

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends  
2 the following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6  
7 A bill to be entitled

8 An act relating to emergency elevator access; providing  
9 requirements relating to regional emergency elevator  
10 access; requiring elevators in certain newly constructed  
11 or certain substantially improved buildings to be keyed  
12 alike within each of the state emergency response regions;  
13 providing for these requirements to be phased in for  
14 certain existing buildings; restricting the duplication  
15 and issuance of master elevator keys; requiring the  
16 labeling of master elevator keys; allowing local fire  
17 marshals to allow substitute emergency measures for  
18 elevator access in certain circumstances; providing for  
19 appeal of the local fire marshal's decision; providing for  
20 the State Fire Marshal to enforce the act; encouraging  
21 builders to use applicable new technology to provide  
22 regional emergency elevator access; providing penalties  
23 for violations; authorizing the Department of Financial

24 Services to adopt rules; amending s. 399.03, F.S.;

25 providing for waiver of a permit under certain

26 circumstances; creating s. 399.1061, F.S.; creating the

27 Elevator Safety Technical Advisory Council within the

28 Division of Hotels and Restaurants of the Department of

29 Business and Professional Regulation; providing for the

30 membership of the council; requiring the council to

31 provide technical assistance to the division; providing

32 for appointments and terms of office; providing for

33 payment of per diem and travel expenses; amending s.

34 399.13, F.S.; authorizing a county or municipality to

35 assess a reasonable fee for inspections performed by its

36 inspectors; requiring counties to enforce the Florida

37 Building Code as it relates to elevators; authorizing a

38 county to impose certain fees and fines; prohibiting a

39 county or municipality from taking disciplinary action

40 against certain certifications or registrations;

41 authorizing the Department of Business and Professional

42 Regulation to initiate disciplinary action against a

43 registration or certification at the request of a county

44 or municipality; repealing s. 399.106, F.S., relating to

45 the former Elevator Safety Technical Advisory Committee;

46 providing a finding of important state interest; providing

47 effective dates.

48

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

50

51 Section 1. Regional emergency elevator access.--

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

53        (a) For each building in this state which is six or more  
 54 stories in height, including, but not limited to, hotels and  
 55 condominiums, on which construction is begun after June 30,  
 56 2004, all of the keys for elevators that allow public access,  
 57 including, but not limited to, service and freight elevators,  
 58 must be keyed so as to allow all elevators within each of the  
 59 seven state emergency response regions to operate in fire  
 60 emergency situations with one master elevator key.

61        (b) Any building in this state which is six or more  
 62 stories in height and has undergone "substantial improvement" as  
 63 defined in section 161.54(12), Florida Statutes, must also  
 64 comply with paragraph (a).

65        (2) Each existing building in this state which is six or  
 66 more stories in height must comply with subsection (1) before  
 67 July 1, 2007.

68        (3) In addition to elevator owners, owners' agents,  
 69 elevator contractors, state-certified inspectors, and state  
 70 agency representatives, master elevator keys may be issued only  
 71 to the fire department and may not be issued to any other  
 72 emergency response agency. A person may not duplicate a master  
 73 elevator key for issuance to, or issue such a key to, anyone  
 74 other than authorized fire department personnel. Each master  
 75 elevator key must be marked "DO NOT DUPLICATE."

76        (4) If it is technically, financially, or physically  
 77 impossible to bring a building into compliance with this  
 78 section, the local fire marshal may allow substitute emergency  
 79 measures that will provide reasonable emergency elevator access.

80 The local fire marshal's decision regarding substitute measures  
 81 may be appealed to the State Fire Marshal.

82 (5) The Division of State Fire Marshal of the Department  
 83 of Financial Services shall enforce this section. Any person who  
 84 fails to comply with the requirements of this section is subject  
 85 to an administrative fine of not more than \$1,000, in addition  
 86 to any other penalty provided by law. All administrative fines  
 87 shall be deposited into the Insurance Regulatory Trust Fund.

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

92 (7) The Department of Financial Services shall adopt rules  
 93 to implement this section, including rules to determine the  
 94 master elevator key to be used within each of the emergency  
 95 response regions.

96 Section 2. Subsection (1) of section 399.03, Florida  
 97 Statutes, is amended to read:

98 399.03 Design, installation, and alteration of  
 99 conveyances.--

100 (1) A conveyance covered by this chapter may not be  
 101 erected, constructed, installed, or altered within buildings or  
 102 structures until a permit has been obtained from the department.  
 103 Permits must be applied for by a registered elevator company and  
 104 may only be granted upon receipt and approval of an application  
 105 to be made on a form prescribed by the department, accompanied  
 106 by proper fees and a sworn statement from an agent of the  
 107 registered elevator company that the plans meet all applicable

108 | elevator safety and building codes. Permits may be granted only  
 109 | to registered elevator companies in good standing. When any  
 110 | material alteration is made, the alteration must conform to  
 111 | applicable requirements of the Florida Building Code and the  
 112 | provisions of this chapter. A copy of the permit and plans must  
 113 | be kept at the construction site at all times while the work is  
 114 | in progress and until a certificate of operation is issued. A  
 115 | permit shall not be required for construction or repair of  
 116 | elevators in seeking to attain compliance with emergency  
 117 | elevator access requirements. Elevator owners shall forward to  
 118 | the department, in an electronic format approved by the  
 119 | department, an emergency access notification that compliance  
 120 | measures are either not required or are being implemented. The  
 121 | emergency access notification must also contain specific  
 122 | compliance information, including the current compliance status,  
 123 | specific measures required to attain compliance, and  
 124 | certification by a state-certified inspector. Fees may not be  
 125 | assessed for the filing of the emergency access notification.  
 126 | The department shall maintain an emergency elevator access  
 127 | registry that is available to the State Fire Marshal of the  
 128 | Department of Financial Services for enforcement purposes. The  
 129 | Department of Business and Professional Regulation shall adopt  
 130 | rules to administer this section.

131 |       Section 3. Section 399.1061, Florida Statutes, is created  
 132 | to read:

133 |       399.1061 Elevator Safety Technical Advisory Council.--

134 |       (1) The Elevator Safety Technical Advisory Council is  
 135 | created within the division and shall consist of eight members

136 appointed by the secretary of the department who meet the  
 137 following criteria: one representative from a major elevator  
 138 manufacturing company or its authorized representative; one  
 139 representative from an elevator servicing company; one  
 140 representative from a building design profession; one  
 141 representative of the general public; one representative of a  
 142 local government in this state; one representative of a building  
 143 owner or manager; one representative of labor involved in the  
 144 installation, maintenance, and repair of elevators; and one  
 145 representative who is a certified elevator inspector from a  
 146 private inspection service. The council shall provide technical  
 147 assistance to the division in support of protecting the health,  
 148 safety, and welfare of the public and shall give the division  
 149 the benefit of the council members' knowledge and experience  
 150 concerning the industries and individual businesses affected by  
 151 the laws and rules administered by the division.

152 (2)(a) The council members shall serve 4-year terms,  
 153 except that to provide for staggered terms four of the initial  
 154 appointees, as specified by rule, shall serve 2-year terms. All  
 155 subsequent appointments shall be for 4-year terms. The council  
 156 shall appoint one of the members to serve as chair.

157 (b) The council members shall serve without compensation,  
 158 except that the members may be reimbursed for per diem and  
 159 travel expenses as provided in s. 112.061.

160 (3) The council may consult with engineering authorities  
 161 and organizations concerned with standard safety codes for  
 162 recommendations to the department regarding rules for the  
 163 operation, maintenance, servicing, construction, alteration,

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164 installation, or inspection of vertical conveyances subject to  
165 this chapter.

166 Section 4. Section 399.13, Florida Statutes, is amended to  
167 read:

168 399.13 Delegation of authority to municipalities or  
169 counties.--

170 (1) The department may enter into contracts with  
171 municipalities or counties under which the ~~such~~ municipalities  
172 or counties will issue construction permits and certificates of  
173 operation; will provide for inspection of elevators, including  
174 temporary operation inspections; and will enforce the applicable  
175 provisions of the Florida Building Code, as required by this  
176 chapter. The municipality or county may choose to require  
177 inspections ~~to~~ be performed by its own inspectors or by private  
178 certified elevator inspectors. The municipality or county may  
179 assess a reasonable fee for inspections performed by its  
180 inspectors. Each ~~such~~ agreement shall include a provision that  
181 the municipality or county shall maintain for inspection by the  
182 department copies of all applications for permits issued, a copy  
183 of each inspection report issued, and proper records showing the  
184 number of certificates of operation issued; shall include a  
185 provision that each required inspection be conducted by a  
186 certified elevator inspector; and may include ~~such~~ other  
187 provisions as the department deems necessary. The county shall  
188 enforce the Florida Building Code as it applies to this chapter  
189 and may impose fees and assess and collect fines as part of its  
190 enforcement activities. A county or municipality may not issue  
191 or take disciplinary action against a certificate of competency,

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192 | an elevator inspector certification, an elevator technician  
 193 | certification, or an elevator company registration. However, the  
 194 | department may initiate disciplinary action against a  
 195 | registration or certification at the request of a county or  
 196 | municipality.

197 |         (2) The department may make inspections of elevators in  
 198 | the ~~such~~ municipality or county for the purpose of determining  
 199 | that the provisions of this chapter are being met and may cancel  
 200 | the contract with any municipality or county that ~~which~~ the  
 201 | department finds has failed to comply with the ~~such~~ contract or  
 202 | ~~the provisions of~~ this chapter. The amendments to chapter 399  
 203 | by this act shall apply only to the installation, relocation, or  
 204 | alteration of an elevator for which a permit has been issued  
 205 | after October 1, 1990.

206 |         Section 5. Section 399.106, Florida Statutes, is repealed.

207 |         Section 6. The Legislature finds that the provisions of  
 208 | this act fulfill an important state interest.

209 |         Section 7. This act shall take effect upon becoming a law,  
 210 | except that section 1 of this act, which provides for regional  
 211 | emergency elevator access, shall take effect October 1, 2004.