

By Senator Constantine

22-89A-03

1 A bill to be entitled
2 An act relating to the Florida Building Code;
3 amending s. 553.73, F.S.; providing for the
4 updating of the Florida Building Code; amending
5 s. 553.842, F.S.; revising provisions relating
6 to product evaluation reports; providing
7 requirements relating to regional emergency
8 elevator access; requiring elevators in certain
9 newly constructed or substantially renovated
10 buildings to be keyed alike within each of the
11 state emergency response regions; providing for
12 these requirements to be phased in for certain
13 existing buildings; restricting the duplication
14 and issuance of master elevator keys; requiring
15 the labeling of master elevator keys; allowing
16 local fire marshals to allow substitute
17 emergency measures for elevator access in
18 certain circumstances; providing for appeal of
19 the local fire marshal's decision; providing
20 for the State Fire Marshal to enforce these
21 provisions; encouraging builders to use
22 applicable new technology to provide regional
23 emergency elevator access; providing an
24 effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsection (6) of section 553.73, Florida
29 Statutes, is amended to read:

30 553.73 Florida Building Code.--

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1 (6) The commission, by rule adopted pursuant to ss.
2 120.536(1) and 120.54, shall update the Florida Building Code
3 every 3 years. When updating the Florida Building Code, the
4 commission shall consider changes made by the adopting entity
5 of any selected model code for any model code incorporated
6 into the Florida Building Code, and may subsequently adopt ~~the~~
7 ~~new edition or successor of the model code or~~ any part of such
8 code, no sooner than 6 months after it ~~such model code~~ has
9 been adopted by the adopting organization, which may then be
10 modified for this state as provided in this section, and shall
11 further consider the commission's own interpretations,
12 declaratory statements, appellate decisions, and approved
13 statewide and local technical amendments. A change made by an
14 institute or standards organization to any standard or
15 criterion that is adopted by reference in the Florida Building
16 Code does not become effective statewide until it has been
17 adopted by the commission. Furthermore, the edition of the
18 Florida Building Code which is in effect on the date of
19 application for any permit authorized by the code governs the
20 permitted work for the life of the permit and any extension
21 granted to the permit. Any amendment to the Florida Building
22 Code which is adopted upon a finding by the commission that
23 the amendment is necessary to protect the public from
24 immediate threat of harm takes effect immediately.

25 Section 2. Paragraph (a) of subsection (6) of section
26 553.842, Florida Statutes, is amended to read:

27 553.842 Product evaluation and approval.--

28 (6) Statewide or local approval of products, methods,
29 or systems of construction may be achieved by one of the
30 following methods. One of these methods must be used by local
31 officials or the commission to approve the following

1 categories of products: panel walls, exterior doors, roofing,
2 skylights, windows, shutters, and structural components as
3 established by the commission by rule.

4 (a) Products for which the code establishes
5 standardized testing or comparative or rational analysis
6 methods shall be approved by submittal and validation of one
7 of the following reports or listings indicating that the
8 product or method or system of construction was evaluated to
9 be in compliance with the Florida Building Code and that the
10 product or method or system of construction is, for the
11 purpose intended, at least equivalent to that required by the
12 Florida Building Code:

- 13 1. A certification mark or listing of an approved
14 certification agency;
- 15 2. A test report from an approved testing laboratory;
- 16 3. A product evaluation report based upon testing or
17 comparative or rational analysis, or a combination thereof,
18 from an approved product evaluation entity; or
- 19 4. A product evaluation report based upon testing or
20 comparative or rational analysis, or a combination thereof,
21 developed and signed and sealed by a professional engineer or
22 architect, licensed in this state.

23
24 ~~A product evaluation report or a certification mark or listing~~
25 ~~of an approved certification agency which demonstrates that~~
26 ~~the product or method or system of construction complies with~~
27 ~~the Florida Building Code for the purpose intended shall be~~
28 ~~equivalent to a test report and test procedure as referenced~~
29 ~~in the Florida Building Code.~~

30 Section 3. Regional emergency elevator access.--

31 (1) In order to provide emergency access to elevators:

1 (a) For each building in this state which is six or
2 more stories in height, including, but not limited to, hotels
3 and condominiums, and on which construction is begun after
4 June 30, 2003, all of the keys for elevators that allow public
5 access, including, but not limited to, service and freight
6 elevators, must be keyed so as to allow all elevators within
7 each of the seven state emergency response regions to be
8 opened with one master elevator key.

9 (b) Any building in this state which is six or more
10 stories in height and is "substantially renovated" as defined
11 in the Americans with Disabilities Act, as amended, after June
12 30, 2003, must also comply with paragraph (a).

13 (2) Each existing building in this state which is six
14 or more stories in height must comply with subsection (1)
15 before July 1, 2006.

16 (3) Master elevator keys may be issued only to the
17 fire department and may not be issued to any other
18 emergency-response agency. A person may not duplicate a master
19 elevator key for issuance to, or issue such a key to, anyone
20 other than authorized fire-department personnel. Each master
21 elevator key must be marked "DO NOT DUPLICATE."

22 (4) If it is technically impossible to bring a
23 building into compliance with this section, the local fire
24 marshal may allow substitute emergency measures that will
25 provide reasonable emergency elevator access. The local fire
26 marshal's decision regarding substitute measures may be
27 appealed to the State Fire Marshal.

28 (5) The Division of State Fire Marshal of the
29 Department of Financial Services shall enforce this section.

30 (6) Builders should make every effort to use new
31 technology and developments in keying systems which make it

1 possible to convert existing equipment so as to provide
2 efficient regional emergency elevator access.

3 Section 4. This act shall take effect July 1, 2003.

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6 SENATE SUMMARY

7 Revises provisions relating to the updating of the
8 Florida Building Code and to product evaluation reports
9 provide requirements relating to regional emergency
10 elevator access. Requires elevators in newly constructed
11 or substantially renovated buildings that are six or more
12 stories in height to be keyed alike within each of the
13 state emergency response regions. Provides for that
14 requirement to be phased in for existing buildings that
15 are six stories or more in height. Restricts the issuance
16 of master elevator keys to the fire department. Restricts
the duplication of such keys and requires each master
elevator key to be labeled "Do Not Duplicate." Allows
local fire marshals to permit substitute emergency
measures for elevator access. Provides that the local
fire marshal's decision may be appealed to the State Fire
Marshal. Provides for the State Fire Marshal to enforce
this act. Encourages builders to use applicable new
technology to provide regional emergency elevator access.

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