

Issue DS 2019-048: The petitioner Sylvianne L. Cata is seeking a declaratory statement on whether the prescribed Pediatric Extended Care center can be classified as a business occupancy as per Section 304.1 Business Group B occupancy of the 2017 Florida Building Code, Building.

Petitioner seeks clarification of the following question:

Is the prescribed Pediatric Extended Care Center considered a Florida Building Code 2017, Section 304.1 Business Group B occupancy?

Background:

WeCare Pediatric Extended Care, Corp. (WeCare PPEC) is a Prescribed Pediatric Extended Care (PPEC) center that allows Medicaid eligible children from birth through age 20 with medically-complex conditions to receive continual medical care in a nonresidential setting. When approved, children can attend a PPEC up to a maximum of 12 hours per day while receiving nursing services, personal care, developmental therapies, and caregiver training. WeCare PPEC is seeking to open a new center as a FBC 2017 Section 304.1 Business Group B. Currently, Prescribed Pediatric Extended Care (PPEC) centers are not defined, or do not have a statute, under the current Florida Building Code.

6th Edition (2017) Florida Building Code, Building Chapter 3

304.1 Business Group B.

Business Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

- Airport traffic control towers
- **Ambulatory care facilities**
- Animal hospitals, kennels and pounds
- Banks
- Barber and beauty shops
- Car wash
- Civic administration
- *Clinic, outpatient*
- Dry cleaning and laundries: pick-up and delivery stations and self-service
- Educational occupancies for students above the 12th grade

- Electronic data processing
- Food processing establishments and commercial kitchens not associated with restaurants, cafeterias and similar dining facilities not more than 2,500 square feet (232 m²) in area.
- Laboratories: testing and research
- Motor vehicle showrooms
- Post offices
- Print shops
- Professional services (architects, attorneys, dentists, physicians, engineers, etc.)
- Radio and television stations
- Telephone exchanges
- Training and skill development not in a school or academic program (this shall include, but not be limited to, tutoring centers, martial arts studios, gymnastics and similar uses regardless of the ages served, and where not classified as a Group A occupancy)

6th Edition (2017) Florida Building Code, Building Chapter 2

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to persons who are rendered *incapable of self-preservation* by the services provided.

INCAPABLE OF SELF-PRESERVATION. Persons who, because of age, physical limitations, mental limitations, chemical dependency or medical treatment, cannot respond as an individual to an emergency situation.

MEDICAL CARE. Care involving medical or surgical procedures, nursing or for psychiatric purposes.

308.6 Institutional Group I-4, day care facilities. Institutional Group I-4 occupancy shall include buildings and structures occupied *by more than five persons of any age* who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care
Child day care

SECTION 466 DAY CARE OCCUPANCIES

6th Edition (2017) Florida Fire Prevention Code

6.1.4.1 Definition – day-Care Occupancy. An occupancy in which four or more clients receive care, maintenance, and supervision, by other than their relatives or legal guardians, for less than 24 hours per day

Rule 59A-13.022 Fire Safety and Emergency Procedures

(1) All PPEC centers must conform to state standards prepared by the State Fire Marshal: Chapter 69A-36, F.A.C., Uniform Fire Safety Standards for Child Care Facilities, and must be inspected annually. A copy of the current annual fire inspection report, conducted by the local authority having jurisdiction over fire safety or the State Fire Marshal, must be on file at the PPEC center. Documentation of a satisfactory fire safety inspection shall be provided at the time of the licensee’s annual survey.

(2) There must be a working telephone, which is neither locked nor a pay station, in the PPEC center.

(3) Emergency telephone numbers must be posted on or in the immediate vicinity of all telephones.

(4) An emergency generator must exist, with sufficient generating power to continue function of medical equipment in the event of a power failure. The emergency generator must be tested every 30 days and satisfactory mechanical operation must be documented on a log designed for that purpose and signed by the person conducting the test.

(5) Emergency transportation must be performed by a licensed E.M.S. provider, with a PPEC center staff member accompanying each child.

(6) The PPEC center must have an emergency kit available to provide basic first aid and cardiopulmonary resuscitation.

69A-36.100 Purpose of Rules.

The purpose of this rule chapter is to specify, as required by the Florida Statutes, uniform fire safety standards for both new and existing Nonresidential Child Care Facilities designed to care for infants and children, ages 0 through 17 years, for a period of less than 24 hours per day. “Nonresidential Child Care Facilities” means and includes Day Care Homes, Large Family Day Care Homes, and Day Care Centers, as used in chapter 402, F.S.

Staff Analysis

Question:

Is the prescribed Pediatric Extended Care center considered a Florida Building Code 207, Section 304.1 Business Group B occupancy?

Answer:

Option#1/Petitioner: Petitioner believes the answer to the question outlined above is “YES.” Petitioner believes that the definition of the Florida Building Code 2017, Section

304.1 Business Group B occupancy best represents the true occupancy of a Prescribed Pediatric Extended Care (PPEC) center.

Option #2/Staff: The answer to Petitioner's question is no. Pursuant to section 308.6, Florida Building Code, Building, 6th Edition (2017), the facility in question would fall under the occupancy classification of Group I-4 and the code requirements of section 466, Florida Building Code, Building, 6th Edition (2017), for day care occupancies.