



PUBLIC COMMENT | HB 1175 IMPLEMENTATION | OFFICE SURGERY SUITES

September 14, 2026

Florida Building Commission

Attn: Mo Madani, Manager, Office of Codes and Standards
Florida Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399

RE: Public Comment - SP-FBC-B-Ch. 2/4 Comment #1 / Glitch; HB 1175; Office Surgery Suites; FBC Sections 469.3.1 and 469.3.2

Dear Members of the Florida Building Commission:

On behalf of The Layssa Cosmetic Surgery Awareness Foundation, Inc., I respectfully submit this public comment concerning SP-FBC-B-Ch. 2/4 Comment #1 / Glitch and Florida's implementation of section 553.884, Florida Statutes, regarding office surgery suites. Our Foundation focuses on patient-safety education, informed decision-making, and verification of surgeons and surgical facilities.

The Foundation supports the Technical Advisory Committees' clarification that raising the NFPA 101 Ambulatory Health Care Occupancy threshold for office surgery suites does not remove the separate Florida Building Code requirements that apply to Business Occupancy - Ambulatory Care Facilities under Section 422. The Fire TAC approved the comment as amended 11-0, and the Special Occupancy TAC approved it 8-0.

FOUNDATION POSITION: Support the current Section 422 clarification, while asking Florida to make the final implementation unambiguous, coordinated with the State Fire Marshal, and readily verifiable by regulators and the public.

Requests within the current Building Code proceeding

- 1. Retain the Section 422 clarification.** Please retain the TAC-supported language making clear that office surgery suites below the NFPA 101 Ambulatory Health Care Occupancy threshold remain subject to applicable Florida Building Code Section 422 Ambulatory Care Facility requirements.
- 2. Preserve the rationale in the final record.** The final Commission record should state plainly that the patient threshold in Section 469 addresses the application of NFPA 101 Ambulatory Health Care Occupancy provisions and does not eliminate or replace separate Florida Building Code requirements applicable to ambulatory care functions.



PUBLIC COMMENT | HB 1175 IMPLEMENTATION | OFFICE SURGERY SUITES

3. Avoid an enforcement gap between the Building Code and Fire Prevention Code. Because section 553.884 requires both the Commission and the State Fire Marshal to establish alternative safety-design standards for office surgery suites serving up to six patients, we respectfully request close coordination with the State Fire Marshal's Rule 69A-60.0061 rulemaking.

Related implementation requests

The following issues may require guidance, coordinated rulemaking, or future technical action beyond the narrow glitch/errata process. We raise them now so they are not lost as Florida completes implementation of section 553.884.

4. Clarify how simultaneous patient capacity is determined. Florida should explain how the statutory phrase "simultaneously for up to six patients" is applied when qualifying patients are in preoperative, procedure, anesthesia, and postoperative or recovery areas within the office surgery suite.

5. Make approved capacity and applicable safety standards readily verifiable. Where legally and administratively appropriate, approved plans, inspection records, occupancy documentation, or public-facing guidance should identify the maximum approved patient capacity and the principal building and fire-safety standards applicable to the suite.

6. Provide coordinated public guidance for emergency-protection requirements. Final implementation materials should help facilities, inspectors, emergency responders, and patients understand the requirements relevant to egress, evacuation of patients requiring assistance, fire/smoke protection, emergency power, and postoperative recovery when multiple patients may be incapable of self-preservation.

We are not asking the Commission to revisit the Legislature's policy decision in HB 1175. We are asking that the law be implemented in a way that is technically clear and that does not create an unintended reduction, ambiguity, or enforcement gap in protections for surgical patients who may be unable to evacuate or protect themselves without assistance.

Thank you for considering this patient-safety perspective and for including this submission in the public record for the second 45-day comment period.

Respectfully submitted,

Javier N. Jimenez

President | The Layssa Cosmetic Surgery Awareness Foundation, Inc.
jimenezjn@layssaafoundation.org | layssaafoundation.org



PUBLIC COMMENT | HB 1175 IMPLEMENTATION | OFFICE SURGERY SUITES

ATTACHMENT A

Patient-Safety Issues for Commission Consideration

Proceeding	9th Edition (2026) Florida Building Code - 2nd Glitch / Errata		
Code item	SP-FBC-B-Ch. 2/4 Comment #1 / Glitch - Office Surgery Suites		
Statutory basis	Fla. Stat. § 553.884 (2026); ch. 2026-89, Laws of Florida		

#	Issue	Foundation request	Why it matters
1	Section 422 continuity	Retain the TAC-supported clarification tying lower-threshold office surgery suites to applicable Business Occupancy - Ambulatory Care Facility requirements in FBC Section 422.	Prevents the NFPA 101 threshold change from being misunderstood as eliminating separate FBC ambulatory-care requirements.
2	Scope of the threshold	State in the final record that the seven-patient threshold in Section 469 concerns the NFPA 101 Ambulatory Health Care Occupancy trigger and does not replace otherwise applicable FBC requirements.	Reduces inconsistent enforcement and helps facilities understand which code framework applies.
3	Building / fire-code coordination	Coordinate final FBC implementation with State Fire Marshal Rule 69A-60.0061 and identify any cross-references needed once the fire-safety rule is finalized.	Section 553.884 assigns parallel implementation duties to the Commission and the State Fire Marshal.
4	Simultaneous patient count	Provide statewide guidance on how qualifying patients are counted across pre-op, procedure, anesthesia, and recovery areas.	A consistent counting method is necessary for meaningful capacity limits and inspections.
5	Approved capacity transparency	Make the approved maximum qualifying-patient capacity identifiable in appropriate plans, inspection/occupancy records, or public guidance.	Improves enforcement, emergency planning, and patient/facility verification.



PUBLIC COMMENT | HB 1175 IMPLEMENTATION | OFFICE SURGERY SUITES

#	Issue	Foundation request	Why it matters
6	Emergency-protection guidance	Explain the applicable safeguards for assisted evacuation, fire/smoke protection, emergency power, and recovery areas when several patients cannot self-preserve.	The risk created by non-self-preserving patients is operational as well as architectural, and the two code systems should be understandable together.

Authorities and public record reviewed

- [Fla. Stat. § 553.884 \(2026\) - Office surgery suites; safety design standards](#)
- [Florida Building Commission - 2026 Code Development / 2nd Glitch public-comment record](#)
- [Proposed Comment .2 - SP-FBC-B-Ch. 2/4 Glitch #1 \(Skip Gregory\)](#)
- [Florida Administrative Register, Vol. 52, No. 143 \(July 24, 2026\) - Rule 69A-60.0061 development notice](#)

Requested disposition: Include this submission in the public record and consider the Foundation's requests when the Commission takes final action on SP-FBC-B-Ch. 2/4 Comment #1 / Glitch and related implementation materials.