

FFCA Legislative End-of-Session Update 2016

HB 221 by Trujillo / SB 1442 by Garcia – Out-of-Network Health Insurance Coverage – Most commonly referred to as the “balance bill legislation,” this proposal originally included EMS/ambulance as covered providers that would be prohibited from billing the patient and would have their reimbursement rates capped at the Medicare rate. We worked with both bill sponsors, the Chief Financial Officer, representatives of the insurers, and others to arrive at language in the bill that clearly indicates the only services subject to the prohibitions and rate provisions are services being provided in a facility licensed under Chapter 395, such as a hospital.

HB 5001 – Conference Report of the Appropriations Committee - Certified Public Expenditure – Last year FFCA was successful in securing language in the General Appropriations Act to access federal matching funds already being provided to other states for ambulance transport reimbursement. An important amendment to last year’s proviso language was needed to fully implement the program and the Legislature agreed to make the necessary changes.

HB 535 by Eagle / SB 704 by Hutson – Building Code – This is the second year this legislation has moved forward. The bill contains a number of provisions that address firesafety issues:

- Inspector qualifications to become building inspectors are modified;
- Funds the Florida Fire Prevention Code informal interpretation process managed by the State Fire Marshal are provided, up to \$15K;
- The bill allows for combined appeals boards to address issues under the building code or fire code, and authorize alternatives or modifications, but not waiver of the fire code; and, quorum requirement of the combined board must have a member who is a fire protection contractor, fire protection design professional, a fire department operations professional, or a fire code enforcement professional;

- Decisions of local administrative boards in regard to fire code, and conflicts between the fire code and building code are reviewable by a joint committee of the Florida Building Commission and the Fire Code Advisory Council;
- Two fire service access elevators are required in all buildings with a height greater than 120 measured from the elevation of street-level access to the level of the highest occupy-able floor; 1-hour fire-rated fire service access elevator lobby with direct access from the fire service elevator is not required if the fire service elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided; 1-hour fire rated lobbies are required in transient occupancies above 420 feet;
- Standpipes in high-rise buildings, R1 & R2 must be located in stairwells and are subject only to the requirements of the fire code and NFPA 14 standard for installation of standpipes and hose systems;
- The 10-year battery requirement for smoke alarms is limited to new installations and replacements of battery-powered smoke alarms as a result of a level 1 alteration;
- Minimum radio strength for fire department communication in new high-rise buildings is required by January 1, 2022, permits for existing high-rise buildings must be applied for by December 3, 2019, and existing apartment buildings must comply by January 1, 2025, with permit applications by December 31, 2022;
- Fire safety evaluation system for board and care facilities is authorized;
- Fire separation distance and zero lot line building code provisions are reduced;
- Restaurants, cafeterias, dining facilities, and commercial kitchens are only required to have sprinklers if the structure has a fire occupancy load of 200 patrons or more.
- Although there provisions that are beneficial in this bill, and some that we've reached a compromise, there are others that are problematic. The fire service access elevator issue is better than

what FHBA originally wanted last year based upon our negotiations; the fire separation distance/zero lot line issue is a new issue that poses conflagration issues; and the restaurant sprinkler issue is also a new issue – and although better than the 300 occupancy load that was initially adopted – is still a concern. FFCA testified in opposition to the fire service access elevator issues, the fire separation issue, and the sprinkler issue, and met with House and Senate sponsors on the same issues.

HB 431 by Raburn / SB 822 by Stargel – Fire safety & Agro-tourism

– This legislation represents a multi-year effort, this time between the fire service, agricultural interests, and the SFMO to reach compromise on standards that will be applied to nonresidential farm buildings being used for agro-tourism activity. Three classes of buildings are created by the legislation: Class 1 – nonresidential farm buildings used 12 or fewer times a year for agro-tourism activity with up to 100 persons at a time. Class 1 buildings are subject to an annual inspection by the AHJ, not subject to the fire code, but is subject to rules adopted by the SFM. Class 2 – nonresidential farm building used for agro-tourism activity with up to 300 persons at a time. Class 2 buildings are subject to the annual inspection, not subject to the fire code, but subject to SFM rules that will be more stringent than the requirements for Class 1 buildings. Class 3 - buildings that are for housing, sheltering, or otherwise accommodating members of the general public. Class 3 buildings are subject to the annual inspection and the fire code. The legislation requires the SFM to adopt rules to implement the provisions of the bill.

HB 651 by Beshears / SB 992 by Brandes – Department of Financial Services

– This legislation, put forward by the Chief Financial Officer, covers a wide range of issues, and addresses a number of changes within Chapter 633:

- Modifies existing law related to carbon monoxide detectors and boilers at public lodging establishments;
- Provides an exemption from disqualification from licensure or certification based upon criminal record or dishonorable discharge from the military if certain condition are met;

- Creates the firefighter assistance grant program to improve the emergency response of volunteer fire departments and combination fire departments;
 - Specifies inapplicability of Life Safety Code to one and two-family dwellings;
 - Requires passage of Minimum Standards Examination within 12 months of completing required courses;
 - Provides for expiration of Firefighter Certification of Compliance or Volunteer Firefighter Certificate of Completion, 4 years after date of issuance unless renewed;
 - Revises the certification retention provisions, and authorizes State Fire Marshal certain powers with respect to the certification;
 - Provides specifics conditions for the revocation of certification.
- The bill passed and must be acted upon by the Governor by March 26th.

Bills and amendments that did not pass:

HB 255 by Porter / SB 550 by Dean – Volunteer Rural Firefighting – This was the second year that the volunteer rural firefighter legislation advanced with additional changes to address concerns raised last year. The House bill was never heard by a committee.

HB 517 by Renner / SB 742 by Hutson – Certificates of Public Convenience and Necessity – Legislation was filed to address a number of local conflicts between cities and counties or special fire districts and counties. Both bills initially passed through a series of committees but the Senate bill ultimately had difficulty with the Senate Rules Committee, where the bill died.

Amendment to HB 651 by Beshears – Department of Financial Services – Senator John Legg filed an amendment to delete the requirement for firefighters with a valid fire service instructor certificate to also have to provide 40 hours of instruction within the 4-year period, in order to retain their firefighter certification. Senator Legg withdrew the amendment after concerns were raised by the State Fire Marshal's Office. The SFMO indicated that they would pursue a

review of the issue during the interim. The FFCA will seek legislation on this issue during the 2017 Session.

Amendment to HB 1187 by Grant – Dept. of Business and Professional Regulation – In the last 72 hours of Session, Representatives of timeshare companies convinced Senator Travis Hutson to file an amendment to exempt timeshare condominiums from the provisions related to high-rise sprinkler retrofit in the condominium law. Your quick response and unified effort of the fire service interests pushed back on the proposal and Sen. Hutson withdrew the amendment.