRMA in September 2017, new rules were established under FAC 58A-5.036 and FAC 59A-4.1265 which are not enforceable by fire personnel. There is much inconsistency by the state agencies tasked with this enforcement as well as many jurisdictions adopting local amendments looking to provide uniformity within a region. This language will provide the fire agencies with enforcement powers and uniformity throughout the state as to these lifesaving system installations.

There should be an approved timeframe agreed upon between the facility and AHJ that provides reasonable time to become code compliant. The exception from section 9.1.3.2 is important as this may cause many small facilities to need to upgrade their fire alarm panel and add additional cost to the project.

  
Signature (Required)

Tommy Demopoulos  
Printed Name

**To be considered, proposals must be received by September 30, 2021**

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## PART II

|                                     |                            |
|-------------------------------------|----------------------------|
| <b>FLORIDA FIRE PREVENTION CODE</b> | <b>EVALUATION CRITERIA</b> |
|                                     | <b>LOG NUMBER</b>          |

The base codes for the Florida Fire Prevention Code shall be **NFPA-1, 2021** and **NFPA-101, 2021**

|                            |                     |                |              |
|----------------------------|---------------------|----------------|--------------|
| <b>IMPACT (select one)</b> | <b>STATEWIDE:</b> X | <b>COUNTY:</b> | <b>CITY:</b> |
|----------------------------|---------------------|----------------|--------------|

Describe the geographical area of impact: All Assisted Living Facilities located within the geographical boundaries of Florida.

1. The proposal shall identify the code section or local ordinance to be modified.
2. The proposal (Part I and Part II) along with Financial Impact Statement may be submitted electronically; however, a hard copy is required as follow-up.

Submit this evaluation with each proposed amendment.

1. How does the proposal strengthen the base code to enhance safety in Florida?

The proposal strengthens the enforcement and uniformity the enforcement agencies have on these occupancies. This allows the AHJ to list this as a violation during the permitting process and discussions during the Development Review Committee for new facilities.

2. Is the proposal easy to understand and how does it contribute to a user-friendly code?

I believe the proposal is easy to read and consistent with what the state agencies intent was of their rule.

3. Document the proposal's technical merit and how it is supported by a scientific basis?

The proposed language is supported by the tragic events that occurred in Hollywood, Florida in September 2017 following the deaths of 12 patients because they lost power and had no secondary power supply.

4. Describe how will the proposal be enforceable?

Since this is for new and existing Assisted Living Facilities, this will be reviewed during the plan review permitting stage. Once approved, the inspector will perform an inspection of the facility and confirm. This will also be checked during the periodic inspection and noted on the fire inspection violation notice as needed.

5. How does the proposal affect Florida's diverse conditions such as climate, construction and population?

The proposed language considers for the severe weather and subsequent loss of power to these facilities. The also considers the patient status as many may not be able to take care of themselves and rely on their caretakers to use judgement. This proposal removes the human factor in response to a loss of power and when they notify regulator agencies.

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## Fiscal Impact Statement

Provide the estimated cost of the proposed amendment to the Florida Fire Prevention Code for each of the following questions. Cost data should be accompanied by a list of assumptions and support documentation.

1. Will the proposed amendment have an impact on the local entity relative to the implementation and enforcement of the proposed amendment?

None

Minimal, Provide a brief explanation: This proposal will require local agencies to identify these systems in the plan review phases or new construction as well as field inspectors to identify the need for existing facilities to have this system.

Other, Provide an explanation for estimate and methodology used:

2. Will the proposed amendment have an impact on the business/property owner relative to the cost of compliance with the proposed amendment?

None

Minimal, Provide a brief explanation:

Other, Provide an explanation for estimate and methodology used: There is an associated cost to the business owner/staff for the installation of the required secondary power supply and ongoing maintenance. The cost drastically differs from facility to facility as this is dependent on power supply size, fuel source, fuel capacity, etc.

3. Will the proposed amendment have an impact on small counties or small cities?

*(A "small city" is defined by section 120.52, F.S., as any municipality that has an un-incarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by section 120.52, F.S., as any county that has an un-incarcerated population of 75,000 or less according to the most recent decennial census.)*

No adverse impact on small cities or small counties

Minimal, Provide a brief explanation:

Other, Provide an explanation for estimate and methodology used:

### Provide a good faith estimate of the number and types of affected persons/entities:

- (1) The number of individuals and entities likely to be required to comply with the rule:  
There is approximately 3,150 AHCA licensed assisted living facilities within the State of Florida with roughly 114,000 licensed bed capacity. Information found on AHCA facility finder website.
- (2) A general description of the types of individuals likely to be affected by the rule:  
Existing Assisted Living Facility owners and operators along with prospective owners looking to open a facility.