

By the Committees on Comprehensive Planning; Regulated Industries; and Senator Constantine

316-2464-03

1                                   A bill to be entitled  
2           An act relating to the Florida Building Code;  
3           providing requirements relating to regional  
4           emergency elevator access; requiring elevators  
5           in newly constructed or certain substantially  
6           renovated buildings to be keyed alike within  
7           each of the state emergency response regions;  
8           providing for these requirements to be phased  
9           in for certain existing buildings; restricting  
10          the duplication and issuance of master elevator  
11          keys; requiring the labeling of master elevator  
12          keys; allowing local fire marshals to allow  
13          substitute emergency measures for elevator  
14          access in certain circumstances; providing for  
15          appeal of the local fire marshal's decision;  
16          providing for the State Fire Marshal to enforce  
17          these provisions; encouraging builders to use  
18          applicable new technology to provide regional  
19          emergency elevator access; providing an  
20          exemption for certain buildings; amending s.  
21          399.106, F.S.; revising the membership of the  
22          Elevator Safety Technical Advisory Committee;  
23          removing provisions terminating the committee;  
24          amending s. 633.171, F.S.; establishing  
25          penalties for unauthorized use of fireworks and  
26          pyrotechnic devices; providing an effective  
27          date.  
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29   Be It Enacted by the Legislature of the State of Florida:  
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31          Section 1.   Regional emergency elevator access.--

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

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

10           (b) Any building in this state which is six or more  
11 stories in height and is "substantially renovated" as defined  
12 in the Americans with Disabilities Act, as amended, after June  
13 30, 2003, must also comply with paragraph (a).

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

17           (3) In addition to elevator owners, owner's agents,  
18 elevator contractors, State Certified Inspectors, and State of  
19 Florida agency representatives, master elevator keys may be  
20 issued only to the fire department and may not be issued to  
21 any other emergency-response agency. A person may not  
22 duplicate a master elevator key for issuance to, or issue such  
23 a key to, anyone other than authorized fire-department  
24 personnel. Each master elevator key must be marked "DO NOT  
25 DUPLICATE."

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

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

3           (6) Builders should make every effort to use new  
4 technology and developments in keying systems which make it  
5 possible to convert existing equipment so as to provide  
6 efficient regional emergency elevator access.

7           (7) Any building operated by an independent special  
8 district or airport that has 24-hour emergency response  
9 services shall be exempt from this section.

10           Section 2. Section 399.106, Florida Statutes, is  
11 amended to read:

12           399.106 Elevator Safety Technical Advisory  
13 Committee.--

14           (1) The Elevator Safety Technical Advisory Committee  
15 is created within the Department of Business and Professional  
16 Regulation, Division of Hotels and Restaurants, consisting of  
17 eight ~~seven~~ members to be appointed by the secretary of the  
18 Department of Business and Professional Regulation as follows:  
19 one representative from a major elevator manufacturing company  
20 or its authorized representative; one representative from an  
21 elevator servicing company; one representative from a building  
22 design profession; one representative of the general public;  
23 one representative of a local government in this state; one  
24 representative of a building owner or manager; one  
25 representative of labor involved in the installation,  
26 maintenance, and repair of elevators; and one representative  
27 who is a certified elevator inspector from a private  
28 inspection service. The purpose of the committee is to provide  
29 technical assistance to the division in support of protecting  
30 the health, safety, and welfare of the public; to give the  
31 division the benefit of the committee members' knowledge and

1 experience concerning the industries and individual businesses  
2 affected by the laws and rules administered by the division.

3 (2) The committee members shall serve staggered terms  
4 of 4 years to be set by rule without salary, but may receive  
5 from the state expenses for per diem and travel. The committee  
6 shall appoint one of the members to serve as chair.

7 ~~(3) The committee shall meet and organize not later~~  
8 ~~than 45 days prior to the convening of the 2002 Legislature.~~  
9 ~~This committee terminates December 31, 2003.~~

10 (3)(4) The committee may consult with engineering  
11 authorities and organizations concerned with standard safety  
12 codes for recommendations to the department regarding rules  
13 and regulations governing the operation, maintenance,  
14 servicing, construction, alteration, installation, or  
15 inspection of vertical conveyances subject to this chapter.

16 Section 3. Subsection (3) is added to section 633.171,  
17 Florida Statutes, to read:

18 633.171 Penalty for violation of law, rule, or order  
19 to cease and desist or for failure to comply with corrective  
20 order.--

21 (3)(a) An owner or operator of an indoor facility may  
22 not knowingly allow the installation of a pyrotechnic device  
23 or fireworks inside his or her facility without a  
24 fire-suppression system or without a copy of a local fire  
25 marshal's permit furnished to the owner or operator by a  
26 vendor or licensee who wishes to install a pyrotechnic device  
27 or fireworks inside the indoor facility.

28 (b) A vendor or licensee may not install fireworks or  
29 a pyrotechnic device in an indoor facility without a  
30 fire-suppression system unless he or she first obtains a local  
31 fire marshal's permit, furnishes a copy of that permit to the

1 owner or operator of the indoor facility, and obtains prior  
2 written consent of the owner or operator to install the  
3 fireworks or a pyrotechnic device inside his or her indoor  
4 facility.

5 (c) A person who violates this subsection commits a  
6 felony of the third degree, punishable as provided in s.  
7 775.082, s. 775.083, or s. 775.084.

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 CS/SB 574

13 This CS/CS/SB differs from the CS in the following ways:

- 14 \* It amends the emergency elevator access provision to  
15 limit the requirement for an elevator master key to new  
16 buildings that are six or more stories in height, and  
17 makes a number of technical changes to the provision;  
18 \* It expands the Elevator Safety Technical Advisory  
19 Committee to included a certified elevator inspector from  
20 a private inspection service; and  
21 \* It establishes a penalty for use of pyrotechnic devises  
22 in an indoor facility without a fire-suppression system  
23 or without a permit from the local fire marshal.  
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