

CHAPTER 4A-57 UNIFORM FIRESAFETY STANDARDS FOR ADULT FAMILY CARE HOMES

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4A-57.001 Scope.

Pursuant to Section 633.022(1)(b), Florida Statutes, these rules apply to all new, existing, and proposed Adult Family Care Homes licensed in accordance with Part VII, Chapter 400, Florida Statutes.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(1)(b) FS. History—New 2-7-01.

4A-57.002 Definitions.

As used in these rules:

(1) "AFCH" means adult family care home.

(2) "Agency" means the Agency for Health Care Administration.

(3) "AHJ" means the local authority having firesafety and fire prevention jurisdiction which employs or contracts with at least one firesafety inspector certified under Chapter 633, Florida Statutes.

(4) "Department" means the Department of Elder Affairs.

(5) "Division" means the Division of State Fire Marshal of the Department of Insurance.

(6) "NFPA" means the National Fire Protection Association.

(7) "Occupant" means a resident of the adult family care home other than the provider or the provider's family.

(8) "Prompt" means not more than three minutes for an adult family care home and refers to the ability of a group to move reliably to a point of safety in a timely manner that is equivalent to the capacity of a household in a general population.

(9) "Provider" means the owner of the adult family care home.

(10) "Provider's Family" means a person who is the father, mother, son, daughter, brother, sister, grandfather, grandmother, great-grandfather, great-grandmother, granddaughter, grandson, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister of a provider as long as that person maintains his or her residence at the adult family care home.

(11) "Slow" means more than three minutes but not more than 13 minutes for an adult family care home and refers to the ability of a group to move reliably to a point of safety in a timely manner that is equivalent to the capacity of a household in a general population.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022 FS. History—New 2-7-01, Amended 11-29-01.

4A-57.003 Standards of the National Fire Protection Association Adopted.

(1) The following portions of NFPA 101, the Code for Safety to Life from Fire in Buildings and Structures, known as the Life Safety Code, 2000 edition, are hereby adopted and incorporated herein by reference:

(a) All of Chapter 24, "One and Two Family Dwellings," except Section 24-3.4, "Detection, Alarm and Communication Systems."

(b) Sections 32-3.3.4.7, 32-3.3.4.8, and 32-3.3.5.5 only, of Chapter 32.

(c) Each AFCH which does not meet the evacuation capability of prompt but which does meet an evacuation capability of slow shall also comply with the requirements of Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, National Fire Protection Association (NFPA) 101, 2000 edition, to be considered to have met the firesafety requirements under Rule 4A-57.005, F.A.C. Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, 2000 edition, are hereby adopted and incorporated by reference.

(d) During each fire exit drill, all occupants should evacuate the building on their own or with staff assistance or any other available assistance, as needed.

(2) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at:

1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in this rule are also available for public inspection during regular business hours at the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(10)(b) FS. History—New 2-7-01, Amended 11-29-01.

4A-57.004 Occupancy Capacity of Each AFCH.

Pursuant to subsection 58A-14.004(4), F.A.C., there shall be no more than 5 occupants in any AFCH. The maximum number of occupants in any particular AFCH shall be determined by the agency in consultation with the AHJ. If the agency has been notified in writing that there is no AHJ, the agency shall consult with an authorized representative of the division concerning occupancy capacity.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(10)(b) FS. History—New 2-7-01.

4A-57.005 Evacuation Capability.

(1) The evacuation capability for each AFCH shall be determined by a series of fire exit drills as "prompt" or "slow".

(a) An evacuation capability of "prompt" shall measure the ability of a group to move to a point of safety outside the AFCH within a drill time of three minutes or less.

(b) An evacuation capability of "slow" shall measure the ability of a group to move to a point of safety outside the AFCH within a drill time of more than three minutes but less than 13 minutes.

(2) Subject to subsection (4), if the AFCH does not achieve an evacuation capability of "prompt" during the fire exit drill, a second fire exit drill must be performed within 30 days of the fire exit drill in which the AFCH did not achieve an evacuation capability of "prompt."

(3) Subject to subsection (4), if the AFCH does not achieve an evacuation capability of “prompt” during the second fire exit drill, the inspector shall notify the agency that the AFCH can no longer meet the required safety requirements.

(4) If the AFCH does not achieve an evacuation capability of “prompt” during the first fire drill, but the AFCH does receive an evacuation capability of “slow,” and the AFCH is in compliance with Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, 2000 edition, the AFCH shall be deemed to have met the required firesafety requirements and no notification under subsection (3) shall be provided to the agency.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(1)(b) FS. History—New 2-7-01, Amended 11-29-01.

4A-57.006 Fire Exit Drills.

(1) A fire exit drill shall be conducted by each provider at each AFCH at least three (3) times per year to assure that the evacuation capability of the facility is “prompt.” Subject to subsection 4A-57.005(2), F.A.C., each fire exit drill shall be conducted at least 30 days after the previous fire exit drill. The AHJ is permitted to require an additional fire exit drill in conjunction with an annual firesafety inspection.

(2) The purpose of each fire exit drill is to familiarize each occupant with the procedures required for the safe, orderly, and expeditious exiting of the building or structure. All occupants shall exit the building or structure to a predetermined area of safety. The climate and weather conditions shall be taken into consideration when scheduling any fire exit drill.

(3) Each fire exit drill shall be conducted at an unexpected time and under varying conditions that may occur in the case of fires.

(4) Each fire exit drill shall be applicable to all occupants of the AFCH with emphasis on the safe, orderly, and expeditious exiting under proper discipline.

(5) Any occupant subject to a fire exit drill shall proceed to a predetermined location outside the building and remain there until all occupants are accounted for. Occupants shall be allowed to return to the building only when permitted by the person conducting the fire exit drill.

(6) The provider shall keep a record of each fire exit drill on Form DI4-1437, (rev. 1/2001), Fire Exit Drill Records for Adult Family Care Homes, which is hereby adopted and incorporated into these rules by reference, and shall take effect on the effective date of these rules. Copies of the form may be obtained by writing to the Department of Insurance, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The record shall list as a minimum:

(a) The date the drill was conducted.

(b) The time of day the drill was conducted.

(c) The amount of time, in minutes and seconds, that were required for all occupants to safely exit the building.

(d) Any unusual circumstance affecting the safe, orderly and expeditious exit from the building, which shall be in narrative or outline form.

(7) If the provider does not keep the record required by subsection (6), or keeps it in a manner that is incomplete, incorrect, or otherwise does not contain the required information, the fire exit drill will be presumed to have achieved an evacuation capability that does not meet the requirement of “prompt.” Another fire exit drill must be performed as soon as possible and the results correctly recorded. In addition, the firesafety inspector shall advise the agency that the AFCH is not maintaining compliance with the firesafety requirements for an AFCH.

(8) Any firesafety inspector or special firesafety inspector completing the required annual inspection is permitted to:

- (a) Use the record for a determination of the evacuation capability of the facility, or
- (b) Conduct his or her own fire exit drill.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(1)(b) FS. History–New 2-7-01.

4A-57.007 Inspections.

(1) The firesafety inspector shall conduct a firesafety inspection for each AFCH prior to occupancy as an AFCH.

(2) The provider shall request from the AHJ a firesafety inspection within 30 days following receipt of notification of license renewal.

(3) The AHJ or the Division is permitted to require additional firesafety inspections.

(4) The provider shall be responsible for requesting all required firesafety inspections.

(5) Each required firesafety inspection shall be completed by the AHJ, where available.

(6) Any time there is no AHJ to perform a firesafety inspection, the provider shall notify the Division in writing. The Division shall inspect or cause the facility to be inspected in accordance with Section 633.022, Florida Statutes.

(7) A firesafety inspector, or special state firesafety inspector, certified in accordance with Chapter 633, Florida Statutes, shall complete each firesafety inspection.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(1)(b) FS. History–New 2-7-01, Amended 11-29-01.

4A-57.008 Cooking Equipment; Exception.

Notwithstanding any previous construction or interpretation of any law, rule, or code provision, any time a single range or stove is used in an arrangement similar to that of a single family residence, the AFCH shall not be required to comply with NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, as adopted in Rule 4A-3.012, F.A.C.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(1)(b) FS. History–New 2-7-01.