

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; amending s. 553.73, F.S.;
27 including hospice facilities in the Florida
28 Building Code; authorizing the commission to
29 expedite adoption and implementation of the
30 existing state building code as part of the
31 Florida Building Code pursuant to limited

1 procedures; allowing the commission to stay
2 enforcement of provisions of the Florida
3 Building Code under certain conditions;
4 amending s. 399.13, F.S.; authorizing counties
5 and municipalities to impose certain fees and
6 fines; amending s. 400.605, F.S.; deleting
7 requirements to adopt physical plant standards
8 for a hospice; creating s. 400.6055, F.S.;
9 requiring construction standards for hospice
10 facilities to comply with the Florida Building
11 Code; amending s. 1013.45, F.S.; requiring
12 life-cycle, cost-analysis in selection of
13 public school facilities; delaying the
14 implementation of the administrative rule
15 providing for product approval; providing an
16 effective date.

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

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20 Section 1. Regional emergency elevator access.--
21 (1) In order to provide emergency access to elevators:
22 (a) For each building in this state which is six or
23 more stories in height, including, but not limited to, hotels
24 and condominiums, on which construction is begun after June
25 30, 2003, all of the keys for elevators that allow public
26 access, including, but not limited to, service and freight
27 elevators, must be keyed so as to allow all elevators within
28 each of the seven state emergency response regions to operate
29 in fire emergency situations with one master elevator key.
30 (b) Any building in this state which is six or more
31 stories in height and is "substantially renovated" as defined

1 in the Americans with Disabilities Act, as amended, after June
2 30, 2003, must also comply with paragraph (a).

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

6 (3) In addition to elevator owners, owner's agents,
7 elevator contractors, State Certified Inspectors, and State of
8 Florida agency representatives, master elevator keys may be
9 issued only to the fire department and may not be issued to
10 any other emergency-response agency. A person may not
11 duplicate a master elevator key for issuance to, or issue such
12 a key to, anyone other than authorized fire-department
13 personnel. Each master elevator key must be marked "DO NOT
14 DUPLICATE."

15 (4) If it is technically or physically impossible to
16 bring a building into compliance with this section, the local
17 fire marshal may allow substitute emergency measures that will
18 provide reasonable emergency elevator access. The local fire
19 marshal's decision regarding substitute measures may be
20 appealed to the State Fire Marshal.

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

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

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

30 Section 2. Section 399.106, Florida Statutes, is
31 amended to read:

1 399.106 Elevator Safety Technical Advisory
2 Committee.--

3 (1) The Elevator Safety Technical Advisory Committee
4 is created within the Department of Business and Professional
5 Regulation, Division of Hotels and Restaurants, consisting of
6 eight ~~seven~~ members to be appointed by the secretary of the
7 Department of Business and Professional Regulation as follows:
8 one representative from a major elevator manufacturing company
9 or its authorized representative; one representative from an
10 elevator servicing company; one representative from a building
11 design profession; one representative of the general public;
12 one representative of a local government in this state; one
13 representative of a building owner or manager; one
14 representative of labor involved in the installation,
15 maintenance, and repair of elevators; and one representative
16 who is a certified elevator inspector from a private
17 inspection service. The purpose of the committee is to provide
18 technical assistance to the division in support of protecting
19 the health, safety, and welfare of the public; to give the
20 division the benefit of the committee members' knowledge and
21 experience concerning the industries and individual businesses
22 affected by the laws and rules administered by the division.

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

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

30 (3)~~(4)~~ The committee may consult with engineering
31 authorities and organizations concerned with standard safety

1 codes for recommendations to the department regarding rules
2 and regulations governing the operation, maintenance,
3 servicing, construction, alteration, installation, or
4 inspection of vertical conveyances subject to this chapter.

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

7 633.171 Penalty for violation of law, rule, or order
8 to cease and desist or for failure to comply with corrective
9 order.--

10 (3)(a) An owner or operator of an indoor facility may
11 not knowingly allow the installation of a pyrotechnic device
12 or fireworks inside his or her facility without a
13 fire-suppression system or without a copy of a local fire
14 marshal's permit furnished to the owner or operator by a
15 vendor or licensee who wishes to install a pyrotechnic device
16 or fireworks inside the indoor facility.

17 (b) A vendor or licensee may not install fireworks or
18 a pyrotechnic device in an indoor facility without a
19 fire-suppression system unless he or she first obtains a local
20 fire marshal's permit, furnishes a copy of that permit to the
21 owner or operator of the indoor facility, and obtains prior
22 written consent of the owner or operator to install the
23 fireworks or a pyrotechnic device inside his or her indoor
24 facility.

25 (c) A person who violates this subsection commits a
26 felony of the third degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084.

28 (d) The provisions of this section do not apply to the
29 manufacturing, distribution, wholesale or retail sale, or
30 seasonal retail sale, of products regulated pursuant to
31 chapter 791, where such products are not used or exploded

1 within an indoor facility. This section does not affect the
2 applicability of the Florida Fire Prevention Code, as
3 referenced in ss. 633.0215 and 633.025 and adopted by the
4 department.

5 Section 4. Subsection (2) of section 553.73, Florida
6 Statutes, is amended to read:

7 553.73 Florida Building Code.--

8 (2) The Florida Building Code shall contain provisions
9 or requirements for public and private buildings, structures,
10 and facilities relative to structural, mechanical, electrical,
11 plumbing, energy, and gas systems, existing buildings,
12 historical buildings, manufactured buildings, elevators,
13 coastal construction, lodging facilities, food sales and food
14 service facilities, health care facilities, including assisted
15 living facilities, adult day care facilities, hospice
16 residential facilities, inpatient facilities,and facilities
17 for the control of radiation hazards, public or private
18 educational facilities, swimming pools, and correctional
19 facilities and enforcement of and compliance with such
20 provisions or requirements. Further, the Florida Building Code
21 must provide for uniform implementation of ss. 515.25, 515.27,
22 and 515.29 by including standards and criteria for residential
23 swimming pool barriers, pool covers, latching devices, door
24 and window exit alarms, and other equipment required therein,
25 which are consistent with the intent of s. 515.23. Technical
26 provisions to be contained within the Florida Building Code
27 are restricted to requirements related to the types of
28 materials used and construction methods and standards employed
29 in order to meet criteria specified in the Florida Building
30 Code. Provisions relating to the personnel, supervision or
31 training of personnel, or any other professional qualification

1 requirements relating to contractors or their workforce may
2 not be included within the Florida Building Code, and
3 subsections (4), (5), (6), and (7) are not to be construed to
4 allow the inclusion of such provisions within the Florida
5 Building Code by amendment. This restriction applies to both
6 initial development and amendment of the Florida Building
7 Code.

8 Section 5. The Florida Building Commission may
9 expedite the adoption and implementation of the State Existing
10 Building Code as part of the Florida Building Code pursuant
11 only to the provisions of chapter 120, Florida Statutes. The
12 special update and amendment requirements of section 553.73,
13 Florida Statutes, and the administrative rule requiring
14 additional delay time between adoption and implementation of
15 such code are waived.

16 Section 6. Subsection (1) of section 399.13, Florida
17 Statutes, is amended to read:

18 399.13 Delegation of authority to municipalities or
19 counties.--

20 (1) The department may enter into contracts with
21 municipalities or counties under which such municipalities or
22 counties will issue construction permits and certificates of
23 operation; will provide for inspection of elevators, including
24 temporary operation inspections; and will enforce the
25 applicable provisions of the Florida Building Code, as
26 required by this chapter. The municipality or county may
27 choose to require inspections to be performed by its own
28 inspectors or by private certified elevator inspectors and may
29 assess a reasonable fee for inspections performed by its
30 inspectors. Each contract ~~such agreement~~ shall include a
31 provision that the municipality or county shall maintain for

1 inspection by the department copies of all applications for
2 permits issued, a copy of each inspection report issued, and
3 proper records showing the number of certificates of operation
4 issued; shall include a provision that each required
5 inspection be conducted by a certified elevator inspector; and
6 may include such other provisions as the department deems
7 necessary. The county shall enforce the provisions of the
8 Florida Building Code as it applies to this chapter and may
9 impose fees and assess and collect fines as part of that
10 enforcement. A county or municipality may neither issue nor
11 take disciplinary action against certificates of competency,
12 elevator inspector certifications, elevator technician
13 certifications, or elevator company registrations. However,
14 the department may initiate disciplinary action against such
15 registration or certifications at the request of a county or
16 municipality.

17 Section 7. Subsection (1) of section 400.605, Florida
18 Statutes, is amended to read:

19 400.605 Administration; forms; fees; rules;
20 inspections; fines.--

21 (1) The department, in consultation with the agency,
22 shall by rule establish minimum standards and procedures for a
23 hospice. The rules must include:

24 (a) License application procedures and requirements.

25 (b) The qualifications of professional and ancillary
26 personnel to ensure the provision of appropriate and adequate
27 hospice care.

28 (c) Standards and procedures for the administrative
29 management of a hospice.

30 (d) Standards for hospice services that ensure the
31 provision of quality patient care.

1 (e) Components of a patient plan of care.

2 (f) Procedures relating to the implementation of
3 advanced directives and do-not-resuscitate orders.

4 (g) Procedures for maintaining and ensuring
5 confidentiality of patient records.

6 (h) Standards for hospice care provided in
7 freestanding inpatient facilities that are not otherwise
8 licensed medical facilities and in residential care facilities
9 such as nursing homes, assisted living facilities, adult
10 family care homes, and hospice residential units and
11 facilities.

12 ~~(i) Physical plant standards for hospice residential
13 and inpatient facilities and units.~~

14 (i)~~(j)~~ Components of a comprehensive emergency
15 management plan, developed in consultation with the Department
16 of Health, the Department of Elderly Affairs, and the
17 Department of Community Affairs.

18 (j)~~(k)~~ Standards and procedures relating to the
19 establishment and activities of a quality assurance and
20 utilization review committee.

21 (k)~~(l)~~ Components and procedures relating to the
22 collection of patient demographic data and other information
23 on the provision of hospice care in this state.

24 Section 8. Subsection (5) is added to section 1013.45,
25 Florida Statutes, to read:

26 1013.45 Educational facilities contracting and
27 construction techniques.--

28 (5)(a) To assure that the public receives the best
29 value in the provision of public school facilities, local
30 school districts must use life-cycle, cost-analysis as one of

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1 the criteria for selecting new, expanded, or reconstructed
2 facilities. Such analysis must consider:
3 1. The annual anticipated energy consumption;
4 2. The structural component's ability to withstand
5 wind and associated debris;
6 3. The structural component's ability to resist wood
7 destroying organisms;
8 4. The perpetual maintenance costs of the facility;
9 5. The structural component's ability to resist fire;
10 and
11 6. The annual insurance costs.
12 (b) In completing such analysis, the school district
13 may rely on information provided by the contractor if such
14 information is based on the best available construction
15 methods and products, as identified by the National Institute
16 of Standards and Technology, the United States Department of
17 Housing and Urban Development, other federal and state
18 agencies, and other technical or professional organizations.
19 Section 9. Section 400.6055, Florida Statutes, is
20 created to read:
21 400.6055 Construction and renovation;
22 requirements.--The requirements for the construction and the
23 renovation of a hospice inpatient facility or unit or a
24 hospice residence must comply with the provisions of chapter
25 553 which pertain to building construction standards,
26 including plumbing, electrical, glass, manufactured buildings,
27 accessibility by physically handicapped persons, and the state
28 minimum building codes.
29 Section 10. The administrative rule of the Florida
30 Building Commission for the type of products for local or
31 statewide use, as authorized by section 553.842, Florida

1 Statutes, shall take effect no earlier than January 1, 2004.
2 The commission shall conduct a review of the costs of
3 operation of this rule and determine the benefits to the
4 health, safety, and welfare of such state approvals. It shall
5 report the results of its cost and benefit analysis together
6 with any recommendations to the 2004 Florida Legislature.
7 Funds may not be expended for optional state approval without
8 determination of a positive cost and benefit of such
9 regulation to the public.

10 Section 11. This act shall take effect July 1, 2003.
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