

HB 0129

2004

A bill to be entitled

An act relating to elevator safety; requiring elevators in certain newly constructed or substantially renovated buildings within a state emergency response region to be operable in a fire emergency situation through the use of a single master elevator key; requiring compliance for certain existing buildings by a specified date; restricting the duplication and issuance of master elevator keys; authorizing local fire marshals to allow substitute emergency measures for emergency elevator access in certain circumstances; providing for appeal of a local fire marshal's decision; providing for enforcement by the Division of State Fire Marshal; providing an exemption for specified buildings; amending s. 399.106, F.S.; revising the membership of the Elevator Safety Technical Advisory Committee; removing provisions terminating the committee; providing an effective date.

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

Section 1. Regional emergency elevator access.--

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

(a) For each building in this state which is six or more stories in height, including, but not limited to, hotels and condominiums, on which construction is begun after June 30, 2004, all keys for elevators that allow public access, including, but not limited to, service and freight elevators, must be keyed in a manner that will allow all elevators within each of the seven state emergency response regions to operate in fire emergency situations by using one master elevator key.

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31 (b) Any building in this state which is six or more  
32 stories in height and is "substantially renovated" as defined in  
33 the Americans with Disabilities Act, as amended, after June 30,  
34 2004, must also comply with the requirements of paragraph (a).

35 (2) Each existing building in this state which is six or  
36 more stories in height must comply with the requirements of  
37 subsection (1) before July 1, 2007.

38 (3) In addition to elevator owners, elevator owners'  
39 agents, elevator contractors, state certified inspectors, and  
40 State of Florida agency representatives, master elevator keys  
41 may be issued only to fire departments and may not be issued to  
42 any other emergency-response agency. A person may not duplicate  
43 a master elevator key for issuance to, or issue a master  
44 elevator key to, anyone other than authorized fire department  
45 personnel. Each master elevator key must be marked "DO NOT  
46 DUPLICATE."

47 (4) If it is technically or physically impossible to bring  
48 a building into compliance with this section, the local fire  
49 marshal may allow substitute emergency measures that will  
50 provide reasonable emergency elevator access. The local fire  
51 marshal's decision regarding substitute measures may be appealed  
52 to the State Fire Marshal.

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

55 (6) Builders should make every effort to use new  
56 technology and developments in keying systems which make it  
57 possible to convert existing equipment in a manner that will  
58 provide efficient regional emergency elevator access.

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59           (7) Any building operated by an independent special  
 60 district or an airport that has 24-hour emergency response  
 61 services is exempt from this section.

62           Section 2. Section 399.106, Florida Statutes, is amended  
 63 to read:

64           399.106 Elevator Safety Technical Advisory Committee.--

65           (1) The Elevator Safety Technical Advisory Committee is  
 66 created within the Department of Business and Professional  
 67 Regulation, Division of Hotels and Restaurants, consisting of  
 68 eight ~~seven~~ members to be appointed by the secretary of the  
 69 Department of Business and Professional Regulation as follows:  
 70 one representative from a major elevator manufacturing company  
 71 or its authorized representative; one representative from an  
 72 elevator servicing company; one representative from a building  
 73 design profession; one representative of the general public; one  
 74 representative of a local government in this state; one  
 75 representative of a building owner or manager; one  
 76 representative of labor involved in the installation,  
 77 maintenance, and repair of elevators; and one representative who  
 78 is a certified elevator inspector from a private inspection

79 service. The purpose of the committee is to provide technical  
 80 assistance to the division in support of protecting the health,  
 81 safety, and welfare of the public; to give the division the  
 82 benefit of the committee members' knowledge and experience  
 83 concerning the industries and individual businesses affected by  
 84 the laws and rules administered by the division.

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

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89       ~~(3) The committee shall meet and organize not later than~~  
90       ~~45 days prior to the convening of the 2002 Legislature. This~~  
91       ~~committee terminates December 31, 2003.~~

92       (3)~~(4)~~ The committee may consult with engineering  
93       authorities and organizations concerned with standard safety  
94       codes for recommendations to the department regarding rules and  
95       regulations governing the operation, maintenance, servicing,  
96       construction, alteration, installation, or inspection of  
97       vertical conveyances subject to this chapter.

98       Section 3. This act shall take effect July 1, 2004.