

Madani, Mo

From: Skip Gregory <gregoryskip@gmail.com>
Sent: Friday, May 19, 2023 9:28 AM
To: Madani, Mo
Cc: Scott Waltz
Subject: Withdraw Modification #10413
Attachments: Modification #SP10413.pdf; 7th Edition of the Florida Building Code Section 464.docx; 59A-36.025_EPP_Rule.pdf

[NOTICE] This message comes from a system outside of DBPR. Please exercise caution when clicking on links and/or providing sensitive information. If you have concerns, please contact your Knowledge Champion or the DBPR Helpdesk.

Mr. Madani,

It has been brought to my attention that Modification # SP10413 that I submitted to revise Section 464.4.2.2 in Chapter 4 of the 7th edition of the Florida Building Code, is in conflict with the Florida Administrative Code, Chapter 59A-36.025 FAC, regarding the areas that must be temperature controlled in an assisted living facility.

To avoid any delays in the adoption of the 8th edition of the FBC that may be caused by this conflict, I, the maker of Modification #SP10413, ask that this modification be withdrawn from further consideration and that Section 464.4.2.2 be returned to the current language in the 7th edition of the Florida Building Code.

I have attached Modification #SP10413 that I would like to withdraw, the language in the current 7th edition that should remain unchanged, and the Florida Administrative Code, Chapter 59A-36.025 FAC for your information.

Thank you for your consideration of this request and I apologize for any problems to a successful adoption of the next edition of the Florida Building Code this request has caused.

Best Regards,
Skip Gregory, AIA, NCARB
Health Facility Consulting, LLC
4128 Zermatt Drive
Tallahassee, Florida 32303
B/C. 850.567.3303
gregoryskip@gmail.com

FPC Health Care Design and Construction Seminar + Expo
Oct.1-3, 2023
Registration is now OPEN at:
www.FPCseminar.com



BCIS Home | Log In | User Registration | Hot Topics | Submit Surcharge | Stats & Facts | Publications | Contact Us | BCIS Site Map | Links | Search



Proposed Code Modifications
USER: Public User

[Proposed Code Modifications Menu](#) > [Modification Search](#) > [Modification List](#) > **Modification Detail**

OFFICE OF THE SECRETARY

[Jump to Bottom](#)

Modification #	SP10413
Name	James gregory
Address	4128 Zermatt Dr
City	Tallahassee
State	FL
Zip Code	32303
Email	gregoryskip@gmail.com
Primary Phone	(850) 567-3303
Alternate Phone	(850) 514-2495
Fax	

Modification Status	Verified
TAC	Special Occupancy
TAC Recommendation	Approved as Submitted
Commission Action	Approved as Submitted
Archived	No

Code Version	2023
Code Change Cycle	2023 Triennial Original Modification 01/04/2022 - 02/15/2022
Sub Code	Building
Chapter & Topic	Chapter 4 - Special Detailed Requirements Based on Use and Occupancy
Section	464
Related Modifications	

Affects High Velocity Hurricane Zone (HVHZ) No

Summary of Modification

Revises the section on generator uses and connections in new ALFs.

Text of Modification

464.4.2.2 A new facility shall be equipped with either a permanent on-site alternate power source to operate at least the equipment necessary to maintain safe indoor air temperatures in all normally occupied resident areas including sleeping, dining, recreational, and social areas, life safety systems, lighting, and equipment for resident care needs, or there shall be a permanently installed predesigned electrical service entry for the electrical system that will allow a quick connection to a temporary relocatable alternate power source to operate at least the equipment necessary to maintain safe indoor air temperatures in all normally occupied resident areas including sleeping, dining, recreational, and social areas, life safety systems, lighting, and equipment for resident care needs. This quick connection shall be installed inside of a permanent metal enclosure rated for this purpose and may be located on the exterior of the building. The relocatable alternate power source shall be stored onsite of the facility and maintained in accordance with the manufacturer's instructions.
See Chapter 59A-36.025, Florida Administrative Code, "Emergency Environmental Control for Assisted Living Facilities" for additional requirements.

Date	Attached File
------	---------------

Does not discriminate against materials, products, methods, or systems of construction.

Does not degrade the effectiveness of the code (553.73(9)(a)5,F.S.)
Improves the effectiveness of the code by clarifying requirements.

History

Date Submitted	02/14/2022
Date Verified	02/16/2022
Date TAC Recommendation Set	06/30/2022
Date Commission Action Set	12/16/2022
DBPR Staff Notes	

Record of Modification

There are no records that match the search criteria.

[Jump to Top](#)

[Contact Us :: 2601 Blair Stone Road, Tallahassee FL 32399 Phone: 850-487-1824](#)

The State of Florida is an AA/EEO employer. [Copyright 2007-2013 State of Florida](#). :: [Privacy Statement](#) :: [Accessibility Statement](#) :: [Refund Statement](#)

Under Florida law, email addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact the office by phone or by traditional mail. If you have any questions, please contact 850.487.1395. *Pursuant to Section 455.275(1), Florida Statutes, effective October 1, 2012, licensees licensed under Chapter 455, F.S. must provide the Department with an email address if they have one. The emails provided may be used for official communication with the licensee. However email addresses are public record. If you do not wish to supply a personal address, please provide the Department with an email address which can be made available to the public. To determine if you are a licensee under Chapter 455, F.S., please click [here](#).

Credit Card
Safe



7th Edition of the Florida Building Code
Current Language to remain unchanged:

Chapter 4

Section 464 Assisted Living Facilities

464.4.2.2 A new facility shall be equipped with either a permanent on-site alternate power source to operate at least the equipment necessary to maintain safe indoor air temperatures, life safety systems and equipment for resident care needs, or there shall be a permanently installed predesigned electrical service entry for the electrical system that will allow a quick connection to a temporary alternate power source to operate at least the equipment necessary to maintain safe indoor air temperatures, life safety systems and equipment for resident care needs. This quick connection shall be installed inside of a permanent metal enclosure rated for this purpose and may be located on the exterior of the building. See Chapter 59A-36.025, Florida Administrative Code, "Emergency Environmental Control for Assisted Living Facilities" for additional requirements.

59A-36.025 Emergency Environmental Control for Assisted Living Facilities.

(1) DETAILED EMERGENCY ENVIRONMENTAL CONTROL PLAN. Each assisted living facility shall prepare a detailed plan ("plan") to serve as a supplement to its Comprehensive Emergency Management Plan, to address emergency environmental control in the event of the loss of primary electrical power in that assisted living facility which includes the following information:

(a) The acquisition of a sufficient alternate power source such as a generator(s), maintained at the assisted living facility, to ensure that current licensees of assisted living facilities will be equipped to ensure ambient air temperatures will be maintained at or below 81 degrees Fahrenheit for a minimum of ninety-six (96) hours in the event of the loss of primary electrical power.

1. The required temperature must be maintained in an area or areas, determined by the assisted living facility, of sufficient size to maintain residents safely at all times and that is appropriate for resident care needs and life safety requirements. For planning purposes, no less than twenty (20) net square feet per resident must be provided. The assisted living facility may use eighty percent (80%) of its licensed bed capacity as the number of residents to be used in the calculation to determine the required square footage. This may include areas that are less than the entire assisted living facility if the assisted living facility's comprehensive emergency management plan includes allowing a resident to congregate when he or she desires in portions of the building where temperatures will be maintained and includes procedures for monitoring residents for signs of heat related injury as required by this rule. This rule does not prohibit a facility from acting as a receiving provider for evacuees when the conditions stated in section 408.821, F.S. and subsection 59A-36.019(5), F.A.C., are met. The plan shall include information regarding the area(s) within the assisted living facility where the required temperature will be maintained.

2. The alternate power source and fuel supply shall be located in an area(s) in accordance with local zoning and the Florida Building Code.

3. Each assisted living facility is unique in size; the types of care provided; the physical and mental capabilities and needs of residents; the type, frequency, and amount of services and care offered; and staffing characteristics. Accordingly, this rule does not limit the types of systems or equipment that may be used to achieve ambient temperatures at or below 81 degrees Fahrenheit for a minimum of ninety-six (96) hours in the event of the loss of primary electrical power. The plan shall include information regarding the systems and equipment that will be used by the assisted living facility and the fuel required to operate the systems and equipment.

a. An assisted living facility in an evacuation zone pursuant to chapter 252, F, S. must maintain an alternative power source and fuel as required by this subsection at all times when the assisted living facility is occupied but is permitted to utilize a mobile generator(s) to enable portability if evacuation is necessary.

b. Assisted living facilities located on a single campus with other facilities under common ownership, may share fuel, alternative power resources, and resident space available on the campus if such resources are sufficient to support the requirements of each facility's residents, as specified in this rule. Details regarding how resources will be shared and any necessary movement of residents must be clearly described in the emergency power plan.

c. A multistory facility, whose comprehensive emergency management plan is to move residents to a higher floor during a flood or surge event, must place its alternative power source and all necessary additional equipment so it can safely operate in a location protected from flooding or storm surge damage.

(b) The acquisition of sufficient fuel, and safe maintenance of that fuel at the facility, to ensure that in the event of the loss of primary electrical power there is sufficient fuel available for the alternate power source to maintain ambient temperatures at or below 81 degrees Fahrenheit for a minimum of ninety-six (96) hours after the loss of primary electrical power during a declared state of emergency. The plan must include information regarding fuel source and fuel storage.

1. Facilities must store minimum amounts of fuel onsite as follows:

a. A facility with a licensed capacity of 16 beds or less must store 48 hours of fuel onsite.

b. A facility with a licensed capacity of 17 or more beds must store 72 hours of fuel onsite.

2. An assisted living facility located in an area in a declared state of emergency area pursuant to section 252.36, F.S. that may impact primary power delivery must secure ninety-six (96) hours of fuel. The assisted living facility may utilize portable fuel storage containers for the remaining fuel necessary for ninety-six (96) hours during the period of a declared state of emergency.

3. Piped natural gas is an allowable fuel source and meets the onsite fuel supply requirements under this rule.

4. If local ordinances or other regulations limit the amount of onsite fuel storage for the assisted living facility's location, then the assisted living facility must develop a plan that includes maximum onsite fuel storage allowable by the ordinance or regulation and a reliable method to obtain the maximum additional fuel at least 24 hours prior to depletion of onsite fuel.

(5) POLICIES AND PROCEDURES.

(a) Each assisted living facility shall develop and implement written policies and procedures to ensure that the assisted living facility can effectively and immediately activate, operate and maintain the alternate power source and any fuel required for the operation of the alternate power source. The procedures shall ensure that residents do not experience complications from fluctuations in ambient air temperatures inside the facility. Procedures must address the care of residents occupying the facility during a declared state of emergency, specifically, a description of the methods to be used to mitigate the potential for heat related injury including:

1. The use of cooling devices and equipment;
2. The use of refrigeration and freezers to produce ice and appropriate temperatures for the maintenance of medicines requiring refrigeration;
3. Wellness checks by assisted living facility staff to monitor for signs of dehydration and heat injury; and
4. A provision for obtaining medical intervention from emergency services for residents whose life safety is in jeopardy.

(b) Each assisted living facility shall maintain the written policies and procedures in a manner that makes them readily available at the licensee's physical address for review by a legally authorized entity. If the policies and procedures are maintained in an electronic format, assisted living facility staff must be readily available to access the policies and procedures and produce the requested information. For purposes of this section, "readily available" means the ability to immediately produce the policies and procedures, either in electronic or paper format, upon request.

(c) The written policies and procedures must be readily available for inspection by each resident; each resident's legal representative, designee, surrogate, guardian, attorney in fact, or case manager; each resident's estate; and such additional parties as authorized in writing or by law.

(6) REVOCATION OF LICENSE, FINES OR SANCTIONS. For a violation of any part of this rule, the Agency for Health Care Administration may seek any remedy authorized by chapter 429, part I, or chapter 408, part II, F.S., including, but not limited to, license revocation, license suspension, and the imposition of administrative fines.

(7) COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

(a) Assisted living facilities whose comprehensive emergency management plan is to evacuate must comply with this rule.

(b) Each facility whose plan has been approved shall submit the plan as an addendum with any future submissions for approval of its comprehensive emergency management plan.

(8) NOTIFICATION.

(a) Within five (5) business days, each assisted living facility must notify in writing, unless permission for electronic communication has been granted, each resident and the resident's legal representative:

1. Upon submission of the plan to the local emergency management agency that the plan has been submitted for review and approval;
2. Upon final implementation of the plan by the assisted living facility.

(b) Each assisted living facility must maintain a copy of each notification set forth in paragraph (a) above in a manner that makes each notification readily available at the licensee's physical address for review by a legally authorized entity. If the notifications are maintained in an electronic format, facility staff must be readily available to access and produce the notifications. For purposes of this section, "readily available" means the ability to immediately produce the notifications, either in electronic or paper format, upon request.