

Notice of Proposed Rule

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Hotels and Restaurants**

RULE NO: RULE TITLE

61C-3.001: Sanitation and Safety Requirements

PURPOSE AND EFFECT: The proposed rule implements the requirements of Section 509.211(4), Florida Statutes, and establishes carbon monoxide detector installation requirements and mitigation determination procedures.

SUMMARY: The proposed rule addresses carbon monoxide detector installation requirements and the procedure for requesting mitigation determination approval from the Division.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 509.032, 509.211 FS.

LAW IMPLEMENTED: 509.211, 509.2112, 509.221 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: July 15, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Professions Board Room, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurant, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, Telephone: (850)488-1133. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1 (800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurant, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-3.001 Sanitation and Safety Requirements.

The following requirements and standards shall be met by all public lodging establishments.

(1) through (11) No change.

(12) Carbon Monoxide Sensor Devices. Carbon monoxide sensor devices shall be installed or carbon monoxide mitigation shall be approved in accordance with Section 509.211(4), F.S., and this rule.

(a) Definitions.

1. Carbon Monoxide Detector. A carbon monoxide sensor device that is capable of being intergrated into a fire detection system and is listed or labeled as being in compliance with ANSI/UL 2034, Standard for Single and Multiple Station CO Alarms, or UL 2075 – 04, Gas and Vapor Detector Sensor, in accordance with its application.

2. Single Station Carbon Monoxide Alarm. A carbon monoxide sensor device that produces a distinct audible signal and is listed or labeled as being in compliance with ANSI/UL 2034, Standard for Single and Multiple Station CO Alarms, or UL 2075 – 04, Gas and Vapor Detector Sensor, in accordance with its application.

(b) Installation.

1. Carbon monoxide sensor devices shall be installed according to the manufacturer's instructions.

2. Carbon monoxide detectors shall be integrated into the existing fire detection system as a supervisory signal according to NFPA 72, National Fire Alarm Code. Activation of a carbon monoxide detector supervisory signal shall not cause activation of either the protected premises or supervising station fire alarm signals.

3. Public lodging establishments not required by law to have a fire detection system shall install either a single station carbon monoxide alarm or a fire detection system including a carbon monoxide detector integrated as a

supervisory signal. A single station carbon monoxide alarm installed in compliance with this rule shall provide an audible signal capable of being heard outside of the space in which it has been installed and shall activate a visible signal capable of being seen outside of the space in which it has been installed.

4. Carbon monoxide sensor devices shall receive primary power from the public lodging establishment's electrical system and shall connect to a secondary power source. Secondary power sources include a battery directly installed in the carbon monoxide sensor device or an external generator connected to the carbon monoxide sensor device.

(c) Mitigation. Under Section 509.211(4), F.S., a public lodging establishment may perform carbon monoxide hazard mitigation instead of installing a carbon monoxide sensor device. A public lodging establishment performing carbon monoxide hazard mitigation shall have the mitigation certified and submit certification to the division as specified in this rule.

1. The operator of the public lodging establishment is responsible for obtaining certification of adequate mitigation of the risk of illness, injury or death from carbon monoxide released by a boiler described in Section 509.211(4), F.S.

2. The operator of the public lodging establishment shall obtain certification of adequate carbon monoxide hazard mitigation on DBPR Form HR 5022-048, CERTIFICATE OF CARBON MONOXIDE MITIGATION (certificate), incorporated herein by reference and effective 2009 May 13. This form is available on the division's Internet website www.MyFloridaLicense.com/dbpr/hr, from any division office, or by writing to Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

3. All carbon monoxide hazard mitigation certifications must be conducted by a licensed professional engineer whose license is current and in good standing with the Florida Board of Professional Engineers. The operator of the public lodging establishment is responsible for verifying the license status of the person conducting the certification. The professional engineer's license number and license expiration date shall be clearly written on the certificate.

4. The operator of the public lodging establishment shall submit the completed certificate to the division at the address listed above. The division shall date-stamp the certificate upon receipt, keep a copy for its records, and provide the original date-stamped certificate to the operator of the public lodging establishment. The operator of the public lodging establishment shall post either the original or a copy of the date-stamped certificate in the room containing the boiler.

5. Carbon monoxide hazard mitigation shall be certified annually. A new certificate shall be submitted to the division on or before January 1 every year.

6. Carbon monoxide hazard mitigation shall be recertified, and a new certificate shall be submitted to the division, within 30 days of a change of ownership or any physical change to previously certified mitigation.

(13)(12) Resort condominiums, apartments and resort dwellings are exempt from subsections (1), (2) and (3) of this rule. Establishments opting to provide any of the services listed in subsections (2) and (3) of this rule shall comply with the requirements described herein.

Rulemaking Specific Authority 509.032(6), 509.211 FS. Law Implemented 509.211, 509.212, 509.221 FS. History—Amended 1-20-63, Revised 2-4-71, Amended 9-19-84, Formerly 7C-3.01, Amended 12-31-90, Formerly 7C-3.001, Amended 3-31-94, 9-25-96, 1-18-98, 8-12-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007